



AGENDA ITEM NO.

COUNCIL MEETINGAPPROVED BY

DEPARTMENT DIRECTOR

CITY MANAGER

June 5, 2007

FROM: JON R. RUIZ, Interim Director
Public Works Department

BY: MICHAEL T. KIRN, PE, Assistant Director
Public Works Department

SUBJECT: APPROVE RESOLUTION TO APPROPRIATE \$15,000 IN DEVELOPER
CONTRIBUTIONS FOR THE ACQUISITION OF RIGHT-OF-WAY FOR
TRACT 5284

KEY RESULT AREA

Customer Service

RECOMMENDATIONS

Approve Resolution to appropriate \$15,000 into a Public Works capital account to be used for acquisition payments associated with the acquisition of land for the purchase of right-of-way for Tract 5284.

EXECUTIVE SUMMARY

The subdivision map for Tract 5284 was approved in FY 2005. The developer, KB Homes deposited \$68,300 with the City to purchase easements required for street improvements related to the tract. The actual purchase price of the easements exceeded the original amount so the developer deposited additional funds with the City in FY 2007. These funds will be used to complete the right-of-way purchases with any residual being refunded to the developer.

KEY OBJECTIVE BALANCE

Customer Satisfaction will be realized through the acquisition of the street right-of-way needed to ensure smooth traffic flow adjacent to the tract. Employee Satisfaction is achieved through completion of the acquisition. Financial Management is achieved through the acquisition of the property at the appraised value.

BACKGROUND

Conditions for approval of Tract 5284 require the developer, KB Homes, to acquire street right-of-way for a dedicated right turn lane for smoother traffic flow at McKinley and Polk Avenues. At the time the map for Tract 5284 was approved in FY 2005, it was expected that easements would be acquired by the City on behalf of the developer. An appraisal report was completed by an MAI appraiser and KB Homes submitted a deposit in the amount of \$68,300 for the estimated value of the property and the costs involved in the acquisition.

The actual cost of acquiring the easement exceeded the original deposit of \$68,300 so the City requested an additional \$22,700 in developer contributions in FY 2007. To allow staff time expenses and escrow deposits to be covered, \$15,000 of the \$22,700 must be appropriated to a Public Works UGM account. The attached resolution will appropriate the additional funds so that staff time, purchase payments and miscellaneous costs can be paid. Any residual funds will be refunded to the developer after all costs are accounted for.

FISCAL IMPACT

There is no impact on the City budget as the developer is required to provide funds for the acquisition of the necessary easements.

JRR/MTK/SDD/eam
Apprv Reso Acq ROW T-5284 6-5-07

Attachment: Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO ADOPTING THE 82nd AMENDMENT TO THE ANNUAL APPROPRIATION RESOLUTION NO. 2006-253 TO APPROPRIATE \$15,000 IN DEVELOPER CONTRIBUTIONS FOR THE ACQUISITION OF RIGHT-OF-WAY FOR TRACT 5284

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FRESNO:

THAT PART III of the Annual Appropriation Resolution No. 2006-253 be and is hereby amended as follows:

	<u>Increase/(Decrease)</u>
TO: PUBLIC WORKS DEPARTMENT R/W Acquisition - Tract 5284	\$ 15,000

THAT account titles and numbers requiring adjustment by this Resolution are as follows:

R/W Acquisition - Tract 5284

Revenues:

Account: 34854 UGM Developer Contributions	\$ 15,000
Fund: 31629	
Org Unit: 186010	

Total Revenues	<u>\$ 15,000</u>
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Appropriations:

Account: 57101 Land Acquisition	\$ 15,000
Fund: 31629	
Org Unit: 186010	
Project ID: PW00323	
KRA: 0401001000	

Total Appropriations	<u>\$ 15,000</u>
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THAT the purpose is to appropriate \$15,000 in developer contributions for the acquisition of right-of-way for tract 5284.

CLERK'S CERTIFICATION

STATE OF CALIFORNIA }
COUNTY OF FRESNO } ss.
CITY OF FRESNO }

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing Resolution was adopted by the Council of the City of Fresno, California, at a regular meeting thereof, held on the _____ Day of _____, 2007

AYES:
NOES:
ABSENT:
ABSTAIN:

Mayor Approval: _____, 2007
Mayor Approval/No Return: _____, 2007
Mayor Veto: _____, 2007
Council Override Veto: _____, 2007

REBECCA E. KLISCH
City Clerk

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STATE OF CALIFORNIA }
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Mayor Veto: _____, 2007
Council Override Veto: _____, 2007

REBECCA E. KLISCH
City Clerk
