Board Agenda Item 39

DATE: January 10, 2017

TO: Board of Supervisors

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

SUBJECT: Right of Way Acquisition for Fowler Avenue from Elkhorn Avenue to South Avenue shoulder improvement project - Federal Project No. CML 5942(211) - Eminent Domain Settlement

RECOMMENDED ACTION(S):

Accept the Grant of Easement and authorize the Chairman to execute the Right of Way Contract and Settlement of Eminent Domain Action for the Fowler Avenue from Elkhorn Avenue to South Avenue shoulder improvement project for a total monetary consideration of $10,400.

Approval of the recommended action will authorize the purchase of additional right-of-way at a cost of $10,400 on Fowler Avenue (shown on attached Exhibit A). This acquisition will facilitate the construction of paved shoulders on Fowler Avenue. The paved shoulders will improve air quality by decreasing the amount of airborne particulate matter disturbed by passing vehicles.

ALTERNATIVE ACTION(S):

This item is for the purpose of formalizing this settlement your Board approved in closed session on September 27, 2016, (Item No. 18.1), County of Fresno v. Frances Andrade, et al. Case No. 16 CECG 02431.

FISCAL IMPACT:

There will be no Net County Cost associated with the recommended action. A warrant or check will be drawn on the Road Fund 0010, made payable to the individual grantor listed below. This project is eligible for reimbursement under the Congestion Mitigation Air Quality Improvement (CMAQ) program, Federal Project No. CML 5942(211). The CMAQ program will provide 88.53% of the project funding. The remaining 11.47% will be paid out of the Road Fund. Sufficient funds for the project are included in the FY 2016-17 Public Works and Planning - Roads Org 4510 Adopted Budget.

The property owner's name, address and the basis of the compensation associated with this parcel is as follows: Parcel 4 (APN 385-061-05) - Frances Andrade, 12310 S. Fowler Avenue, Selma, CA 93662- $10,400. This is for a 0.176 acre road easement, paving, gravel and severance damages to the remainder, if any.

Of the total compensation provided pursuant to this agenda Item, all $10,400 is for a permanent roadway easement.

DISCUSSION:

The project scope consists of constructing eight-foot wide paved shoulders on each side of Fowler Avenue from Elkhorn Avenue to South Avenue. Fowler Avenue is a rural two-lane undivided major collector that has

approximately 24 feet of paved travel way with eight-foot wide maintained dirt shoulders on each side. With the proposed project, the new pavement width will be 40 feet. The paved shoulders will improve air quality by decreasing the amount of airborne particulate matter disturbed by passing vehicles.

Your Board approved this settlement in closed session on September 27, 2016, (Item No. 18.1), County of Fresno v. Frances Andrade, et al. Case No. 16 CECG 02431. This item is for the purpose of formalizing the settlement by accepting the Grant of Easement and authorizing the Chairman to execute the Right of Way Contract and Settlement of Eminent Domain Action. This case was initiated after a Resolution of Necessity was adopted by your Board on July 12, 2016, authorizing the filing of eminent domain actions to acquire the remaining parcels necessary for the Fowler Avenue from Elkhorn Avenue to South Avenue shoulder improvement project.

REFERENCE MATERIAL:

BAI #66, May 22, 2012
BAI #39, February 10, 2015
BAI #41, February 24, 2015
BAI #36, April 7, 2015
BAI #49, May 5, 2015
BAI #64, July 14, 2015
BAI #54, September 22, 2015
BAI #47, October 17, 2015
BAI #32, January 12, 2016
BAI #40, January 26, 2016
BAI #15, March 1, 2016
BAI #12, July 12, 2016
BAI #60, August 9, 2016
BAI #18.1, September 27, 2016

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibit A
Location Map
On file with Clerk - Settlement of Eminent Domain Action
On file with Clerk - Right of Way Contract
On file with Clerk - Grant of Easement

CAO ANALYST:

John Hays