



Legislation Details (With Text)

File #: 24-0706

On agenda: 7/9/2024 **Final action:** 7/9/2024

Enactment date: **Enactment #:**

Title: Approve request by City of Clovis to acquire right-of-way, including eminent domain condemnation actions, from parcels adjacent to existing County right-of-way in an identified unincorporated area of County as needed in conjunction with City’s development of utilities and street improvements adjacent to E. Shepherd Avenue and N. Fowler Avenue. Authorization under full extent of Section 1810 of Streets and Highways Code allows City of Clovis to acquire, by purchase or eminent domain, right-of-way from these parcels

Attachments: 1. Agenda Item, 2. Attachment A - City of Clovis Request, 3. Attachment B - Right-of-Way Acquisition Plan

Date	Ver.	Action By	Action	Result
7/9/2024	1	Board of Supervisors	Consent Agenda be approved	Pass

DATE: July 9, 2024

TO: Board of Supervisors

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

SUBJECT: Request by the City of Clovis to Obtain Right-of-Way, including eminent domain condemnation actions, in the Unincorporated Area of Fresno County

RECOMMENDED ACTION(S):

Approve request by the City of Clovis to acquire right-of-way, including eminent domain condemnation actions, from parcels adjacent to existing County right-of-way in an identified unincorporated area of the County as needed in conjunction with the City’s development of utilities and street improvements adjacent to E. Shepherd Avenue and N. Fowler Avenue. Authorization under the full extent of Section 1810 of the Streets and Highways Code allows the City of Clovis to acquire, by purchase or eminent domain, the right-of-way from these parcels.

Approval of the recommended action will authorize the City of Clovis (City) (Attachment A) to acquire right-of-way (ROW) from parcels adjacent to existing County right-of-way in an identified unincorporated area adjacent to the north side of E. Shepherd Avenue and N. Fowler Avenue (Improvement Location), to construct utilities and street improvements as shown in Attachment B. This item pertains to a location in District 5.

ALTERNATIVE ACTION(S):

If your Board does not approve the action, the City will be unable to acquire the right-of way and construct the utility and street improvements at the Improvement Location.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. The City will acquire the road ROW from property owners and will construct the utility and street improvements with no fiscal impact to the County.

Construction management of the work will be performed by the City, including inspection of the improvements. The City upon obtaining the easements from the property owners shall take the Road Easement, as noted in Attachment A.

DISCUSSION:

The City plans to construct street and utility improvements at the Improvement Location (Attachment B). The City is requesting authorization to acquire the ROW adjacent to E. Shepherd Avenue and N. Fowler Avenue. East Shepherd Avenue is designated as an Arterial in the County General Plan. Arterials provide for mobility within the county and its cities, carrying through traffic on continuous routes and joining major traffic generators, freeways, expressways, super arterials, and other arterials. Access to abutting private property and intersecting local streets shall generally be restricted. Fowler Avenue is a Local road. Local Roads provide direct access to abutting property and connect with other local roads, collectors, arterials, super arterials, and expressways. Local roads are typically developed as two-lane undivided roadways. Access to abutting private property and intersecting streets shall be permitted.

Section 1810 of the Streets and Highways Code allows acquisition, by purchase or eminent domain, of a road easement by a city outside of its city limits, in the unincorporated area of the county in which the city is located, when necessary to connect or widen the existing streets of the acquiring city if the county consents to the acquisition. If your Board consents to the acquisition of the ROW by the City, the acquired ROW becomes a city street for all purposes. The proposed ROW acquisition is consistent with the need for easements sufficient to install the street, intersection, and signal improvements per the plans provided by the City. Department staff has reviewed the intersection, street and signal improvement plans, and any work within the County road ROW will be processed through an encroachment permit. Continued maintenance of the street improvements will be by separate agreement, as noted in Attachment A.

OTHER REVIEWING AGENCIES:

The recommended action was initiated at the request of the City of Clovis.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachment A - City of Clovis Request
Attachment B - Right-of-Way Acquisition Plan

CAO ANALYST:

Salvador Espino