



Agenda Item

39

DATE: February 24, 2015

TO: Board of Supervisors

FROM: Alan Weaver, Director
Department of Public Works and Planning

SUBJECT: Request by City of Fresno to Obtain Road Easements in the County along Clinton and Temperance Avenues for Road Widening Improvements required by the City's Conditions of Approval for Tract 5341 and a New Elementary School

RECOMMENDED ACTION:

Approve City of Fresno's request to acquire road right-of-way in unincorporated areas of the County in the vicinity of Clinton Avenue and Temperance Avenue for street improvements and a traffic signal, required in conjunction with the City's approval of Tract 5341 and an elementary school to be constructed at the southeast corner of Temperance and Clinton Avenues.

Approval of the recommended action will facilitate the City's request to acquire road right-of-way in accordance with the California Streets and Highway Code for public road improvements in unincorporated areas where the City is proposing to construct street improvements along Clinton Avenue and Temperance Avenue to address potential poor levels of service within and adjacent to Fresno City limits associated with a new subdivision and an elementary school.

ALTERNATIVE ACTION:

There is no immediate alternative that is viable for this action. Denial of this action would result in the inability of the City of Fresno to acquire road right-of-way for specified road improvements conditioned as part of a tentative map approval, or cause the City to pursue alternative alignments that would not impact properties within the unincorporated areas of the County, or cause the City to pursue additional annexations in the area where improvements are proposed within the County.

FISCAL IMPACT:

There will be no net County cost for this recommended action. The City of Fresno has paid \$288.00 for processing of the request in accordance with the Master Schedule of Fees. The City of Fresno will acquire easements for road right-of-way for construction of these improvements with no

ADMINISTRATIVE OFFICE REVIEW _____

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Official Action of
Board of Supervisors

Deputy

APPROVED AS RECOMMENDED

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fiscal impact to the County. The City of Fresno has indicated in their request (see attached letter) that they will maintain the improvements within these right-of-way areas as required by the Streets and Highways Code.

DISCUSSION:

Section 1810 of the Streets and Highways Code states that "a City may acquire, by purchase or eminent domain, property outside its boundaries in the unincorporated area of the County in which the City is located, if it is necessary to connect or widen the existing streets of the acquiring City and if the County consents to the acquisition. The portion of the acquired property used to connect or widen a City street shall be deemed a City street for all purposes."

The proposed road improvements are required per the conditions of approval for Tentative Tract 5341 approved by the City of Fresno. This is a 160-lot subdivision on the south side of Clinton Avenue between Temperance Avenue and Locan Avenue. The City of Fresno has requested to acquire easements within the County as shown on the attached exhibits, which are consistent with the project improvement plans provided by the City. The City will maintain all street improvements on the acquired portions, however, the County will not grant the City sole authority for review and approval as requested in the City's letter.

Improvements along the south side of Clinton Avenue west of Temperance Avenue include right-of-way for a 12-foot travel lane and 5-foot bike lane, plus a 10-foot area for utilities. Additional right-of-way is required at the intersection with Temperance Avenue to provide for left turn lanes.

Improvements along the north side of Clinton Avenue east of Temperance Avenue include half of a center turn lane, a travel lane and bike lane, plus a 10-foot area for utilities. Improvements along the east side of Temperance Avenue north and south of the proposed development include tapered rights-of-way to provide for transitional improvements back to match the existing two-lane road.

Additional acquisitions at the corners of Temperance Avenue and Clinton Avenue will provide the right-of-way necessary for the construction of a traffic signal at that corner. The traffic signal will facilitate additional traffic in that area resulting from the construction of a new school at the southeast corner of Temperance Avenue and Clinton Avenue.

The proposed road improvements will improve traffic circulation within the community. However, the acquisitions will impact property owner improvements, including trees, lawn, and fences within the area of acquisition, but the acquisitions will not displace any residents. The proposed acquisitions are the least amounts necessary to effect and construct the specified improvements.

The City of Fresno will pay all costs associated with acquiring the additional road right-of-way within the unincorporated areas of the County, and provide the engineering and construction administration for the project. The County's Department of Public Works and Planning staff is reviewing the plans for the street improvements. Any work within the County right-of-way will be processed through an encroachment permit.

OTHER REVIEWING AGENCIES:

This item has been initiated at the written request of the City of Fresno. A copy of this Agenda Item has been provided to the City of Fresno per their request.

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www.fresno.gov

Scott Mozier, PE
Public Works Director

November 13, 2014

Frank L. Daniele, PE,
Supervising Engineer
Fresno County Public Works
and Planning Department
2220 Tulare Street
Fresno, CA 93721

Dear Mr. Daniele:

SUBJECT: CITY ACCEPTANCE OF RIGHT-OF-WAY DEDICATION

The City of Fresno is processing deeds for the proposed dedication of right-of-way for public street easement purposes in conjunction with Tentative Tract 5341, generally located on the southwest corner of East Clinton and North Temperance Avenue, as shown on the enclosed exhibit.

The proposed area of dedication and construction are within the County jurisdiction, as shown on the enclosed drawing. The City requests that the County of Fresno grant the City the authority to acquire, including eminent domain condemnation if necessary, and accept the dedication of the public street right-of-way.

The City also requests that they be granted the sole reviewing and approval authority for the project located within the County, and we request that all street and utility work permits be issued by the City of Fresno for work to be done within the area of the proposed dedications.

The City agrees that maintenance of the improvements can best be performed by one agency, and the City agrees to perform all maintenance for the improvements installed within the area.

Please contact Jeff Beck at 621-8560, if you need any additional information and to keep us informed of when the request will go to the County Board.

Sincerely,



Andrew J. Benelli, P.E.
City Engineer/Assistant Director

Enclosures: County Exhibit Map
Deeds and Drawings

PROPOSED
RIGHT-OF-WAY
EXHIBIT



PROPOSED
RIGHT-OF-WAY
EXHIBIT



- LEGEND**
- INDICATES RIGHT-OF-WAY NEEDED FOR STREET IMPROVEMENTS
 - INDICATES CITY / COUNTY LIMITS

