

AGENDA ITEM NO.

COUNCIL MEETING 6-19-07

APPROVED BY _____

DEPARTMENT DIRECTOR _____

CITY MANAGER _____

June 19, 2007

FROM: JON RUIZ, Interim Director
Public Works Department

RANDALL COOPER, Director *RC*
Parks, Recreation and Community Services Department

BY: SCOTT L. MOZIER, PE, Assistant Director
Public Works Department, Engineering Division *SM*

JERRY HAYNES, Assistant Director *JH*
Parks, Recreation and Community Services Department

SUBJECT: APPROVE THE ACQUISITION OF EXCESS PROPERTY FROM THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION TO CONSTRUCT A PARK EAST OF CHESTNUT AVENUE AND SOUTH OF FREEWAY 180 IN COUNCIL DISTRICT 7

KEY RESULT AREA

Customer Satisfaction

RECOMMENDATIONS

1. Staff recommends that the City Council approve the acquisition of 2.66 acres of excess property owned by State of California Department of Transportation.
2. Authorize the Public Works Director to accept the Directors Deed from property owned by State of California Department of Transportation and to execute the Offer of Purchase Agreement, to deposit Forty-Thousand dollars (\$40,000.00), to execute the Resolution of Use and Acceptance and complete the acquisition through escrow.

EXECUTIVE SUMMARY

The acquisition of the 2.66 excess acres will allow the City to develop a park in the southeast portion of Council District 7. It is expected that 100 percent of the cost to fund the acquisition of the property will come from the Parks, Recreation and Community Services (PRCS) Department. The value of the excess acreage was established by an in-house real estate appraiser for Department of Transportation. The appraisal was completed on April 16, 2007, for a value of \$404,000.00.

REPORT TO THE CITY COUNCIL

Approve Acquisition of Excess Property at Chestnut/Freeway 180

June 19, 2007

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KEY OBJECTIVE BALANCE

The Key Objective of Customer Satisfaction will be accomplished by providing a park in an area of the City of Fresno which is in great need of green space. Financial Management will be realized by the acquisition of the property at a funding level that is based on the appraised value of the property.

BACKGROUND

The City of Fresno 2025 General Plan includes the Parks Master Plan and provides for a minimum of 3.0 acres per 1,000 people park land standard. The City of Fresno has not yet reached that standard. According to a needs analysis performed in 2005 by The Trust for Public Land, Council District 7 citizens access to public parks and open space is significantly less than most other areas of the city. There is a great need for more parks.

In December 2006 the City Council approved and authorized a Reimbursement Resolution providing funds to selected projects. Land Banking is one of the projects on that approved list. These funds allow PRCS to acquire land and structures that can be developed into parks, community centers and other amenities.

The acquisition of the 2.66 excess acres will allow the City to develop a park in the southeast portion of Council District 7. The value of the excess acreage was established by an in-house real estate appraiser for Department of Transportation.

The attached Directors Deed (Exhibit A) depicts the 2.66 acres of excess land that is being offered for sale. The appraised value of the land is \$404,000.00. A deposit of \$40,000.00 is required along with the executed Offer of Purchase Agreement (Exhibit B) by June 29, 2007, with the balance of the purchase price due on September 27, 2007. A Resolution of Public Use and Acceptance is also required prior to the approval of the sale of this land by the California Transportation Commission (CTC) shown on (Exhibit C). With City Council approval, the deposit (\$40,000.00) payment will be made to the State of California, the Offer to Purchase Agreement will be executed along with the Resolution of Public Use and Acceptance and the final payment to be completed by September 27, 2007 (\$364,000.000).

FISCAL IMPACT

In December 2006, the City Council approved and authorized a Reimbursement Resolution that identified \$4,000,000 for Land Banking. These funds will be used for the acquisition of the park (Project No. PC00046, Fund 179901, ORG 30136 and KRA 0103003000).

JRR/RC/SLM/JH/PC/eam
Apprv Acq Chestnut-Fwy 180 for Park Site 6-19-07

Attachment: Exhibits "A" and "B"
Resolution

EXHIBIT "A"

Drawn By: DCF Date: 02-06-07
 Checked By: DCF Date: 02-06-07

N 2159705.222'
 E 6345952.978'
 W 1/4 SEC 31 13/21

Found monument in well with four (2' spreaders nail and shiner) NW, NE SE, SW

DIST.	COUNTY	ROUTE	POST MILE	SHEET NO.	TOTAL SHEETS
6	Fre	180	60.92	2	3

T.13 S., R.21 E., M.D.B.& M.
 SECTION 31

STATE

ROUTE

E. Harvey Ave. 180

CITY

N89°26'14"W 483.55'

BELMONT



R.20 E.
 R.21 E.

1346.31'

S00°35'05"W

Section Line

N. Chestnut Ave.

N00°34'14"E 33.56'

N48°37'49"E 60.39'

Right of Way

1" Iron Pipe w/ Caltrans Tag (Typical)

S89°24'55"E 105.98'

N00°34'46"E 29.85'

OF

Lot 1

N02°00'42"E 161.13'

Right of Way

STATE OWNED

BLOCK 4

STATE OWNED

Lot 2

Lot 3

DD 78110-01-01
 115,993 Square Feet
 2.66 Acres

FRESNO

GARDENS

N89°26'14"W 483.84'

DD 78110-01-01

DIRECTOR'S DEED MAP
 Scale 1"=50' February, 2007

This survey is based on the California Coordinate System of 1983, Zone 4. Units are in feet. Bearings and distances are in grid. Multiply by 1.00006724 to convert to ground distances.

Area is in ground.

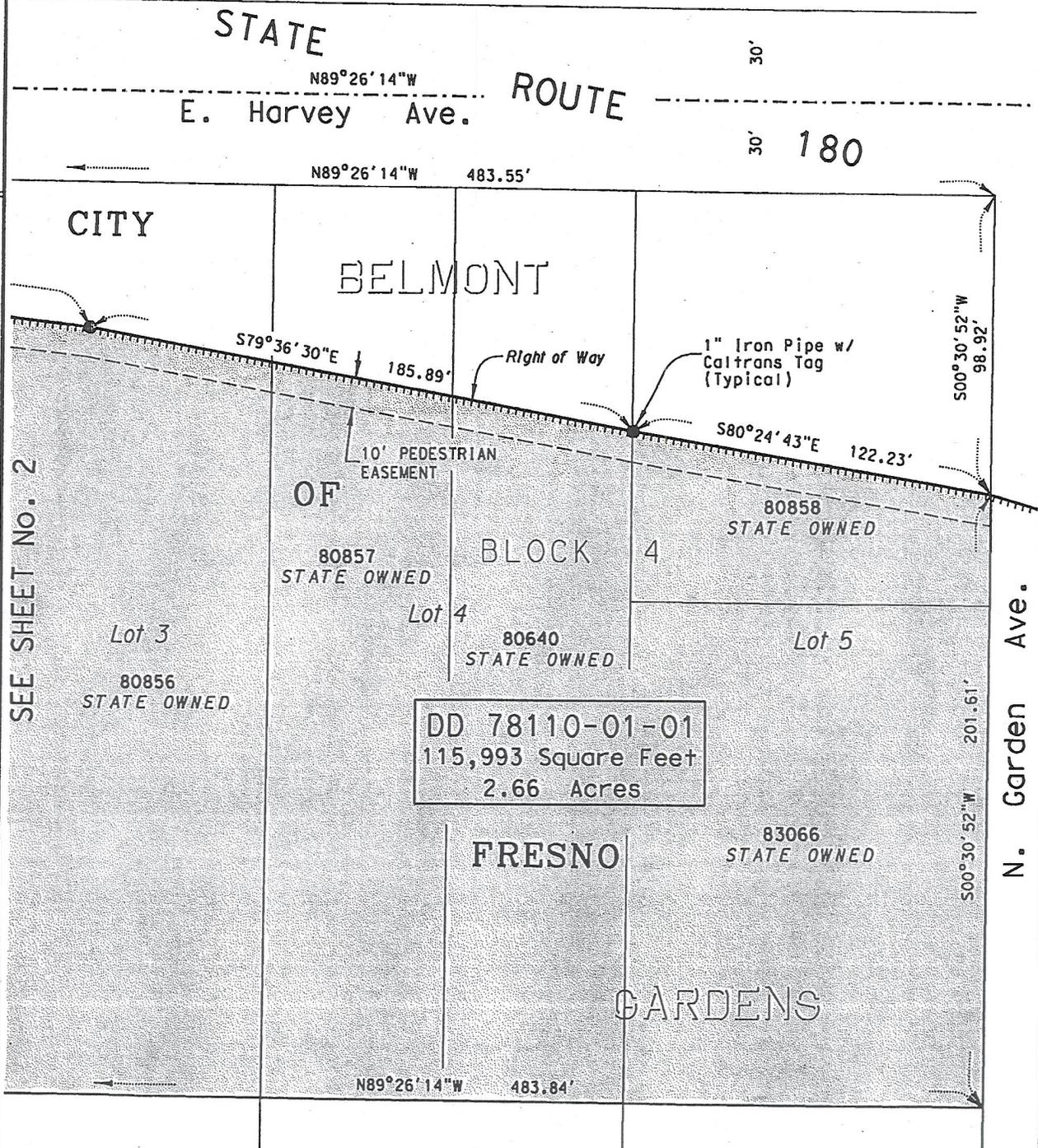
SEE SHEET NO. 3

EXHIBIT "A"

Drawn By: DCF
 Checked By: DCF
 Date: 02-06-07
 Date: 02-06-07

T.13 S., R.21 E., M.D.B.& M.
 SECTION 31

DIST.	COUNTY	ROUTE	POST MILE	SHEET NO.	TOTAL SHEETS
6	Fre	180	60.92	3	3



SEE SHEET No. 2

DD 78110-01-01
 115,993 Square Feet
 2.66 Acres

DD 78110-01-01

DIRECTOR'S DEED MAP
 Scale 1"=50' February, 2007

This survey is based on the California Coordinate System of 1983, Zone 4. Units are in feet. Bearings and distances are in grid. Multiply by 1.00006724 to convert to ground distances. Area is in ground.

EXHIBIT "B"

DATE: 05/1/07

OFFER TO PURCHASE

DD # 78110-01-01

I (We), the undersigned (Offeror), hereby offer to purchase the property described in the attached Director's Deed DD # 78110-01-01 as delineated on the map(s) attached for the sum of: Four hundred four thousand Dollars (\$ 404,000.00).

Enclosed herewith, in the form of a cashier's check, is a deposit for Forty thousand Dollars (\$ 40,000.00) made payable to the Department of Transportation.

If the signed OFFER TO PURCHASE, deposit check and executed Resolution of Public Use and Acceptance are not received in the Department's office by June 29, 2007 this offer is no longer valid.

The Offeror (s) hereby agree(s) to submit the balance of Three hundred sixty-four thousand Dollars (\$364,000.00) on or before September 27, 2007 in the form of a cashier's check made payable to the Department of Transportation.

Offeror(s) and State agree that if any Offeror fails to complete this purchase for any reason: (1) State shall be released from obligation to sell the property to the remaining Offeror(s), if any; (2) State shall retain, as liquidated damages for breach of contract, the deposit actually paid; (3) State retains the right to proceed against Offeror for specific performance or any other claim or remedy State may have in law or equity, other than breach of contract damages.

The Offeror(s) agree(s) that his offer to purchase vests no right, title interest or equity, including the right of possession, in or to said real property until the sale has been approved in the manner provided by law and a Director's Deed has been executed, recorded and delivered to the undersigned.

This sale is subject to the approval of the California Transportation Commission. If the sale is not approved, the deposit money shall be refunded without interest.

The Department of Transportation reserves the right to reject this offer any time prior to the approval of the sale by the California Transportation Commission. In the event of rejection of this offer, the deposit(s) money shall be refunded without interest.

It is understood that the right, title and interest in the property to be conveyed shall not exceed that vested in the State of California and that no Policy of Title Insurance will be furnished or escrow fees paid by the State in this transaction.

The Offeror(s) agree(s) to pay any and all recording fees and documentary stamp tax chargeable by the County Recorder.

The Offeror(s) acknowledges that title to this property shall be conveyed subject to special assessments, if any, restrictions, reservations and easements of record.

This agreement is not assignable in whole or in part, either by operation of law or otherwise, without the prior written consent of the State.

EXHIBIT "B"

DATE: 05/1/07

OFFER TO PURCHASE

DD # 78110-01-01

It is understood that if the Offeror(s) desire a survey of the property, this may be accomplished by an independent survey at the Offeror(s) expense. No warranty is made by the State relative to the ground locations of property lines other than monumented highway right of way lines.

The Offeror(s) assumes all responsibility for complying with local development standards, codes, and ordinances for any use or development. All properties are sold in an "as is" condition. The State makes no warranty or representation that any property being offered is developable or that the local jurisdiction will permit development.

All notices or payments shall be made in writing and addressed as follows:

To Offeror(s), Name _____

Address _____

Signature of Offeror Date

Signature of Offeror Date

Telephone No. _____

Telephone No. _____

EXHIBIT "B"

DATE: 05/1/07

OFFER TO PURCHASE

DD # 78110-01-01

(COMPLETE THE TITLE VESTING INFORMATION BELOW)

The undersigned Offeror(s) request that the property vests as follows:

(PLEASE PRINT NAME/TITLE BELOW)

(PLEASE INDICATE TYPE OF VESTING BELOW)

- | | |
|--|---|
| <input type="checkbox"/> Husband and Wife | <input type="checkbox"/> As Joint Tenants |
| <input type="checkbox"/> A Single (man) (woman) | <input type="checkbox"/> As Tenants In Common |
| <input type="checkbox"/> A Married (man) (woman) | <input type="checkbox"/> As (his) (her) Sole
and Separate Property |
| <input type="checkbox"/> An Unmarried (man (woman) | <input type="checkbox"/> Other (specify below) |
-
-

Mail documents and payments to: Department of Transportation
Attention Autumn Newland-Zetz
855 M Street, Suite 200
Fresno, California 93721.

ACCEPTANCE

The terms and conditions of the above offer are hereby accepted subject to the approval of the California Transportation Commission.

James Gonzalez
Excess Land Manager
Department of Transportation

Date Signed

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO,
CALIFORNIA CERTIFYING PUBLIC USES UPON
ACCEPTANCE OF SURPLUS CALIFORNIA DEPARTMENT OF
TRANSPORTATION PROPERTIES

WHEREAS, the California Department of Transportation (Caltrans) has issued an offer to sell surplus state property to the City of Fresno property described in Director's Deed DD# 78110-01-01 as delineated on the map(s) attached hereto, totaling 2.66 net acres of [vacant] land ("Property"); and

WHEREAS, procedures established by Caltrans require that the City's governing body certify by resolution City's intended public use of the property upon Council approved acceptance of the Property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRESNO THAT:

1. Upon Council approval of Property acquisition, the Property will be used for and restricted to [public parks and recreation purposes and uses] (the "Public Use") consistent with any and all applicable funding source requirements, subject to constitutional and local law requirements; and
2. City's acceptance of the Property will be for the above Public Use; and
3. Nothing herein binds the City to make any expenditure, incur any indebtedness, or proceed with the Property acquisition; and
4. The Director of Public Works and designee(s) thereof and each of them, as agents for the City of Fresno are hereby authorized to execute and submit any and all documents required hereunder, subject to prior approval as to form by the City Attorney's Office.

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