



# Board Agenda Item 41

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DATE: August 23, 2022

TO: Board of Supervisors

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

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

RECOMMENDED ACTION(S):

**Approve request by City of Fresno to acquire right-of-way, without eminent domain action or threat of eminent domain action, from parcels adjacent to existing County right-of-way in an identified unincorporated area of the County as needed in conjunction with the development of street and signal improvements at the intersection of W. Shields Avenue and N. Hayes Avenue.**

Approval of the recommended action will authorize the City of Fresno (City) (Attachment A) to acquire right-of-way (ROW), to be dedicated to the County, in the unincorporated area at the intersection W. Shields Avenue and N. Hayes Avenue, as shown in Attachment B. The City has been advised that your Board's approval of the recommended action does not include approval to undertake or threaten eminent domain proceedings. This item pertains to a location in District 1.

ALTERNATIVE ACTION(S):

If your Board does not approve the action, the City will be unable to construct the street and signal improvements at the intersection W. Shields Avenue and N. Hayes Avenue.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. The City will acquire road ROW from property owners and will construct the street and signal 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 of Fresno will maintain the improvements as noted in Attachment A.

DISCUSSION:

The City plans to make street improvements intersection W. Shields Avenue and N. Hayes Avenue. North Hayes Avenue is designated as a Collector in the County General Plan. Collectors provide for internal traffic movement within communities, and connect local roads to arterials, super arterials, and expressways. Direct access to abutting private property shall generally be permitted. The proposed street improvements will improve traffic flow in an area of the county that is undergoing urbanization within the city limits. West Shields Avenue is designated as an Arterial in the County General Plan. Arterials 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 shall generally be restricted.

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 easements sufficient to install the street and signal improvements per the plans provided by the City. Department staff has reviewed the intersection and signal improvement plans, and any work within the County road ROW will be processed through an encroachment permit. The County will hold title to the ROW and per the City's letter (Attachment A) the City will maintain the improvements installed within the area.

OTHER REVIEWING AGENCIES:

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

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachment A - City of Fresno Request  
Attachment B - Right-of-Way Acquisition Plan

CAO ANALYST:

Salvador Espino