

September 18, 2007

AGENDA ITEM NO.
COUNCIL MEETING <u>9-18-07</u>
APPROVED BY

DEPARTMENT DIRECTOR
CITY MANAGER

FROM: PATRICK N. WIEMILLER, Director
Public Works Department

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

SUBJECT: APPROVE THE ACQUISITION OF A STREET EASEMENT ON THE WEST SIDE OF WEBER NORTH OF THE INTERSECTION OF MARKS AVENUE FROM PROPERTY OWNED BY UNION PACIFIC RAILROAD, COUNCIL DISTRICT ONE

KEY RESULT AREA

Customer Satisfaction

RECOMMENDATIONS

1. Staff recommends that the City Council approve the acquisition of a 2,269 square foot street easement from property owned by Union Pacific Railroad.
2. Authorize the Public Works Director or his designee to accept the deed of easement from property owned by Union Pacific Railroad and to execute the same easement deed for purchase of real property and complete the acquisition through escrow.

EXECUTIVE SUMMARY

Easements are required from three parcels for the Weber and Marks Avenues intersection improvement project. The easements will provide the additional street right of way needed to develop right and left turn lanes and place new traffic signals to replace the existing stop signs. It is expected that 88.53 percent of the cost of the project will come from the Congestion Mitigation and Air Quality Improvement program. The value of the street easements were established by an independent, professional real estate appraiser and negotiations to acquire the easements were initiated in December 2006.

Union Pacific Railroad has signed the appropriate documents to provide a street easement of 2,269 square feet depicted on Assessor's Parcel No. 442-010-24u and 443-010-35u on the attached Exhibit "A". The value of the land within the easement is \$9,076.00 and the value of improvements is \$3,144.00 for a total valuation of \$12,220.00 (rounded). On July 9, 2007, the

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owner agreed to the amount of compensation offered by the City and signed the Deed of Easement to sell the parcel to the City. With City Council approval of the acquisition, the transaction will be processed through escrow.

KEY OBJECTIVE BALANCE

The Key Objective of Customer Satisfaction will be accomplished with the additional street right of way to develop right and left turns and place new traffic signals to replace the existing stop signs so that traffic will flow. Financial Management will be realized by the acquisition of the property at a funding level that is based on the appraised value of the property.

BACKGROUND

Traffic volumes have been increasing on Weber Avenue at Marks Avenue with the increased development and economic activity in the west Central part of Fresno. These levels justify on a priority basis the reconstruction of the Marks and Weber intersection and the installation of traffic signals. Traffic signal warrants have been met for several years and the intersection is ranked number twenty-five on the City priority list. Land uses on the parcels are generally industrial operations. Right of Way is needed from three parcels so that the intersection can be redesigned and traffic signals can be installed.

The easement area was surveyed and marked so that the impact of the easement acquisitions could be established. The value of the land within the easement is \$12,220.00. This Deed of Easement agreement for the purchase of real property allows the possession as of September 30, 2007.

The documents signed by the property owner have been approved as to form by the City Attorney's office Environmental Assessment No. EA-02-46 has been completed and the project has been found to be categorically exempt under the California Environmental Quality Act (CEQA).

FISCAL IMPACT

Funds for this acquisition and the remaining acquisitions for the Marks and Weber Avenues intersection project are from the Federal Transportation Program (FTIP), the Congestion Mitigation and Air Quality Improvement program, and City of Fresno Project No. PW00158, Fund 20102, ORG 189901 and KRA 0101001000.

PW/SLM/PC/eam
Apprv Acq Str Esmnt west side Weber Union Pac RR 9-18-07

Attachment: Exhibit "A"

