

AGENDA ITEM NO.	1C
COUNCIL MEETING	03/22/12
APPROVED BY	
	
DEPARTMENT DIRECTOR	
CITY MANAGER 	

March 22, 2012

**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:** A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO ADOPTING THE 45<sup>TH</sup> AMENDMENT TO THE ANNUAL APPROPRIATIONS RESOLUTION NO. 2011-133 APPROPRIATING \$14,500 IN DEVELOPER CONTRIBUTIONS FOR THE ACQUISITION OF RIGHT-OF-WAY FOR TRACT 5352 (PROPERTY LOCATED SOUTH OF SHAW AVENUE AND WEST OF BRYAN AVENUE IN COUNCIL DISTRICT 1)

## RECOMMENDATION

Staff recommends the Council adopt the 45<sup>th</sup> amendment to the Annual Appropriations Resolution No. 2011-133 appropriating \$14,500 in developer contributions for the acquisition of right-of-way for Tract 5352.

## EXECUTIVE SUMMARY

The subdivider for the final map of Tract No. 5352, the Pulte Group, has requested City assistance to acquire the necessary right-of-way from two adjacent property owners for the placement of two fire hydrants. The developer has attempted to acquire the necessary right-of-way unsuccessfully and is now agreeable to providing \$14,500 to fund the City staff costs as well as the value of the properties to be acquired. The acquisition of this right-of-way and dedication of the necessary easements are the only significant items of work remaining on the subdivision. Upon completion the developer's securities can be released and the tract accepted by the City. Staff recommends adoption of the resolution to allow staff to proceed with right-of-way acquisition so as to enable the developer to complete their obligations associated with Tract 5352.

## BACKGROUND

Tract 5352 is a subdivision of homes constructed by Centex Homes just south of Shaw Avenue and west of North Bryan Avenue, west of Freeway 99. In 2007 after the builder had built out the subdivision and had installed its infrastructure, it was discovered that two fire hydrants had been installed by the developer on two separate neighboring private properties. Each fire hydrant area required approximately 40 square feet. Initially, the Centex representative attempted to acquire the sites, but was unsuccessful. The representative conferred with the City of Fresno Real Estate Section for advice. Shortly thereafter the representative left the company and to compound the situation, Centex was purchased by the Pulte Group. Recently the Pulte

Group returned to the City and asked for City assistance in acquiring the two easements. Staff determined that a budget of \$14,500 would be adequate to complete the necessary activities. Staff is already familiar with both properties and one of the two property owners. Approving and accepting these funds will allow City staff to acquire the two small fire hydrant easements in the name of the City of Fresno and will allow for completion and acceptance of the subdivision by the City.

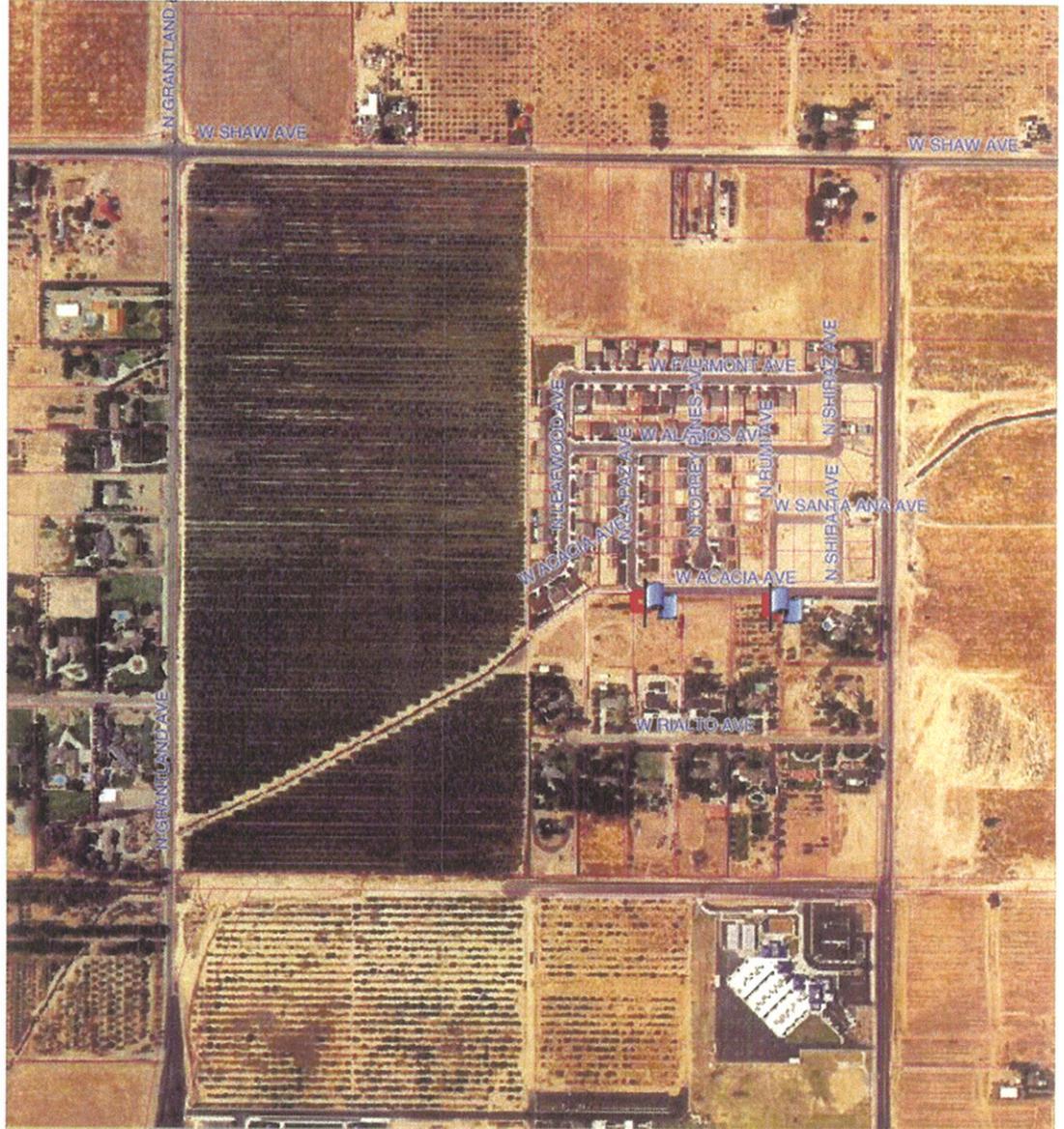
The acquisition of these easements is not considered a project for purposes of the California Environmental Quality Act (CEQA) because no improvements will be constructed and there is no possibility of any physical change to the environment. The CEQA findings associated with the tentative map approval were adopted by the Planning Commission with the original entitlements.

#### **FISCAL IMPACT**

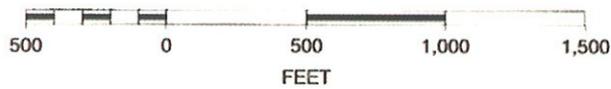
There will be no impact to the General Fund as a result of the recommended action. The developer has delivered an amount requested by the City of Fresno to cover any and all costs, including legal fees and contingency overruns.

# City of Fresno

-  User Drawn Redlines
-  Parcels
-  Parcels
-  Aerials
-  City Limits
-  Fresno County



SCALE 1 : 7,710



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO ADOPTING THE 45<sup>th</sup> AMENDMENT TO THE ANNUAL APPROPRIATION RESOLUTION NO. 2011-133 APPROPRIATING \$14,500 IN DEVELOPER CONTRIBUTIONS FOR THE ACQUISITION OF RIGHT-OF-WAY FOR TRACT 5352

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FRESNO:

THAT PART III of the Annual Appropriation Resolution No. 2011-133 be and is hereby amended as follows:

	<u>Increase/(Decrease)</u>
TO: PUBLIC WORKS DEPARTMENT	
RW Acquisition - Tract 5352	\$ 14,500

THAT account titles and numbers requiring adjustment by this Resolution are as follows:

R/W Acquisition - Tract 5352

Revenues:

Account: <b>34854</b> UGM Developer Contributions	\$ 14,500
Fund: <b>31648</b>	
Org Unit: <b>186010</b>	

Total Revenues	<u>\$ 14,500</u>
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Appropriations:

Account: <b>51101</b> Permanent Salaries	\$ 2,500
<b>51104</b> Perm Fringe-Health&Welfare	600
<b>57101</b> Land Acquisition	7,000
<b>59102</b> City Attorney Charges	800
<b>59117</b> Overhead	<u>3,600</u>

Fund: **31648**  
Org Unit: **186010**  
Project ID: **PW00658**

Total Appropriations	<u>\$ 14,500</u>
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THAT the purpose is to appropriate \$14,500 in developer contributions for the acquisition of right-of-way for Tract 5352.

**CLERK'S CERTIFICATION**

STATE OF CALIFORNIA }  
COUNTY OF FRESNO } ss.  
CITY OF FRESNO }

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing Resolution was adopted by the Council of the City of Fresno, California, at a regular meeting thereof, held on the \_\_\_\_\_ Day of \_\_\_\_\_, 2012

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

Mayor Approval: \_\_\_\_\_, 2012  
Mayor Approval/No Return: \_\_\_\_\_, 2012  
Mayor Veto: \_\_\_\_\_, 2012  
Council Override Veto: \_\_\_\_\_, 2012

\_\_\_\_\_  
YVONNE SPENCE, CMC  
City Clerk