

BOARD OF SUPERVISORS
OF THE COUNTY OF FRESNO
STATE OF CALIFORNIA

IN THE MATTER OF:) RESOLUTION OF NECESSITY TO
ACQUIRING REAL PROPERTY) AUTHORIZE EMINENT DOMAIN
FOR TRAVERS CREEK BRIDGE) PROCEEDINGS AND TO
REPLACEMENT PROJECT) AUTHORIZE THE DEPOSIT OF
ON LINCOLN AVENUE) FUNDS IN THE STATE OF
CALIFORNIA – CONDEMNATION
DEPOSIT FUND

WHEREAS, a public hearing has been set for November 5, 2019, at the hour of 9:00 A.M. or as soon thereafter as practicable, to determine whether a resolution of necessity should be adopted as provided by law precedent to the commencement of eminent domain proceedings to acquire real property interests for the purpose of replacing the Travers Creek Bridge, a structurally deficient wooden two-lane bridge on Lincoln Avenue, a public roadway in the County of Fresno, with a new two-lane concrete box culvert bridge that meets current standards, hereinafter referred to as "the Project."

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

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

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

WHEREAS, it appears that it is not possible to acquire the hereinabove property and interests therein by negotiations and that it will be necessary to institute

1 proceedings in eminent domain; and,

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

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

9 NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the
10 County of Fresno, with regard to the real property described in Exhibit "A" and shown on
11 Exhibit "B" and the proposed project, hereby finds and determines as follows:

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

20 BE IT FURTHER RESOLVED that the Board of Supervisors of the County of
21 Fresno, as to the interests in the parcel of real property described herein and by the
22 Exhibits hereto which are incorporated by reference, hereby finds and determines that
23 the real property subject to this proposed project is subject to existing public uses and
24 that the property herein described is being acquired pursuant to Code of Civil
25 Procedure section 1240.510 for a public use set forth herein which is compatible with
26 the existing public uses. The Board of Supervisors for the County of Fresno further finds
27 and determines that the acquisition and public use herein described of the property will
28 not unreasonably interfere with or impair the continuance of the public use as it exists

1 or may reasonably be excepted to exist in the future, as required by Code of Civil
2 Procedure section 1240.510. The Board of Supervisors of the County of Fresno, further
3 resolves, finds and determines, in the alternative, that the property and interests herein
4 described are being acquired pursuant to Code of Civil Procedure section 1240.610 for
5 a more necessary public use.

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

12 BE IT FURTHER RESOLVED that the Auditor-Controller/Treasurer-Tax Collector
13 of the County of Fresno be, and hereby is, authorized and directed to issue a check in
14 the amount of \$7,500.00, as certified by the Director of Public Works and Planning or
15 his designee, made payable to the State of California - Condemnation Deposit Fund
16 and delivered to the Design Division Manager to be placed on deposit for possession
17 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 5th day of November, 2019.

3 AYES: Supervisors Brandau, Magsig, Mendes, Pacheco, Quintero

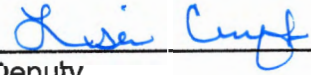
4 NOS: None

5 ABSENT: None

6 ABSTAINED: None

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8 By 
Nathan Magsig, Chairman of the Board
9 of Supervisors of the County of Fresno

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11 **ATTEST:**
12 Bernice E. Seidel,
13 Clerk of the Board of Supervisors
County of Fresno, State of California

14 By 
15 Deputy

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18 FOR ACCOUNTING USE ONLY:

19 ORG: 4510
20 FUND: 0010
21 SUBCLASS: 11000
ACCOUNT: 8110

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HBP – Travers Creek Bridge on
Lincoln Avenue

Parcel 3
Portion of APN 373-310-34

Exhibit A

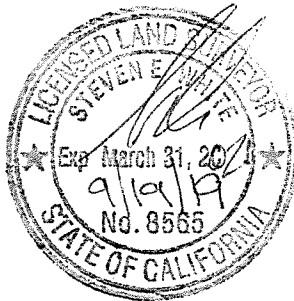
That portion of Lot 87 of Mount Campbell Colony, according to the map thereof recorded in Book 2, Page 28 of Record of Surveys, Fresno County Records, in Section 8, Township 15 South, Range 24 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, described as follows:

BEGINNING at a point at the Northwest corner of Lot 87, said point being the TRUE POINT OF BEGINNING; thence,

- 1) Along the North line of said Lot 87, North 90°00'00" East a distance of 179.65 feet; thence,
- 2) Leaving said North line of Lot 87, South 83°22'53" West, a distance of 130.14 feet; thence,
- 3) Parallel with the North line of the Northeast Quarter of Section 8, North 90°00'00" West, a distance of 21.65 feet; thence,
- 4) South 03°21'33" East, a distance of 45.35 feet; thence,
- 5) South 86°29'01" West, a distance of 32.77 feet to the West line of said Lot 87; thence,
- 6) Along said West line of Lot 87, North 01°13'18" East, a distance of 62.29 feet to the TRUE POINT OF BEGINNING

Containing 0.072 acres of land, more or less

For the purposes of this description it is assumed that the North line of said Lot 87 is 20.00 feet South of and parallel with the North line of the Northeast Quarter of Section 8.

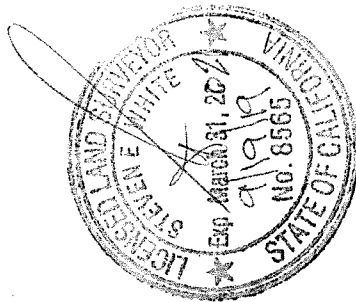
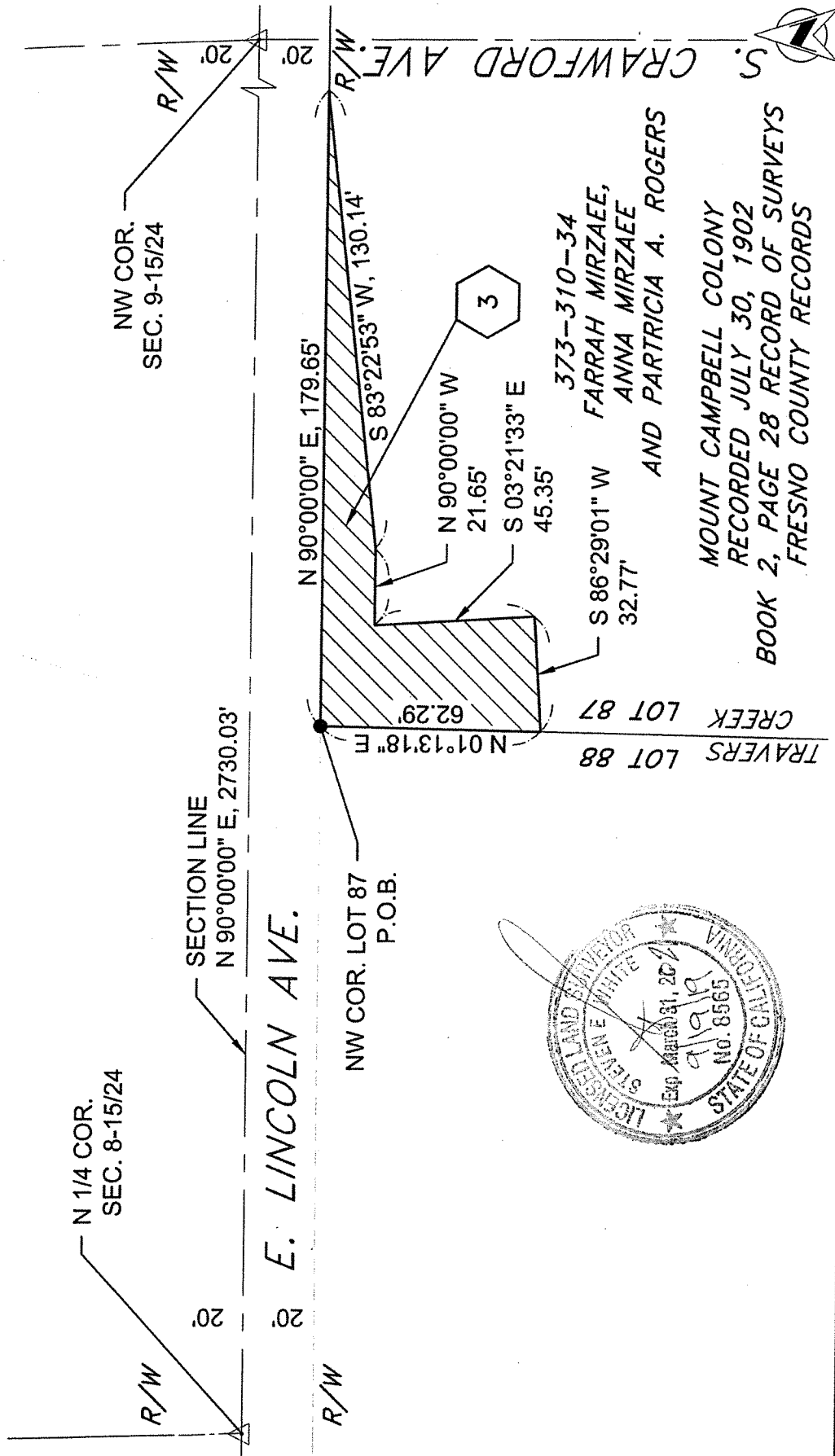


T. 15 S., R. 24 E., M.D.B.& M.

EXHIBIT B
PARCEL 3

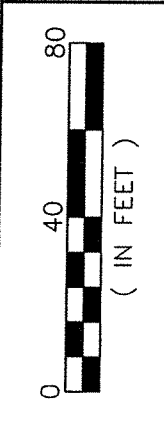
LEGEND

 RIGHT OF WAY
ACQUISITION TO
COUNTY OF FRESNO



MOUNT CAMPBELL COLONY
RECORDED JULY 30, 1902
BOOK 2, PAGE 28 RECORD OF SURVEYS
FRESNO COUNTY RECORDS

NAME:	DATE:
DRAWN: J.D.	11/13/17
CHECKED: G.M.	11/15/17
REVISION: M.R.	09/18/19



DEPARTMENT OF PUBLIC WORKS AND PLANNING
BRIDGE REPLACEMENT
TRAVERS CREEK BRIDGE ON LINCOLN AVENUE
RIGHT-OF-WAY MAP
PROJECT NO. 111308
SHEET NO. 1