



## Legislation Details (With Text)

**File #:** 18-0575      **Name:** Request by City of Fresno to Obtain Road Easements in the County

**On agenda:** 6/5/2018      **In control:** Public Works & Planning  
**Final action:** 6/5/2018

**Enactment date:**      **Enactment #:**

**Title:** Consider and approve City of Fresno's request to acquire road easements, without eminent domain action, from two parcels adjacent to existing road right-of-way in unincorporated areas of the County as needed in conjunction with the City's conditions of approval for Tentative Tract No. 5537, located at northwest quadrant of Cortland and Polk Avenue intersection

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Agenda Item, 2. Vicinity Map, 3. Exhibit A and B

Date	Ver.	Action By	Action	Result
6/5/2018	1	Board of Supervisors	Conducted Hearings	Pass

**DATE:** June 5, 2018

**TO:** Board of Supervisors

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

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

### RECOMMENDED ACTION:

**Consider and approve City of Fresno's request to acquire road easements, without eminent domain action, from two parcels adjacent to existing road right-of-way in unincorporated areas of the County as needed in conjunction with the City's conditions of approval for Tentative Tract No. 5537, located at the northwest quadrant of the Cortland and Polk Avenue intersection.**

Approval of the recommended action will facilitate the City of Fresno's (City) request to acquire additional road easements along the easterly boundary of Polk Avenue south of Dayton Avenue and at the southwesterly curb return at Polk and Cortland Avenues, see Vicinity Map and Exhibit A and B for the right-of-way acquisition area. The City understands that your Board's approval of recommended action will not include approval to undertake eminent domain proceedings. The City is requiring the developer to widen Polk Avenue to accommodate the extension of an existing median island across the frontage of the tract. This proposal does not alter access to any County parcels. This item pertains to a location in District 1.

### ALTERNATIVE ACTION:

There is no viable alternative action. Denial will result in the inability of the City, through the developer, to construct the street improvements as required by the conditions of approval for the tentative tract map.

### FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. The City initiated the request and paid \$640 in accordance with the Master Schedule of Fees. The City will acquire easements for road right-of-way from private property owners and through the developer and his contractor, will construct the road improvements with no fiscal impact to the County. Construction management of the work will be performed by the City, and Department of Public Works and Planning staff will provide oversight inspection of the improvements through application of an encroachment permit for the work in county areas. Each agency will be responsible for the road improvement maintenance within their respective areas, pursuant to the California Streets and Highways Code.

**DISCUSSION:**

The City reviewed and approved Tentative Tract No. 5537 for the development of 41 single-family lots at the northwest corner of Cortland and Polk Avenues. The conditions of approval for the tentative tract map require that the developer reconstruct and widen Polk Avenue to include a center median island in conformance with City Improvement Standards for development of an arterial road. Residents from the new tract will be required to turn right onto Polk Avenue and proceed in a southerly direction towards Shields Avenue. Construction requires additional road right-of-way to accommodate the proposed improvements.

The current street improvements along Polk Avenue include a two-lane road with a concrete median island that extends approximately 100-feet south of Dayton Avenue and a painted median island across the frontage of the proposed tract. The project will require the developer to extend the concrete median island an additional 330 feet across the frontage of the proposed tract.

A portion of the right-of-way along the easterly side of Polk Avenue was previously acquired and widened with the development of two tracts immediately north of the proposed tract. The supplemental acquisition along the easterly side of Polk Avenue complements the previous acquisition by extending the arterial road design pattern for an additional 330 feet.

In addition, a second acquisition provides for the construction of a pavement radius and corner cutoff at the southwesterly corner of Polk and Cortland Avenues. The acquisition will enable the construction of transition pavement improvements for tie-in of subdivision traffic onto Polk Avenue.

Section 1810 of the Streets and Highways Code provides the basis for the City to request to obtain road easements in the County by the Board of Supervisors. The proposed right-of-way acquisition is consistent with the project improvement plans provided by the City. Department staff has reviewed the street improvement plans, and any work within the County road right-of-way will be processed through an encroachment permit.

**OTHER REVIEWING AGENCIES:**

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

**ATTACHMENTS INCLUDED AND/OR ON FILE:**

Vicinity Map  
Exhibit A and B

**CAO ANALYST:**

Sonia M. De La Rosa