



## Legislation Details (With Text)

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**File created:** 5/23/2019    **In control:** City Council

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**Title:** Actions pertaining to the acquisition of a street easement and public utility easement from a portion of APN: 402-570-09, located on the northeast corner of West Audubon Drive and West Nees Avenue for \$84,000 in total monetary consideration (Council District 2)

1. Adopt findings of Categorical Exemption per staff determination, pursuant to Sections 15301, 15302 and 15304 of the CEQA Guidelines
2. Approve an Agreement for Purchase and Sale of a Street Easement and Escrow Instructions in the amount of \$84,000 with Fresno Supreme, Inc. and authorize the Public Works Director or designee to sign all documents necessary to complete the subject acquisition

**Sponsors:** Public Works Department

**Indexes:**

**Code sections:**

**Attachments:** 1. 19-1744 Vicinity Map..pdf, 2. 19-1744 Location Map..pdf, 3. 19-1744 Agreement for Purchase and Sale of Street Easement and Escrow Instructions.pdf, 4. 19-1744 Deed of Easement.pdf

Date	Ver.	Action By	Action	Result
6/27/2019	1	City Council	approved	

## REPORT TO THE CITY COUNCIL

**June 27, 2019**

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

**THROUGH:** RANDALL W. MORRISON, PE, Assistant Director  
Public Works Department

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

## SUBJECT

Actions pertaining to the acquisition of a street easement and public utility easement from a portion of APN: 402-570-09, located on the northeast corner of West Audubon Drive and West Nees Avenue for \$84,000 in total monetary consideration (Council District 2)

1. Adopt findings of Categorical Exemption per staff determination, pursuant to Sections 15301, 15302 and 15304 of the CEQA Guidelines
2. Approve an Agreement for Purchase and Sale of a Street Easement and Escrow Instructions in the amount of \$84,000 with Fresno Supreme, Inc. and authorize the Public Works Director or designee to sign all documents necessary to complete the subject acquisition

## RECOMMENDATIONS

Staff recommends the City Council adopt findings of Categorical Exemption pursuant to Sections 15301, 15302 and 15304 of the CEQA guidelines and approve the Agreement for Purchase and Sale of a Street Easement and Escrow Instructions for the acquisition of a 3,418 square foot street easement and 1,742 square foot public utility easement from a portion of APN: 402-570-09, owned by Fresno Supreme, Inc., for \$84,000 in total monetary consideration, and authorize the Public Works Director or designee to sign all documents necessary to complete the subject acquisition.

## EXECUTIVE SUMMARY

The subject right of way acquisition from a portion of APN: 402-570-09 located on the northeast corner of Audubon Drive and Nees Avenue is necessary to facilitate the dual left-turn lane project at the intersection of Audubon Drive and Nees Avenue. The parcel owner, Fresno Supreme, Inc. has agreed to accept the appraised value of \$84,000 in total monetary consideration for the acquisition. The dual left-turn project will add an additional lane to the existing single left-turn lane from eastbound Nees Avenue to northbound Audubon Drive, reducing traffic congestion at the intersection. The project is funded solely by development impact fees and is consistent with planned improvements for the area.

## BACKGROUND

The existing intersection at Audubon Drive and Nees Avenue has one left-turn lane from eastbound Nees Avenue to northbound Audubon Drive. The Audubon Drive and Nees Avenue dual left-turn project will add a second left-turn lane from eastbound Nees Avenue to northbound Audubon Drive to reduce traffic congestion at the intersection. The project includes a minor realignment of Audubon Drive to smooth the radius of a sharp curve north of Nees Avenue. Previous developer-constructed improvements on Nees Avenue between Palm Avenue and Audubon Drive included a left turn pocket that can be restriped for two left turn lanes, a near-term capital improvement as called for in traffic studies previously conducted in the vicinity. The City capital improvement project focuses on providing two receiving lanes on Audubon Drive.

Nees Avenue has sufficient right of way for a second eastbound left-turn lane to northbound Audubon Drive, and will only require pavement restriping. Audubon Drive does not have sufficient right of way width to construct an additional northbound lane. The acquisition of a 3,418 square foot street easement and 1,742 square foot public utility easement from a portion of the parcel located on the northeast corner of Audubon Drive and Nees Avenue, APN: 402-570-09 will provide the additional right of way to construct a second northbound lane on Audubon Drive.

The owner of the parcel, Fresno Supreme, Inc., has agreed to accept \$84,000 in total monetary consideration for the street easement and public utility easement based on an appraisal performed by Scott E. Rurik, MAI with Scott Appraisal Company. The City Attorney's Office has reviewed and approved the Agreement for Purchase and Sale of a Street Easement and Escrow Instructions as to form. The project acquisition costs are funded by Traffic Signal Developer Impact Fees and included in the FY 2019 adopted City budget.

## ENVIRONMENTAL FINDINGS

Staff has performed a preliminary environmental assessment of this project and has determined that it falls within the Class 1 Categorical Exemption set forth in CEQA Guidelines, section 15301 as this contract is for the acquisition of property for the minor alteration of existing public facilities involving negligible expansion at the intersection of West Audubon Drive and West Nees Avenue and within Class 2 Categorical Exemption set forth in CEQA Guidelines section 15302 as the existing structures and facilities where the new facilities will be located are on the same site as the facility replaced and will have substantially the same purpose and capacity as the facility replaced and within Class 4 Categorical Exemption set forth in CEQA Guidelines section 15304 as this acquisition is for minor alterations to the condition of the land adjacent to West Audubon Drive and will create a smoother radius and maintain consistency with the City of Fresno General Plan. Furthermore, staff has determined that none of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, Section 15300.2 apply to this project.

## **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 General Fund. The project is located in Council District 2, and the acquisition costs are funded by Traffic Signal Developer Impact Fees. All funds necessary for the acquisition are included in the FY 2019 adopted City budget.

### **Attachments:**

Vicinity Map

Location Map

Agreement for Purchase and Sale of Street Easement and Escrow Instructions

Deed of Easement