

AGENDA ITEM NO. 1 D  
COUNCIL MEETING 3-31-2011

APPROVED BY



DEPARTMENT DIRECTOR

CITY MANAGER

March 31, 2011

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 

SUBJECT: APPROVE A PARTIAL ACQUISITION OF ONE PARCEL FROM PROPERTY OWNED BY LILY L. CHUNG AND WALTER M. GEE AND WAI YIU GEE FOR THE WIDENING OF PEACH AVENUE TO A FOUR-LANE DIVIDED ARTERIAL FROM BELMONT AVENUE TO KINGS CANYON ROAD (PROPERTY LOCATED IN DISTRICT 5)

## RECOMMENDATIONS

Staff recommends that the Council approve the partial acquisition of one public utility easement, from one parcel (see Exhibit A) that is necessary for the widening of Peach Avenue to four lanes between Belmont Avenue and Kings Canyon Road from property owners Lily L. Chung and Walter M. Gee and Wai Yiu Gee at 5171 East Kings Canyon (APN 463-050-28), and accept the donation of an utility easement in exchange for an ADA ramp and that Council authorize the Public Works Director or his designee to sign all documents necessary to complete the transaction.

## EXECUTIVE SUMMARY

The project will construct the widening of Peach Avenue to a four-lane divided arterial with a landscaped median island from Belmont Avenue to Kings Canyon Road. The current tentative project schedule will be to complete design by end of the first quarter of 2011, complete right-of-way acquisition and associated relocations by summer 2011, underground PG&E and other overhead utilities by late 2012 and construct the street improvements from 2013 and into 2014. The property at 5171 East Kings Canyon is one of 45 partial or full acquisitions that will be required for the widening project. The property owner has elected to donate the utility easement in exchange for an ADA ramp. Once the Peach Avenue Widening Project is completed and accepted from the contractor, the Seller or its successor will be responsible for the care, liability and maintenance of the ramp. This is one of two additional acquisitions as the result of PG&E relocation and construction of switchboxes. This parcel had been scheduled for a Resolution of Necessity on February 17, 2011, but staff made a last minute trip to San Francisco and Hayward to negotiate this transaction, thus cancelling the Resolution of Necessity.

## REPORT TO THE CITY COUNCIL

Approve One Partial Acquisition Peach Avenue – Chung and Gee

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### **BACKGROUND**

The project will necessitate the complete or partial acquisition of approximately 45 parcels and this is one of the 45 parcels. The improvement of Peach Avenue to a four-lane divided arterial standard between Belmont Avenue and Kings Canyon Road has long been a goal of the City of Fresno. The proposed project consists of widening Peach Avenue from a two-lane to a four-lane arterial roadway between Kings Canyon Road and Belmont Avenue, including a landscaped median island and traffic signal improvements. An environmental assessment was completed and a Mitigated Negative Declaration prepared for the Peach Avenue Widening Project between Belmont Avenue and Kings Canyon Road. The Mitigated Negative Declaration No. E200810000399 (“MND”) was adopted by the City Council on December 16, 2008, and a Notice of Determination was subsequently filed with the Fresno County Clerk’s office on January 9, 2009. The acquisition of public street and utility easements, including easements for this item, was included in the MND Project Description and was environmentally assessed in the initial study resulting in the finding of an MND. Therefore, all necessary environmental review required by CEQA has been completed for the acquisition of this public utility easement.

On June 1, 2009, the City and the Fresno County Transportation Authority (FCTA) entered into a Measure C Cooperative Project Agreement that authorized \$5,685,000 for right-of-way acquisition for the Peach Avenue Widening Project.

Upon the completion of the right-of-way acquisitions and associated relocations by summer 2011, the undergrounding of PG&E and other overhead utilities by late 2012 and construction of the street improvements from 2013 and into 2014.

The property at 5171 East Kings Canyon (APNs: 463-050-28) was appraised by Real Property Analysts, under the direction of Larry Hopper, MAI.

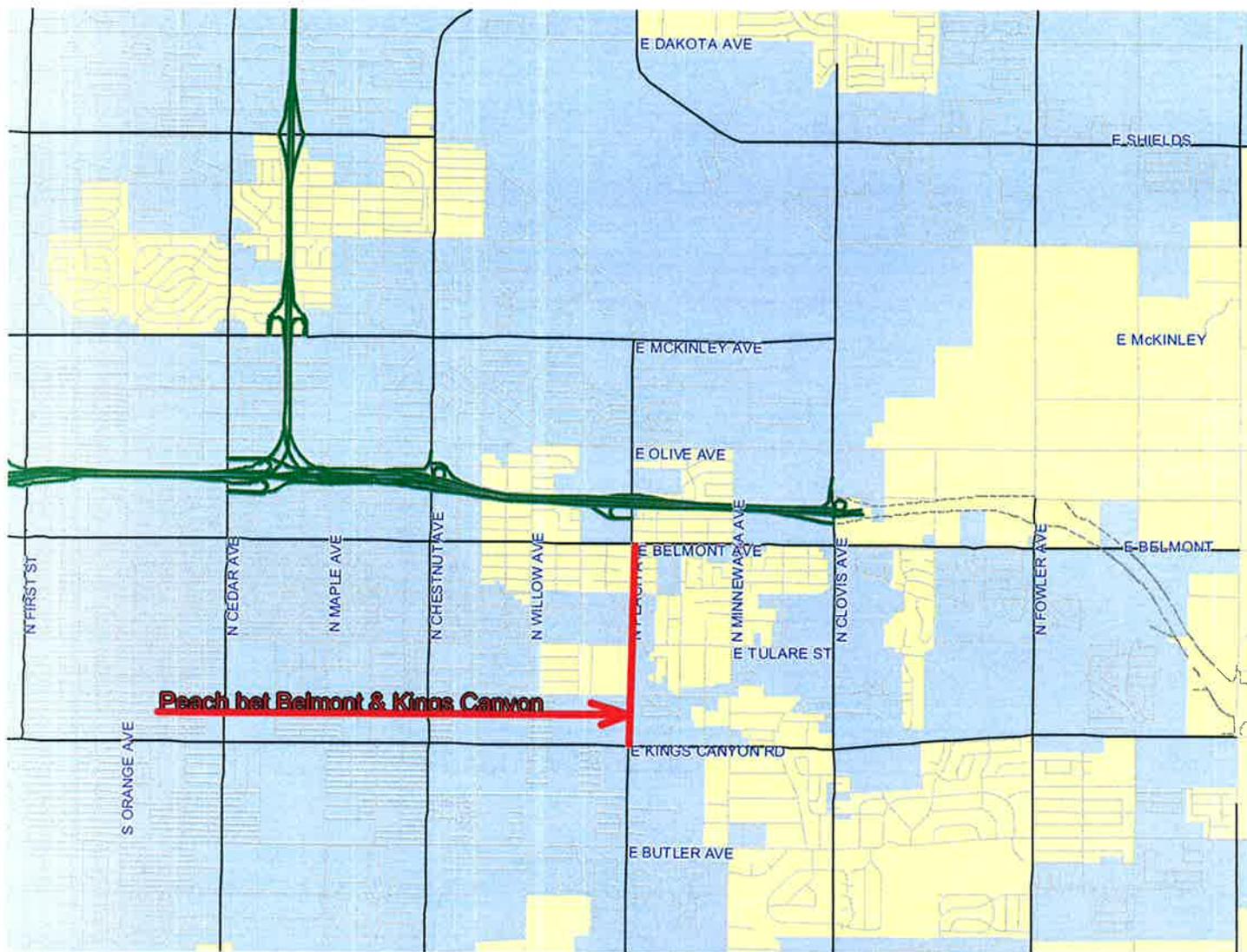
### **FISCAL IMPACT**

The project is funded by a combination of State TCRP grant funds and Measure “C” Tier 1 funds. There will be no General Fund dollars required to construct the project. Funds for this acquisition and the remaining acquisitions for the Peach Avenue Widening Project are funded by City of Fresno Project No. PW00212, Fund 22504, Org 189901, Cornerstone CP001.

PNW/SLM/PC/eam  
Apprv Partial Acq from Chung and Gee – Peach Ave Widening 3-31-2011

Attachment: Vicinity Map  
Exhibit “A”

# PEACH AVENUE VICINITY MAP



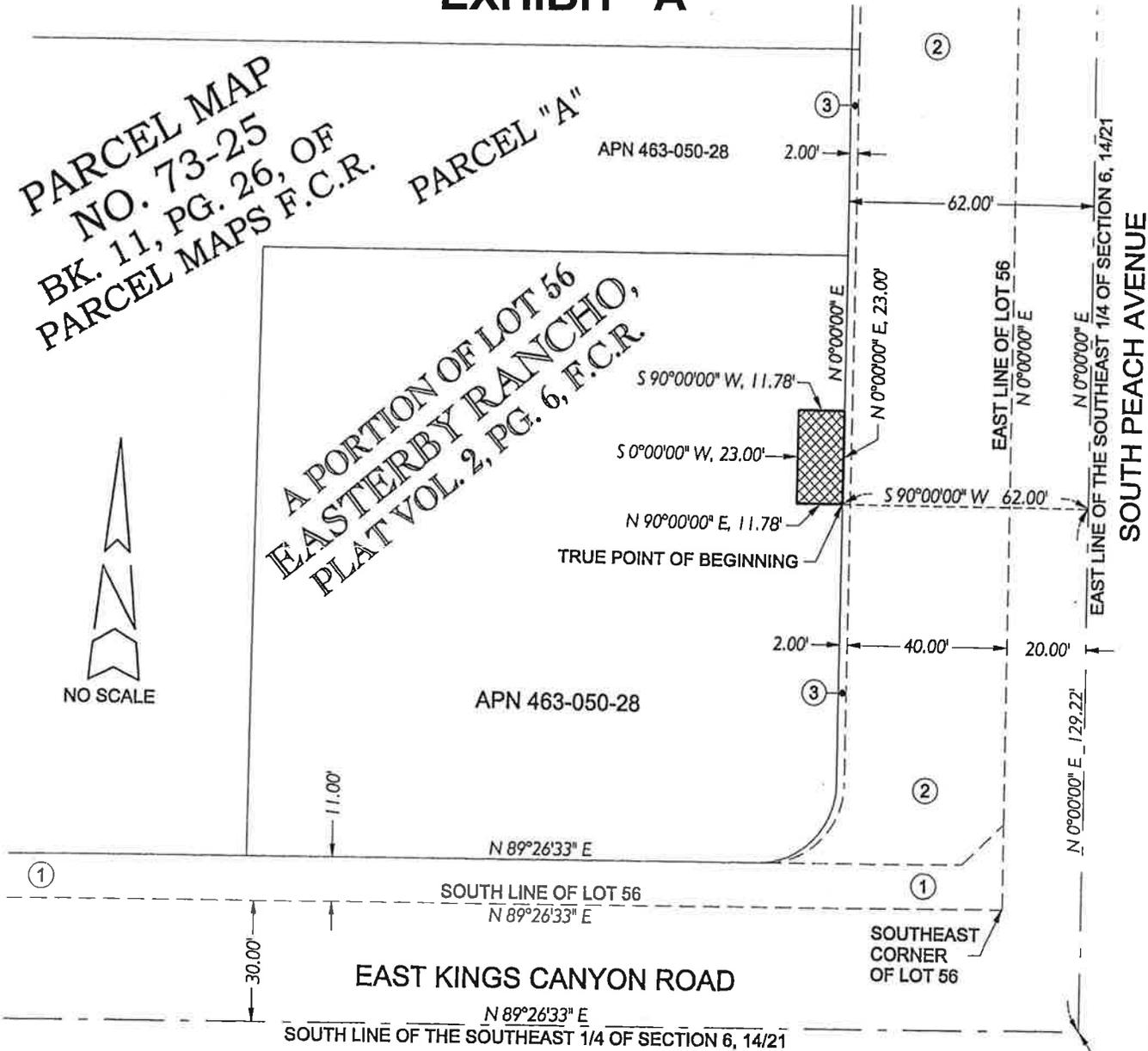
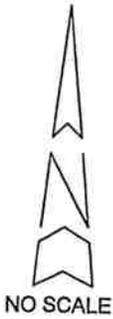
# EXHIBIT "A"

PARCEL MAP  
NO. 73-25  
BK. 11, PG. 26, OF  
PARCEL MAPS F.C.R.

PARCEL "A"

APN 463-050-28

A PORTION OF LOT 56  
EASTERBY RANCHO,  
PLAT VOL. 2, PG. 6, F.C.R.



- ① = PREVIOUSLY ACQUIRED BY THE STATE OF CALIFORNIA BY A GRANT DEED RECORDED 4/25/1968 IN BOOK 5562, PAGE 746, O.R.F.C.
- ② = PREVIOUSLY ACQUIRED BY THE COUNTY OF FRESNO BY A GRANT DEED RECORDED 8/27/1969 IN BOOK 5716, PAGE 79, O.R.F.C.
- ③ = PREVIOUSLY DEDICATED FOR PUBLIC STREET PURPOSES BY A DEED OF EASEMENT RECORDED 6/10/1974 IN BOOK 6310, PAGE 409, O.R.F.C.

INDICATES AREA TO BE DEDICATED  
271 S.F. ±



POINT OF COMMENCEMENT  
SOUTHEAST CORNER  
OF SECTION 6, 14/21

REF. & REV. 2010-108 PWF 10343 PLAT 2663	<b>CITY OF FRESNO</b> DEPARTMENT OF PUBLIC WORKS		PROJ. ID. <u>PW00212</u>	CO# <u>CP001</u>
	PARCEL TO BE DEDICATED TO THE CITY OF FRESNO AS AN EASEMENT AND RIGHT-OF-WAY FOR PUBLIC UTILITY PURPOSES		FUND NO. <u>22504</u>	RES TYPE <u>          </u>
ORG. NO. <u>189901</u>				
		DR. BY <u>AJ.</u>	SHEET NO. <u>1</u>	
		CH. BY <u>H.B.</u>	OF <u>1</u> SHEETS	
		DATE <u>NOV. 24, 2010</u>	<b>15-A-8762</b>	
		SCALE <u>NO SCALE</u>		