



## Legislation Details (With Text)

**File #:** 18-1236

**On agenda:** 11/6/2018

**Final action:** 11/6/2018

**Enactment date:**

**Enactment #:**

**Title:** Conduct first hearing on Ordinance amending Fresno County Ordinance Code, Chapter 2.52 - Department of Public Works and Planning to add Paragraph M to Section 2.52.040 - Duties of Director of Public Works and Planning, to designate Director of Public Works and Planning to accept, on behalf of the Board of Supervisors, roads or portions thereof, into the County road system and record conveyances to the County of real property interests for road uses and purposes, in accordance with California Streets and Highways Code, Section 941(d); waive reading of Ordinance in its entirety; and set second hearing for December 4, 2018; designate County Counsel to prepare fair and adequate summary of proposed Ordinance; and direct Clerk of the Board to post and publish required summary in accordance with Government Code, Section 25124(b)(1)

**Attachments:** 1. Agenda Item, 2. Ordinance, 3. Summary of Ordinance, 4. Additional Information

Date	Ver.	Action By	Action	Result
11/6/2018	1	Board of Supervisors	Approved (Consent Agenda)	Pass

**DATE:** November 6, 2018

**TO:** Board of Supervisors

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

**SUBJECT:** Designation to Accept Roads into the County System and Record Conveyances of Real Property Interests

### RECOMMENDED ACTION(S):

- 1. Conduct first hearing on an Ordinance amending Fresno County Ordinance Code, Chapter 2.52 - Department of Public Works and Planning to add Paragraph M to Section 2.52.040 - Duties of Director of Public Works and Planning, to designate the Director of Public Works and Planning to accept, on behalf of the Board of Supervisors, roads or portions thereof, into the County road system and record conveyances to the County of real property interests for road uses and purposes, in accordance with California Streets and Highways Code, Section 941(d); waive the reading of the Ordinance in its entirety; and set the second hearing for December 4, 2018;**
- 2. Designate County Counsel to prepare a fair and adequate summary of the proposed Ordinance; and**
- 3. Direct the Clerk of the Board to post and publish the required summary in accordance with Government Code, Section 25124(b)(1).**

Approval of the recommended actions will authorize the Director of the Department of Public Works and Planning to accept dedications of real property for road purposes. The result would be a decrease in the number of agenda items brought before your Board for approval and instead the Director would report all acceptances and recordings for road uses and purposes at the end of each fiscal year, or more frequent

intervals as determined by your Board. This item is countywide.

ALTERNATIVE ACTION(S):

Your Board may elect not to approve the recommended actions in which case dedications of real property for road purposes will continue to be approved by your Board on a case-by-case basis through individual agenda items.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. Sufficient appropriations and estimated revenues are included in the Department of Public Works and Planning - Roads Org 4510 FY 2018-19 Adopted Budget for the processing of dedications of real property for road uses and purposes.

DISCUSSION:

When developments adjacent to County roads are approved, conditions are often established that require improvements to the County road system commensurate with the additional traffic generated by the development. In order to accommodate the required roadway improvements, additional right-of-way must be dedicated to the County by the property owner, accepted into the County road system, and approved for recordation. Currently, these actions are accomplished on a case-by-case basis through routine agenda items brought before your Board; however, California Streets and Highways Code, Section 941(d) expressly authorizes delegation of authority to accept, on behalf of the Board, roads or portions thereof into the County road system to a county officer, such as the Director. California Streets and Highways Code Section 941(d) states:

*(d) In lieu of the procedures set forth in subdivisions (b) or (c), boards of supervisors may, by ordinance, designate a county officer to accept, on behalf of the board, roads or portions thereof, into the county road system and to record conveyances to the county of real property interests for road uses and purposes. The designee shall, prior to recording any conveyance under this section, affix a certificate to the instrument stating the acceptance into the county road system and designating the name or number, or both, of the county road. The designee shall report all acceptances and recordings to the board at the end of the fiscal year, or at more frequent intervals as determined by the board.*

With your Board's approval of the recommended ordinance, the Director will be granted authority to accept roads or portions thereof into the County road system pursuant to Streets and Highways Code Section 941(d). The Department will report all acceptances and recordings to the Board at the end of each fiscal year, or more frequent intervals as determined by your Board.

It is important to note that the intent of the designation is to decrease the processing of agenda items, thereby saving the Department time and resources while maintaining the Board's established policies. The dedications of right-way will continue the same development review process and only the final steps, associated with the acceptance and recordation of the dedications will be streamlined with the designation to the Director. Furthermore, the delegation of authority to accept dedications will not change the County's General Plan TR-A.18 Policy of not adding local roads to the County's maintained mileage system.

The second reading of this ordinance is planned for December 4, 2018 and, if approved, the ordinance will be effective 30 days after passage.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Ordinance  
On file with Clerk - Summary of Ordinance

CAO ANALYST:

Sonia M. De La Rosa