

AGENDA ITEM NO. 1 D
COUNCIL MEETING 01/24/13
APPROVED BY


DEPARTMENT DIRECTOR

CITY MANAGER 

January 24, 2013

FROM: PATRICK N. WIEMILLER, Director
Public Works Department

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


CRAIG L. HANSEN, Supervising Real Estate Agent
Public Works Department, Real Estate Services Section

SUBJECT: APPROVE THE ACQUISITION OF 2.48 ACRES FROM ONE PARCEL (APN 505-080-25) OF PROPERTY OWNED BY GEORGE DAKOVICH AND SON, INC., A CALIFORNIA CORPORATION, IN THE AMOUNT OF \$340,000 FOR THE FUTURE CONSTRUCTION OF VETERANS BOULEVARD BETWEEN SHAW AVENUE AND HERNDON AVENUE (COUNCIL DISTRICT 2)

RECOMMENDATION

Approve the acquisition of 2.48 acres from one parcel (APN 505-080-25) of property owned by George Dakovich and Son, Inc., a California Corporation, in the amount of \$340,000 for the future construction of Veterans Boulevard between Shaw Avenue and Herndon Avenue; and that Council authorize the Public Works Director, or his designee, to sign all documents necessary to complete the transaction.

EXECUTIVE SUMMARY

The project proposes the construction of Veterans Boulevard between Shaw Avenue and Herndon Avenue including a new freeway interchange at State Route 99 and an overpass at the Union Pacific Railroad, in order to serve existing and future traffic demands. The right-of-way to be acquired for the project includes portions of forty-seven parcels. Measure "C" funding for the right-of-way acquisition has been approved by the Fresno County Transportation Authority (FCTA) under a cooperative agreement executed in October 2012. The property owner, George Dakovich and Son, Inc., a California Corporation, has agreed to a price of \$340,000 for approximately 2.48 acres of vacant land which is zoned for industrial use. The City employed the services of James Palmer for its appraisal. The owner retained the services of appraiser Thomas Austin and staff negotiated a price that was in between the two appraisals. The acquisition has been determined to be a "hardship" case as a result of the City denying a site plan for the development of the 2.48 acres for a light industrial use. The subject property is entirely within the footprint of the planned Veterans Boulevard / State Route 99 freeway interchange.

BACKGROUND

Construction of Veterans Boulevard, originally known as the Herndon-Grantland Diagonal, has long been a goal of the City of Fresno, as illustrated in the 1984 General Plan and the 2025 General Plan. In November

REPORT TO THE CITY COUNCIL

Approve Partial Acquisition – Veterans Boulevard Dakovich & Son APN 505-080-25

January 24, 2013

Page 2

2006, the 20-year extension of Measure C was passed by the voters of Fresno County. The adopted Measure "C" expenditure Plan which accompanied the ballot measure included Veterans Boulevard as a regional project under the Urban Tier 1 program. The City completed the Project Study Report (PSR) with local funds from 2006 through 2009. The Fresno Council of Governments (COG) and the Fresno County Transportation Authority (FCTA) have approved Measure "C" funding to complete three additional project phases: Project Approval / Environmental Document (PA/ED), Plans, Specifications and Estimates (PS&E) and Right-of-Way Acquisition. It is currently anticipated that the project will involve forty-seven parcels, nearly all of which will be partial acquisitions but a small portion may require the acquisition of the full parcel.

The portion of the subject property to be acquired is currently vacant. The northerly 2.48 acres contains the business office for George Dakovich and Son, Inc., and is not being acquired at this time. The property owner filed a site plan in 2011, proposing to develop the southerly 2.48 acres for a light industrial use consistent with zoning for the parcel. Because the southerly 2.48 acres are entirely contained within the footprint of the Veterans Boulevard / State Route 99 freeway interchange, staff denied the site plan and subsequently entered into negotiations with the property owner to purchase the property. The City employed the services of James Palmer for an appraisal of the property. The property owner retained the services of appraiser Thomas Austin and the agreed-to price of \$340,000 was in between the two appraisals.

The documents signed by the property owner have been approved as to form by the City Attorney's Office. This acquisition has been determined to be a "hardship" case. The owner has attempted and been denied by the city of Fresno to develop the property, but it lies completely within the footprint of the future Veterans Boulevard / State Route 99 interchange.

FISCAL IMPACT

There will be no General Fund dollars required to purchase the right-of-way for the project. Funds for this acquisition and the remaining acquisitions for the Veterans Boulevard Project are available through Measure "C" regional funds and have been approved by Fresno COG and the FCTA.

Attachments:

- Vicinity Map
- Exhibit "A"

Vicinity Map

APN 505-080-25

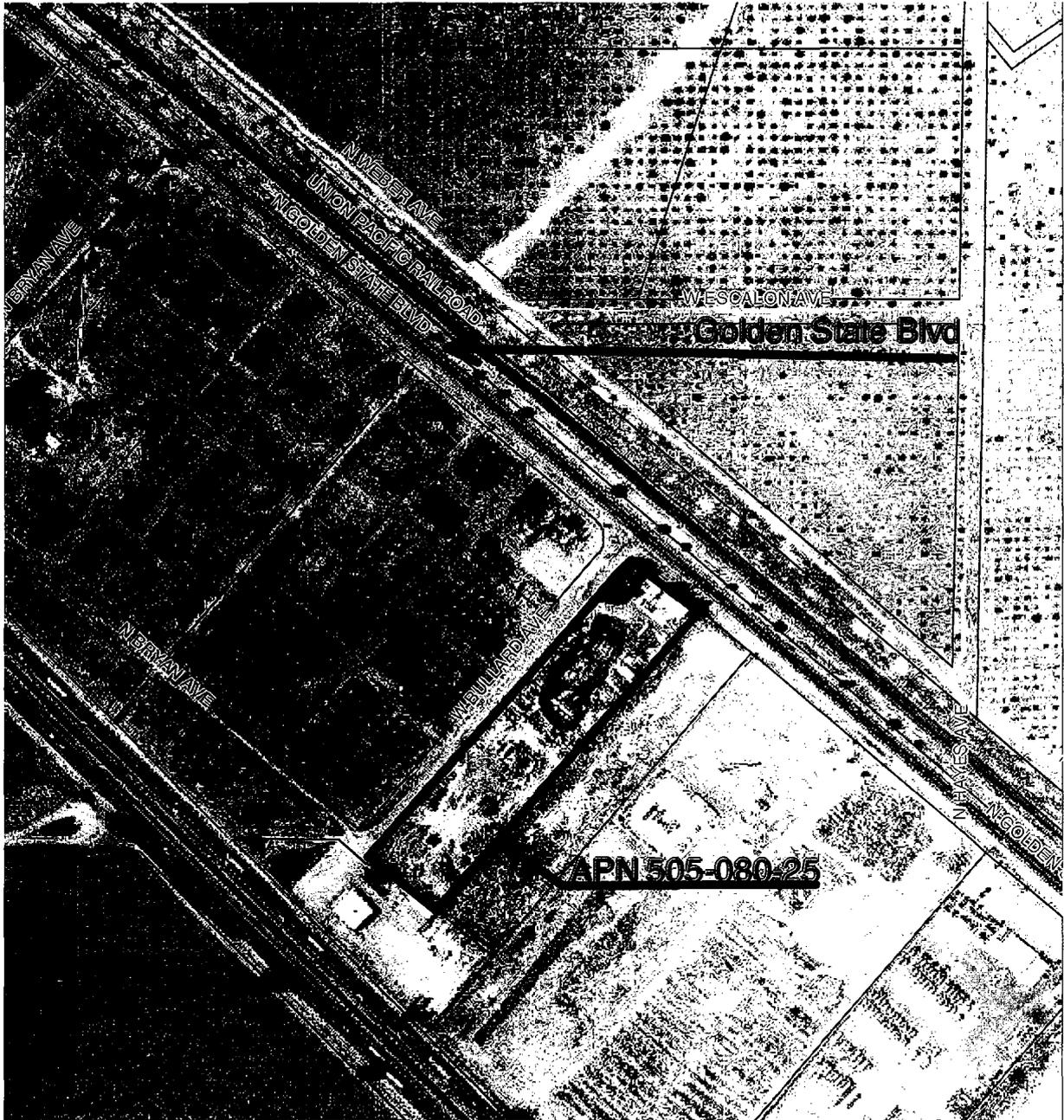


EXHIBIT "A"

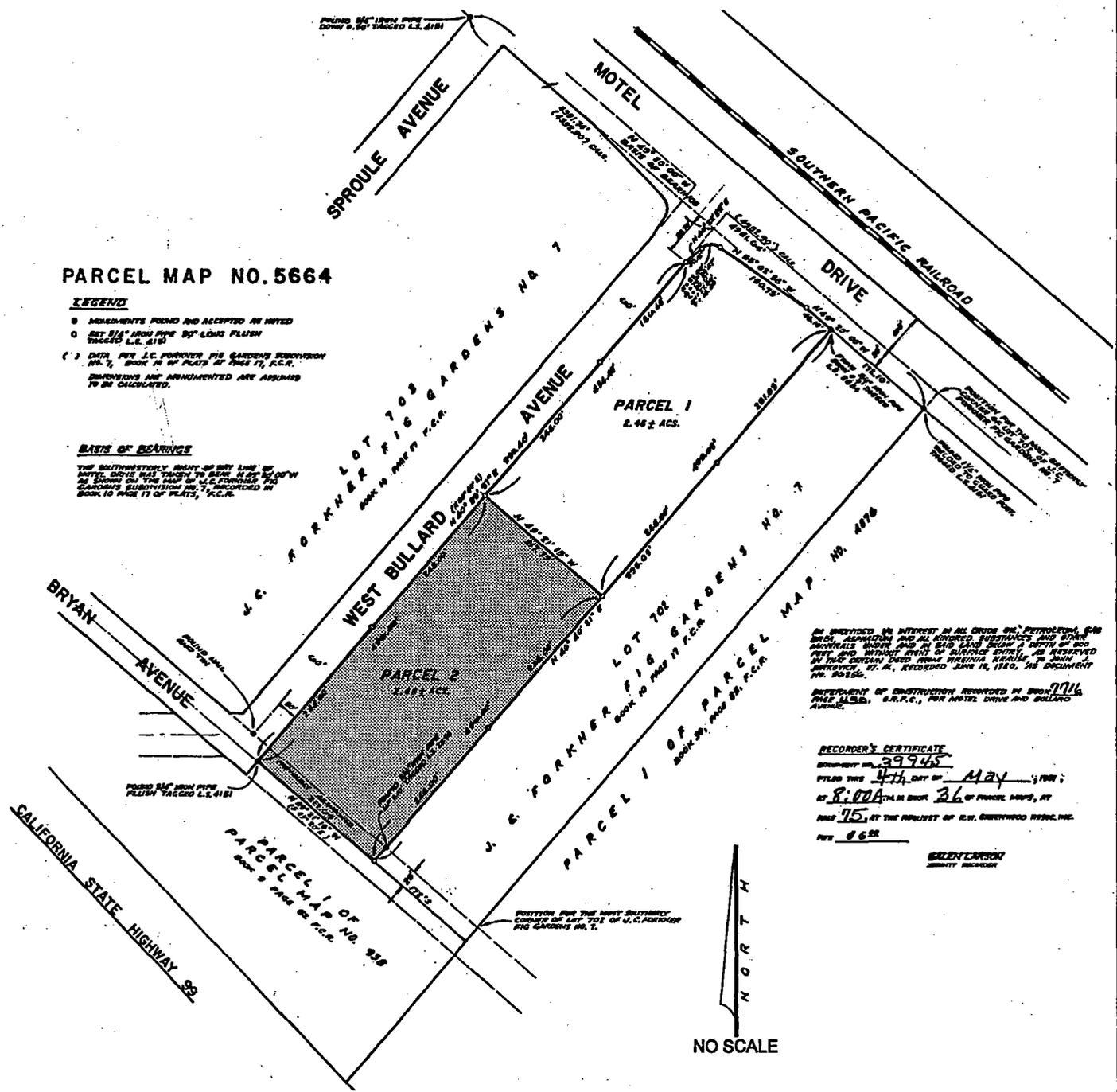
PARCEL MAP NO. 5664

LEGEND

- MEASUREMENTS FOUND AND ACCEPTED AS NOTED
- SET 3/4" IRON PIPE BY LONN FLUSH TAGGED L.L. 418
- ① DATA FOR J.C. FORKNER FIG GARDENS SUBDIVISION NO. 7, BOOK 14 OF PLATS OF PAGE 17, F.C.R. DIMENSIONS AND ANNOTATIONS ARE ASSUMED TO BE CORRECTED.

BASES OF BEARINGS

THE SOUTHWESTERLY CORNER OF LOT 101 OF MOTEL DRIVE SHALL TOUCH TO BEING 10.00' AS SHOWN ON THE MAP OF J.C. FORKNER FIG GARDENS SUBDIVISION NO. 7, RECORDED IN BOOK 10 PAGE 17 OF PLATS, F.C.R.



BE INVESTITED IN INTEREST IN ALL OILS OR PETROLEUM, GAS OILS, ASPHALTUM AND ALL KINDRED SUBSTANCES AND OTHER MINERALS UNDER AND IN THIS LAND DEEPER 2 FEET OF SOIL HERE AND WITHOUT EVENT OF SURFACE ENTRY, AS RESERVED IN THAT CERTAIN DEED FROM VIRGINIA KERRICK TO JOHN WINTERKOPF, ET AL., RECORDED JUNE 12, 1910, IN DOCUMENT NO. 50125.

DEPARTMENT OF CONSTRUCTION RECORDED IN BOOK 9716 PAGE 450. S.F.P.C., FOR MOTEL DRIVE AND BULLARD AVENUE.

RECORDER'S CERTIFICATE

DOCUMENT NO. 39945
 FILED THIS 4th DAY OF MAY, 1991;
 AT 8:00A P.M. IN BOOK 36 OF PARCEL MAPS, AT
 AND 75, AT THE OFFICE OF S.W. BERTHOUD REGISTRAR,
 FRESNO, CALIF.

GALEN LARSON
 COUNTY RECORDER



INDICATES AREA TO BE GRANTED

REF. & REV. 2012-008 PLATS 1443 & 1543	CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS PARCEL 2 OF PARCEL MAP NO. 5664, P.M. BK. 36, PG. 75, F.C.R. TO BE GRANTED TO THE CITY	PROJ. ID. _____ KRA _____ FUND NO. _____ RES TYPE _____ ORG. NO. _____	SHEET NO. <u>1</u> OF _____ SHEETS
DR. BY _____ CH. BY _____ DATE <u>FEB. 14, 2012</u> SCALE <u>NO SCALE</u>		DR. BY _____ CH. BY _____ DATE <u>FEB. 14, 2012</u> SCALE <u>NO SCALE</u>	