



## Legislation Details (With Text)

**File #:** ID17-1580    **Version:** 1    **Name:**

**Type:** Action Item    **Status:** Passed

**File created:** 11/20/2017    **In control:** City Council

**On agenda:** 12/7/2017    **Final action:** 12/7/2017

**Title:** Actions pertaining to Final Map Tract No. 6056  
1. RESOLUTION - Approving the Final Map of Tract No. 6056 and accepting dedicated public uses offered therein - southeast corner of N. Bryan Avenue and W. Gettysburg Avenue (Council District 1)  
2. \*\*\*RESOLUTION - 41st amendment to the Annual Appropriation Resolution (AAR) No. 2017-165 appropriating \$291,000 in developer contributions for the acquisition of right-of-way for public street and public utility easements for the Final Map of Tract No 6056 on W. Gettysburg Avenue between N. Bryan Avenue and N. Hayes Avenue (Council District 1) (Requires 5 affirmative votes) (Subject to Mayor's veto)

**Sponsors:** Public Works Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Resolution - Tract No. 6056.pdf, 2. Resolution - AAR No. 2017-165.pdf, 3. Final Map of Tract No. 6056.pdf

Date	Ver.	Action By	Action	Result
12/7/2017	1	City Council	approved	Pass

## REPORT TO THE CITY COUNCIL

**December 7, 2017**

**FROM:** SCOTT L. MOZIER, PE, Director  
Public Works Department

**BY:** ANDREW J. BENELLI, PE, City Engineer/Assistant Director  
Public Works Department, Traffic Operations and Planning Division

JONATHAN BARTEL, Supervising Engineering Technician  
Public Works Department, Traffic Operations and Planning Division

## SUBJECT

Actions pertaining to Final Map Tract No. 6056

- 1. RESOLUTION** - Approving the Final Map of Tract No. 6056 and accepting dedicated public uses offered therein - southeast corner of N. Bryan Avenue and W. Gettysburg Avenue (Council District 1)
- 2. \*\*\*RESOLUTION** - 41st amendment to the Annual Appropriation Resolution (AAR) No. 2017-165 appropriating \$291,000 in developer contributions for the acquisition of right-of-way for

public street and public utility easements for the Final Map of Tract No 6056 on W. Gettysburg Avenue between N. Bryan Avenue and N. Hayes Avenue (Council District 1) (Requires 5 affirmative votes) (Subject to Mayor's veto)

## **RECOMMENDATIONS**

Staff recommends the City Council adopt a resolution approving the Final Map of Tract No. 6056 and accepting the dedicated public uses offered therein, to authorize the Public Works Director or his designee to execute the subdivision agreement on behalf of the City and adopt the 41st Amendment to the Annual Appropriation Resolution (AAR) No. 2017-165 to appropriate \$291,000 in developer contributions for the acquisition of right-of-way for public street and public utility easements on three parcels on West Gettysburg Avenue between North Bryan Avenue and North Hayes Avenue for the Final Map of Tract No. 6056.

## **EXECUTIVE SUMMARY**

The Subdivider, WC Ashlan Hayes, LLC, a California Limited Liability Company (Joshua Peterson, President), has filed for approval, the Final Map of Tract No. 6056, Phase 1 of Vesting Tentative Map No. 6056, for a 116-lot conventional single-family residential subdivision with two outlots for common open space and pedestrian connection purposes and two outlots for future development, located on the southeast corner of North Bryan Avenue and West Gettysburg Avenue on 20.71 acres. The Subdivider has requested City assistance to acquire necessary right-of-way on three parcels for public street and public utility easements. This right-of-way is necessary for the construction of the improvements which are required for the project.

## **BACKGROUND**

The Fresno City Planning Commission on September 7, 2016, adopted Resolution No. 13403 approving Vesting Tentative Map No. 6056 (Tentative Map) for a 179-lot conventional single-family residential subdivision on 31.78 acres. The Tentative Map was approved consistent with the Fresno General Plan and the West Area Community Plan to comply with the provisions of the Subdivision Map Act. The approval of Vesting Tentative Map No. 6056 will expire on September 7, 2018. The Final Map is technically correct and conforms to the approved Tentative Map, the Subdivision Map Act and the Fresno Municipal Code. The provisions of Section 66474.1 of the Subdivision Map Act require a final map that is in substantial compliance with the approved tentative map to be approved by the City Council.

The Subdivider has satisfied all other conditions of approval by executing the Subdivision Agreement for Tract No. 6056 including an addendum for rights-of-way acquisition, submitted securities in the total amount of \$3,784,000.00 to guarantee the completion and acceptance of the public improvements and \$1,892,000.00 for a payment security and has paid the miscellaneous and development impact fees due as a condition of approval for the Final Map in the amount of \$261,179.26. Covenants have been executed to defer eligible development impact fees totaling \$692,290.95 to the time of issuance of building permit and final occupancy of each unit, for maintenance of landscape improvements for certain lots, for annual CFD-11 assessment notification and for acknowledgement of right-to-farm law. The City Attorney's Office has approved all documents as to form and the Risk Management Division has approved all security bonds and insurance certificates.

Addendum to Subdivision Agreement for Acquisitions of Street Easements. The conditions of approval of the Tentative Map imposed the requirement to improve three parcels along West Gettysburg Avenue. The Subdivider has been unable to acquire and/or facilitate the dedication of such easements to the City prior to the date the Final Maps are approved by Council. To satisfy such easement requirements, the Subdivider has executed the Subdivision Agreement with an addendum that provides for the City to negotiate and/or exercise its power of eminent domain, to acquire the necessary rights-of-way easements and requires the Subdivider to post an initial deposit in the amount of \$291,000.00 for the estimated acquisitions and legal costs.

**MAINTENANCE DISTRICT:** A condition of approval of the Tentative Map is to maintain all landscaped areas, trees and irrigation systems, all above ground infrastructure, including concrete curbs and gutters, valley gutters, sidewalks and curb ramps, local street paving, street name signage, street lights, and Outlot A hardscaping and park amenities within the public easements associated with the Final Map in accordance with the adopted standards of the City. The Final Map will share costs for all services in common with all final maps annexed to the Community Facilities District No. 11 (CFD-11) within the Tentative Map. The Subdivider has satisfied the maintenance requirement by annexing the subdivision into the City's CFD-11 on September 21, 2017.

The Subdivider has executed the covenant for Maintenance of Certain Improvements and as a condition of the Subdivision Agreement, is required to provide every prospective purchaser of each lot of the subdivision the "Notice of Special Tax," in accordance with the provision of Section 53341.5 of the California Government Code. The maximum annual assessment is \$839.14 per lot with an annual 3% adjustment plus the increase, if any, in the construction cost index for the San Francisco Region.

## **ENVIRONMENTAL FINDINGS**

Pursuant to CEQA Guidelines Section 15268(b)(3), approval of final subdivision maps is a ministerial action and is exempt from the requirements of CEQA.

## **LOCAL PREFERENCE**

Local preference was not considered because this resolution does not include a bid or award of a construction or services contract.

## **FISCAL IMPACT**

The Final Map is located in Council District 1. There will be no impact to the City's General Fund. Approval by the Council will result in timely deliverance of the review and processing of the Final Map as is reasonably expected by the Subdivider. Prudent financial management is demonstrated by the expeditious completion of this Final Map inasmuch as the Subdivider has paid the City a fee for the processing of this Final Map and that fee is, in turn, funding the respective operations of the Public Works Department.

Attachments:

- Resolution
- Resolution
- Final Map of Tract No. 6056