

TO: James L. App, City Manager
FROM: Joseph M. Deakin, Public Works Director
SUBJECT: Heer Property Acquisition – 13th Street Bridge Widening
DATE: June 17, 2003

NEEDS: For the City Council to consider declaring the public necessity for taking of certain property for the widening of the 13th Street Bridge and improvements to adjacent streets.

- FACTS:**
1. In 1998, the citizens of Paso Robles passed Measure D, a \$38 million bond measure to fund several much needed public facilities. (Hearing Record, Exhibit 1-A) One of the projects identified as part of Measure D in Ordinance No. 742 N.S. is to widen the 13th Street Bridge and the adjacent streets in accordance with the General Plan adopted in 1991. (Hearing Record, Exhibit 1-B)
 2. In early 1999, staff initiated meetings with individuals whose properties would be directly affected by the 13th Street Bridge construction project. One of these properties, located at the northeasterly corner of Creston Road and North River Road, is owned by Walt Heer and Donna Heer.
 3. The City met and discussed the design of the project with the Heer's at several different meetings, and on July 18, 2001, the City Council held a public hearing to evaluate the final design concept for the 13th Street Bridge and improvements to adjacent streets. The City Council approved the proposed Final Design Alternative at the July 18th public hearing. (Hearing Record, Exhibit 2-A) On March 5, 2002, City Council adopted Resolution No. 02-42 approving a Contract with URS to prepare the Plans, Specifications and Estimates (PS&E) for the project. (Hearing Record, Exhibit 2-B)
 4. On December 17, 2002, the City Council adopted Resolution No. 02-256 approving the 13th Street Bridge Widening Project and the Final Mitigated Negative Declaration. (Hearing Record, Exhibit 3)
 5. A total of six (6) privately owned properties must be acquired in order for the project to proceed. The City has acquired and deeds have been recorded for five of the six properties. The sole remaining parcel needed for the 13th Street Bridge Widening Project is a portion of the property owned by Walt and Donna Heer.
 6. The project is part of the City's approved Circulation Element of the General Plan. (Relevant portions of the plan are at Hearing Record, Exhibit 4)

**ANALYSIS
AND**

CONCLUSION: On April 25, 2003, the City sent an "Offer to Purchase" property to Walt Heer and Donna Heer. The Heer's were asked to respond by close of business day on May 27, 2003. The City's offer was based on a Property Appraisal Report dated April 6, 2003. The Heer's did not accept the City's offer and on May 30, 2003, a "Notice of Intent to Adopt Resolution of Necessity to Acquire Certain Real Property by Eminent Domain" was served on them. (Hearing Record, Exhibit 5)

Staff has examined four (4) different scenarios regarding the Heer Property. These are listed for Council consideration below.

Scenario 1:

Under Scenario 1, Creston Road would be widened along the Heer property. The property's single family dwelling, which is now 40 feet from the traveled way at its closest point (southeast corner of the dwelling), would be only 5 feet from the new slope easement line, 6.5 feet from a 6 foot high sound wall, and 17.5± feet from the edge of paving for the realigned Creston Road. A retaining wall, varying in height from 10-20 feet, would run from the Heer property's southeast corner on Creston Road to its northwest corner on Union. Under this plan, it is hoped by the design engineers that five or six of the seven oak trees along this section of Union Road could be saved. (See Map, Hearing Record, Exhibit 6)

Scenario 2:

The design plan for Scenario 2 does not include the retaining and sound walls and has 4:1 side slopes for both Creston and Union Roads frontages. This design removes the single family dwelling but leaves sufficient area for construction of a new single-family dwelling, as permitted by zoning. (See Map, Hearing Record, Exhibit 7)

Scenario 3:

Scenario 3 moves the right of way and the roadbed for Union Road to the west, onto the property formerly owned by the White/Dodds. This scenario reduces the amount of permanent easement required on the Heer Property and eliminates the retaining and sound walls along the Union Road frontage. However, there still would be retaining and sound walls required to be constructed along Creston Road. (See Map, Hearing Record, Exhibit 8)

Scenario 4

Scenario 4 is for the purchase of the subject property in its entirety.

Conclusion

The "Offer to Purchase" was based on Scenario 2, which is the scenario recommended by staff for the following reasons:

- Scenario 2 eliminates the need to install a 10-20 foot high retaining wall at this intersection. A retaining wall of this magnitude at this location would impede visibility, and decrease traffic safety.
- Scenario 2 would allow the City to create a more gradual slope at this intersection, improving sight distance for motorists. This is especially valuable considering sidewalks and bikepaths will be constructed as part of the bridge project, and the added visibility will improve pedestrian and biker safety as well.
- Scenario 2 eliminates the need for a sound wall immediately adjacent to the Heer residence. Such a sound wall could well be viewed as significantly damaging the existing residence, and have a negative visual impact on the entire viewshed.
- Scenario 4 (purchase of the entire property) is not necessary for the project and would eliminate a .65-acre dwelling site.

POLICY

REFERENCE: Adopted Circulation Element of the General Plan; Adopted Measure D Project List

FISCAL

IMPACT: Cost to acquire the property needed is included in the project budget.

- OPTIONS:**
- a. Adopt Resolution No. 03-xx declaring the public necessity for the taking of a portion of certain property owned by Walt Heer and Donna Heer for construction of improvements to the 13th Street Bridge. (Hearing Record, Exhibit 9)
 - b. Amend, modify or reject the above option.

Attachments (9)

- 1-A) [Full Text of Measure D & Impartial Analysis by City Attorney](#)
- 1-B) [Ordinance No. 742 N.S.](#)
- 2-A) [July 18, 2002 Staff Report & Approved Design Alternative](#)
- 2-B) [Resolution No. 02-42 & Consultant Services Agreement with URS](#)
- 3) [Resolution No. 02-256](#)
- 4) [Relevant Sections of Circulation Element of the General Plan](#)
- 5) [Notice of Intent](#)
- 6) [Legal Description – Exhibit A](#)
- 7) [Legal Description – Exhibit B](#)
- 8) [Legal Description – Exhibit C](#)
- 9) [Resolution No. 03-xx](#)