



## Legislation Details (With Text)

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<b>Type:</b>	Action Item	<b>Status:</b>		Agenda Ready	
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<b>On agenda:</b>	4/8/2021	<b>Final action:</b>			
<b>Title:</b>	Approve the Agreement for Purchase and Sale of a 1,183 square foot permanent easement from a portion of 3936 North Polk Avenue (APN: 511-012-01), owned by Maria D. Meraz for \$80,100 in compensation (Council District 1)				
<b>Sponsors:</b>	Public Works Department				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. 21-445 Agreement for Purchase and Sale, 2. 21-445 Deed of Easement, 3. 21-445 Location Map, 4. 21-445 Vicinity Map				

Date	Ver.	Action By	Action	Result
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## REPORT TO THE CITY COUNCIL

**April 8, 2021**

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

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

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

## SUBJECT

Approve the Agreement for Purchase and Sale of a 1,183 square foot permanent easement from a portion of 3936 North Polk Avenue (APN: 511-012-01), owned by Maria D. Meraz for \$80,100 in compensation (Council District 1)

## RECOMMENDATION

Staff recommends the City Council approve the acquisition of a permanent street easement and escrow instruction for the acquisition of a 1,183 square foot permanent street easement at 3936 North Polk Avenue (APN: 511-012-01) from Maria D. Meraz in the amount of \$80,100 and authorize the Public Works Director or his designee to sign all documents necessary to complete the subject acquisition.

## **EXECUTIVE SUMMARY**

The conditions of approval of Vesting Tentative Map No. 6215 imposed the requirement to install a traffic signal at the corner of North Polk Avenue and West Ashlan Avenue. 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. All right-of-way acquisition expenses are being paid for by the developer.

## **BACKGROUND**

The Fresno City Planning Commission on June 19, 2019, approved Vesting Tentative Map No. 6215 (Tentative Map) for a 98-lot single-family residential subdivision on 17.35 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 Final Map of Tract No. 6215 and the Subdivision Agreement of the Final Map of Tract No. 6215 including Addendum to Subdivision Agreement for Right of Way Acquisition was approved and recorded on June 5, 2020. The right of way at 3936 North Polk Avenue (APN: 511-012-01), owned by Maria D. Meraz, is one of four parcels required pursuant to the conditions of approval of Vesting Tentative Map No. 6215. The right of way is required in order to install a traffic signal to accommodate the additional traffic generated by the subdivision.

The Subdivider posted an initial deposit in the amount of \$211,000 for the estimated acquisitions and legal costs. An appraisal was conducted by Joshua J. Palmer with James G. Palmer Appraisals, Inc., with a total appraised value of \$80,100. Maria D. Meraz is the owner of the property and has agreed to accept the appraised value as full compensation.

The City Attorney's Office has approved the Agreement for Purchase and Sale of a Street Easement and Escrow Instructions and the Deed of Easement as to form.

## **ENVIRONMENTAL FINDINGS**

A Mitigated Negative Declaration (Environmental Assessment No. T-6215/UGM) was prepared for vesting Tentative Tract Map No. 6215. The installation of a traffic signal at Ashlan and Polk was identified as a traffic impact mitigation measure and was included in the CEQA analysis.

## **LOCAL PREFERENCE**

Local preference does not apply because approval of the Purchase and Sale Agreement does not include a bid or award of a construction or service contract.

## **FISCAL IMPACT**

The acquisition is located in Council District 1. There will be no impact to the City's General Fund. Aggregate funds in the amount of \$211,000 for acquisition costs have been provided by the developer. All funding necessary for the subject acquisition was included in the current fiscal year adopted City budget.

**Attachments:**

Agreement for Purchase and Sale

Deed of Easement

Location Map

Vicinity Map