



Board Agenda Item 38

DATE: April 22, 2025

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: Conveyance of Right-of-Way to the City of Fresno and Approve City of Fresno
Request to Acquire Additional Right-of-Way

RECOMMENDED ACTION(S):

- 1. Approve and authorize the Chairman to execute Quitclaim Deed conveying County's interest in a segment of right-of-way along Ashlan Avenue between Polk and Grantland to the City of Fresno (\$0) (4/5 vote); and**
- 2. Approve request by City of Fresno to acquire right-of way, including by perfecting the public's interest in portions of the existing right-of-way, excluding eminent domain condemnation action, in an identified unincorporated area of the County in conjunction with the City's development of street and intersection improvements on W. Ashlan Avenue between Polk and Grantland Avenues.**

Approval and authorization of the first recommended action allows the Chairman to execute the conveyance of current County rights-of-way on W. Ashlan Avenue between Polk and Grantland Avenues (Ashlan Avenue ROW), which is approximately 88,883 sq. ft., via Quitclaim Deed (on file with Clerk) to the City of Fresno (City). Approval of the second recommended action will authorize the City, following its written request (Attachment A) to perfect existing Ashlan Avenue ROW and acquire additional right-of-way (ROW) necessary for the City to construct street and intersection improvements in the unincorporated area of W. Ashlan Avenue between Polk and Grantland Avenues. This item pertains to locations in District 1.

ALTERNATIVE ACTION(S):

If your Board does not approve the actions, the City will be unable to construct street and intersection improvements.

FISCAL IMPACT:

There is no Net County Cost associated with this item. The City will be responsible for ensuring it has adequate property rights and will construct the street and intersection improvements with no cost to the County. Construction management of the work will be performed by the City and the County Department of Public Works and Planning staff will provide oversight inspection of the improvements through application of an encroachment permit for the work in County areas, as needed. The City will be responsible for continued maintenance of the improvements, as the City specified in its written request and as the owner of the ROW.

DISCUSSION:

Recommended Action No. 1

The proposed Quitclaim Deed for the Ashlan Avenue ROW has been prepared for your Board's approval and execution by the Chairman. Staff recommends approval of the conveyance of the Ashlan Avenue ROW to the City pursuant to Government Code section 25365, subd.(a).

These segments of right-of-way will be conveyed at no cost to the City. Government Code section 25365, subd.(a), allows your Board to, by a four-fifths vote, grant, convey, quitclaim, assign, or otherwise transfer to several types of public agencies, including a city, or exchange with those public agencies, any real or personal property, or interest therein belonging to the County, upon the terms and conditions as are agreed upon, and without complying with any other provisions of the Government Code, if the property or interest therein to be granted and conveyed or quitclaimed is not required for County use.

In accordance with the requirements of Government Code section 25365, subd.(c), staff has published a notice of this intended action one time, at least one week prior to this action, in a newspaper of general circulation published in the County.

Recommended Action No. 2

Recommended Action No. 2 allows the City to purchase or otherwise establish marketable title to existing prescriptive Ashlan Avenue ROW portions and acquire additional ROW to complete street and intersection improvements. The City has been advised that your Board's approval does not include approval to undertake eminent domain proceedings.

Section 1810 of the Streets and Highways Code allows the Board of Supervisors to consent to the acquisition of a road easement by a city outside of its city limits when necessary to connect or widen the existing streets of the acquiring city. If your Board consents to the acquisition of ROW by the City, the acquired ROW becomes a city street for all purposes. The proposed ROW acquisition is consistent with the need for street improvements per the plans provided by the City. Department staff has reviewed the street improvement plans, and any work within the County ROW will be processed through an encroachment permit.

OTHER REVIEWING AGENCIES:

This item was coordinated with the City.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachment A - City of Fresno Request
Attachment B - Map
On file with Clerk - Quitclaim Deed

CAO ANALYST:

Salvador Espino