



# Board Agenda Item 48

DATE: April 13, 2021

TO: Board of Supervisors

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

SUBJECT: Eminent Domain Settlement, Travers Creek Bridge Replacement Project on Lincoln Avenue

RECOMMENDED ACTION(S):

**Accept the Grant of Easement and authorize the Chairman to execute the Right-of-Way Agreement and Settlement of Eminent Domain Action for the Travers Creek Bridge Replacement Project on Lincoln Avenue, Federal Project ID No. BRLO 5942 (226), for a total monetary consideration of \$2,500.**

Approval of the recommended action will result in the partial settlement of the Eminent Domain action for the acquisition of additional right-of-way on Lincoln Avenue, see Exhibit A, for a Federally funded Highway Bridge Program (HBP) bridge replacement project. This item pertains to a location in District 4.

ALTERNATIVE ACTION(S):

If the recommended action is not approved, the settling property owners will remain subject to the Eminent Domain action and the bridge replacement may be delayed.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. The project is 100% funded by the HBP. Sufficient appropriations and estimated revenues are included in the Department's Road Fund Org 4510 FY 2020-21 Adopted Budget.

The total estimated cost for acquiring the real property interests subject to Eminent Domain is \$7,500. The settling property owners' name, address and the basis of the compensation associated with this parcel is as follows: Parcel 3 (APN 373-310-34) - Anna Mirzaee and Farrah Mirzaee, 22603 East Lincoln Avenue, Reedley, CA 93654 - \$2,500. This is for a 1/3 interest in 0.072 acre road easement, spreading plants ground cover and severance damages to the remainder, if any.

Of the total compensation provided pursuant to this agenda Item, all \$2,500 is for a permanent roadway easement.

DISCUSSION:

This item is for the purpose of formalizing the partial settlement of the Eminent Domain action by accepting the Grant of Easement and authorizing the Chairman to execute the Right-of-Way Contract and Settlement of Eminent Domain action. The Project would replace a structurally deficient wooden two-lane bridge on

Lincoln Avenue with a new two-lane, 3-sided (bottomless) reinforced concrete culvert that meets current standards.

*County of Fresno v. Patricia A. Rogers, et al.*, Case No. 20 CECG 01833 was initiated after your Board adopted Resolution No. 19-1194 on November 5, 2019, authorizing the filing of the Eminent Domain action to acquire the remaining parcel necessary for the Travers Creek Bridge Replacement Project on Lincoln Avenue. Anna Mirzaee and Farrah Mirzaee share a 1/3 interest in Parcel 3 and Patricia Rogers holds an undivided 2/3 interest in Parcel 3. Anna Mirzaee and Farrah Mirzaee have agreed to settle and grant the easement. Patricia Rogers remains subject to Eminent Domain. Complete acquisition of the 0.072 road easement will occur once judgment is entered in the Eminent Domain action, or the action is otherwise resolved.

REFERENCE MATERIAL:

BAI #32, January 26, 2021  
BAI #10, November 5, 2019  
BAI #50, October 8, 2019

ATTACHMENTS INCLUDED AND/OR ON FILE:

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

CAO ANALYST:

Ron Alexander