

1 BOARD OF SUPERVISORS  
2 OF THE COUNTY OF FRESNO  
3 STATE OF CALIFORNIA

4 IN THE MATTER OF: ) RESOLUTION OF NECESSITY,  
5 ACQUIRING REAL PROPERTY ) AUTHORIZATION TO INSTITUTE  
6 FOWLER AVENUE FROM ) EMINENT DOMAIN PROCEEDINGS  
7 ELKHORN AVENUE TO SOUTH AVENUE ) AND AUTHORIZATION TO DEPOSIT  
8 FUNDS IN COURT

9 WHEREAS, a public hearing has been set for March 1, 2016, at the hour of  
10 11:00 A.M. or as soon thereafter as practicable, to determine whether a resolution of  
11 necessity should be adopted as provided by law precedent to the commencement of  
12 eminent domain proceedings to acquire real property interests for the purpose of  
13 constructing eight foot wide paved shoulders on each side of Fowler Avenue from  
14 Elkhorn Avenue to South Avenue, a public roadway, in the County of Fresno,  
15 hereinafter referred to as "the Project."

16 WHEREAS, said hearing was duly noticed and held before the Fresno County  
17 Board of Supervisors (hereafter, "Board") in the manner prescribed by law; and,

18 WHEREAS, it appears that the public interest and necessity requires that certain  
19 real property interests be acquired for the Project, upon and along the certain parcels  
20 situated in the County of Fresno, State of California, whose descriptions and extent of  
21 property required and owners of record are as set forth in Exhibits "1", attached hereto  
22 and incorporated herein by reference; and,

23 WHEREAS, this Board is authorized to acquire certain real property interests by  
24 eminent domain pursuant to Government Code Section 25350.5, Streets and Highways  
25 Code Section 943, and California Code of Civil Procedure Section 1230.010, et seq.;  
26 and,

27 WHEREAS, it appears that it is not possible to acquire the hereinabove property  
28 and interests therein by negotiations and that it will be necessary to institute  
proceedings in eminent domain; and,

1 WHEREAS, it appears that the taking of possession of said certain real property  
2 interests upon the institution of condemnation proceedings is necessary to expedite the  
3 project; and,

4 WHEREAS, the estimated date of use thereof for such purposes is the earliest  
5 date possible; pursuant to Code of Civil Procedure section 1240.220(a), there is a  
6 reasonable probability that the date of use of the property will be within seven years  
7 from the date the complaint is filed.

8 NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the  
9 County of Fresno, with regard to the real property described in Exhibits "1" and the  
10 proposed project, hereby finds and determines as follows:

- 11 1. That the public interest and necessity require the proposed Project;
- 12 2. The proposed Project is planned and located in a manner that is most  
13 compatible with the greatest public good and the least private injury;
- 14 3. That the certain real property interests described herein are necessary for the  
15 proposed Project;
- 16 4. That the offer required by Section 7267.2 of the Government Code has been  
17 made to the owners of record of the real property which are the subject of the proposed  
18 Project;

19 BE IT FURTHER RESOLVED that the County Counsel of the County of Fresno  
20 be, and hereby is, authorized and directed to institute and prosecute proceedings in  
21 eminent domain to acquire the hereinabove described real property interests and to  
22 secure possession thereof on the earliest date possible. Pursuant to Code of Civil  
23 Procedure section 1240.220(a), there is a reasonable probability that the date of use  
24 of the property will be within seven years from the date the complaint is filed.

25 BE IT FURTHER RESOLVED that the Auditor-Controller/Treasurer-Tax Collector  
26 of the County of Fresno be, and hereby is, authorized and directed to draw warrants or  
27 checks in the aggregate amount of \$42,800.00, or such lesser amount as certified by  
28 the Director of Public Works and Planning or his or her designee, from Fund No. 0010,

1 Subclass No. 11000, Org. No. 4510, Account No. 7880, Project No. E23172, made  
2 payable to Fresno County Superior Court and delivered to the Design Division Manager  
3 to be placed on deposit for possession upon the institution of condemnation  
4 proceedings as provided by law.

5 THE FOREGOING was passed and adopted by the following vote of the Board of  
6 Supervisors of the County of Fresno this \_\_\_\_\_ day of March, 2016.

7 AYES:

8 NOS:

9 ABSENT:

10 COUNTY OF FRESNO

11  
12 BY \_\_\_\_\_  
13 ERNEST BUDDY MENDES, CHAIRMAN  
14 Board of Supervisors

15 APPROVED AS TO LEGAL FORM  
16 Daniel C. Cederborg  
17 County Counsel

18 By \_\_\_\_\_  
19 Deputy

ATTEST:  
Bernice E. Seidel, Clerk  
Board of Supervisors

By \_\_\_\_\_  
Deputy

20 APPROVED AS TO ACCOUNTING FORM  
21 Vicki Crow, C.P.A.  
22 Auditor-Controller/Treasurer-Tax Collector

23 By \_\_\_\_\_  
24 Deputy

25 FOR ACCOUNTING USE ONLY:

26 ORG: 4510  
27 FUND: 0010  
28 SUBCLASS: 11000  
ACCOUNT: 7880