County of Fresno

Hall of Records, Rm. 301
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Fresno, California
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Legislation Details (With Text)

File #:	18-1113	**Name:**	Right-of-Way - American Avenue - SR 99 to Temperance Avenue
		In control:	Public Works & Planning
On agenda:	10/23/2018	**Final action:**	10/23/2018
Enactment date:		**Enactment #:**	

Title: Accept the revised Easement Deed and authorize the Chairman to execute the revised Right-of-Way Contract required for the American Avenue - State Route 99 to Temperance Avenue Road Improvement Federal Project Nos. HPLUL 5942(171) and (172) for a total monetary consideration of $37,600

Sponsors:

Indexes:

Code sections:

Attachments: 1. Agenda Item, 2. Location Map, 3. Exhibit A, 4. Grant of Easement, 5. Right-of-Way Contract

Date	Ver.	Action By	Action	Result
10/23/2018	1	Board of Supervisors	Conducted Hearings	Pass

DATE: October 23, 2018

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: Right-of-Way Acquisition for the American Avenue - SR 99 to Temperance Avenue Road Improvement Project - Federal Project No. HPLUL 5942(171) and (172)

RECOMMENDED ACTION(S):

Accept the revised Easement Deed and authorize the Chairman to execute the revised Right-of-Way Contract required for the American Avenue - State Route 99 to Temperance Avenue Road Improvement Federal Project Nos. HPLUL 5942(171) and (172) for a total monetary consideration of $37,600.

Approval of the recommended action will revise the Easement Deed and Right-of-Way Contract for the purchase of additional right-of-way on American Avenue at a cost of $37,600, as shown on Exhibit A. This acquisition will facilitate the American Avenue - State Route (SR) 99 to Temperance Avenue Road Improvement Project. The original Easement Deed and Right-of-Way Contract was accepted and approved by the Board on July 11, 2017. However, Fidelity Title notified the Department of Public Works and Planning staff that the ownership vesting was incorrect. The revised Easement Deed and revised Right-of-Way Contract now correctly name G4 Enterprises as the grantor. The revised documents will replace the invalid Easement Deed and Right-of-Way Contract previously deposited in escrow. At the close of escrow, the revised Easement Deed will be recorded and the funds will be paid to the vested owner of record, G4 Enterprises. This item pertains to a location in District 4.

ALTERNATIVE ACTION(S):

Your Board may reject the revised Easement Deed and Right-of-Way Contract naming G4 Enterprises as the

vested owner; however, this would prevent the County from obtaining the necessary right-of-way to proceed with the project, cancelling the project and all funds received for the project will have to be returned to the Federal Highway Administration.

FISCAL IMPACT:
There is no Net County Cost associated with the recommended action. After approval of the July 11, 2017 action, the check in the aggregate amount of $65,500 issued to Fidelity National Title Company, 7574 N. Palm Avenue, Suite 101, Fresno CA 93711, included $37,600 for the the right-of-way, and $27,900 for the right-of-way from an adjacent parcel necessary for the project. Fidelity Title has not issued the $37,600 payment deposited in escrow due to the error in ownership vesting. Fidelity Title will make the payment to G4 Enterprises, the properly vested owner, upon return of the revised documents. This project is eligible for 80% reimbursement under the Federal High Priority Project Demonstration program. The remaining 20% will be paid out of Road Fund 0010. Sufficient appropriations and estimated revenues are included in the Department of Public Works and Planning - Roads Org 4510 FY 2018-19 Adopted Budget.

Listed below are the grantor(s), mailing address, escrow number, payment amount, and the basis of the compensation associated with these parcels:

- Parcel 7 (APN 340-070-03) - G4 Enterprises, Ltd, a California Partnership, 8570 S. Cedar Avenue, Fresno, CA 93725, escrow # 2011703294 - $37,600. This payment is for a 0.245-acre road easement, 640 linear feet of fencing, four end posts, wire and trellis system repair, drip irrigation reconfiguration, grading of a new turn row, removal and disposal of grape vines for new turn row, loss of 155 grape vines, and severance damages to the remainder, if any.

Of the total compensation authorized pursuant to the recommended action, all $37,600 is for permanent roadway easement.

DISCUSSION:

The proposed project involves the improvement of approximately 1.4 miles of American Avenue, from the eastern right-of-way of SR 99 to Clovis Avenue, and the placement of an asphalt concrete overlay over two miles of American Avenue from Clovis Avenue to 100 feet east of Temperance Avenue. The work includes realignment and signalization of American Avenue and Golden State Boulevard. In addition, new railroad crossing guard gates and lights will be installed to improve public safety.

The original Easement Deed and Right-of-Way Contract executed by Denken Farms was accepted and approved by the Board on July 11, 2017. However, during escrow, Fidelity Title informed Department staff that Denken Farms granted the subject parcel, including the right-of-way, to G4 Enterprises, a related entity, prior to granting the right-of-way to the County. The revised Easement Deed and Right-of-Way Contract naming G4 Enterprises as grantor will replace the invalid Easement Deed and Right-of-Way Contract executed by Denken Farms. Approval of the recommended action will assure the County secures legal title to the right-of-way. At the close of escrow, the revised Easement Deed will be recorded and Fidelity Title will issue the funds the vested owner of record, G4 Enterprises.

Construction is anticipated to commence in the spring of 2020.

REFERENCE MATERIAL:

BAI #51, December 5, 2017
BAI #62, July 11, 2017
BAI #15, June 20, 2017
BAI #56, May 16, 2017
BAI #40, December 6, 2016

BAI #42, December 6, 2016
BAI #28, October 18, 2016
BAI #61, December 10, 2013

ATTACHMENTS INCLUDED AND/OR ON FILE:

Location Map
Exhibit A
On file with Clerk - Grant of Easement
On file with Clerk - Right-of-Way Contract

CAO ANALYST:

Sonia M. De La Rosa