



# CITY COUNCIL AGENDA STATEMENT



May 11, 2021

File ID: 21-0102

## **TITLE**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING AN EASEMENT PURCHASE AGREEMENT WITH TERRY ENTERPRISES, LLC IN THE AMOUNT OF \$131,000

## **RECOMMENDED ACTION**

Council adopt the resolution.

## **SUMMARY**

As part of the Sidewalk Gap Third Avenue (STL0426) project City staff is preparing sidewalk improvement plans for Third Avenue between Zenith Street and Orange Avenue. In order to construct the proposed improvements, additional right-of-way located at 1500 Third Avenue, Chula Vista, CA (APN: 623-030-09) will be required for the project. The required additional right-of-way has been appraised and City staff has negotiated an easement purchase agreement with the property owner, Terry Enterprises LLC. Staff recommends adopting the resolution to approve the Easement Purchase Agreement.

## **ENVIRONMENTAL REVIEW**

The Development Services Director has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project qualifies for a Categorical Exemption pursuant to State CEQA Guidelines Section 15301 Class 1 (Existing Facilities), Section 15303 class 3 (New Construction or Conversion of Small Structures), Section 15332 Class 32 (In-Fill Development Projects), and Section 15061(b)(3), because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Thus, no further environmental review is required.

## **BOARD/COMMISSION/COMMITTEE RECOMMENDATION**

Not Applicable

## **DISCUSSION**

### **Resolution Approving Easement Purchase Agreement**

The Sidewalk Gap Third Avenue (STL0426) project was approved as a part of the Fiscal Year 2018-2022 CIP. This project proposes to install missing sidewalks along Third Avenue between Zenith Street and Orange Avenue. The project location was identified as #3 priority in the Chula Vista Pedestrian Master Plan dated

June 15, 2010. Construction of the proposed sidewalks requires acquisition of additional real property interests beyond the existing right-of-way limits.

The proposed additional real property is located on the west side of Third Avenue between Orange Avenue and Anita Street. The acquisition area was appraised by Epic Land Solutions in August of 2019 in accordance with Federal requirements. The value of the permanent roadway easement was appraised at \$123,100. Subsequently, the property owner requested an independent appraisal, which was completed by Capell Appraisal Services in August of 2020. Capell Appraisal Services determined the value of the permanent roadway easement to be \$131,000. An offer package was prepared by staff and delivered to Terry Enterprises LLC for review and concurrence. Mrs. Virginia L. Johnson and Mr. Jolly R. Terry, both Managing Members of Terry Enterprises LLC, representing the interests of the Limited Liability Company, agreed to the terms of the Easement Purchase Agreement on January 22, 2021 (see attachment 1).

Staff recommends adopting the resolution to approve the Easement Purchase Agreement.

#### **DECISION-MAKER CONFLICT**

Staff has reviewed the property holdings of the City Council members and has found no property holdings within 1,000 feet of the boundaries of the property which is the subject of this action. Consequently, this item does not present a disqualifying real property-related financial conflict of interest under California Code of Regulations Title 2, section 18702.2(a)(7) or (8), for purposes of the Political Reform Act (Cal. Gov't Code §87100, et seq.).

Staff is not independently aware and has not been informed by any City Council member, of any other fact that may constitute a basis for a decision-maker conflict of interest in this matter.

#### **CURRENT-YEAR FISCAL IMPACT**

The proposed real property acquisition in the amount of \$131,000 will be funded by TransNet funds allocated to STL0426. Therefore, there is no additional impact to the TransNet Fund.

#### **ONGOING FISCAL IMPACT**

Following approval of the purchase, routine maintenance activities will be extended to the additional public right-of-way.

#### **ATTACHMENTS**

Attachment 1 – Easement Purchase Agreement (APN: 623-030-09)

*Staff Contact: Tim Jones, Associate Engineer, Department of Engineering and Capital Projects*