



Legislation Details (With Text)

File #: 16-1318

On agenda: 10/11/2016 **Final action:** 10/11/2016

Enactment date: **Enactment #:**

Title: Approve City of Fresno’s request to acquire a road easement 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. 5341

Attachments: 1. Agenda Item, 2. Vicinity Maps, 3. Exhibit A, 4. Exhibit B

Date	Ver.	Action By	Action	Result
10/11/2016	1	Board of Supervisors	Approved (Consent Agenda)	Pass

DATE: October 11, 2016

TO: Board of Supervisors

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

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

RECOMMENDED ACTION:

Approve City of Fresno’s request to acquire a road easement 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. 5341. 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 Clinton and Locan Avenues. The City has been advised that the Board’s approval of this item will not include approval to undertake eminent domain proceedings. The City is requiring the developer to improve the existing intersection with a standard street knuckle (see Exhibit A) consistent with City and County standards. (This diagram of a street knuckle is a typical detail used throughout the Central Valley).

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 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 \$320 for processing of this request in accordance with the Master Schedule of Fees. The developer, through the City, will acquire an easement for road right-of-way from a private property owner. The developer will construct the road 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 road improvements will be provided by the City of Fresno Department of Public Works.

DISCUSSION:

The City annexed and approved Tentative Tract Map No. 5341, which is located on the south side of Clinton Avenue between Temperance and Locan Avenues. During the tentative map review period, the City required the developer to construct a roundabout at the intersection of Clinton and Locan Avenues. Since the City's approval, the County has worked with the City and developer to formulate a plan that would be less impactful to County residents. Accordingly, the previously required roundabout has been reduced to a street knuckle.

The current street improvements along the easterly side of Locan Avenue north of Clinton Avenue are within a prescriptive road right-of-way. The proposed improvements will provide a standard street knuckle at the intersection, and will tie back into existing road improvements north of the intersection.

The dedication being requested is needed to perfect the prescriptive road right of way at the northeast corner of Clinton and Locan Avenues and provides for construction of the street knuckle within a 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, and the newly acquired road right-of-way will be maintained by the City in accordance with the code section.

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, 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 Fresno (See Exhibit B). A copy of this Agenda Item has been provided to the City per their request.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Vicinity Maps
Exhibit A
Exhibit B

CAO ANALYST:

John Hays