

AGENDA ITEM NO. 1 L
COUNCIL MEETING May 6, 2010

May 6, 2010

APPROVED BY

DEPARTMENT DIRECTOR

FROM: PATRICK N. WIEMILLER, Director
Public Works Department

BY: SCOTT L. MOZIER, PE, City Engineer/Assistant Director
Public Works Department, Engineering Division



SUBJECT: APPROVE ONE FULL ACQUISITION FROM PROPERTY OWNED BY STEPHEN AND MARY GALVAN FOR THE PEACH AVENUE WIDENING PROJECT BETWEEN BELMONT AND KINGS CANYON ROAD (COUNCIL DISTRICT 5)

RECOMMENDATIONS

1. Staff recommends that the City Council approve the acquisition of one full acquisition from property owned by Stephen and Mary Galvan.
2. Authorize the Public Works Director or his designee to accept the Grant deed from property owned by Stephen and Mary Galvan and to execute the Agreement for Purchase and Sale of Real Property and complete the acquisition.

EXECUTIVE SUMMARY

Peach Avenue between Belmont Avenue to Kings Canyon Road is designated as scenic arterial street in the 2025 Fresno General Plan and its Master Environmental Impact Report (MEIR) certified in 2002, is planned to be improved from existing two lane major street to a four-lane divided major street. The project proposes to expand Peach Avenue between Belmont Avenue to Kings Canyon to a four lane road with landscaped median islands, new curbs, gutters and sidewalks. Intersections will be widened to accommodate bus bay/acceleration lanes, turn lanes, new curb returns with ADA curb ramps and bicycle lanes.

The value of the acquisition was established by an independent, professional appraiser and negotiations to acquire the parcel were initiated on February 22, 2010. The appraised value of the parcel is \$227,600. The owners have signed the appropriate documents to provide the additional street right-of-ways depicted on Assessor's Parcel Maps attached as Exhibit "A". The property owners have agreed to the City's acquisition for the negotiated total amount of \$227,600. The owners have signed the Agreement for Purchase and Sale and the Grant Deed. With City Council approval of this acquisition, the transaction will be processed and completed. The project will necessitate the complete and partial acquisition of approximately 42 parcels.

BACKGROUND

The improvement of Peach Avenue to a four-lane divided arterial between Belmont Avenue and Kings Canyon Road has long been a goal of the City of Fresno. The 1974 General Plan, 1984 General Plan and 2025 General Plan (year 2002) all have depicted Peach Avenue as a planned four-lane arterial roadway. The proposed project consists of widening Peach Avenue

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Approve Acquisition of Property Owned by Galvan

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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. The project will necessitate the complete and partial acquisition of approximately 42 parcels.

On July 17, 2001, the Council accepted State Master Agreement No. 06-000060 for State-funded projects, including street improvements along Peach Avenue between Butler and Belmont Avenues as funded by the Governor's Traffic Congestion Relief Program (TCRP). The City, designated as the implementing agency for this project, received a \$10,000,000 TCRP grant, to improve traffic operations and circulation along Peach Avenue between Butler and Belmont Avenues. The City was authorized to proceed with \$600,000 in environmental and engineering design work, with the remaining \$9.4 million for right-of-way and construction to be authorized by the State at a future date when the environmental CEQA process had been completed. The project was initially suspended at the beginning of 2003 in response to the State's fiscal crisis pending future funds becoming available. Project sponsors were advised that the State could not guarantee payment of invoices for any activity on the project and advised local agencies that the TCRP was being suspended. The environmental document was not complete at the time of project suspension. The Public Works Department resumed design and environmental efforts when the State informed local agencies that funding for reimbursement was secure.

On June 1, 2009, the City and 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 completion of right-of-way acquisition and the associated relocations in late 2010 through early 2011, followed by PG&E undergrounding of overhead utilities in late 2011, the City would then be able proceed to construction in 2012, with the completed four-lane road open to traffic in 2013.

The documents signed by the property owners have been approved as to form by the City Attorney's office. An environmental assessment was completed and a Mitigated Negative Declaration prepared for the Peach Avenue widening project between Belmont and Kings Canyon. 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 5, 2009. The acquisition of public street easements, including the 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 have been completed for the acquisition of this public street easement.

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 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 Full Acq From Prop Owned by Galvan – Peach Av Widening 5-6-2010

Attachment: Vicinity Map
Exhibit "A"

PEACH AVENUE VICINITY MAP

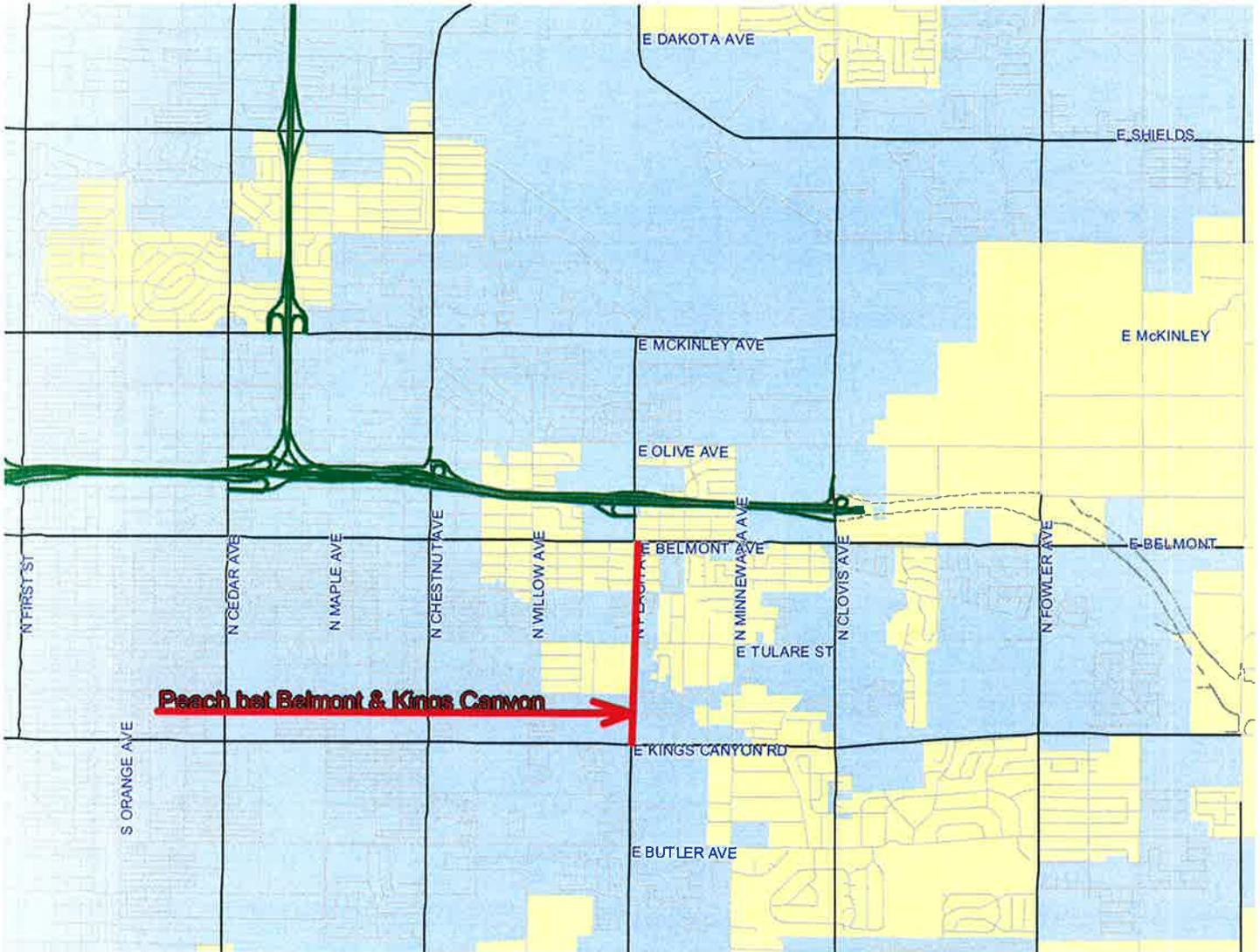


EXHIBIT "A"

APN 462-084-11
Grant Deed

The north 85 feet of that portion of Lot 9 of Easterby Rancho, according to the map thereof recorded in Volume 2 of Plats at Page 6, Fresno County Records, in the County of Fresno, State of California, described as follows:

BEGINNING at the southeast corner of Lot 11 of Easterby Garden Acres, according to the map thereof recorded in Volume 12 of Plats at Page 71, Fresno County Records; thence westerly, along the south line of Lots 11 and 12 of said Easterby Garden Acres, a distance of 220.00 feet; thence southerly, parallel with the east line of said Lot 9, a distance of 205.00 feet; thence easterly, parallel with said south line of Lots 11 and 12 of said Easterby Garden Acres, a distance of 220.00 feet; thence northerly, along the west right-of-way line of that portion of South Peach Avenue previously dedicated for public road purposes by the map of said Easterby Garden Acres, parallel with and 10.00 feet west of the east line of said Lot 9, a distance of 205.00 feet to the POINT OF BEGINNING.

Contains an area of 18,700 square feet, or 0.429 acres, more or less.



2009-072G
Plat 2563
PWF 10343
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