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| AGENDA ITEM NO.  | 10       |
| COUNCIL MEETING  | 5/9/2013 |
| APPROVED BY  |          |
|               |          |
| DEPARTMENT DIRECTOR  |          |
| CITY MANAGER  |          |

May 9, 2013

**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:** APPROVE THE ACQUISITION OF AN EASEMENT FROM A PORTION OF ONE PARCEL (APN 447-031-70) OF PROPERTY OWNED BY FRESH & EASY PROPERTY COMPANY LLC, A DELAWARE LIMITED LIABILITY COMPANY, FOR THE CONSTRUCTION OF A PEDESTRIAN EASEMENT ON THE EAST SIDE OF CEDAR AVENUE, SOUTH OF SHIELDS AVENUE (PROJECT LOCATED IN COUNCIL DISTRICT NO. 7)

### RECOMMENDATION

Approve the acquisition of an easement from a portion of one parcel (APN 447-031-70) of property owned by Fresh & Easy Property Company LLC, in the amount of \$715 for the construction of a pedestrian easement on the east side of Cedar Avenue, south of Shields Avenue, and that Council authorize the Public Works Director, or his designee, to sign all documents necessary to complete the transaction.

### EXECUTIVE SUMMARY

In 2004, the Redevelopment Agency initiated a project to remove and replace sidewalks, curbs and gutters on Cedar Avenue, between Dayton and Princeton and on Shields Avenue, just east and west of Cedar Avenue. The intersection is within the Airport Redevelopment Plan Area. Decorative replacement sidewalk pavement was to be installed along with median island treatment, landscaping and irrigation. It was expected that all work could be done within existing public rights-of-way but the City requested that the intersection be upgraded to meet current standards. As a result, it became necessary to acquire easements on nine properties. The easement that is the subject of this report is owned by Fresh & Easy Property Company, LLC. The property owners have agreed to a value of \$715 for approximately 38 square feet of property.

### BACKGROUND

On February 4, 2004, the Redevelopment Agency and City Council adopted a joint resolution (Council Resolution 2004-50 and Agency Resolution 1646) making findings pursuant to State Redevelopment Law,

## REPORT TO THE CITY COUNCIL

Approve Partial Acquisition – Cedar and Shields Fresh & Easy APN 447-031-70

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Section 33445, that authorized the use of tax increment funds for the installation and construction of public improvements for the Cedar-Shields Streetscape Project.

The decision to upgrade the Cedar and Shields intersection by the Redevelopment Agency resulted in discussions with the City's Public Works staff about the project's scope. It was determined that the project presented an opportunity to improve the intersection to ultimate design standards. This would require both pedestrian and street easements on nine properties, primarily along the Cedar Avenue frontage.

The required easements are located at corners where traffic signals were upgraded and landscaping installed and behind existing driveways where sidewalks were installed to improve access for the disabled. The construction work was completed and Public Works staff has been working to conclude agreements with the owners. All owners received formal, written offers. The easements ranged in size from 8+ square feet to 150+ square feet. The professionally appraised value of the easements ranged from \$200 to \$6,000. The higher values were associated with prime corner locations.

The documents signed by the property owner have been approved as to form by the City Attorney's Office.

### **ENVIRONMENTAL FINDING**

A Categorical Exemption, Environmental Assessment No. EA-0404, dated June 18, 2004, was issued for the project by the Planning and Development Department.

### **FISCAL IMPACT**

There will be no General Fund dollars required to construct the project. Funds for this acquisition and the remaining acquisitions for the Cedar and Shields Streetscape Project are funded by City of Fresno Project No. PW00044, Fund 20102, Org 189901.

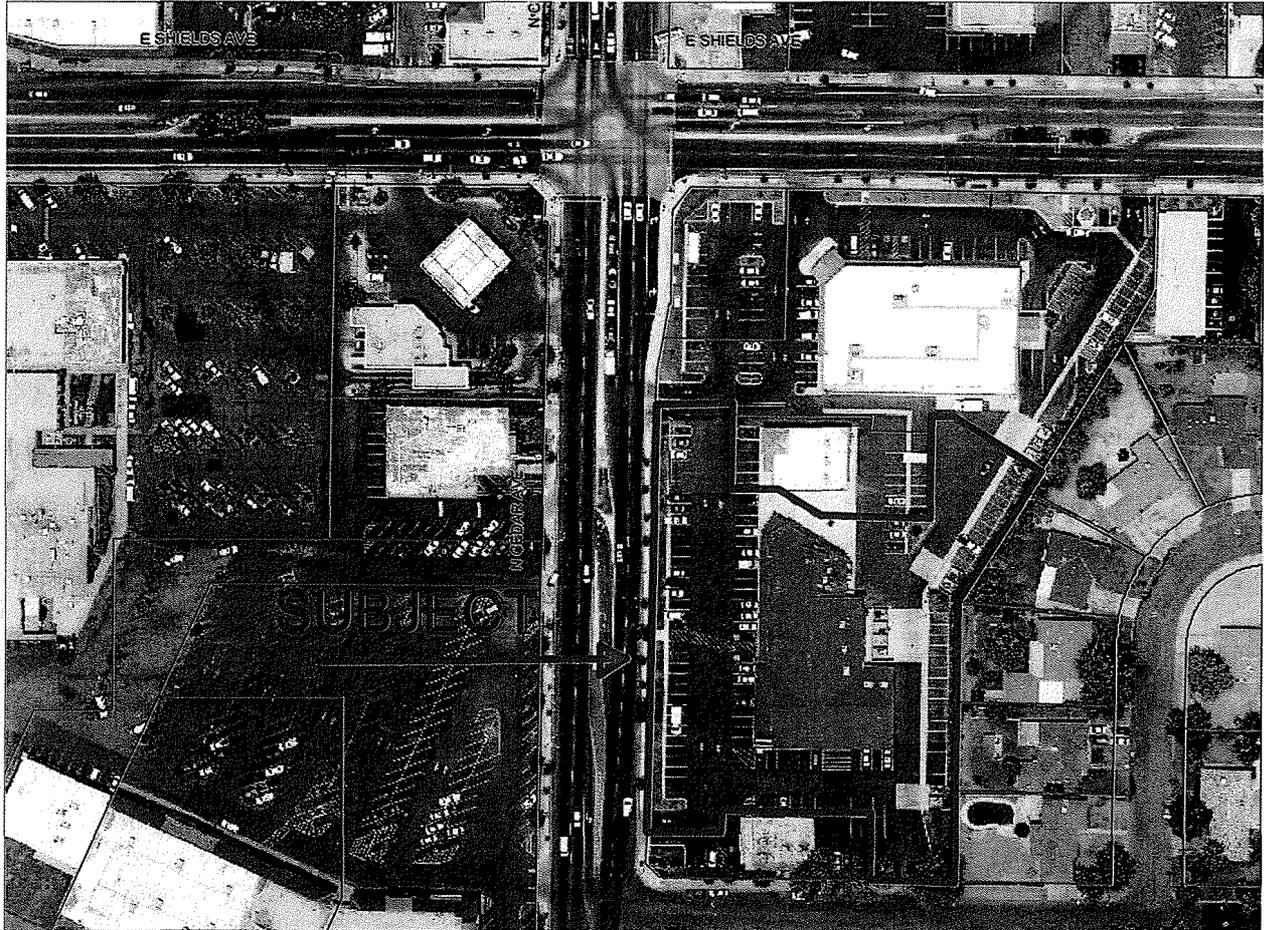
2013-05-09 Fresh & Easy Acquisition Cedar & Shields APN 477-031-70

Attachments:  
-Vicinity Map  
-Exhibit "A"

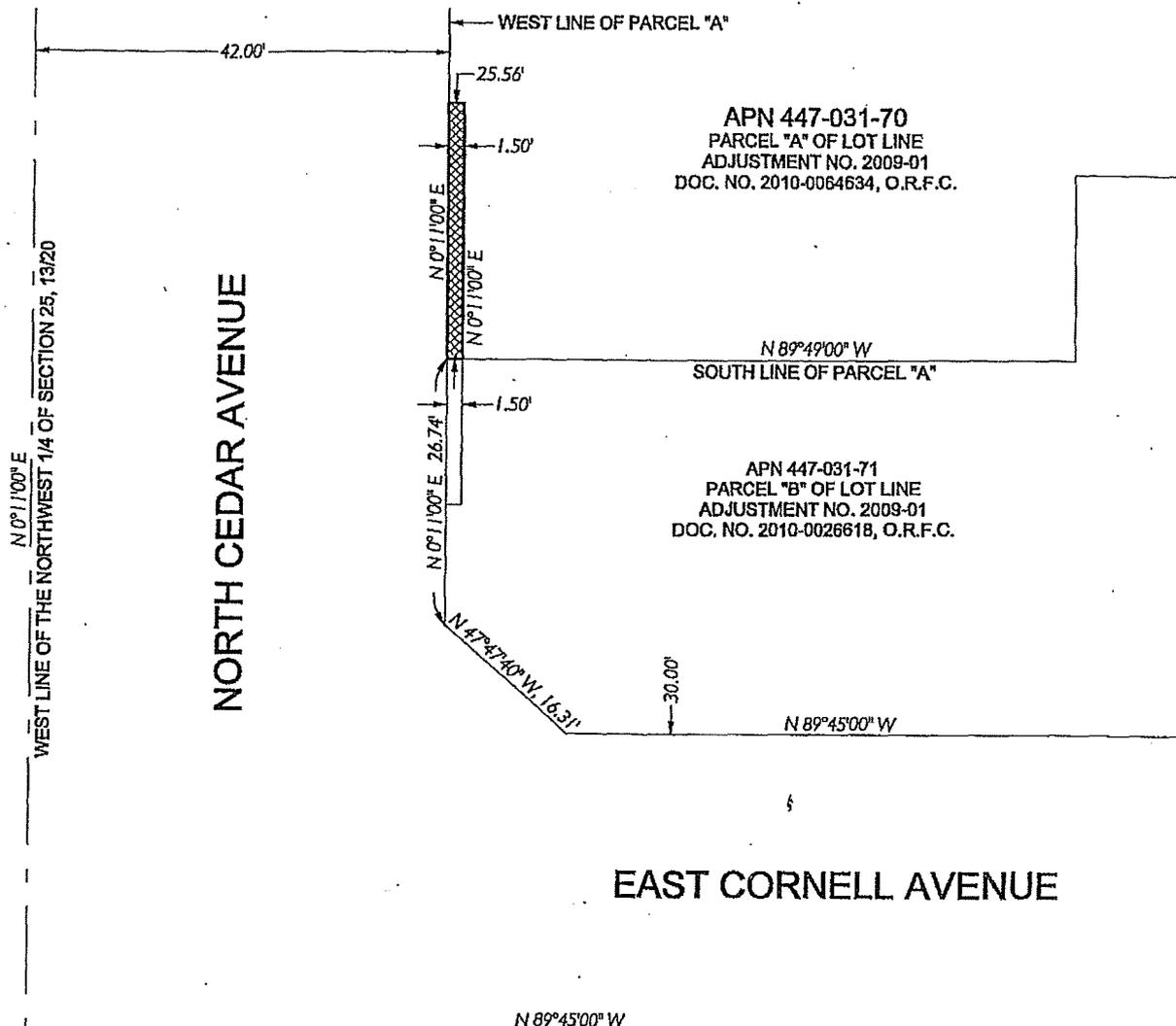
VICINITY MAP

FRESH & EASY

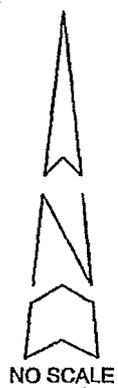
SEC CEDAR & SHIELDS – APN 447-031-70



# EXHIBIT "A"



2/22/12



 INDICATES AREA TO BE DEDICATED  
38 S.F. ±

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|---|---|---|
| REF. & REV.<br>2012-011<br>PWF 10667<br>PLAT 2160 | CITY OF FRESNO<br>DEPARTMENT OF PUBLIC WORKS  | PROJ. ID. P/W00044 CO SQ002<br>FUND NO. 30102 RES TYPE CDSHD<br>ORG. NO. 189901 |
|   | PARCEL TO BE DEDICATED TO THE CITY OF FRESNO<br>AS AN EASEMENT AND RIGHT-OF-WAY FOR<br>PUBLIC PEDESTRIAN WALKWAY PURPOSES | DR. BY A.J.<br>CH. BY R.A.W.<br>DATE FEB. 17, 2012<br>SCALE NO SCALE            |