



DATE: April 24, 2018

CATEGORY: Consent

DEPT.: Public Works

TITLE: **Approve Acquisition of Street Easement from Portion of 152 Martens Avenue (APN 197-41-060)**

RECOMMENDATION

1. Approve the acquisition of a street easement from a portion of 152 Martens Avenue (APN 197-41-060) for the amount of \$186,000.
2. Authorize the City Manager or his designee to execute all documents and take all necessary actions related to the acquisition of a street easement from a portion of 152 Martens Avenue (APN 197-41-060).

BACKGROUND

Modifications to Grant/Phyllis/Martens Intersection, Project 15-31, include pedestrian improvements at this high-volume intersection. Among the improvements is sidewalk, curb, and gutter along the north side of a segment of Martens Avenue. The south side of this segment of Martens Avenue is already improved with sidewalk, curb, and gutter.

Making the improvements to this segment of Martens Avenue requires the acquisition of 10' wide street easements from two properties located at 1549 Grant Road (corner of Grant Road and Martens Avenue) and 152 Martens Avenue. On March 27, Council approved a negotiated purchase of the required easement from the 1549 Grant Road property. The acquisition area for 152 Martens Avenue, which is the focus of this Council report, is shown on Figure 1.



Figure 1

As part of the project construction, the white picket fence in front of 152 Martens Avenue will be relocated up to 2' to the new right-of-way line. A driveway ramp for 152 Martens Avenue will also be reconstructed to conform to the existing driveway.

ANALYSIS

California law (California Government Code §7267 *et seq.*) requires public agencies to appraise the fair market value of property it intends to acquire and to offer no less than the approved appraised fair market value as "fair and just compensation." Section 1263.320 of the California Code of Civil Procedure defines fair market value as:

- (a) The fair market value of the property taken is the highest price on the date of valuation that would be agreed to by a seller, being willing to sell but under no particular or urgent necessity for so doing, nor obliged to sell, and a buyer, being ready, willing, and able to buy but under no particular necessity for so doing, each dealing with the other with full knowledge of all the uses and purposes for which the property is reasonably adaptable and available.
- (b) The fair market value of property taken for which there is no relevant, comparable market is its value on the date of valuation as determined by any method of valuation that is just and equitable.

The City had the street easement appraised by a qualified, independent real estate appraiser and the City made a formal offer of fair and just compensation as required by

State law. The City and the property owners have reached a negotiated agreement for the City to purchase the easement for \$186,000. Staff recommends approval of the purchase of the easement rights, which will allow construction of the street improvements and other traffic control improvements within the intersection of Grant Road, Martens Avenue, and Phyllis Avenue to commence this summer, while Huff Elementary School is on summer recess.

FISCAL IMPACT

The project is funded in Project 15-31, Modifications to Grant/Phyllis/Martens, and there is sufficient funding for this acquisition of easement rights.

ALTERNATIVES

1. Do not approve the easement acquisition.
2. Direct staff to renegotiate price and terms for the easement.
3. Provide other direction.

PUBLIC NOTICING

Agenda posting. A copy of this report was also provided to the property owner.

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