

1                               BEFORE THE BOARD OF SUPERVISORS  
2                               OF THE COUNTY OF FRESNO  
3                               STATE OF CALIFORNIA  
4                               ORDINANCE NO: \_\_\_\_\_  
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6               AN ORDINANCE AMENDING THE ORDINANCE CODE OF THE COUNTY OF FRESNO BY  
7   ADDING PARAGRAPH "N" TO SECTION 2.52.040 OF CHAPTER 2.52 DELEGATING CERTAIN  
8   AUTHORITY TO THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS AND PLANNING, IN  
9   ACCORDANCE WITH THE PROVISIONS OF GOVERNMENT CODE SECTION 25350.60, TO  
10   ACQUIRE ANY INTEREST IN REAL PROPERTY NECESSARY FOR CERTAIN TRANSPORTATION  
11   PROJECTS AND FOR CERTAIN NON-TRANSPORTATION PROJECTS.

12           The Board of Supervisors of the County of Fresno does ordain as follows:

13           SECTION 1. The Ordinance Code of the County of Fresno is hereby amended to add Section  
14   "N" TO SECTION 2.52.040 OF CHAPTER 2.52, as follows:

15   "N. To perform any or all acts necessary to approve and accept for the county the acquisition of any  
16   interest in real property, that the director deems necessary or appropriate and in either such case in the  
17   best interest of the county, subject to all of the following procedures and limitations:

- 18           1. The director's exercise of authority under this Section N shall be in accordance with the  
19           provisions of Government code section 25350.60.
- 20           2. For any transportation project, such interest in real property that may be acquired shall  
21           only be for such a project undertaken by the department of public works and planning  
22           that has been included in a road improvement program expressly adopted by the board  
23           of supervisors, pursuant to the Fresno County General Plan, Transportation and  
24           Circulation Element, Program TR-A.A, or for such a project the pursuit of which has  
25           otherwise been expressly approved by the board of supervisors.
- 26           3. For any non-transportation project, such interest in real property that may be acquired  
27           shall only be for a project expressly approved by the board of supervisors to be  
28           undertaken by the department of public works, for which the board has expressly

appropriated sufficient funding for acquisition of such interest in real property.

4. The total purchase price of any individual acquisition of an interest in real property shall not exceed \$100,000, provided however, the splitting or segmenting any acquisition of a real property interest to circumvent such dollar limit is prohibited.
5. Any agreements, deeds, instruments, easements, and right of entry, for which the director may approve and accept for the county the acquisition of an interest in real property under this Section N, shall be subject to approval of County Counsel as to legal form and of the Auditor-Controller/Treasurer-Tax Collector as to accounting form.
6. The director shall comply with all applicable laws and county policies pertaining to the acquisition of the real property interest as would otherwise apply to the County's acquisition for same.
7. The director shall to the fullest extent reasonably practicable, obtain in recordable form from the other party(ies) any agreements, deeds, instruments, easements, or right of entry, that may be recordable, and record such agreements, deeds, instruments, easements, or right of entry in the office of the County recorder with respect to the affected interest in real property.
8. The director is not authorized under this Section N to acquire any interest in real property that is subject to eminent domain proceedings pursuant to Code of Civil Procedure section 1245.210, et seq.
9. Nothing in this grant of authority to the director under this Section N shall divest or otherwise limit the board of its authority, which the board fully reserves its right to exercise it its discretion, to acquire interests in real properties including, but not limited to, for the same transportation project or the same non-transportation project, or with respect to any other projects or matters of any type.
10. The authority granted to the director under this Section N shall expire on December 31, 2023.

For purposes of this Section N, "transportation project" means any endeavor undertaken by the department of public works and planning the purpose of which is to construct, improve, expand,

1 relocate, rehabilitate, maintain, replace, remove, decommission, or demolish facilities or their  
2 appurtenances whose primary function is to facilitate the conveyance of goods or people from place to  
3 place by various means, including those facilities for the temporary or long term storage of  
4 conveyances including but not limited to bicycles, motorcycles, automobiles, vans, busses, trucks,  
5 trains, aircraft, boats and ships; and "non-transportation projects" means any endeavor undertaken by  
6 the department of public works and planning the purpose of which is to construct, improve, expand,  
7 relocate, rehabilitate, maintain, replace, remove, decommission, or demolish facilities and their  
8 appurtenances whose primary function is not to facilitate the conveyance of goods or people from place  
9 to place by various means."

10 SECTION 2: This ordinance shall take effect and be in full force and effect thirty (30) days from  
11 and after its passage.

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1 THE FOREGOING was passed and adopted by the following vote of the Board of Supervisors  
2 of the County of Fresno this \_\_\_\_\_ day of \_\_\_\_\_ 2019, to wit.

3  
4 AYES:

5 NOES:

6 ABSENT:

7 ABSTAINED:

8 VACANT:  
9  
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11 \_\_\_\_\_  
Nathan Magsig, Chairman of the Board of Supervisors  
12 of the County of Fresno

13 ATTEST:  
14 Bernice E. Seidel  
Clerk of the Board of Supervisors  
15 County of Fresno, State of California

16 By: \_\_\_\_\_  
17 Deputy  
18

19 FILE # \_\_\_\_\_  
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21 AGENDA # \_\_\_\_\_

22 ORDINANCE # \_\_\_\_\_  
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