



Legislation Details (With Text)

File #: ID18-0414 **Version:** 1 **Name:**

Type: Action Item **Status:** Passed

File created: 3/15/2018 **In control:** City Council

On agenda: 4/5/2018 **Final action:** 4/5/2018

Title: Actions pertaining to Final Map of Tract No. 5538 (Council District 1)
1. RESOLUTION - Approving the Final Map of Tract No. 5538 and accepting dedicated public uses offered therein - northwest corner of West Dakota Avenue and North Polk Avenue (Council District 1)
2. ***RESOLUTION - 61st amendment to the Annual Appropriation Resolution (AAR) No. 2017-165 to appropriate \$295,000 in developer contributions for the acquisition of right-of-way for public street and public utility easements for the Final Map of Tract No 5538 on North Polk Avenue between West Ashlan Avenue and West Dakota Avenue (Requires 5 affirmative votes) (Subject to Mayor's veto)

Sponsors: Public Works Department

Indexes:

Code sections:

Attachments: 1. Resolution - Tract No. 5538.pdf, 2. Resolution - AAR No. 2017-165.PDF, 3. Final Map of Tract No. 5538.pdf

| Date | Ver. | Action By | Action | Result |
|----------|------|--------------|---------|--------|
| 4/5/2018 | 1 | City Council | adopted | |

REPORT TO THE CITY COUNCIL

April 5, 2018

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 of Tract No. 5538 (Council District 1)

- 1. RESOLUTION** - Approving the Final Map of Tract No. 5538 and accepting dedicated public uses offered therein - northwest corner of West Dakota Avenue and North Polk Avenue (Council District 1)
- 2. ***RESOLUTION** - 61st amendment to the Annual Appropriation Resolution (AAR) No. 2017-

165 to appropriate \$295,000 in developer contributions for the acquisition of right-of-way for public street and public utility easements for the Final Map of Tract No 5538 on North Polk Avenue between West Ashlan Avenue and West Dakota Avenue (Requires 5 affirmative votes) (Subject to Mayor's veto)

RECOMMENDATION

Staff recommends the City Council adopt a resolution approving the Final Map of Tract No. 5538 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 61st Amendment to the Annual Appropriation Resolution (AAR) No. 2017-165 to appropriate \$295,000 in developer contributions for the acquisition of right-of-way for public street and public utility easements on fifteen parcels on North Polk Avenue between West Ashlan Avenue and West Dakota Avenue for the Final Map of Tract No. 5538.

EXECUTIVE SUMMARY

The Subdivider, Western Pacific Housing, Inc., a Delaware Corporation (Patrick Darnell, Vice President of Land), has filed for approval, the Final Map of Tract No. 5538 of Vesting Tentative Map No. 5538, for a 93-lot single-family residential subdivision with one outlot for open space purposes, one outlot for landscaping and pedestrian walkway purposes and one outlot for park with landscaping and recreational purposes, located on the northwest corner of West Dakota Avenue and North Polk Avenue on 18.83 acres. The Subdivider has requested City assistance to acquire necessary right-of-way from fifteen 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 May 17, 2006 adopted Resolution No. 12484 approving Vesting Tentative Map No. 5538 (Tentative Map) for a 93-lot single-family residential subdivision on 19.09 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. 5538 will expire on May 17, 2019. 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. 5538 including addendum for rights-of-way acquisition, submitted securities in the total amount of \$2,882,000.00 to guarantee the completion and acceptance of the public improvements and \$1,441,000.00 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 \$314,501.80. Covenants have been executed to defer eligible development impact fees totaling \$629,856.63 to the time of issuance of building permit and final occupancy of each unit, for annual CFD-11 assessment notification, for special solid waste disposal services for certain lots, acknowledging right-to-farm law and relinquishing access rights for certain lots. 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 widen and improve Polk Avenue from the project site to Ashlan Avenue. Right-of-way is needed from fifteen parcels along North Polk 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 \$295,000.00 for the estimated acquisitions and legal costs.

MAINTENANCE DISTRICT: A condition of approval of the Tentative Map is to maintain all landscaped areas, trees, irrigation systems and hardscaping located within the public easements and Outlots A, B and C, concrete curbs and gutters, valley gutters, entrance median curbs, North Polk Avenue median capping, bus bay work, sidewalks, curb ramps, interior local street paving, street name signage and street lights within 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 January 11, 2018.

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 \$659.16 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. 5538