



Board Agenda Item 46

DATE: September 21, 2021

TO: Board of Supervisors

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

SUBJECT: Request by the City of Clovis to Obtain Right-of-Way in the Unincorporated Area of Fresno County

RECOMMENDED ACTION(S):

Approve request by the City of Clovis to acquire right-of-way, without eminent domain action or threat of eminent domain action, from two parcels adjacent to existing County right-of-way in an identified unincorporated area of the County as needed in conjunction with the City's development of a Measure C funded section of Herndon Avenue between N. Locan Avenue and N. DeWolf Avenue.

Approval of the recommended action will facilitate the City of Clovis' (City) (Attachment A) acquisition, without eminent domain action or threat of eminent domain action, of right-of-way (ROW) in the unincorporated area along Herndon Avenue, between N. Locan Avenue and N. DeWolf Avenue (Attachment B), to construct Measure C improvements, including widening and transitional paving, to that section of Herndon Avenue. Department staff is currently working with the City on an agreement between the City and the County which shall outline the City's responsibilities for the continued maintenance of the improvements, is not yet finalized and is forthcoming. Your Board previously approved a request by the City of Clovis to obtain ROW in this area on February 23, 2021 and the City now needs to acquire, without eminent domain action or threat of eminent domain action, ROW from two additional parcels (553-120-01 & 565-042-14) to complete the road improvements. The City has been advised that the Board's approval of this item will not include approval to undertake eminent domain proceedings or threaten to undertake eminent domain proceedings. This item pertains to a location in District 5.

ALTERNATIVE ACTION(S):

If your Board does not approve the action, the City will be unable to construct street improvements on Herndon Avenue between N. Locan Avenue and N. DeWolf Avenue.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. The City will acquire the road ROW from each property owner and will construct the street improvements with no fiscal impact to the County. Construction management of the work will be performed by the City and the 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. The City's responsibilities for the continued maintenance of the improvements will be detailed in an agreement between the County and the City which the Department staff and the City are still working on finalizing and is forthcoming.

DISCUSSION:

The City plans to make street improvements along Herndon Avenue, between N. Locan and N. DeWolf Avenues (Attachment B) in conjunction with Measure C funding. Herndon Avenue is designated an Arterial road in the County General Plan. Arterial roads provide for mobility within the County and its cities, carrying through traffic on continuous routes and joining major traffic generators, freeways, expressways, super arterials, and other arterials. Access to abutting private property and intersecting local streets is generally restricted. The proposed street improvements will improve traffic safety by increasing roadway width along Herndon Avenue due to increasing traffic demands caused by urbanization within the City limits.

Section 1810 of the Streets and Highways Code provides the basis for the City to request to obtain road easements in the County from the Board of Supervisors. 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 road ROW will be processed through an encroachment permit. Staff is currently working with the City on an agreement between the City and the County which shall outline the City's responsibilities for the continued maintenance of the improvements, is not yet finalized and is forthcoming.

OTHER REVIEWING AGENCIES:

The recommended action was initiated at the request of the City of Clovis.

REFERENCE MATERIAL:

BAI #32, February 23, 2021

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachment A

Attachment B

CAO ANALYST:

Ron Alexander