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Title: HEARING to consider a resolution of public use and necessity for acquisition of permanent street easements and right-of-way for public street purposes from the following parcel of real property located at the corner of Barstow Avenue and Veterans Boulevard, (APN: 505-060-74), which is owned by The 1979 Ehrlich Investment Trust; for the construction of Veterans Boulevard, a six-lane super arterial, from Herndon Avenue to Shaw Avenue. (Council District 2)

1. ***RESOLUTION - That the public interest and necessity require and authorize eminent domain for acquisition of permanent easements and right-of-way for public purposes over, under, through and across real property for the construction of Veterans Boulevard, a six-lane super arterial, from Herndon Avenue to Shaw Avenue (Requires 5 affirmative votes)

Sponsors: Public Works Department

Indexes:

Code sections:

Attachments: 1. ResolutionEhrlich.pdf, 2. VicinityMapAPN50506074.pdf, 3. LocationMapAPN50506074.pdf

Date	Ver.	Action By	Action	Result
5/11/2017	1	City Council	approved	Pass

REPORT TO THE CITY COUNCIL

May 11, 2017

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SUBJECT

HEARING to consider a resolution of public use and necessity for acquisition of permanent street easements and right-of-way for public street purposes from the following parcel of real property

located at the corner of Barstow Avenue and Veterans Boulevard, (APN: 505-060-74), which is owned by The 1979 Ehrlich Investment Trust; for the construction of Veterans Boulevard, a six-lane super arterial, from Herndon Avenue to Shaw Avenue. (Council District 2)

1. *RESOLUTION** - That the public interest and necessity require and authorize eminent domain for acquisition of permanent easements and right-of-way for public purposes over, under, through and across real property for the construction of Veterans Boulevard, a six-lane super arterial, from Herndon Avenue to Shaw Avenue (Requires 5 affirmative votes)

RECOMMENDATION

Staff recommends the Council:

1. Conduct a public hearing to consider the adoption of a resolution of public use and necessity for the acquisition of a street easements and right-of-way for public street purposes from Assessor's Parcel Number 505-060-74 owned by The 1979 Ehrlich Investment Trust.
2. Adopt the attached resolution of public use and necessity, which states the public interest and necessity require permanent street easements and right-of-way for purposes over, under, through and across real property for the construction of Veterans Boulevard, a six-lane, super arterial connecting Herndon Avenue to Shaw Avenue, and related purposes and authorizes an eminent domain action to acquire the street easement pursuant to the California Code of Civil Procedure.

EXECUTIVE SUMMARY

The City of Fresno in cooperation with the California Department of Transportation (Caltrans) plans to build a new interchange on State Route 99 plus supporting roadway improvements in northwest Fresno. The improvements will add a new interchange to State Route 99 between Shaw Avenue and Herndon Avenue as well as new City super arterial roadway that will enhance the local circulation network. This acquisition of 12,536 square feet is one of 38 partial and full acquisitions that are required for the new interchange project. The resolution of public use and necessity authorizes the City Attorney to initiate an eminent domain action and obtain an order of possession of the property. This action requires five affirmative votes, and is subject to veto by the Mayor.

BACKGROUND

Veterans Boulevard, originally referred to as the Herndon-Grantland Diagonal, was part of the 1984 General Plan and is a planned six-lane super arterial in the 2035 General Plan. The interchange concept was refined in 1986 with a feasibility study conducted to analyze potential interchange/grade separation configurations. In 1991, a Project Initiation Document was completed, and in 1996, the Official Plan Line for Veterans Boulevard was adopted by the Council. In recent years, staff has completed the Project Study Report (PSR), Project Report and Environmental Impact Report (EIR). Veterans Boulevard and the proposed interchange with State Route 99 are identified as part of the Circulation Element in both the City and County General Plans. The new interchange will be a partial cloverleaf connecting State Route 99 and Veterans Boulevard. The new overcrossing will have three southbound lanes, a Class I bicycle lane/pedestrian trail on the west side of the structure and Class II bicycle lanes on both sides of the structure. The project will include two bridge structures, one to

cross over Route 99 and one to cross over the existing Union Pacific Railroad tracks, Golden State Boulevard, and the future high speed rail tracks.

The Public Works Department Real Estate staff has acquired 33 of the 38 parcels required for the project. The acquisition described below is necessary for the permanent street easements and construction of Veterans Boulevard.

The property (APN: 505-060-74) was appraised by an independent appraiser, Kelly P. Stevens, under the direction of Lawrence D. Hopper, MAI of Real Property Analysts. The property owner obtained a 2nd appraisal, which valued the acquisition at double the value of the City's appraiser. Staff asked the City's appraiser to review the owner's 2nd appraisal. The City's appraiser stands firm on his original appraisal for the 12,536 square feet that is required for the project.

Pursuant to the California Code of Civil Procedure, notices were sent to the property owners. The property owners were invited to appear at the hearing, and were asked to contact staff if they wished to speak at the hearing.

It is recommended the Council adopt the resolution with consideration of the following findings:

1. The public interest and necessity require the proposed project.

It is necessary to construct a new interchange on State Route 99 plus supporting roadway improvements in northwest Fresno. The improvements will add a new interchange to State Route 99 between Shaw Avenue and Herndon Avenue as well as new city super arterial roadway that will enhance the local circulation network.

2. The proposed project is planned in a manner that will be most compatible with the greatest public good and the least private injury.

The project as planned will improve accessibility to State Route 99 and circulation to roads adjacent to the proposed interchange in northwestern Fresno, provide congestion relief and improved traffic flow in northwest Fresno, and enhance the local circulation network that would accommodate local development and provide consistency with existing and planned local and regional development. The project cannot be constructed without acquiring this permanent easement and rights-of-way being sought.

3. The property is necessary for the proposed project.

It is necessary to acquire the subject property in order to construct the new interchange on State Route 99 plus supporting roadway improvements in northwest Fresno. Acquisitions have already been made from surrounding property owners to accommodate the interchange project.

4. An offer to purchase the required street easement has been made pursuant to Section 7267.2 of the Government Code.

A written offer of the appraised fair market value has been delivered to the owners of the affected property pursuant to the requirements of the California Government Code.

ENVIRONMENTAL FINDINGS

An initial study and EIR (SCH No. 2010021054) was prepared for this project and adopted on June 7, 2013. This approval is to implement a portion the project. An analysis has been performed pursuant to CEQA Guidelines Section 15162 to determine whether subsequent environmental review is required for this project. Based upon this analysis the following findings are made to support the determination that no subsequent environmental review is required:

1. No substantial changes are proposed in the project which will require major revisions to the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects because the project is being implemented as planned.
2. No substantial changes occurred with respect to the circumstances under which the project was undertaken which will require major revisions to the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The project will not have any significant effects not discussed in the EIR, and there are no mitigation measures or alternatives previously found not to be feasible that are now feasible.
3. There is no new information, which was not known and could not have been known at the time of the EIR that was not discussed in the EIR.

Based upon these findings, it has been determined that no further environmental documentation is required for this project.

FISCAL IMPACT

The \$130 million Veterans Boulevard Project which is located in Council District 2 will have no impact upon the General Fund. The Veterans Boulevard project is being funded through Measure "C" Tier 1 funds, Citywide Regional Street Impact fees, California High-Speed Rail Authority funding, Regional Transportation Mitigation Fees (RTMF) and Federal transportation funds.

Attachments:

Resolution of Public Use and Necessity

Vicinity Map

Location Map