

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF FRESNO
STATE OF CALIFORNIA
ORDINANCE NO: _____

AN ORDINANCE AMENDING THE ORDINANCE CODE OF THE COUNTY OF FRESNO BY AMENDING PARAGRAPH "N" TO SECTION 2.52.040 OF CHAPTER 2.52 DELEGATING CERTAIN AUTHORITY TO THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS AND PLANNING TO ACQUIRE AN INTEREST REAL PROPERTY NECESSARY FOR ANY TRANSPORTATION PROJECT AND FOR ANY NON-TRANSPORTATION PROJECT FOR WHICH THE BOARD HAS EXPRESSLY AUTHORIZED FUNDING OR HAS OTHERWISE APPROVED THE PROJECT.

The Board of Supervisors of the County of Fresno does ordain as follows:

SECTION 1. The Ordinance Code of the County of Fresno is hereby amended to update Section "N" TO SECTION 2.52.040 OF CHAPTER 2.52, as follows:

"N. To perform any or all acts necessary to approve and accept for the county the acquisition of any interest in real property, that the Director deems necessary or appropriate and in either such case in the best interest of the county, subject to all of the following procedures and limitations:

1. The Director's exercise of authority under this Section N shall be in accordance with the provisions of Government code section 25350.60.
2. For transportation projects, such interest in real property that may be acquired shall only be for projects undertaken by the Department of Public Works and Planning that have been included in a road improvement program expressly adopted by the Board of Supervisors, pursuant to the Fresno County General Plan, Transportation and Circulation Element, Program TR-A.A, or for such a project the pursuit of which has otherwise been expressly approved by the Board of Supervisors.
3. For non-transportation projects, such interest in real property that may be acquired shall only be for a project expressly approved by the Board of Supervisors to be undertaken by the Department of Public Works and Planning, for which the board has expressly

1 appropriated sufficient funding for acquisition of such interest in real property.

- 2 4. The total purchase price of any individual acquisition of an interest in real property shall
3 not exceed \$125,000, provided however, the splitting or segmenting any acquisition of a
4 real property interest to circumvent such dollar limit is prohibited.
- 5 5. Any agreements, deeds, instruments, easements, and right of entry, for which the
6 Director may approve and accept for the county the acquisition of an interest in real
7 property under this Section N, shall be subject to approval of County Counsel as to legal
8 form and, if there is any expenditure of funds for such acquisition, as to accounting form
9 by the Auditor-Controller/Treasurer-Tax Collector.
- 10 6. The Director shall comply with all applicable laws and county policies pertaining to the
11 acquisition of the real property interest as would otherwise apply to the County's
12 acquisition for same.
- 13 7. The Director shall to the fullest extent reasonably practicable, obtain in recordable form
14 from the other party(ies) any agreements, deeds, instruments, easements, or right of
15 entry, that may be recordable, and record such agreements, deeds, instruments,
16 easements, or right of entry in the office of the County Recorder with respect to the
17 affected interest in real property.
- 18 8. The Director is not authorized under this Section N to acquire any interest in real
19 property that is subject to eminent domain proceedings pursuant to Code of Civil
20 Procedure section 1245.210, et seq.
- 21 9. Nothing in this grant of authority to the Director under this Section N shall divest or
22 otherwise limit the Board of its authority, which the Board fully reserves its right to
23 exercise it its discretion, to acquire interests in real properties including, but not limited
24 to, for the same transportation project or the same non-transportation project, or with
25 respect to any other projects or matters of any type.
- 26 10. The authority granted to the Director by this Section N shall expire on December 31,
27 2028.

28 For purposes of this Section N, "transportation projects" means any endeavor undertaken by the

1 Department of Public Works and Planning, the purpose of which is to construct, improve, expand,
2 relocate, rehabilitate, maintain, replace, remove, decommission, or demolish facilities or their
3 appurtenances whose primary function is to facilitate the conveyance of goods or people from place to
4 place by various means, including those facilities for the temporary or long-term storage of
5 conveyances including, but not limited to, bicycles, motorcycles, automobiles, vans, buses, trucks,
6 trains, aircraft, boats, and ships; and “non-transportation projects” means any endeavor undertaken by
7 the Department of Public Works and Planning, the purpose of which is to construct, improve, expand,
8 relocate, rehabilitate, maintain, replace, remove, decommission, or demolish facilities and their
9 appurtenances whose primary function is not to facilitate the conveyance of goods or people from place
10 to place by various means.”

11 SECTION 2: This ordinance shall take effect and be in full force and effect immediately
12 following the expiration of the existing grant of authority, scheduled to expire on December 31, 2023.

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THE FOREGOING was passed and adopted by the following vote of the Board of Supervisors of the County of Fresno this _____ day of _____, 2023 to wit.

- AYES:
- NOES:
- ABSENT:
- ABSTAINED:

Sal Quintero, Chairman of the Board of Supervisors
of the County of Fresno

ATTEST:
Bernice E. Seidel
Clerk of the Board of Supervisors
County of Fresno, State of California

By: _____
Deputy

FILE # _____
AGENDA # _____
ORDINANCE # _____