



Legislation Details (With Text)

File #: 16-1180

On agenda: 9/13/2016 Final action: 9/13/2016

Enactment date: Enactment #:

Title: Approve City of Clovis' request to acquire road easements without eminent domain action from a parcel adjacent to existing County road right-of-way in unincorporated areas of the County as needed in conjunction with the City's approval and requirements for development of Tentative Tract No. 5550

Attachments: 1. Agenda Item, 2. Exhibit A, 3. Exhibit B

Date	Ver.	Action By	Action	Result
9/13/2016	1	Board of Supervisors	Consent Agenda be approved	Pass

DATE: September 13, 2016

TO: Board of Supervisors

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

SUBJECT: Request by City of Clovis to Obtain Road Easements in the County

RECOMMENDED ACTION:

**Approve City of Clovis' request to acquire road easements without eminent domain action from a parcel adjacent to existing County road right-of-way in unincorporated areas of the County as needed in conjunction with the City's approval and requirements for development of Tentative Tract No. 5550.** Approval of the recommended action will facilitate the City's request to acquire a road easement in a prescriptive road right-of-way at the northeast corner of Armstrong and Teague Avenues. The City is requiring the developer to construct a pedestrian path to facilitate a safe route to school along Teague Avenue and Armstrong Avenue to Dry Creek Elementary School.

ALTERNATIVE ACTION:

There is no alternative that is viable for this action. Denial of this action will result in the inability of the developer to construct the road improvements and pedestrian path as required by the City for the development of the subdivision.

FISCAL IMPACT:

There will be no Net County Cost for this recommended action. The City has paid for processing of this request in accordance with the Master Schedule of Fees. The developer, through the City, will acquire easements for road right-of-way on behalf of the County from private property owners. The developer will construct the pedestrian path improvements with no fiscal impact to the County. Oversight of the work will be performed by the City, and County personnel will inspect the improvements through application of an encroachment permit for the work. Maintenance of the pedestrian path will be provided by the County Department of Public Works and Planning - Roads Org 4510, since the path will be located within County road rights-of-way.

DISCUSSION:

The City annexed and approved Tentative Tract Map No. 5550, which is located on the north side of Teague Avenue midway between Fowler and Armstrong Avenues. During the tentative map review period, the County Department of Public Works and Planning recommended to the City that the approval of the tentative map include a condition requiring the developer to construct a pedestrian path from the subdivision boundary to Dry Creek Elementary School as a safe route to school. The County has recommended similar conditions for pedestrian paths to Dry Creek Elementary School for City subdivisions along Armstrong Avenue south of Nees Avenue, and those paths are currently in place.

The route for this pedestrian path was designed along the north side of Teague Avenue from the easterly subdivision boundary to Armstrong Avenue, and continued south along the east side of Armstrong Avenue to Dry Creek Elementary school located at the northeast corner of Armstrong and Nees Avenues. This proposed pedestrian path passes through streets maintained by the County because adjacent properties are not currently annexed to the City. The pedestrian path is to be located within areas that are currently within County road rights-of-way, except for a small portion at the northeast corner of Teague Avenue and Armstrong Avenue, where the roadway is maintained via a prescriptive right-of-way.

The dedication being requested is needed to perfect the prescriptive right of way at the northeast corner of Teague and Armstrong Avenues and provide for construction of the pedestrian path within the road right-of-way area. Section 1810 of the Streets and Highways Code provides the basis for the City to request this action by the Board of Supervisors, except that the right-of-way is proposed to be deeded to the County, since the existing roadway is currently maintained by the County and there are no adjacent City streets at this location.

The proposed right-of-way acquisition is consistent with the project improvement plans provided for the tract. County Department of Public Works and Planning staff has reviewed and approved the plans for the street improvements, including the pedestrian path, and any work within the County road right-of-way will be processed through an encroachment permit.

OTHER REVIEWING AGENCIES:

This item has been initiated at the written request of the City of Clovis. A copy of this Agenda Item has been provided to the City of Clovis per their request.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibit A  
Exhibit B

CAO ANALYST:

John Hays