

1 BOARD OF SUPERVISORS
2 OF THE COUNTY OF FRESNO
3 STATE OF CALIFORNIA

4 IN THE MATTER OF:) RESOLUTION OF NECESSITY,
5 ACQUIRING REAL PROPERTY) AUTHORIZATION TO INSTITUTE
6 AMERICAN AVENUE - SR 99 TO) EMINENT DOMAIN PROCEEDINGS
7 TEMPERANCE AVENUE PROJECT) AND AUTHORIZATION TO DEPOSIT
8 FUNDS

8 WHEREAS, a public hearing has been set for June 20, 2017, at the hour of 9:00
9 A.M. or as soon thereafter as practicable, to determine whether a resolution of necessity
10 should be adopted as provided by law precedent to the commencement of eminent
11 domain proceedings to acquire real property interests for the purpose of reconstructing
12 approximately 1.4 miles of American Avenue, from the eastern right-of-way of SR 99 to
13 Temperance Avenue; the placement of an asphalt concrete overlay over two miles from
14 Clovis Avenue to 100 feet east of Temperance Avenue; the signalization of American
15 Avenue and Golden State Boulevard, and the installation of new railroad crossing
16 guards and lights in the County of Fresno, hereinafter referred to as "the Project."

17 WHEREAS, said hearing was duly noticed and held before the Fresno County
18 Board of Supervisors (hereafter, "Board") in the manner prescribed by law; and,

19 WHEREAS, it appears that the public interest and necessity requires that certain
20 real property interests be acquired for the Project, upon and along the certain parcels
21 situated in the County of Fresno, State of California, whose descriptions and extent of
22 property required and owners of record are as set forth in Exhibits 1 and 2, attached
23 hereto and incorporated herein by reference; and,

24 WHEREAS, this Board is authorized to acquire certain real property interests by
25 eminent domain pursuant to Government Code Section 25350.5, Streets and Highways
26 Code Section 943, and California Code of Civil Procedure Section 1230.010, et seq.;

27 and,

28 WHEREAS, it appears that it is not possible to acquire the hereinabove property

1 and interests therein by negotiations and that it will be necessary to institute
2 proceedings in eminent domain; and,

3 WHEREAS, it appears that the taking of possession of said certain real property
4 interests upon the institution of condemnation proceedings is necessary to expedite the
5 project; and,

6 WHEREAS, the estimated date of use thereof for such purposes is the earliest
7 date possible; pursuant to Code of Civil Procedure section 1240.220(a), there is a
8 reasonable probability that the date of use of the property will be within seven years
9 from the date the complaint is filed.

10 NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the
11 County of Fresno, with regard to the real property described in Exhibits 1 and shown on
12 Exhibits 2 the proposed project, hereby finds and determines as follows:

- 13 1. That the public interest and necessity require the proposed Project;
- 14 2. The proposed Project is planned and located in a manner that is most
15 compatible with the greatest public good and the least private injury;
- 16 3. That the certain real property interests described herein are necessary for the
17 proposed Project;
- 18 4. That the offer required by Section 7267.2 of the Government Code has been
19 made to the owners of record of the real property which are the subject of the proposed
20 Project;

21 BE IT FURTHER RESOLVED that the Board of Supervisors of the County of
22 Fresno, as to the interests in the parcels of real property described herein and by the
23 Exhibits hereto which are incorporated by reference, hereby finds and determines that
24 the real property subject to this proposed project are subject to existing public uses and
25 that the parcels herein described are being acquired pursuant to Code of Civil
26 Procedure section 1240.510 for a public use set forth herein which is compatible with
27 the existing public uses. The Board of Supervisors for the County of Fresno further finds
28 and determines that the acquisition and public use herein described of the parcels will

1 not unreasonably interfere with or impair the continuance of the public use as its exists
2 or may reasonably be excepted to exist in the future, as required by Code of Civil
3 Procedure section 1240.510. The Board of Supervisor of the County of Fresno, further
4 resolves, finds and determines, in the alternative, that the parcels and interests herein
5 described are being acquired pursuant to Code of Civil Procedure section 1240.610 for
6 a more necessary public use.

7 BE IT FURTHER RESOLVED that the County Counsel of the County of Fresno
8 be, and hereby is, authorized and directed to institute and prosecute proceedings in
9 eminent domain to acquire the hereinabove described real property interests and to
10 secure possession thereof on the earliest date possible. Pursuant to Code of Civil
11 Procedure section 1240.220(a), there is a reasonable probability that the date of use
12 of the property will be within seven years from the date the complaint is filed.

13 BE IT FURTHER RESOLVED that the Auditor-Controller/Treasurer-Tax
14 Collector of the County of Fresno be, and hereby is, authorized and directed to draw
15 warrants or checks in the aggregate amount of \$108,000.00, or such lesser amount as
16 certified by the Director of Public Works and Planning or his or her designee, from Fund
17 No. 0010, Subclass No. 11000, Org. No. 4510, Account No. 8110, Project No. I23101,
18 made payable to the State of California - Condemnation Deposit Fund and delivered to
19 the Design Division Manager to be placed on deposit for possession upon the institution
20 of condemnation proceedings as provided by law.

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1 THE FOREGOING was passed and adopted by the following vote of the Board of
2 Supervisors of the County of Fresno this 20th day of June, 2017.

3 AYES: Supervisors Borgeas, Magsig, Mendes, Pacheco, Quintero
4 NOS: None
5 ABSENT: None

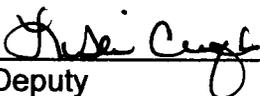
6 COUNTY OF FRESNO

7
8 BY 
9 Brian Pacheco, Chairman
Board of Supervisors

11 APPROVED AS TO LEGAL FORM
12 Daniel C. Cederborg
County Counsel

ATTEST:
Bernice E. Seidel, Clerk
Board of Supervisors

13
14 By 
15 Deputy Kyle R. Roberson

By 
Deputy

16 APPROVED AS TO ACCOUNTING FORM
17 Oscar J. Garcia, CPA
Auditor-Controller/Treasurer-Tax Collector

18
19 By 
Deputy

20 FOR ACCOUNTING USE ONLY:
21 Permanent Right-of-Way: \$75,788
Fund: 0010
22 Subclass: 11000
Org: 4510
23 Account: 8110
Project: I23101
24 Program: 91267
25 Temporary Construction Permit: \$32,212
Fund: 0010
26 Subclass: 11000
Org: 4510
27 Account: 8110
Project: I23101
28 Program: 91276

**AMERICAN AVE.
State Highway 99 to Temperance Ave.**

Exhibit 1

**Parcel 01A R.K. LTD., a California Limited Partnership
Portion of APN 331-110-11**

That portion of the Southeast Quarter of Section 31, Township 14 South, Range 21 East, Mount Diablo Base and Meridian, lying Southwest of the State Highway (now known as Golden State Blvd) as conveyed by Deed recorded in Volume 1179, Page 390 of Official Records Fresno County, in the County of Fresno, State of California, described as follows:

COMMENCING at the West end of Course No. 3 of the land conveyed to the State of California by Grant Deed recorded July 27, 1962 in Book 4746, Page 729, Official Records Fresno County, thence; along said Course No. 3, North 90°00'00" East, a distance of 328.00 feet to the East end of said Course No. 3, said point being the TRUE POINT OF BEGINNING; thence,

- 1) Thence, South 00°00'00" East, a distance of 6.00 feet;
- 2) Thence, North 90°00'00" East, a distance of 78.68 feet;
- 3) Thence, South 00°00'00 East, a distance of 20.00 feet to the South line of said Section 31;
- 4) Thence, along the South line of said Southeast Quarter, North 90°00'00" East, a distance of 629.70 feet to the most Southwesterly corner of the Parcel Described in Grant Deed recorded September 25, 1946, in Volume 2282, Page 394 of Official Records Fresno County;
- 5) Thence, along the most Easterly boundary of said Parcel and the Westerly Right of Way line of the State Highway now known as Golden State Boulevard, North 00°00'00" East, a distance of 45.92 feet;
- 6) Thence, along said Westerly Right of Way line, North 40°46'58" West, a distance of 157.85 feet;
- 7) Thence, Leaving said Westerly Right of Way line, South 23°17'02" West, a distance of 117.83 feet;
- 8) Thence, South 87°20'43" West, a distance of 490.78 feet;
- 9) Thence, South 89°52'46" West, a distance of 68.44 feet;

10) Thence, South 00°00'00" East, a distance of 8.33 feet more or less to the TRUE POINT OF BEGINNING

Containing 0.903 acre of land, more or less, which includes 0.326 acre of land, more or less within the prescriptive County Right of Way, and 0.577 acre net, more or less.

Parcel 01B
Portion of APN 331-110-11

Temporary Construction Permit

That portion of the Southeast Quarter of Section 31, Township 14 South, Range 21 East, Mount Diablo Base and Meridian, lying Southwest of the State Highway (now known as Golden State Blvd) as conveyed by Deed recorded in Volume 1179, Page 390 of Official Records Fresno County, in the County of Fresno, State of California, described as follows:

COMMENCING at the West end of Course No. 3 of the land conveyed to the State of California by Grant Deed recorded July 27, 1962 in Book 4746, Page 729, Official Records Fresno County, thence; along said Course No. 3, North 90°00'00" East, a distance of 328.00 feet to the East end of said Course No. 3; thence, North 00°00'00" West, a distance of 8.33 feet to the TRUE POINT OF BEGINNING; thence,

- 1) Thence, North 00°00'00" West, a distance of 20.00 feet;
- 2) Thence, North 89°52'46" East, a distance of 65.32 feet;
- 3) Thence, North 87°20'43" East, a distance of 480.52 feet;
- 4) Thence, North 23°17'02" East, a distance of 115.04 feet;
- 5) Thence, South 40°46'58" East, a distance of 22.24 feet;
- 6) Thence, South 23°17'02" West, a distance of 117.83 feet;
- 7) Thence, South 87°20'43" West, a distance of 490.78 feet;
- 8) Thence, South 89°52'46" West, a distance of 68.44 feet to the TRUE POINT OF BEGINNING;

Containing 0.308 acres of land, more or less.

BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 31, T14S, R21E. M.D.B.&M. IS ASSUMED TO BE N90°00'00"E

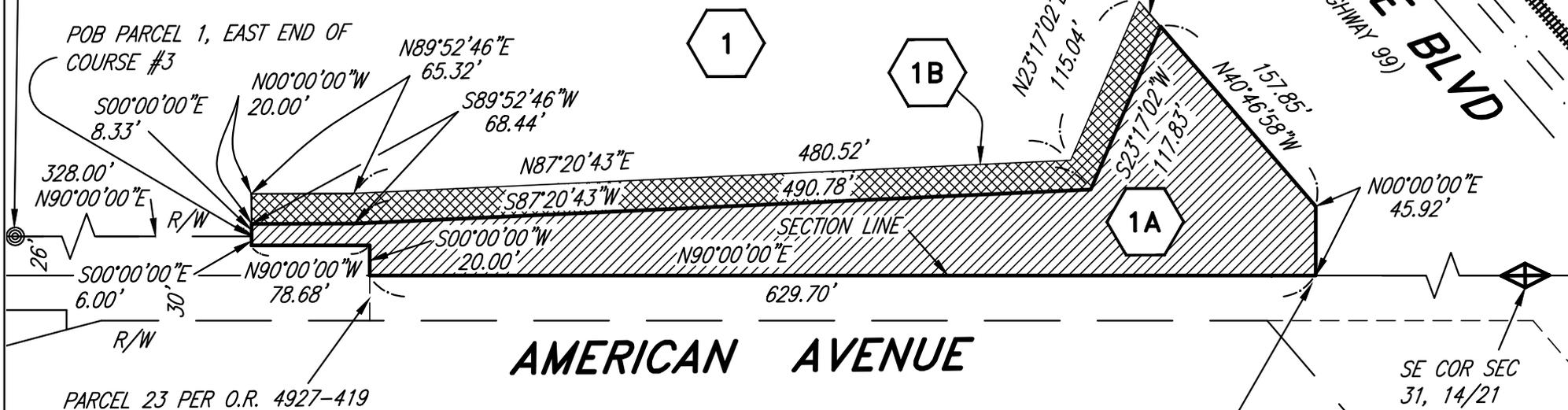
T. 14 S., R. 21 E., M.D.B.& M.

EXHIBIT 2
PARCEL 1

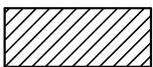
R.K. LTD., A CALIFORNIA LIMITED PARTNERSHIP
331-110-11

POC PARCEL 1, WEST END OF COURSE #3 PER THAT LAND CONVEYED TO THE STATE OF CALIFORNIA BY GRANT DEED RECORDED JULY 27, 1962 IN BK. 4746. PG. 729. O.R.F.C.

POB PARCEL 1, EAST END OF COURSE #3



LEGEND



RIGHT OF WAY ACQUISITION

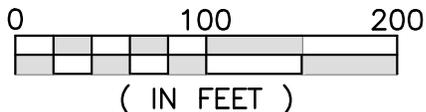


TEMPORARY CONSTRUCTION PERMIT



MOST SOUTHWESTERLY CORNER OF THE PARCEL DESCRIBED IN GRANT DEED RECORDED SEPT. 25, 1946 IN BK. 2282, PG. 394, O.R.F.C.

NAME:	DATE:
DRAWN: GMEDINA	04/05/17
CHECKED: JDONMYER	04/05/17
REVISION: XX	00/00/00



DEPARTMENT OF PUBLIC WORKS AND PLANNING

AMERICAN AVENUE
STATE HIGHWAY 99 TO TEMPERANCE AVENUE

#NO.

SHEET NO. 1 OF 1

**AMERICAN AVE.
State Highway 99 to Temperance Ave.**

Exhibit 1

**Parcel 02A Sadie Saghatelian, TRS.
Portion of APN 340-060-22**

That portion of Lot 1 of the Mattei Tract according to the map thereof recorded November 16, 1905, in Book 3 of Record of Surveys at Page 23, Fresno County Records, in Section 6, Township 15 South, Range 21 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, described as follows:

COMMENCING at the North line of said Section 6, South 90°00'00" West, a distance of 436.88 feet from the Northeast corner of said Section 6; thence, along the Southwesterly line of that land conveyed to the State of California by Grant Deed recorded September 6, 1946 in Volume 2282, Page 371, of Official Records Fresno County, South 40°46'58" East, a distance of 39.62 feet to the TRUE POINT OF BEGINNING;

- 1) Thence, along the South line of the North 30 feet of said Section 6, South 90°00'00" West, a distance of 676.14 feet;
- 2) Thence, leaving said South line, South 00°06'54" East, a distance of 3.66 feet;
- 3) Thence, North 89°53'06 East, a distance of 68.30 feet;
- 4) Thence, South 87°39'23" East, a distance of 500.70 feet;
- 5) Thence, North 90°00'00" East, a distance of 128.25 feet to the Southwesterly line of said land conveyed to the State of California;
- 6) Thence, along said Southwesterly line, North 40°46'58" West, a distance of 31.70 feet more or less to the TRUE POINT OF BEGINNING

Containing 0.229 acre of land, more or less.

**Parcel 02B
Portion of APN 340-060-22**

Temporary Construction Permit

That portion of Lot 1 of the Mattei Tract according to the map thereof recorded November 16, 1905, in Book 3 of Record of Surveys at Page 23, Fresno County Records, in Section 6, Township 15 South, Range 21 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, described as follows:

COMMENCING at the North line of said Section 6, South 90°00'00" West, a distance of 436.88 feet from the Northeast corner of said Section 6; thence, along the Southwesterly line of that land conveyed to the State of California by Grant Deed recorded September 6, 1946 in Volume 2282, Page 371, of Official Records Fresno County, South 40°46'58" East, a distance of 39.62 feet; thence, South 40°46'58" East, a distance of 31.70 feet; thence, South 90°00'00" West, a distance of 59.62 feet to the TRUE POINT OF BEGINNING;

- 1) Thence, South 00°00'00" West, a distance of 22.05 feet;
- 2) Thence, South 48°40'16" West, a distance of 95.54 feet;
- 3) Thence, North 41°19'44" West, a distance of 90.14 feet;
- 4) Thence, North 87°39'23" West, a distance of 438.82 feet;
- 5) Thence, South 89°52'10" West, a distance of 67.44 feet;
- 6) Thence, North 00°06'54" West, a distance of 20.00 feet;
- 7) Thence, North 89°53'06 East, a distance of 68.30 feet;
- 8) Thence, South 87°39'23" East, a distance of 500.70 feet;
- 9) Thence, North 90°00'00" East, a distance of 68.63 feet more or less to the TRUE POINT OF BEGINNING

Containing **0.393** acre of land, more or less.

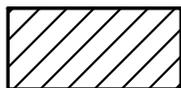
BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHEAST QUARTER
OF SECTION 31, T14S, R21E. M.D.B.&M. IS
ASSUMED TO BE N90°00'00"E

T. 15 S., R. 21 E., M.D.B. & M.

EXHIBIT 2
PARCEL 2



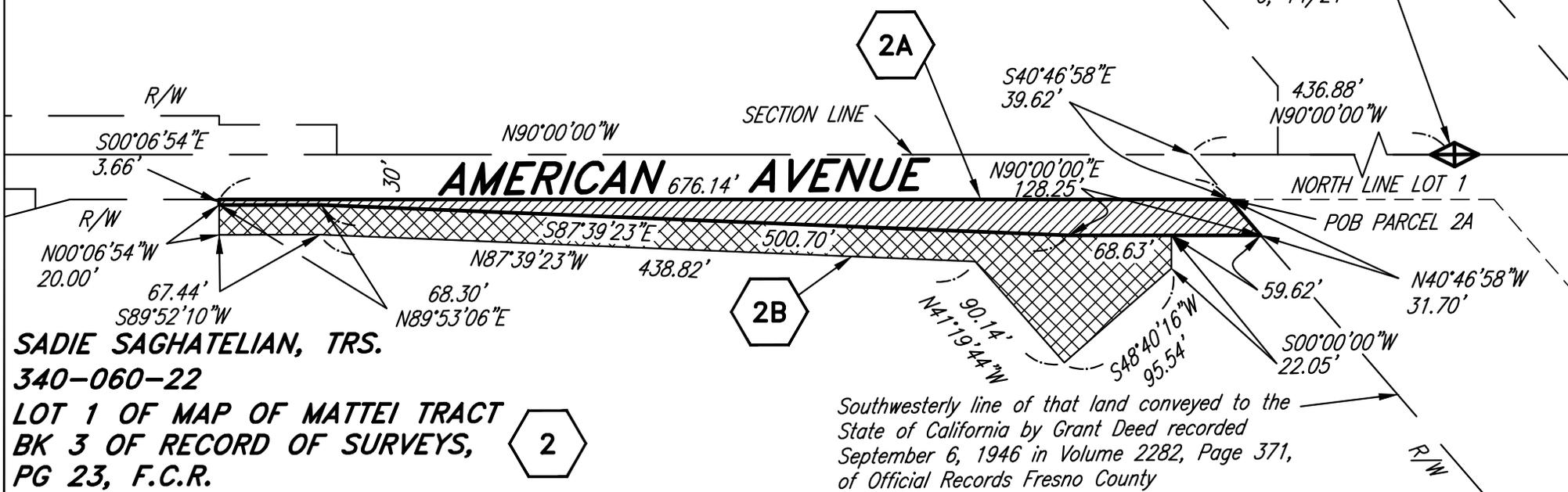
LEGEND



RIGHT OF WAY ACQUISITION



TEMPORARY CONSTRUCTION PERMIT



SADIE SAGHATELIAN, TRS.

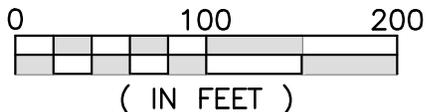
340-060-22

**LOT 1 OF MAP OF MATTEI TRACT
BK 3 OF RECORD OF SURVEYS,
PG 23, F.C.R.**



Southwesterly line of that land conveyed to the
State of California by Grant Deed recorded
September 6, 1946 in Volume 2282, Page 371,
of Official Records Fresno County

NAME:	DATE:
DRAWN: GMEDINA	04/06/17
CHECKED: JDONMYER	04/06/17
REVISION: XX	00/00/00



DEPARTMENT OF PUBLIC WORKS AND PLANNING

AMERICAN AVENUE
STATE HIGHWAY 99 TO TEMPERANCE AVENUE

#NO.

SHEET NO. 1 OF 1

**AMERICAN AVE.
State Highway 99 to Temperance Ave.**

Exhibit 1

**Parcel 05 The Pacific Telephone and Telegraph Company
Portion of APN 331-110-22U**

That portion of the Southeast Quarter of Section 31, Township 14 South, Range 21 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, described as follows:

BEGINNING at the Southeast corner of said Section 31;

- 1) Thence, along the South line of said Section 31, North $90^{\circ}00'00''$ West, a distance of 38.85 feet to the Northeasterly Right of Way line of the Union Pacific Railroad Company;
- 2) Thence, along said Northeasterly Right of Way line, North $40^{\circ}46'58''$ West, a distance of 118.89 feet;
- 3) Thence, Leaving said Northeasterly Right of Way line, South $89^{\circ}59'36''$ East, a distance of 87.19 feet;
- 4) Thence, North $07^{\circ}52'59''$ East, a distance of 76.86 feet;
- 5) Thence, parallel with and 20 feet West of the East line of said Section 31, North $00^{\circ}25'36''$ East, a distance of 5.02 feet;
- 6) Thence, South $90^{\circ}00'00''$ East, a distance of 20.00 feet to the East line of said Section 31;
- 7) Thence, along said East line, South $00^{\circ}25'36''$ West, a distance of 171.15 feet more or less to the POINT OF BEGINNING

Containing **0.207** acres of land, more or less, which includes **0.085** acres of land, more or less within the prescriptive County Right of Way, and **0.122** acres net, more or less.

BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHEAST QUARTER
 OF SECTION 31, T14S, R21E. M.D.B.&M. IS
 ASSUMED TO BE N90°00'00"E

T. 14 S., R. 21 E., M.D.B.& M.
 EXHIBIT 2
 PARCEL 5

UNION PACIFIC R.R.

Northeasterly Right of Way line
 of the Union Pacific Railroad
 Company

**THE PACIFIC TELEPHONE
 AND TELEGRAPH
 COMPANY**

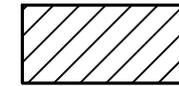
331-110-22U



PEACH AVENUE
 R/W



LEGEND



RIGHT OF WAY ACQUISITION

N90°00'00"E
 SECTION LINE

AMERICAN AVENUE

NE COR
 SEC 6
 15/21

POB PARCEL 5

SE COR SEC 31, 14/21

EAST LINE OF SECTION 31
 R/W

SECTION LINE

S89°08'49"E

30'

30'

20'
 N00°25'36"E
 SECTION LINE

S90°00'00"E
 20'

N00°25'36"E
 5.02'

N07°52'59"E
 76.86'

S89°59'36"E
 87.19'

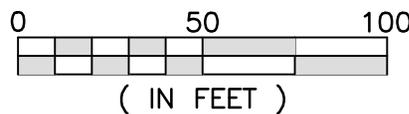
N54°46'58"W
 118.89'

N90°00'00"W
 38.85'

171.15'

S00°25'36"W

NAME:	DATE:
DRAWN: GMEDINA	04/06/17
CHECKED: JDONMYER	04/06/17
REVISION: XX	00/00/00



DEPARTMENT OF PUBLIC WORKS AND PLANNING	
AMERICAN AVENUE	
STATE HIGHWAY 99 TO TEMPERANCE AVENUE	
#NO.	SHEET NO. 1 OF 1