



# Board Agenda Item 73

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DATE: June 21, 2022

TO: Board of Supervisors

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

SUBJECT: Request by the City of Clovis to Obtain Right-of-Way in the Unincorporated Area of Fresno County

RECOMMENDED ACTION(S):

**Approve request by the City of Clovis 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 a traffic signal, intersection, and street improvements at, and adjacent to, the north side of E. Shepherd Avenue at Peach Avenue.**

Approval of the recommended action will authorize the City of Clovis (City) (Attachment A) to acquire right-of-way (ROW) from parcels adjacent to existing County right-of-way in an identified unincorporated area at, and adjacent to, the north side of E. Shepherd Avenue at N. Peach Avenue (Improvement Location), to construct a traffic signal, street, and intersection improvements as shown in 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 5.

ALTERNATIVE ACTION(S):

If your Board does not approve the action, the City will be unable to acquire the right-of way and construct the traffic signal, street and intersection improvements at the Improvement Location.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. The City will acquire the road ROW from property owners and will construct the street, intersection and traffic signal improvements with no fiscal impact 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. Continued maintenance of the traffic signal, street, and intersection improvements will be by separate agreement, as noted in Attachment A.

DISCUSSION:

The City plans to construct street, intersection, and traffic signal improvements at the Improvement Location (Attachment B). The City is requesting authorization to acquire the ROW, at and adjacent to, the north side of E. Shepherd Avenue at N. Peach Avenue. East Shepherd Avenue is designated as an Arterial 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 shall generally be restricted.

Section 1810 of the Streets and Highways Code allows acquisition, by purchase or eminent domain, of a road easement by a city outside of its city limits, in the unincorporated area of the county in which the city is located, when necessary to connect or widen the existing streets of the acquiring city if the county consents to the acquisition. If your Board consents to the acquisition of the ROW by the City, the acquired ROW becomes a city street for all purposes. The proposed ROW acquisition is consistent with the need for easements sufficient to install the street, intersection, and signal improvements per the plans provided by the City. Department staff has reviewed the intersection, street and signal improvement plans, and any work within the County road ROW will be processed through an encroachment permit. Continued maintenance of the traffic signal, street, and intersection improvements will be by separate agreement, as noted in Attachment A.

OTHER REVIEWING AGENCIES:

The recommended action was initiated at the request of the City of Clovis.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachment A - City of Clovis Request  
Attachment B - Right-of-Way Acquisition Plan

CAO ANALYST:

Salvador Espino