

AGENDA ITEM NO.	1	F
COUNCIL MEETING	04-07-09	
APPROVED BY		
		
DEPARTMENT DIRECTOR		
CITY MANAGER		

April 7, 2009

FROM: PATRICK N. WIEMILLER, Director *PW*
Public Works Department

BY: SCOTT L. MOZIER, PE, City Engineer/Assistant Director *SLM*
Public Works Department, Engineering Division

SUBJECT: CONSIDER AND ADOPT A MITIGATED NEGATIVE DECLARATION AND APPROVE THE ACQUISITION OF ONE FEE SIMPLE ACQUISITION AT THE CORNER OF HERNDON AVENUE AND WEBER AVENUE FROM PROPERTY OWNED BY XPORT ASIA, INC., A WYOMING CORPORATION (PROPERTY LOCATED IN COUNCIL DISTRICT 2)

KEY RESULT AREA

One Fresno

RECOMMENDATIONS

Staff recommends that the Council take the following actions:

1. Consider and Adopt Mitigated Negative Declaration E200710000241 for the widening of Herndon Avenue between SR-99 and Weber Avenue, including traffic signal modifications and the installation of median islands, curbs, gutters, sidewalks, bike/pedestrian paths and driveways.
2. Staff recommends that the City Council approve the acquisition of one fee simple parcel from property owned by Xport Asia, Inc., a Wyoming Corporation.
3. Authorize the Public Works Director or his designee to accept the grant deed from property owned by Xport Asia, Inc., a Wyoming Corporation and to execute the Agreement for Purchase and Sale of Real Property and complete the acquisition through escrow.

EXECUTIVE SUMMARY

In 2006, the City applied for and was awarded a grant through Fresno COG to improve Herndon Avenue from State Route 99 to Weber Avenue, including widening and traffic signal improvements at the Golden State Boulevard intersection. The \$4.5 million in construction funds are programmed for the 2008/09 Federal fiscal year, which would allow for construction to occur in Fall 2009 through Spring 2010. In order to obligate the Federal funding for the project, the City is required to adopt the environmental document and acquire the necessary street right-of-way.

The owners have signed the appropriate documents to provide the additional street right-of-way depicted on Assessor's Parcel Map No. 504-140-01 on the attached Exhibit "A". The value of the acquisition was established by an independent, professional appraiser and negotiations to acquire the parcel were initiated on November 10, 2008. The appraised value of the parcel was \$43,250.00. The property owner, Xport Asia, Inc., has agreed to the City's acquisition for the negotiated amount of \$58,250.00. The owner has agreed to the amount of compensation offered by the City and signed the Agreement for Purchase and Sale and the Grant Deed. With City Council approval of the acquisition, the transaction will be processed through escrow.

KEY OBJECTIVE BALANCE

The Key Objective of Customer Satisfaction is realized by the property owner through the conclusion of a voluntary agreement. Employee Satisfaction results from the acquisition of land in a timely manner. Financial Management goals are achieved by completing the right-of-way acquisition without significant legal and staff expenses that would be incurred if eminent domain were pursued.

BACKGROUND

Beginning in 2007, the Public Works Department began the process to design the improvements to the Herndon Avenue and Golden State Boulevard intersection to improve traffic movement and reduce delays at the intersection. It is anticipated to advertise bids for construction on August 1, 2009. In order to maintain this schedule, a request for authorization to proceed with construction must be filed with Caltrans by June 1, 2009. Prior to filing the application for permission to construct, the City must demonstrate that it has possession or control of the necessary right-of-way. The Federal funds retained by having the right-of-way certified by June 1, 2009 is \$4.5 million. An appraisal for the acquisition of the parcel was obtained October 24, 2008, and the written offer was transmitted to the property owner on November 10, 2008. Staff worked with the owner in an effort to make sure that the Federal funding would not be lost and that just compensation was provided to the owner. In an effort to avoid further possible legal expenses, time delays and appraisal costs, the owner and staff agreed to acquire the parcel at the compromised amount of \$58,250.00.

The documents signed by the property owner have been approved as to form by the City Attorney's office. Environmental Assessment has been completed. A Mitigated Negative Declaration has been issued for the project. The Mitigated Negative Declaration was filed with the Fresno County Clerk's office on May 14, 2007, with this number E200710000241. Caltrans completed a Categorical Exemption under the National Environmental Policy Act (NEPA) review in June, 2007.

FISCAL IMPACT

Funds for the acquisition of this property on Herndon Avenue between Weber Avenue and Freeway 99 are partially funded by Federal Project No. CML 5060 (122) and the City of Fresno Project No. PW00306, Fund 22048, ORG 189901 and KRA 0101001000.

EXHIBIT "A"

SEPTEMBER 17, 2008

CENTERLINE OF FORMERLY "G" STREET

CENTERLINE OF WEST HERNDON AVENUE

HERNDON AVENUE

40'

S33°09'47"W 131.00'

S51°18'59"E 50.23'

LOT 42
APN 504-140-01

N36°49'21"W 50.00'

N33°09'47"E 135.82'

LOT 43

J.C. FORKNER FIG GARDEN
SUBDIVISION NO. 10
BOOK 10 OF PLATS AT PAGE 38
FRESNO COUNTY RECORDS

LOT 44

N. WEBER AVENUE

SCALE: 1"=30'



- LEGEND:**
- EXISTING RIGHT-OF-WAY LINE
 - EXISTING PROPERTY LINE
 - - - EXISTING SECTION OR FRACTIONAL SECTION LINE
 - MOUNT DIABLO BASE AND MERIDIAN
 - ▨ AREA OF ACQUISITION ±6,670 SQUARE FEET

Blair, Church & Flynn
CONSULTING ENGINEERS

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REF. & REV. 2008-040 PWF 10814 PLAT 1342	CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS	PROJ. ID. PWF00306 KRA 0101001000 FUND NO. 22048 RES TYPE ORG. NO. 189901
	PARCEL TO BE GRANTED TO THE CITY OF FRESNO WEST HALF, SECTION 4, T.13 S., R.19 E., M.D.B.&M.	DR. BY RF CH. BY HB DATE 9/17/2008 SCALE 1"=30'
		SHEET NO. 1 OF 1 SHEETS 15-A-8418