SUBJECT: APPROVAL OF RELOCATION PLAN FOR PROPERTY LOCATED AT APN 261-080-011 – OWNER MANUEL FRANCISCO LAMBARENA – DATE AVENUE STREET PROJECT

SOURCE: PUBLIC WORKS DEPARTMENT

COMMENT: To complete the purchase of right of way for property located at APN 261-080-011, a relocation plan was required. Paragon Partners, Ltd., the City’s relocation consultant, completed the relocation plan and copies were distributed for comments to the Mayor, City Council Members, City Manager, City Attorney, Community Development Department, and Public Works Department. A copy of the relocation plan was also provided to the property owner and copies were made available to the public for review and comment.

The required 30-day Public Notice period began on May 19, 2005, and ended on June 19, 2005. As of this date, no comments have been received.

For Council’s information, excerpts of the relocation plan are attached. A copy of the full relocation plan is in the City Clerk’s office for review.

RECOMMENDATION: That City Council:

1. Approve the relocation plan for property located at APN 261-080-011.

ATTACHMENTS: 1. Locator Map
2. Excerpts of the Relocation Plan
DATE AVENUE RECONSTRUCTION PROJECT
CITY OF PORTERVILLE, CALIFORNIA

Prepared For

THE CITY OF PORTERVILLE

Prepared By

Paragon Partners Ltd.

May 2005
1.0 INTRODUCTION

The City of Porterville ("Agency") has identified the need to improve a portion of Date Avenue within the city limits. The project includes widening a portion of Date Avenue between Main Street and "A" Street to a standard 60-foot right-of-way with one lane in each direction, except where greater improvements already exist, with curbs, gutters, sidewalks and curb returns with ramps to be installed as needed (the "Project"). The purpose and need of the Project is consistent with the City of Porterville's General Plan, Amendment 1-2004 (Circulation Element) to redesignate a portion of Date Avenue from an Arterial Street (84 feet wide) to a Collector Street (60 feet wide) primarily carrying neighborhood traffic. Improvement of Date Avenue between Main Street and "A" Street will meet the precise alignment plan adopted in 1979.

The Project will require the acquisition of additional right-of-way. As a result, some housing will be affected and one household will have to be permanently displaced for this Project to go forward. The household is located on Project Parcel 6, County Assessor's Number 261-080-011.

Paragon Partners Ltd. has prepared and will administer this Relocation Plan (this "Plan"), under the direction of or involvement with the City of Porterville. This Plan provides the results of a needs assessment survey, a housing resource study and details of Agency's proposed relocation program. This Plan sets forth policies and procedures necessary to conform with statutes and regulations established by the California Relocation Assistance Law, California Government Code section 7260 et seq. (the "CRAL") and the California Relocation Assistance and Real Property Acquisition Guidelines, Title 25, California Code of Regulations, chapter 6, section 6000 et seq. (the "Guidelines"). No displacement activities will take place prior to the required reviews and approval of this Plan.

2.0 PROJECT AREA

2.1 Regional Location (See Exhibit "A")

The Project Regional Area is Southwestern Tulare County, East of State Route 99. Tulare County is one of the largest counties in the fertile San Joaquin Valley, encompassing 4,863 square miles and a growing population of 360,000. Geographically it is situated at the center of California. The southwestern area of the county is a level and fertile plain. This extensively cultivated plain has allowed Tulare County to become the second-leading producer of agricultural commodities in the United States and the largest agricultural-producing county in the world. In addition to substantial packing and shipping operations, light and
medium manufacturing plants are increasing in number and are becoming an important factor in the County's total economic picture.

The City of Porterville is situated along the Tule River in Southwestern Tulare County. It covers an area of 14.8 square miles and has a population of 43,150. Porterville, lying along the foothills of the Sierra Mountains at an elevation of 455 feet, is located at the intersection of State Route 65 and State Route 190, which connect with State Route 99 traveling to Los Angeles and San Francisco. The City has a strategic central location to major markets and a ready access to major transportation routes.

The City of Porterville is the center of a large farming area noted especially for citrus and livestock. Agriculture supplemented by the Central Valley Water Project has been the major source of economic growth in the area. Additionally, industry has become a significant factor in the development of the community and several large public facilities also are located in Porterville.

The City of Porterville's logo is "The Good Life" and the City is proud to maintain a quality of life valued by its residents. The City's unique vitality thrives in its pursuit of industrial diversity for a sound economic base, active community support of youth, education from preschool through Community College levels, careful land use planning through a comprehensive General Plan, and consolidation of the urban area through annexation.

Overall, the economic trend in Porterville is relatively stable. Demand for housing is on the rise. The City of Porterville embraces a wide spectrum of housing types including single-family homes, cluster housing, apartments, and mobile home spaces. New home building permit activity has increased over the last several years.

2.2 Project Area Description (See Exhibit "B")

The segment of Date Avenue the Agency proposes to improve is approximately 950 feet in length and is located in the southern area of the City of Porterville. The portion of Date Avenue to be reconstructed connects Main Street, which is a central artery through the City of Porterville, and the new Casas Buena Vista subdivision East of "A" Street. The improvement is required to conform Date Avenue to the Agency's Alignment Plan adopted in 1979 and will conform the Project area to existing improvements on Date Avenue east of "A" Street and to existing improvements on Main Street.

The Project site is in a primarily residential neighborhood zoned multi-family residential (R-2 and R-4), with some M-1, Light Manufacture zoning. One parcel, on the northeast corner of Date Avenue and Main Street, is zoned C-3, Heavy
Commercial. The residences fronting Date Avenue are predominantly single-family structures with one multi-unit apartment building. There is one commercial property at the southwestern corner of Date Avenue and Main Street and a vacant lot on the southwestern corner of Date Avenue and “A” Street.

Schools, shopping, and services are within reasonable proximity to the Project area. Neighborhood shopping is in downtown Porterville, two miles north of the Project area. Commercial businesses are located primarily in the downtown central business district, along the Henderson Ave./Hwy. 65 intersection and on Olive Avenue. City services and the majority of governmental offices are in the downtown, central business district.

3.0 ASSESSMENT OF RELOCATION NEEDS

Interviews were conducted with the affected owner and tenants during February 2005. Occupants were encouraged to respond to ensure that their comments would be included in this Relocation Plan. Interviews were conducted in English and in Spanish when appropriate. General survey questions included existing conditions, type of occupancy, mortgage/rent and income information, family composition, and relocation needs (i.e. preferences to school, shopping, & transportation).

The displacees expressed a preference for purchasing replacement housing rather than renting. They prefer to remain in the City of Porterville in an area convenient to shopping and near to friends and relatives. No special needs were identified.

3.1 Field Survey Data

A. Residential: One (1) residential tenant-household has been identified as affected as a result of Project acquisitions.

B. Business: No business displacements have been identified or proposed.

The following table identifies the characteristics of the subject occupants:
4.0 RELOCATION RESOURCES

Paragon Partners Ltd. staff conducted an inspection of each potentially impacted residential unit in the Project area to assess the potential needs for a replacement location. Additionally, Paragon Partners staff engaged in preliminary investigations through Internet searches, review of classified advertisements, and communication with local real estate brokers to determine the general availability of rental and sale listings in the City of Porterville.

4.1 Residential Property

For Sale Properties: The survey identified residential replacement sites for sale. The listing prices range between $99,950 - $149,000 for comparable dwellings. The sample taken is representative of the housing market for the City of Porterville; however, there is more evidence of available housing in the relocation consultant’s files.

Price for Properties for Sale

<table>
<thead>
<tr>
<th>Size</th>
<th>No. of Units Identified</th>
<th>Price</th>
<th>Average (Price)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 Bedroom/1 Bath</td>
<td>6</td>
<td>$120,000 - $149,000</td>
<td>$135,250</td>
</tr>
</tbody>
</table>

Information researched April 19, 2005- See Exhibit “D”

For Rent Properties: The survey identified replacement residential home sites for rent. The rents vary between $525 - $765 for 2 bedroom/1 bath dwellings. The sample taken is representative of the rental housing market for the City of Porterville, however, there is more evidence of available housing for rent in the relocation consultant’s files.
4.2 Results of Survey

The investigation indicated, based on the current housing market, comparable housing for residential occupants is not available within the statutory $5,250 payment limits for 90-day occupants. As a result, the Agency will have to resort to the administrative process of Last Resort Housing (See Exhibit "C," Section 3, "Last Resort Housing").

Within those parameters, there are an adequate number of replacement units available to accommodate the needs of the displaced residential occupants in the Project area. Based on the results of this survey, it appears feasible that the displaced tenants in the Project area will have an adequate supply of available replacement units from which to select. There is no anticipated need for temporary housing; however, should such a need arise, the Agency will respond appropriately and in conformance with all applicable laws and requirements.

5.0 RELOCATION ASSISTANCE SERVICE

The Agency will implement its Relocation Assistance Program in compliance with the standards and provisions of California Government Code Section 7260 et seq. and Title 25, Chapter 6 of the California Code of Regulations. Relocation resources will be available to all displaced without discrimination (See Exhibit "C").

5.1 Program Assurances, Standards and Objectives

Pursuant to applicable guidelines, program objectives will be as follows:

1. To fully inform eligible Project area occupants of the nature of and procedures for obtaining relocation assistance and benefits.

2. To determine the needs of each business and non-profit organization displacee eligible for assistance.
3. To provide an adequate number of referrals to comparable residential sites within a reasonable time prior to displacement and assure that no occupant will be required to move without a minimum of 90 days written notice to vacate.

4. To provide current and updated information concerning residential listings.

5. To provide whatever assistance is required to ensure that the relocation process does not result in different or separate treatment on account of race, color, religion, national origin, sex, marital status or other arbitrary circumstances.

6. To supply information concerning federal and state residential housing programs and other governmental programs providing assistance to displaced persons.

7. To assist each eligible person to complete claims for payments and benefits.

8. To make relocation benefit payments in accordance with all aforementioned guidelines, as applicable.

9. To inform all eligible persons subject to displacement of Agency’s policies with regard to eviction and property management.

10. To establish and maintain a formal grievance procedure for use by displaced persons seeking administrative review of Agency’s decisions with respect to relocation assistance.

11. To assist eligible persons to become established in residential housing.

12. To provide other advisory assistance to eligible displaced persons in order to minimize the hardship of relocation.

In addition, before displaced occupants are required to move, they will receive: 1) all required information regarding the Agency’s Relocation Assistance Program at least ninety days prior to the date they must move, and 2) ninety days written notice prior to the date they must move.

5.2 Citizen Participation

This Plan will be provided to each displaced household, neighborhood groups in the affected neighborhood, if any, and will be made available to the public for the mandatory
30-day review period, and interested parties will be invited to submit written or oral comments and objections.

Additionally, the Agency will provide full and timely access to all documents relevant to the Relocation Assistance Program and technical assistance necessary to interpret elements of the Relocation Plan and other pertinent materials.

Upon expiration of the 30-day review period and receipt of public comments, the Agency will present the Relocation Plan for adoption by the City of Porterville City Council. Comments to this Plan will be included as a Plan addendum prior to submission for approval before the City of Porterville City Council.

5.3 Relocation Advisory Assistance

An important element of the relocation assistance program is to provide all potential displacees with technical and advisory assistance. The following specific activities will be undertaken:

1. Each potentially displaced residential household will be interviewed personally to gather appropriate information to determine needs and preferences with regard to residential locations.

   Inquiries made of residential needs by relocation personnel will focus on family composition, requirements and needs. See Exhibit “G” for a Sample Personal Interview Residential Questionnaire form.

2. A “Notice of Eligibility” letter will be delivered to each of the displaced households. Signed acknowledgements will be obtained to verify receipt of this material.

3. Transportation will be provided, if necessary, for any displaced occupant to inspect replacement housing within the local area.

4. Eligible residential owners and tenants will receive referrals to replacement sites that match, as closely as possible, the requirements and preferences of each family with regard to size, cost, and location.

5. Relocation staff will assist residential occupants in preparing for the physical move of personal property and act as a liaison with appropriate agencies.

6. Assistance will be offered to all displacees in connection with arrangements for the purchase of real property, the filing of claim forms to request relocation benefits from the Agency, and to obtain services from other public agencies.
7. For the purposes of scheduled meetings with occupants of the Project, Agency offices will be made available at displacee request or Agency Office located at Porterville City Hall, 291 N. Main St., Porterville, California 93257.

5.4 General Information on Payment of Relocation Benefits

Relocation benefit payments will be made in a timely manner following the submission of appropriate claims. Claims and supporting documentation for claims must be filed with the Agency within eighteen (18) months from: the date the claimant moves from the acquired property or the date on which final payment for the acquisition of real property is made, whichever is later.

The procedure for the preparation and filing of claims and the processing and delivery of payments will be as follows:

1. Claimant(s) will provide all necessary documentation to substantiate eligibility for assistance and payments.

2. Assistance amounts will be determined and required claim forms prepared by relocation staff in consultation with claimant(s).

3. Original signed claims supported by appropriate documentation and Relocation staff recommendation will be submitted to the Agency.

4. The Agency will review and approve claims for payment.

5. The Agency warrants will be prepared and issued to Relocation staff for distribution.

6. Payments will be delivered personally by Relocation staff unless circumstances dictate otherwise. When payments cannot be personally delivered, they will be sent by certified mail, return receipt requested.

7. Receipts of payment will be obtained by Relocation staff and maintained in the case file.

8. Unless otherwise instructed by the Agency, Relocation staff will not deliver final payments until the Project area premises of the claimant(s) have been vacated. Before issuance of final payments, actual occupancy at new quarters must be verified.

9. The appeals policy will follow the standards described in the Guidelines. The displaced household will have the right to ask for review when there is
a complaint regarding any of its rights to relocation and relocation assistance, such as a determination as to eligibility, the amount of payment, or the failure to provide a comparable replacement housing referral.

5.5 Relocation Tax Consequences

In general, relocation payments are not considered income for tax purposes. Benefit payments are made subject to the provisions of Title 24 of the Code of Federal Regulations and Chapter 16 of the California Government Code. The above statements on tax consequences are not intended to be tax advice by the Agency. Displacees are encouraged to consult with the Tulare County Tax Assessor's Office concerning Claims for Base Year Value Transfer – Acquisition by Public Entity and to consult their own tax advisors concerning the tax consequences of relocation payments.

5.6 Eviction Policy

Under State guidelines, eviction is permissible only as a last resort. Relocation records must be documented to reflect the specific circumstances surrounding the eviction.

Eviction shall be undertaken only for one or more of the following reasons:

1. Failure to pay rent, except in those cases where the failure to pay is due to the lessor's failure to keep the premises in habitable condition, is the result of harassment or retaliatory action or is the result of discontinuation or substantial interruption of services;

2. Performance of a dangerous, illegal act in the unit;

3. Material breach of the rental agreement and failure to correct breach within 30 days of notice;

4. Maintenance of a nuisance and failure to abate within a reasonable time following notice; or

5. The eviction is required by State or local law and cannot be prevented by reasonable efforts on the part of the public entity.

Those who remain in the Project area will be obliged to honor the terms and conditions of rental agreements provided by the Agency. Failure to abide by the terms of the rental agreement may result in eviction.
5.7 Projected Dates of Displacement

The Agency has entered into an agreement to acquire the subject property and escrow is expected to close in May 2005. The Agency plans to take possession of the property at the end of the third quarter of 2005. The displaced households will receive a 90-day notice to vacate before they are required to move.

5.8 Estimated Relocation Costs

The total budget estimate for relocation assistance payments for the subject relocation is $12,000.00.

6.0 SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

In summary, the Data Sheet and Relocation Summary (Exhibit “F”) reflects the total number of eligible displaced households. Each residential household in the Project area was personally interviewed. Based on the information obtained from interviews and site inspections, it appears that all occupants of the subject property are eligible for relocation assistance due displaced residential owners and tenants.

The displacement period is projected to begin at the end of the third quarter of 2005. Therefore, reasonable and adequate time is being allowed for proper planning of the relocation program and notification to the affected households.

At this time the Agency does intend to re-rent the subject property back to the current occupant.

Due to the limited number of affected residential occupants being displaced by the Project and due to the fact that the Agency has offices within a reasonable distance from the Project area, a site office will not be required for this Project.

The Agency has not received a request for consideration of a hardship acquisition as of the date of this report.

According to a survey of available and suitable replacement units in and adjacent to the Porterville area, there appears to be an adequate number of replacement properties available to accommodate the displaced residential tenants and homeowners in the Project area.