



Board Agenda Item 57

DATE: April 9, 2024

TO: Board of Supervisors

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

SUBJECT: Request by City of Fresno for Acquisition of Right-of-Way

RECOMMENDED ACTION(S):

Approve request by the City of Fresno to acquire right-of-way, including by perfecting the public's interest in portions of the existing right-of-way, which is either prescriptive or impliedly dedicated to the public, but excluding eminent domain condemnation actions, in 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 on the south side of W. Dakota Avenue, at and near the intersection of N. Milburn Avenue, in the area generally bounded by N. Cornelia and N. Blythe Avenues

Approval of the recommended action will authorize the City of Fresno (City), following its written request (Attachment A), to acquire additional right-of-way (ROW) in the unincorporated area, on the south side of W. Dakota Avenue, at and near the intersection of N. Milburn Avenue, in the area generally bounded by N. Cornelia and N. Blythe Avenues (Attachment B). 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 actions, the City will be unable to acquire right-of way and construct street and intersection improvements.

FISCAL IMPACT:

There is no Net County Cost associated with this item. The City will be responsible for ensuring it has adequate rights to utilize the existing ROW and additional adjacent property from the property owners, and will construct the street and intersection improvements with no cost 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 be responsible for continued maintenance of the improvements, as the City specified in its written request and as the owner of the ROW.

DISCUSSION:

The City plans to make street and intersection improvements on W. Dakota Avenue in connection with the development of a City park, known as Dolores Huerta Park, on the northeast corner of W. Dakota Avenue and N. Milburn Avenue. West Dakota Avenue is designated as a "Collector" in the County General Plan, and

is included in the County's network of maintained mileage. Collectors provide for internal traffic movement within communities, and connect local roads to arterials, super arterials, and expressways. Direct access to abutting private property is generally permitted along Collectors.

The City will need to acquire ROW from adjacent parcels to complete the street improvements with approval of your Board. Although records prove the existence of the relevant segment of Dakota since the early 1900s, some portions of Dakota exist by virtue of implied dedication, and not as the result of a dedication to the County in the public record. The recommended action allows the City to purchase or otherwise establish marketable title to those impliedly dedicated portions of Dakota Road, in addition to acquiring additional property to widen the existing ROW. The City has been advised that your Board's approval of the second recommended action does not include approval to undertake eminent domain proceedings.

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 ROW will be processed through an encroachment permit.

OTHER REVIEWING AGENCIES:

This item was coordinated with the City of Fresno.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachment A - City of Fresno Request

Attachment B - Map

CAO ANALYST:

Salvador Espino