



# Board Agenda Item 62

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DATE: July 18, 2023

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 the City of Fresno to acquire right-of-way, excluding eminent domain condemnation actions, from 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 street and intersection improvements at W. McKinley Avenue and N. Blythe Avenues**

Approval of the recommended action will authorize the City of Fresno (City) (Attachment A) to acquire additional right-of-way (ROW) in the unincorporated area, at W. McKinley Avenue and N. Blythe Avenue (Attachment B), to provide street and intersection improvements. The City has been advised that your Board's approval of the recommended action does not include approval to undertake 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 acquire right-of way and construct street and intersection improvements at W. McKinley Avenue and N. Blythe Avenue.

FISCAL IMPACT:

The County will pay a local match under a Project Specific Supplemental Agreement to pay all of the local match for ROW acquired in the County and will share the local match on the project's design and construction in accordance with our jurisdictional share of 30 percent. Total project costs are \$2M minus 1.6 million in federal funds. The estimated cost will be approximately \$200,000 to be paid out of the County's Measure C Flexible Spending allocation. After acquisition, the ROW will be dedicated 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.

DISCUSSION:

The City of Fresno has received funds from the Federal Congestion Mitigation and Air Quality Improvement Program (CMAQ) for improvements at the intersection of McKinley and Blythe Avenues, including construction of a full traffic signal, sidewalk along the north side of McKinley, adjacent to McKinley Elementary, and bike lanes throughout the project's limits of work. As the project will be installing sidewalk and other improvements at the intersections of McKinley and Blythe, which include minor expansions of the

public right-of-way, there will be a small amount of encroachment outside the existing street right-of-way onto private property currently owned by Central Unified School District and Fresno County residents (Attachment B).

West McKinley Avenue and N. Hayes Avenue are designated as Arterial roads 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 is generally 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 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.

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 - Map

CAO ANALYST:

Salvador Espino