

January 13, 2009

AGENDA ITEM NO.

COUNCIL MEETING 1-13-09

APPROVED BY


DEPARTMENT DIRECTOR

CITY MANAGER

FROM: PATRICK N. WIEMILLER, Director 
Public Works Department

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

SUBJECT: APPROVE THE ACQUISITION OF A STREET EASEMENT AND USE OF A CONSTRUCTION EASEMENT AT THE CORNER OF MARKS AVENUE AND WEBER AVENUE FROM PROPERTY OWNED BY DEARLD J. HENKEL, COUNCIL DISTRICT 1

KEY RESULT AREA

Customer Satisfaction

RECOMMENDATIONS

1. Staff recommends that the City Council approve the acquisition of a 978 square foot street easement and the use of a 3,883 square foot construction easement from property owned by Dearld J. Henkel.
2. Authorize the Public Works Director or his designee to accept the deed of easement and the construction easement from property owned by Dearld J. Henkel and to execute the Agreement for Purchase and Sale of Real Property and complete the acquisition through escrow.

EXECUTIVE SUMMARY

Easements are required from three parcels for the Marks and Weber Avenues traffic signal improvement project. The easements will provide the additional street right of way needed to develop left turn lanes and dedicated right turn lanes along with the placement of traffic signals in each direction. It is expected that 88.53 percent of the cost of the project will come from the Congestion Mitigation and Air Quality (CMAQ) program. The value of these additional street easements was established by an independent, professional real estate appraiser and negotiations to acquire the easements were initiated on November 12, 2008.

Mr. Henkel is the last property owner to settle with staff on the purchase of easements needed to complete the street improvements at the intersection. Staff has been working with Mr. Henkel since December 2006, in June of 2007 City Council approved the Resolution of Public Use and Necessity for the Marks Avenue and Weber Avenue Intersection Project. Mr. Henkel has signed the appropriate documents to provide the additional street easement and the temporary construction easement depicted on Assessor's Parcel Map No. 433-080-11 on the attached Exhibits "A" & "B". The value of the land within the easement is \$3,423.00; the value of

improvements is \$12,799.00 and the value of the temporary construction easement is \$680.00 for a total valuation of \$16,902.00 (rounded). The owner has agreed to the amount of compensation offered by the City and signed the Agreement for Purchase and Sale and the Deed of Easement. 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 left and right turn lanes and the installation of traffic signals so that traffic will flow at the intersection of Marks Avenue and Weber Avenue. 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 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-Weber intersection and the installation of traffic signals. Right of way is needed from three parcels so that the intersection can be redesigned and traffic signal facilities installed. Land uses on the parcels are generally industrial operations. An agreement has been reached with Union Pacific Railroad for an easement from the UPRR switching yard and Catherine and David Scoffone have agreed to the City acquiring a portion of their parcel to construct the intersection.

Mr. Henkel is the last property owner to settle with staff on the purchase of easements needed to complete the street improvements at the intersection. Staff has been working with Mr. Henkel since December of 2006 to acquire the easement for the Marks Avenue and Weber Avenue Intersection Project. Mr. Henkel is in agreement with additional easement and temporary construction easement needed to complete the project.

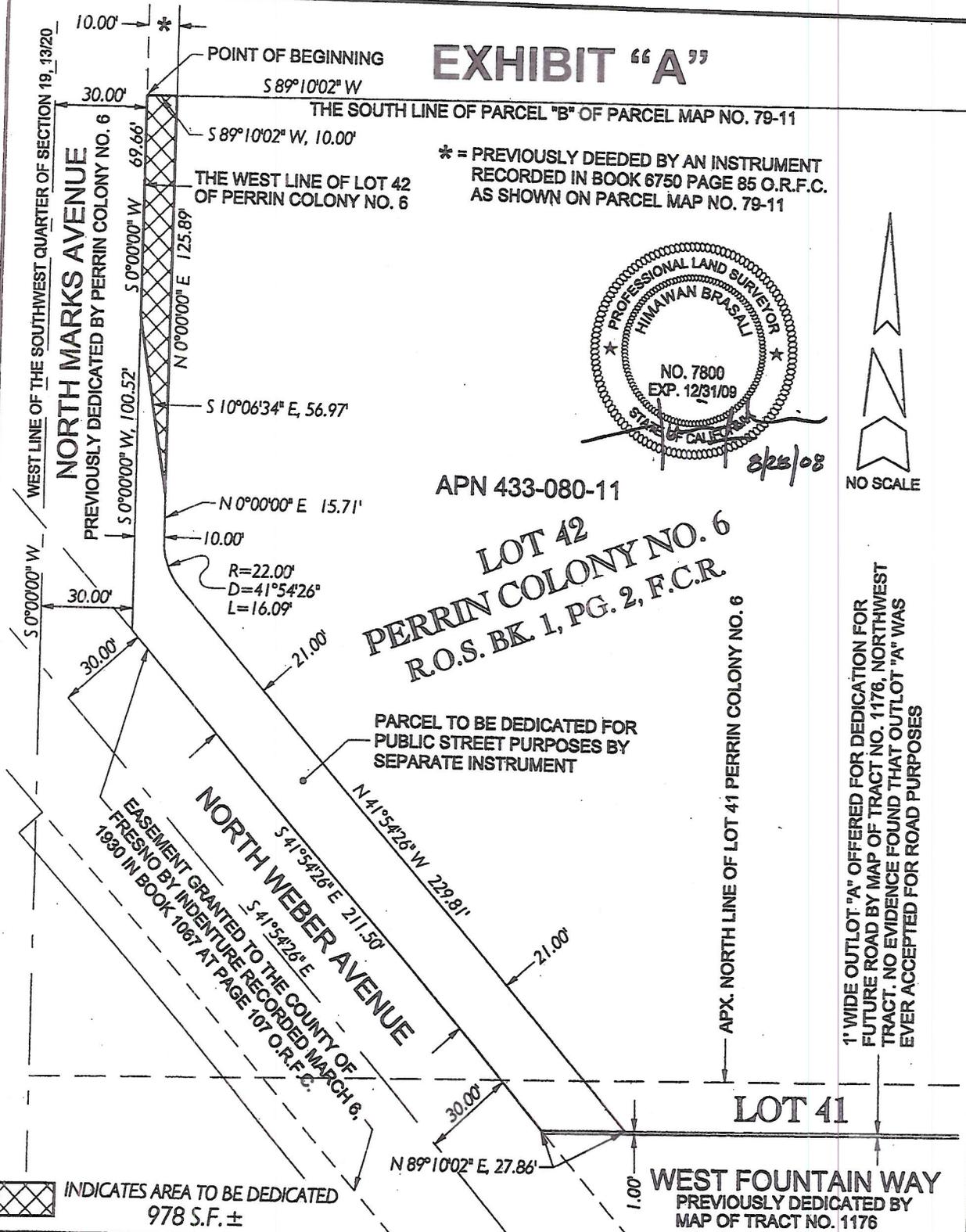
The easement area was surveyed and marked so that the impact of the easement acquisition could be established. The value of the land within the easement is \$3,423.00; the value of improvements is \$12,799.00 and the value of the temporary construction easement is \$680.00 for a total valuation of \$16,902.00 (rounded). As part of the settlement with Mr. Henkel he will receive the appraised land value (\$18,739.00) from the existing Order of Possession. The total compensation to acquire the needed right of way to improve this intersection is \$35,641.00.

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).

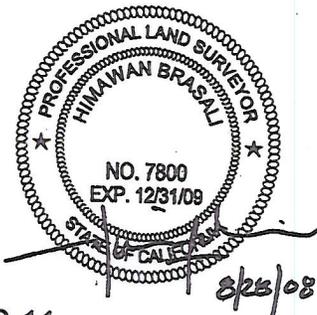
FISCAL IMPACT

Funds for this acquisition for the Marks and Weber Avenues traffic signal project are partially funded by Federal Project No. CML 5060 (075) and City of Fresno Project No. PW00158, Fund 22048, ORG 189901 and KRA 0101001000.

EXHIBIT "A"



* = PREVIOUSLY DEEDED BY AN INSTRUMENT RECORDED IN BOOK 6750 PAGE 85 O.R.F.C. AS SHOWN ON PARCEL MAP NO. 79-11



APN 433-080-11



1' WIDE OUTLOT "A" OFFERED FOR DEDICATION FOR FUTURE ROAD BY MAP OF TRACT NO. 1176, NORTHWEST TRACT. NO EVIDENCE FOUND THAT OUTLOT "A" WAS EVER ACCEPTED FOR ROAD PURPOSES

REF. & REV.
2006-260 B
PWF 10824
PLAT 2050
REVISED 8/20/08 AJ

CITY OF FRESNO
DEPARTMENT OF PUBLIC WORKS

PARCEL TO BE DEDICATED TO THE CITY OF FRESNO AS AN EASEMENT AND RIGHT-OF-WAY FOR PUBLIC STREET PURPOSES

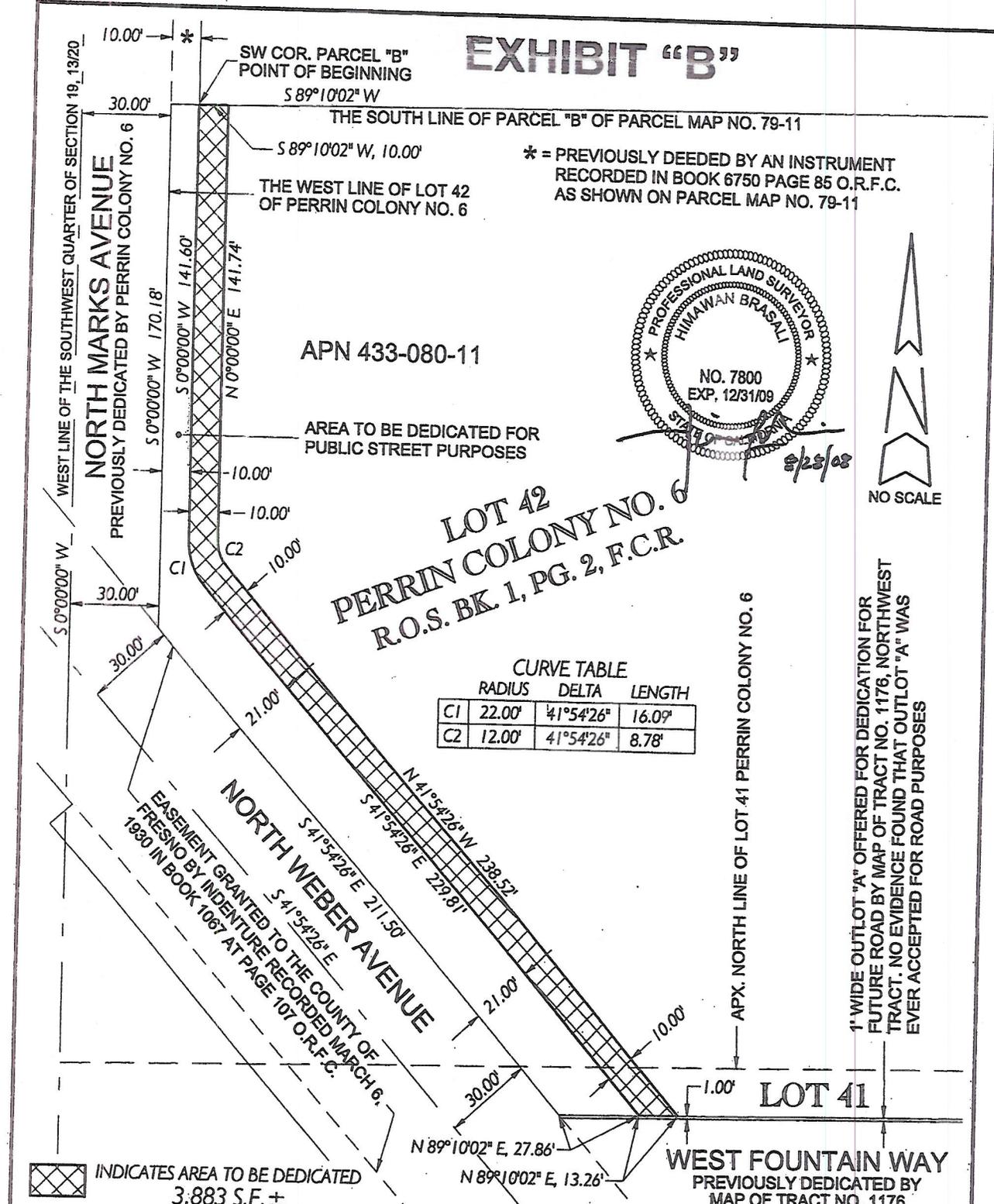
D:\DATA\Weber & Marks\APN 433-080-11 Sheet 2.dcd

PROJ. ID.	PW00153	GRA	0101001000
FUND NO.	20102	RES TYPE	
ORG. NO.	189901		

DR. BY AJ SHEET NO. 2
CH. BY _____ OF 2 SHEETS
DATE SEPT. 25, 2006
SCALE NO SCALE

15-A-8161
B

EXHIBIT "B"



INDICATES AREA TO BE DEDICATED
 3,883 S.F. ±

REF. & REV. 2006-260T PWF 10824 PLAT 2050	CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS		PROJ. ID. PWD0158 FUND NO. 20102 ORG. NO. 189901	KRA 0101001000 RES TYPE
	PARCEL TO BE DEDICATED TO THE CITY OF FRESNO AS AN EASEMENT AND RIGHT-OF-WAY FOR TEMPORARY CONSTRUCTION PURPOSES		DR. BY AJ CH. BY DATE AUG. 5, 2008 SCALE NO SCALE	SHEET NO. 2 OF 2 SHEETS 15-A-8161T

D:\DATA\Weber & Marks\APN 433-080-11 Sheet 2.dwg