



## Legislation Details (With Text)

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**Title:** Approve the acquisition of 116,004 square feet of permanent street easement from Chimienti Family Trust (APN 512-070-58) in the amount \$258,000 to extend West Gettysburg Avenue from North Bryan Avenue to North Hayes Avenue (Council District 1)

**Sponsors:** Public Works Department

**Indexes:**

**Code sections:**

**Attachments:** 1. 19-1412 Vicinity Map.pdf, 2. 19-1412 Location Map.pdf, 3. 19-1412 Agreement for Purchase and Sale of Street Easement and Escrow Instructions.pdf, 4. 19-1412 Deed of Easement.pdf

Date	Ver.	Action By	Action	Result
4/4/2019	1	City Council	approved	
4/4/2019	1	City Council	approved	Pass

## REPORT TO THE CITY COUNCIL

**April 4, 2019**

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

**BY:** RANDALL W. MORRISON, PE, Assistant Director  
Public Works Department, Engineering Division

R. SCOTT BEYELIA, Supervising Real Estate Agent  
Public Works Department, Real Estate and Lease Services

## SUBJECT

Approve the acquisition of 116,004 square feet of permanent street easement from Chimienti Family Trust (APN 512-070-58) in the amount \$258,000 to extend West Gettysburg Avenue from North Bryan Avenue to North Hayes Avenue (Council District 1)

## RECOMMENDATION

It is recommended that the City Council approve the Agreement for Purchase and Sale of a Street Easement and Escrow Instructions for the acquisition of a 116,004 square foot street easement from a portion of APN: 512-070-58, owned by the Chimienti Family Trust dated April 11, 1994, for \$258,000.00 in monetary consideration, and authorize the Public Works Director, or his designee, to

sign all documents necessary to complete the subject acquisition.

## **EXECUTIVE SUMMARY**

Wathen Castanos Peterson Homes, Inc. is developing a 179-lot residential subdivision on the southeast corner of the intersection of North Bryan Avenue and the West Gettysburg Avenue alignment. The dedication of the 116,004 square foot street easement is a condition of Tract Map 6056.

The developer has been unable to secure the required easement and requested City assistance to acquire said street easement from a portion of APN: 512-070-58, owned by the Chimienti Family Trust dated April 11, 1994. City staff has successfully negotiated the purchase of the required 116,004 square foot easement for \$258,000.

## **BACKGROUND**

Wathen Castanos Peterson Homes, Inc. is developing 30.25 acres of property (Tract Map 6056) on the southeast corner of the intersection of North Bryan Avenue and the West Gettysburg Avenue alignment. Tract Map 6056 will be subdivided for purposes of facilitating a 179-lot conventional single family residential development.

The proposed project is conditioned with dedications for a 116,004 square foot public street right-of-way, as well as the installation and construction of both public and private facilities and infrastructure in accordance with the standards, specifications and policies of the City of Fresno.

The purpose of the street easement is to extend West Gettysburg Avenue from North Bryan Avenue to North Hayes Avenue, and construct the required infrastructure. The easement is approximately 45 feet wide and one-half mile long, and will facilitate the extension of West Gettysburg Avenue, from North Bryan Avenue to North Hayes Avenue.

The subject 116,004 square foot street easement to be acquired from a portion of APN: 512-070-58 is owned by the Chimienti Family Trust dated April 11, 1994. The value of the acquisition was established by James G. Palmer MAI with James G. Palmer Appraisals, Inc. The owner has agreed to the appraised value of \$258,000.00. Wathen Castanos Peterson Homes, Inc. deposited \$291,000 to fund City staff costs, as well as the value of the easements to be acquired.

## **ENVIRONMENTAL FINDINGS**

The Finding of Conformity, Environmental Assessment No. T-6056, prepared for Tract Map 6056 was adopted by the Planning Commission on September 7, 2016. EA No. T-6056 assessed the environmental impacts associated with the development of 30.25 acres as well as associated rights of way. This approval is for a portion of that project. An analysis has been performed pursuant to CEQA Guidelines § 15162 to determine whether subsequent environmental review is required for this approval. 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 EA No. T-6056 due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

2. No substantial changes occurred with respect to the circumstances under which the T-6056 was undertaken which will require major revisions to the EA No. T-6056 due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
3. There is no new information, which was not known and could not have been known with the exercise of reasonable diligence at the time EA No. T-6056 was adopted that shows any of the following:
  - a. The project will have one or more significant effects not discussed in EA No. T-6056;
  - b. Significant effects previously examined will be substantially more severe than shown in EA No. T-6056;
  - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - d. Mitigation measures or alternatives which are considerably different from those analyzed in the EA No. T-6056 would substantially reduce one or more significant effects on the environment but the project proponents decline to adopt the mitigation measure or alternative.

## LOCAL PREFERENCE

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

## FISCAL IMPACT

There will be no impact to the City's General Fund. The developer has deposited \$291,000 to cover any and all costs, including legal fees, contingency and City staff costs. The deposited funds are included in the Council adopted current fiscal year budget.

### Attachments:

Vicinity Map

Location Map

Agreement for Purchase and Sale of Street Easement and Escrow Instructions

Deed of Easement