

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

4 IN THE MATTER OF:) RESOLUTION OF NECESSITY TO AUTHORIZE
5 ACQUIRING REAL PROPERTY FOR THE) EMINENT DOMAIN PROCEEDINGS AND TO
6 BRIDGE PREVENTATIVE MAINTENANCE) AUTHORIZE THE DEPOSIT OF FUNDS IN THE
7 PROGRAM SCOUR MITIGATION PROJECT) STATE OF CALIFORNIA - CONDEMNATION
8 DEPOSIT FUND

9 WHEREAS, a public hearing has been set for May 7, 2019, at the hour of 9:00 A.M. or as soon
10 thereafter as practicable, to determine whether a resolution of necessity should be adopted as provided
11 by law precedent to the commencement of eminent domain proceedings to acquire real property
12 interests for the purpose of conducting maintenance activities on twelve (12) bridges, located in the
13 County of Fresno and Kings County, as part of the Bridge Preventative Maintenance Program Scour
14 Mitigation Project, in order to extend the service life of the existing structure at each location by
15 installing new or repairing existing scour countermeasures, hereinafter referred to as "the Project."

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

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

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

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

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

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

4 NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Fresno,
5 with regard to the real property described in Exhibits A and B and the proposed project, hereby finds
6 and determines as follows:

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

14 BE IT FURTHER RESOLVED that the Board of Supervisors of the County of Fresno, as to the
15 interests in the parcels of real property described herein and by the Exhibits hereto which are
16 incorporated by reference, hereby finds and determines that the real property subject to this proposed
17 project is subject to existing public uses, as briefly described below, and that the property herein
18 described is being acquired pursuant to Code of Civil Procedure section 1240.510 for a public use set
19 forth herein which is compatible with the existing public uses. The Board of Supervisors for the County
20 of Fresno further finds and determines that the acquisition and public use herein described of the
21 parcels will not unreasonably interfere with or impair the continuance of the public use as its exists or
22 may reasonably be expected to exist in the future, as required by Code of Civil Procedure section
23 1240.510. The Board of Supervisors of the County of Fresno, further resolves, finds and determines, in
24 the alternative, that the parcels and interests herein described are being acquired pursuant to Code of
25 Civil Procedure section 1240.610 for a more necessary public use. The parcels and interests therein
26 above-described are as follows:
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1 As to Parcels 1 and 4, various easements and Right of Way Kings River Conservation District to
2 operate and maintain the Kings River Channel Improvement Project, to construct and repair levees,
3 embankments and canals, and to clear/remove any debris and obstructions from the channel.

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

9 BE IT FURTHER RESOLVED that the Auditor-Controller/Treasurer-Tax Collector of the County of
10 Fresno be, and hereby is, authorized and directed to issue checks in the aggregate amount of \$53,400.00,
11 as certified by the Director of Public Works and Planning or designee, made payable to the State of
12 California – Condemnation Deposit Fund and delivered to the Design Division Manager to be placed on
13 deposit for possession upon the institution of condemnation proceedings as provided by law.

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

3
4 AYES:

5 NOS:

6 ABSENT:

7 ABSTAINED:
8
9

10 _____
11 Nathan Magsig, Chairman of the Board of
Supervisors of the County of Fresno

12 **ATTEST:**

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

15 By _____
16 Deputy

17
18 FOR ACCOUNTING USE ONLY:

19 ORG: 4510
20 FUND: 0010
21 SUBCLASS: 11000
ACCOUNT: 8110
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BPMP Scour Mitigation – Fresno
Slough Bridge at Excelsior Avenue

Parcel 1
Portion of APN 053-100-49S

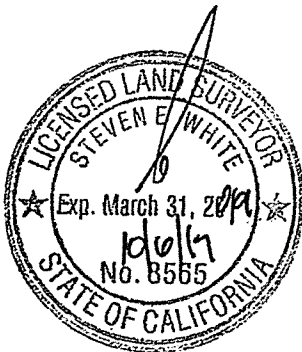
Exhibit A

That portion of the Southeast Quarter of Section 32, Township 17 South, Range 19 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, described as follows:

COMMENCING at the Southwest corner of said Section 32; thence, along the South line of said Section 32, North 88°44'57" East, a distance of 4,741.04 feet; thence, North 01°15'03" West, a distance of 30.00 feet to the North line of the South 30 feet of said Section 32 said point being the TRUE POINT OF BEGINNING, thence,

- 1) Parallel with and 30 feet North of the South line of said Section 32, North 88°44'57" East, a distance of 96.00 feet to the Westerly Right of Way line of Zalda Reclamation District Levee; thence,
- 2) Along said Westerly Right of Way line, North 08°15'00" West, a distance of 126.54 feet; thence,
- 3) Leaving said Westerly Right of Way line, South 88°44'57" West, a distance of 5.10 feet; thence,
- 4) South 01°15'03" East, a distance of 81.10 feet; thence,
- 5) South 88°44'57" West, a distance of 75.48 feet; thence,
- 6) South 01°15'03" East, a distance of 44.50 feet to the TRUE POINT OF BEGINNING

Containing 0.114 acres of land, more or less



**BPMP Scour Mitigation – Fresno
Slough Bridge at Excelsior Avenue**

**Parcel 4
Portion of APN 053-100-49S**

Exhibit A

That portion of the Southeast Quarter of Section 32, Township 17 South, Range 19 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, described as follows:

COMMENCING at the Southwest corner of said Section 32; thence, along the South line of said Section 32, North $88^{\circ}44'57''$ East, a distance of 4,290.52 feet; thence, North $01^{\circ}15'03''$ West, a distance of 30.00 feet to the North line of the South 30 feet of said Section 32 said point being the TRUE POINT OF BEGINNING, thence,

- 1) Parallel with and 30 feet North of the South line of said Section 32, North $88^{\circ}44'57''$ East, a distance of 259.70 feet; thence,
- 2) North $01^{\circ}15'03''$ West, a distance of 30.00 feet; thence,
- 3) South $88^{\circ}44'57''$ West, a distance of 259.70 feet; thence,
- 4) South $01^{\circ}15'03''$ East, a distance of 30.00 feet to the TRUE POINT OF BEGINNING

Containing 0.1789 acres of land, more or less

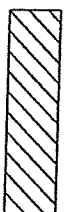
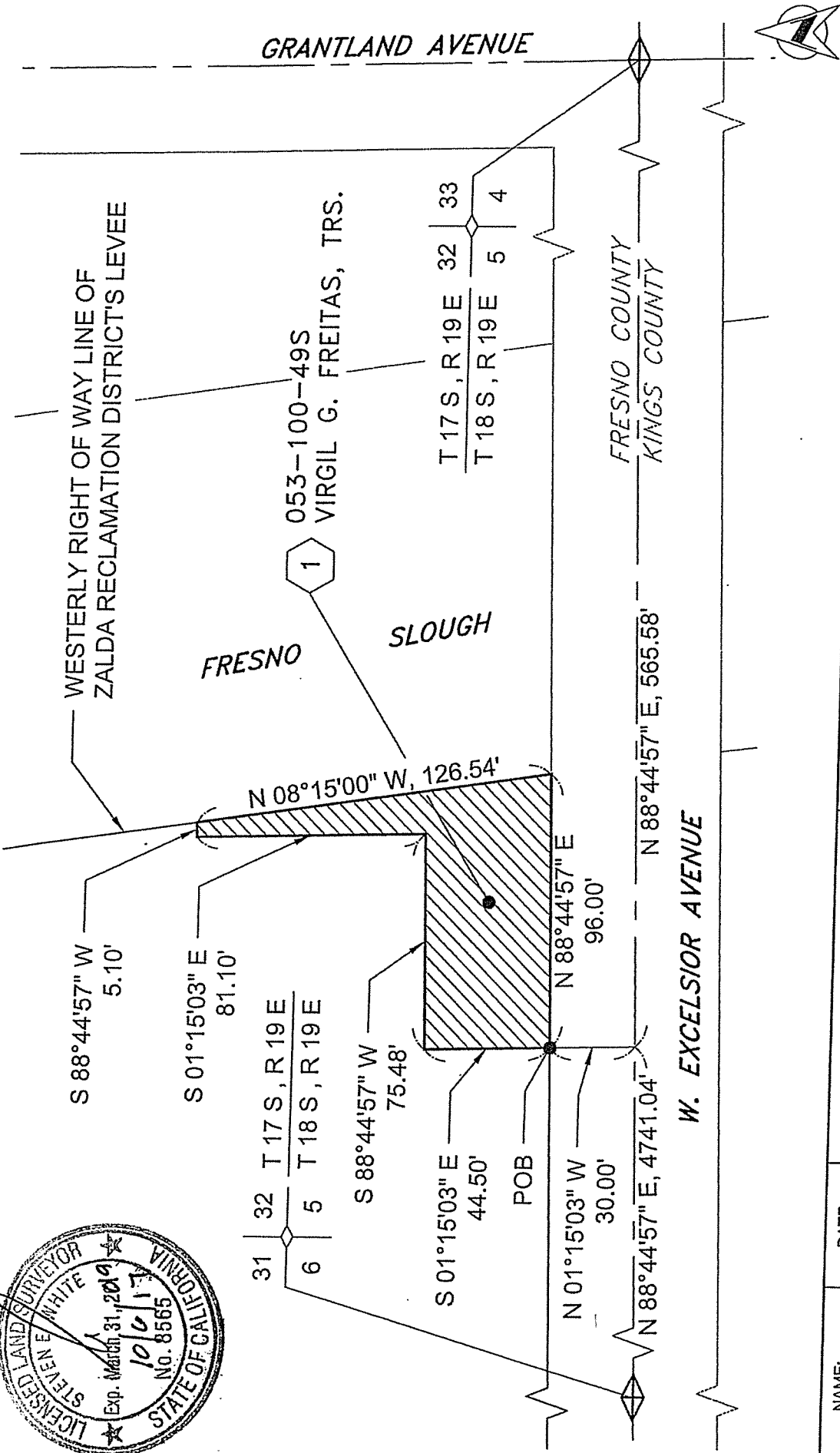
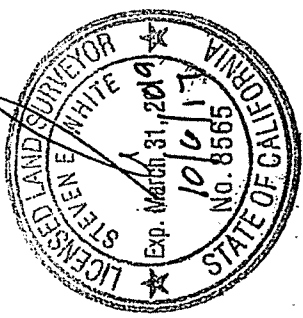




EXHIBIT B
PARCEL 1

T. 17 S., R. 19 E., M.D.B. & M.

LEGEND

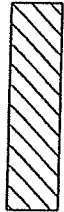
RIGHT OF WAY
ACQUISITION TO
COUNTY OF FRESNO

DEPARTMENT OF PUBLIC WORKS AND PLANNING			
BMP SCOUR MITIGATION			
FRESNO SLOUGH BRIDGE AT EXCELSIOR AVENUE			
BRIDGE #NO.		SHEET NO. 1	
NAME:	DATE:		
DRAWN: J DONMYER	09/28/17		
CHECKED: G MEDINA	09/29/17		
REVISION: XX	00/00/00		

LEGEND

RIGHT OF WAY
ACQUISITION TO
COUNTY OF FRESNO



T. 17 S., R. 19 E., M.D.B. & M.

EXHIBIT B
PARCEL 4

053-100-49S
VIRGIL G. FREITAS, TRS.

4

S 01°15'03" E
30.00'

POB

W. EXCELSIOR AVENUE

N 88°44'57" E, 4290.52'

S 88°44'57" W, 259.70'

N 88°44'57" E, 259.70'

N 88°44'57" E, 1016.11'

N 01°15'03" W
30.00'

T 17 S, R 19 E 32 33
T 18 S, R 19 E 5 4

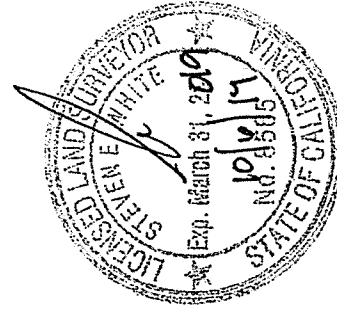
FRESNO

GRANTLAND AVENUE

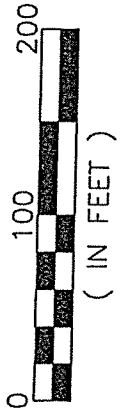
FRESNO COUNTY
KINGS COUNTY

SLOUGH

FRESNO
SLOUGH
OVERFLOW



NAME:	DATE:
DRAWN: J DONMYER	09/28/17
CHECKED: G MEDINA	09/29/17
REVISION: XX	00/00/00



DEPARTMENT OF PUBLIC WORKS AND PLANNING
BMP SCOUR MITIGATION
FRESNO SLOUGH OVERFLOW
BRIDGE AT EXCELSIOR AVENUE

BRIDGE #NO.

SHEET NO. 1

**BPMP Scour Mitigation – Los Gatos
Creek Bridge at Los Gatos Creek
Road**

**Parcel 12
Portion of APN 063-140-16S**

Exhibit A

Those portions of Section 05, Township 20 South, Range 14 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, described as follows:

COMMENCING at the most Westerly corner of the bridge headwall; thence, South 46°19'53" East, a distance of 73.13 feet to a Fresno County brass cap monument on top of bridge headwall; thence, North 28°03'22" East, a distance of 46.86 feet to the TRUE POINT OF BEGINNING, thence,

- 1) Along the existing County of Fresno Right of Way line, per Grant of Easement Recorded December 12, 1973, Document No.107476, in Book 6255, Page 813 of Official Fresno County Records, North 48°26'37" West, a distance of 70.87 feet; thence,
- 2) Northwesterly along a tangent curve concave to the Northeast, having a radius of 320.00' feet, a central angle of 33°38'23", a distance of 187.88 feet; thence,
- 3) Leaving said existing Right of Way line, South 84°00'50" East, a distance of 121.57 feet; thence,
- 4) South 46°58'56" East, a distance of 59.16 feet; thence,
- 5) South 05°17'05" West, a distance of 152.31 feet to the TRUE POINT OF BEGINNING

Together with:

COMMENCING at the most Westerly corner of the bridge headwall; thence, South 46°19'53" East, a distance of 73.13 feet to a Fresno County brass cap monument on top of bridge headwall; thence, South 44°44'40" West, a distance of 14.46 feet to the TRUE POINT OF BEGINNING, thence,

- 1) Along the existing County of Fresno Right of Way line, per Grant of Easement Recorded December 12, 1973, Document No.107476, in Book 6255, Page 813 of Official Fresno County Records, North 48°26'37" West, a distance of 81.00 feet; thence,
- 2) Northwesterly along a tangent curve concave to the Northeast, having a radius of 380.00' feet, a central angle of 17°28'20", a distance of 115.88 feet; thence,
- 3) South 41°53'44" West, a distance of 63.31 feet; thence,
- 4) South 31°25'35" East, a distance of 119.35 feet; thence,
- 5) South 56°42'43" East, a distance of 155.42 feet; thence,
- 6) North 80°20'14" East, a distance of 59.71 feet; thence,
- 7) North 25°28'14" East, a distance of 26.90 feet; thence,

- 8) Northwesterly along a non-tangent curve concave to the Northeast, having a radius of 380.00 feet, to which point a radial line bears South 25°55'22" West, a central angle of 15°38'03", a distance of 103.69 feet to the TRUE POINT OF BEGINNING

Containing 0.894 acres of land, more or less



STRIKE

T. 20 S., R. 14 E., M.D.B. & M. EXHIBIT B
PARCEL 12

12 DAVID E. WOOD
APN 063-140-16S

LEGEND

MAINTENANCE
EASEMENT TO THE
COUNTY OF FRESNO

LINE TABLE		
LINE	LENGTH	BEARING
L1	70.87'	N48°26'37"W
L2	81.00'	N48°26'37"W
L3	26.90'	N25°28'14"E
L4	46.86'	N28°03'22"E
L5	14.46'	S44°44'40"W

KEY NOTE:

- (A) FRESNO COUNTY
BRASS MONUMENT ON
BRIDGE HEADWALL
- (B) MOST WESTERLY
CORNER OF BRIDGE
HEADWALL
- DISTANCE, POINT A TO
POINT B
S46°19'53"E, 73.13'



DAVID E. WOOD
APN 063-140-16S



CURVE TABLE			
CURVE	DELTA	LENGTH	RADIUS
C1	33°38'23"	187.88'	320.00'
C2	17°28'20"	115.88'	380.00'
C3	15°38'03"	103.69'	380.00'



DEPARTMENT OF PUBLIC WORKS AND PLANNING

BPMP SCOUR MITIGATION
LOS GATOS CREEK BRIDGE AT
LOS GATOS CREEK ROAD

BRIDGE #NO.

SHEET NO. 1

NAME:	DATE:
DRAWN: J DONMYER	07/02/18
CHECKED: G MEDINA	07/02/18
REVISION: XX	07/02/18