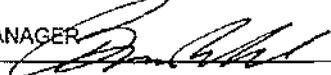


AGENDA ITEM NO.	11
COUNCIL MEETING	1/30/14
APPROVED BY	
DEPARTMENT DIRECTOR	
CITY MANAGER	

January 30, 2014

FROM: SCOTT L. MOZIER, PE, Director
Public Works Department 

BY: PAMELA PARR, Project Manager
Public Works Department, Real Estate Services Section 

SUBJECT: Approve acquisition of one public street easement from a portion of one parcel of property owned by Herndon, LLC, a California Limited Liability Company, for the installation of a street improvements at the southeast corner of Riverside Drive and Herndon Avenue

RECOMMENDATION

It is recommended that Council approve acquisition of one public street easement from a portion of one parcel of property (see Exhibit A) owned by Herndon, LLC, in the amount of \$5,400 total, which is necessary for the installation of street improvements at the southeast corner of Riverside Drive and Herndon Avenue.

EXECUTIVE SUMMARY

The developer for the El Paseo project, John Allen Company, LLC, requested City assistance to acquire the necessary right-of-way from ten adjacent parcels for public street and public utility easements. These easements are necessary for the construction of the improvements which are required for the project. As part of the fully executed subdivision agreement for Parcel Map No. 2008-13, the developer deposited \$725,000 to fund City staff costs as well as the value of the properties to be acquired in order to secure for the acquisition of the necessary right-of-way. The property owned by Herndon, LLC, located on the southeast corner of Riverside Drive and Herndon Avenue, is one of ten partial acquisitions that will be required for the project. The property owner has agreed to the appraised value of \$5,400 for approximately 1,067 square feet of the property. The property, zoned C-1, is currently vacant and the highest and best use has been determined to be commercial development.

BACKGROUND

The overall El Paseo project is comprised of approximately 238 acres located at the northwest gateway of the City of Fresno, Fresno County, California. The site is located within the Bullard and West Community Plan Areas. More specifically, the project site is bounded generally by Herndon Avenue on the north, Riverside Drive and Bullard Avenue on the east, Carnegie Avenue to the south

REPORT TO THE CITY COUNCIL

Approve Partial Acquisition – Herndon, LLC

January 30, 2014

Page 2

and State Route 99 (SR-99) on the west. Golden State Boulevard traverses the site from north to south, and the Union Pacific Railroad (UPRR) runs adjacent to this major arterial. The San Joaquin River, the boundary between the City and the County of Madera in this area, is approximately 0.4 mile north of the project site. The approximately 74.38-acre Phase I of the project is bounded by Herndon Avenue to the north, Golden State Boulevard and proposed alignment of Veterans Boulevard to the south, and Riverside Drive to the east.

The El Paseo project has been proposed to be implemented in five phases. Phase I, the Marketplace at El Paseo, will consist of a “big-box” retail development with approximately 900,000 square feet of retail space, including smaller outparcel restaurant and retail uses. Primary access for this phase is planned off Herndon Avenue and Riverside Drive. Parcel Map No. 2008-13 recorded on May 31, 2013, and included 48.17 acres of the Phase I development, allowing for up to 399,999 square feet of new commercial retail development. The fully executed parcel map agreement required performance bonds, payment bonds and cash securities to cover \$11.5 million in public infrastructure improvements. The agreement also included an addendum for right-of-way acquisition from ten parcels, which specified that the developer would deposit \$725,000 with the City to secure for the acquisition expenses including staff costs. An estimated \$3,600 of interest earned on the funds while on deposit will be available for the acquisition, bringing the total amount available to \$728,600.

Upon request of the developer for City assistance, City staff determined that a budget of \$728,600 would be adequate to complete the acquisition of right-of-way for public street and public utility easements. The developer notified the City that he had been unable to acquire this right-of-way and requested City assistance to obtain the necessary easements.

Upon approval by the City Council, the agreement will be executed by the Public Works Director or his designee, who has been delegated this authority by the City Manager.

ENVIRONMENTAL FINDINGS

At its December 16, 2010, Council Meeting, the City Council approved Plan Amendment Application No. A-08-11, Rezone Application No. R-08-15, a Development Agreement by and between the City of Fresno and John Allen Company LLC, and certification of the Final Environment Impact Report No. 10141 (Sch No. 2008011003) for the project.

With the mitigation imposed, there is no substantial evidence in the record that this project may have additional significant, direct, indirect or cumulative effects on the environment that are significant and that were not identified and analyzed in the MEIR or Air Quality MND. After conducting a review of the adequacy of the MEIR and Air Quality MND pursuant to Public Resources Code, Section 21157.6(b)(1), the Development and Resource Management Department, as lead agency finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and the Air Quality MND was adopted and that no new information, which was not known and could not have been known at the time that MEIR was certified as complete and the Air Quality MND was adopted, has become available. The project is not located on a site which is included on any of the lists enumerated under Section 62962.5 of the

Government Code hazardous waste disposal sites and others, and the information in the Hazardous Waste and Substances statement required under subdivision (f) of that Section.

FISCAL IMPACT

On July 18, 2013, City Council approved a Resolution of the Council adopting the 2nd Amendment to the Annual Appropriations Resolution No. 2013-98 appropriating \$728,600 in developer contributions for the acquisition of right-of-way for public street and public utility easements for Parcel Map No. 2008-13 known as the El Paseo project located in Council District 2. There will be no impact to the General Fund as a result of the recommended action.

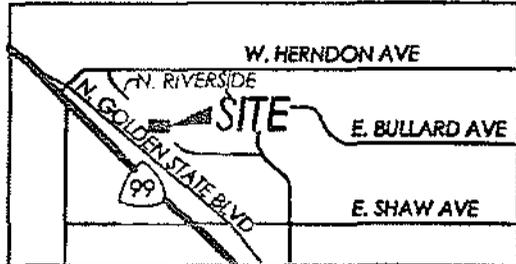
EXHIBIT "A"

P.O.C.
SW COR. SEC. 33,
T12S, R19E, M.D.B.M.

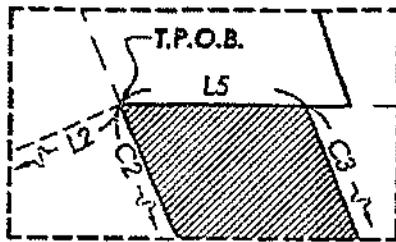
SOUTH LINE OF THE SW 1/4
OF SEC. 33, T12S, R19E

WEST HERNDON AVENUE

"CENTERLINE OF FUTURE STREET
RIGHT-OF-WAY" PER R.S. 54/25-29



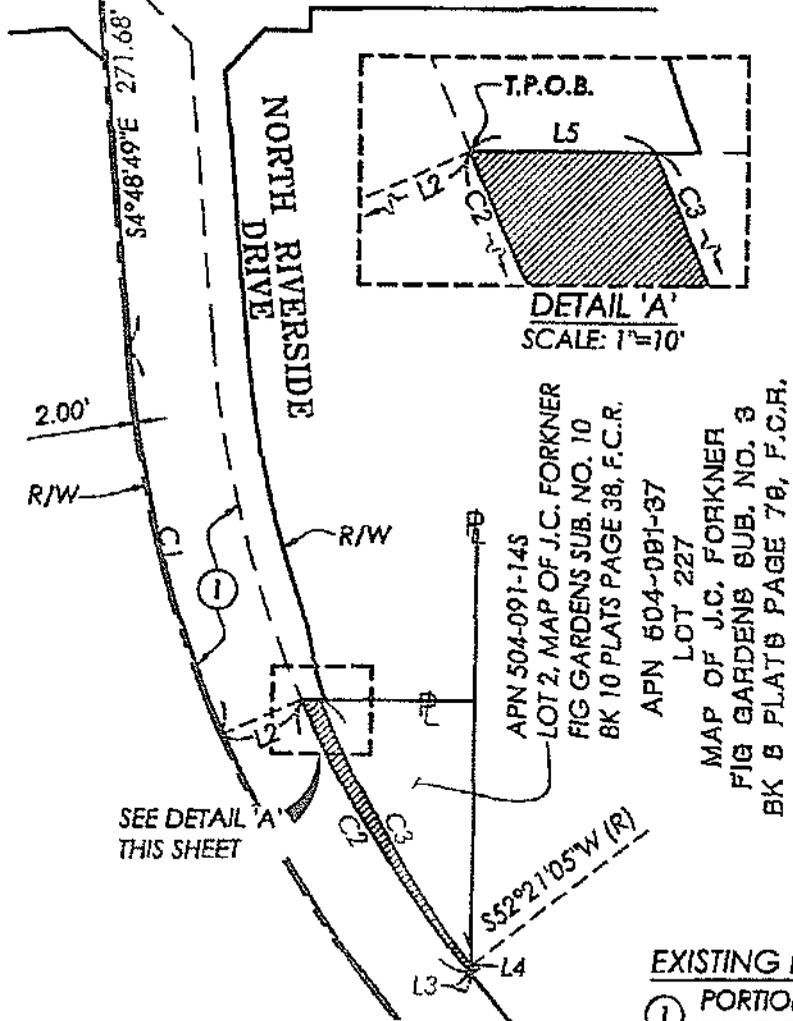
VICINITY MAP
NOT TO SCALE



DETAIL 'A'
SCALE: 1"=10'

-	RADIUS	LENGTH	DELTA
C1	650.00'	216.33'	Δ=19°04'08"
C2	602.00'	174.66'	Δ=16°37'24"
C3	633.00'	166.80'	Δ=15°05'52"

-	LENGTH	BEARING
L1	3.89'	S89° 55' 44"E
L2	48.00'	N66° 07' 04"E (R)
L3	1.15'	S40° 30' 20"E
L4	4.25'	N0° 23' 56"E
L5	10.09'	N89° 55' 44"W



EXISTING EASEMENTS

- ① PORTION OF NORTH RIVERSIDE DRIVE GRANTED TO THE CITY OF FRESNO PER DOC. REC. 11/05/2002 AS DOC. NO. 2002-0198284. O.R.F.C.

LEGEND:

- INDICATES STREET EASEMENT DEDICATION 1,067 SQ. FT. / 0.024 ACRE
- P.O.C. POINT OF COMMENCEMENT
- T.P.O.B. TRUE POINT OF BEGINNING
- R/W RIGHT OF WAY
- PROPERTY LINE
- CENTER LINE



0 50 100 200
SCALE: 1" = 100'



REF. & REV.
PM 2008-13
2013-054
PWF 11658
PLAT 1443

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

PROJ. ID. _____ CO# _____
FUND NO. _____ RES. TYPE _____
ORG. NO. _____
DR. BY: F.A.R. _____ SHEET NO. 1
CH. BY: E.R.L. _____ OF 1 SHEETS
DATE 8/6/2013
SCALE 1" = 100' 15-A-8956

This page intentionally left blank.