

AGENDA ITEM NO.

COUNCIL MEETING

APPROVED BY



DEPARTMENT DIRECTOR

CITY MANAGER

February 24, 2009

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 WATER WELL SITE ON PROPERTY  
LOCATED AT THE NORTHEAST CORNER OF EAST BUTLER AND SOUTH  
ARMSTRONG AVENUES (COUNCIL DISTRICT 5)

**KEY RESULT AREA**

One Fresno

**RECOMMENDATION**

Approve the purchase of a 7,184 square foot water well site located at the northeast corner of East Butler and South Armstrong Avenue from LeRoy H. Krum, for \$24,750.

**EXECUTIVE SUMMARY**

The final subdivision map for Lennar Fresno's Tract 5283 was approved on August 22, 2006. One of the requirements of the Subdivision Agreement for the Final Map of Tract 5283 was the construction of Water Well 135B, to be located adjacent to existing Water Well 135, near the northeast corner of East Butler and South Armstrong Avenues. Lennar was unsuccessful in attempting to acquire the well site from the property's owner, LeRoy H. Krum. As a result, on May 30, 2007, the City entered into an Addendum to Subdivision Agreement for the Final Map of Tract 5283 with Lennar Fresno, authorizing the City to acquire the well site, at Lennar's expense.

**KEY OBJECTIVE BALANCE**

Customer Satisfaction will be achieved by adding to the public infrastructure in Southeast Fresno. Employee Satisfaction will derive from finalizing a long-pending property acquisition, and Final Management will result from acquiring the property at the appraised value.

## **BACKGROUND**

The City approved Tract 5283, a single-family subdivision located south of Kings Canyon, between Armstrong and Temperance, subject to certain conditions, including the development of public improvements intended to mitigate the impact of the project upon urban infrastructure and the physical environment. One of these public improvements is the construction of Water Well 135B, which is to be located beyond the limits of Tract 5283, specifically on a portion of Fresno County Assessor's Parcel 313-040-15, located at the northeast corner of East Butler and South Armstrong Avenues, and containing 18.76 acres. The proposed well site is to be located at the east end of this parcel, immediately adjacent to existing City Water Well 135, and will contain 7,184 square feet, or 0.164 acres. The site is illustrated on the attached drawing.

As a consequence of the Addendum to Subdivision Agreement for Lennar's Tract 5283, the City assumed the responsibility for acquiring the well site. After negotiations to acquire the well site from the property owner, LeRoy Krum, reached an impasse, staff requested that the Council authorize the use of eminent domain. The Council approved this request on December 3, 2008. Subsequent to this approval, the staff and property owner reached an agreement to purchase the required well site for \$24,750.

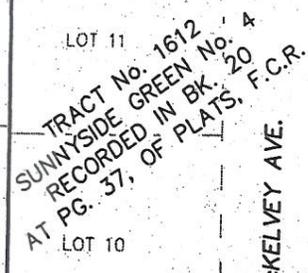
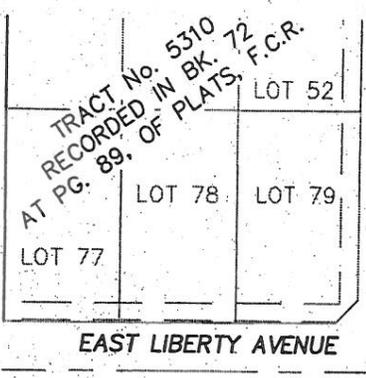
The environmental review of this project and acquisition of the subject property have resulted in the issuance of a Mitigated Negative Declaration, Environmental Assessment No. C-06-131, which determined that the proposed project will not result in any adverse effects which fall within the "Mandatory Findings of Significance" contained in Section 15065 of the State CEQA guidelines. The City Attorney's Office has reviewed the Grant Deed and Agreement for Purchase and Sale of Real Property, and approved them as to form. Funding is available through Project ID PW00448, Fund 31640, Org 186010, KRA 0401001000.

## **FISCAL IMPACT**

The total cost to acquire the subject property, including estimated staff and associated costs, is approximately \$55,000. The cost to construct the well will be assumed by the developer of Tract 5283, Lennar Fresno.

PNW/SLM/NLH/eam  
Apprv Acq Wtr Well Prop Butler-Armstrong Wtr Well 135B 2-24-09

Attachment: Drawing of Subject Property



SOUTH LINE OF TRACT NO. 5310 AND THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SEC. 10, T.14S., R.21E., M.D.B.&M.

NORTHEAST COR. OF THE SOUTH HALF OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SEC. 10, T.14S., R.21E., M.D.B.&M.

**LEGEND**



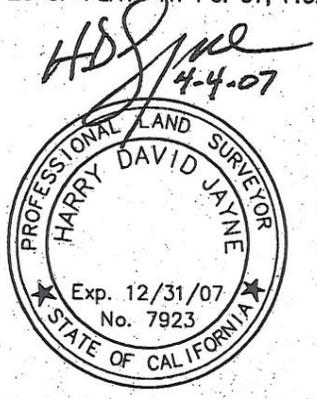
DESIGNATES AREA FOR WELL SITE ADDITION  
7,184 SQUARE FEET

P.O.B. POINT OF BEGINNING

F.C.R. FRESNO COUNTY RECORDS

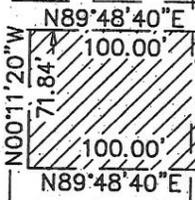
APN: 313-040-15

( ) RECORD DATA PER TRACT NO. 1612, RECORDED IN BK. 20 OF PLATS AT PG. 37, F.C.R.



EXIST. 15' STORM DRAIN EASEMENT

16' PUBLIC UTILITIES & DRAINAGE EASEMENT (EAST)



15' EASEMENT FOR WATER MAIN & APPURTENANCES

EAST LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SEC. 10, T.14S., R.21E., M.D.B.&M.

SOUTHEAST COR. OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SEC. 10, T.14S., R.21E., M.D.B.&M.

SOUTH ARMSTRONG AVENUE

SOUTH TEMPERANCE AVENUE

EXIST. 15' STORM DRAIN EASEMENT

1320.10' 20' 40' N89°46'37"E 2640.20'

CENTER 1/4 COR. SEC. 10, T.14S., R.21E., M.D.B.&M.

**RECORD OWNER**  
LE ROY H. KRUM  
600 N. HAYES AVENUE  
FRESNO, CA. 93722

EAST 1/4 COR. SEC. 10, T.14S., R.21E., M.D.B.&M.

**YAMABE & HORN ENGINEERING, INC**

REF. & REV. T-5310 WJ NO. 4996 C-06-131 PLAT-2769	CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS	PROJ. ID _____ FUND NO. _____ ORG. NO. _____
	EXPANSION OF OFF-SITE WATER FACILITIES FOR TRACT No. 5310 P.S. NO. 135	DR. BY: JMB CH. BY: HDJ DATE: 04/04/2007 SCALE: 1:100'

SCALE 1"=100'