



# County of Fresno

Hall of Records, Rm. 301  
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Fresno, California  
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## Legislation Details (With Text)

**File #:** 18-1401 **Name:** Request by the City of Clovis to Obtain Right-of-Way

**In control:** Public Works & Planning

**On agenda:** 12/11/2018 **Final action:** 12/11/2018

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

**Title:** Approve request by City of Clovis to acquire right-of-way, excluding eminent domain condemnation actions, from multiple parcels adjacent to existing County right-of-way in identified unincorporated areas of the County as needed in conjunction with the City's road widening project along east Shaw Avenue between north DeWolf and north McCall Avenues.

**Sponsors:**

**Indexes:**

**Code sections:**

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

Date	Ver.	Action By	Action	Result
12/11/2018	1	Board of Supervisors	Conducted Hearings	Pass

**DATE:** December 11, 2018

**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

### RECOMMENDED ACTION(S):

**Approve request by City of Clovis to acquire right-of-way, excluding eminent domain condemnation actions, from multiple parcels adjacent to existing County right-of-way in identified unincorporated areas of the County as needed in conjunction with the City's road widening project along east Shaw Avenue between north DeWolf and north McCall Avenues.**

Approval of the recommended action will approve the request by the City of Clovis (City) to acquire additional road right-of-way in unincorporated areas along the northerly and southerly boundaries of east Shaw Avenue starting near Highland Avenue and running east past the intersection of north McCall Avenue, as identified in the Vicinity Map and Exhibit A. The City has been advised that your Board's approval of the recommended action does not include approval to undertake eminent domain proceedings. The recommended action includes access drive connections to all existing developments within the County's jurisdiction. This item pertains to locations in District 5.

### ALTERNATIVE ACTION(S):

There is no viable alternative action. If your Board does not approve the action, the City will be unable to construct the street improvements along east Shaw Avenue.

**FISCAL IMPACT:**

There is no Net County Cost associated with the recommended action. The City initiated the request and paid \$320 for processing in accordance with the Master Schedule of Fees. The City will acquire right-of-way in fee title from private property owners. The City will construct the road improvements with no fiscal impact to the County. Department of Public Works and Planning staff will provide oversight inspection of the improvements through application of an encroachment permit for work in County areas. Upon completion of the work, the City will grant a street easement back to the County over the new right-of-way that is outside the City's city limits. At that time, the City and County may enter into a Specific Project Agreement as necessary to supplement or modify the terms of the Master Agreement for Multijurisdictional Projects executed between the two agencies. Through these agreements, the City will be responsible for maintenance of those completed improvements typically outside of the County's realm of responsibility as generally set forth in accordance with the terms of the Master Agreement.

**DISCUSSION:**

The City's road widening is part of the Measure "C" Urban Tier I projects that have been assigned to the City for completion. The project work will take place within the County's jurisdictional area, but the improvements are within the City's sphere of influence and will be built to their standards.

The project will improve east Shaw Avenue from north DeWolf Avenue to north McCall Avenue by providing three travel lanes in the eastbound direction. The westbound direction will be provided with three travel lanes from DeWolf Avenue to approximately Highland Avenue, and two travel lanes from near Highland Avenue to McCall Avenue. Transition paving will be provided for both directions east of McCall Avenue to taper back down to the existing two-lane road.

Construction requires that additional road right-of-way be acquired to accommodate the proposed improvements. The City acquires right-of-way in fee title for their classified roads. The fee title acquisition of right-of-way will typically include the existing 20-feet of county road easement and generally 20-feet of additional right-of-way for the extra lane on the north side of Shaw Avenue, for a total of 40 feet. The City will also acquire the existing 55-feet of county road easement, and generally 17-feet of additional right-of-way for the additional two lanes, a total of 72 feet, on the south side of Shaw Avenue between Highland Avenue and McCall Avenue. Acquisition of right-of-way at the intersection with McCall Avenue will include an additional 10-feet to 20-feet east of the intersection to accommodate transition paving.

The right-of-way acquisitions are the minimal amounts necessary to construct the planned improvements. Right-of-way acquisitions across some county parcels are not necessary because those parcels included prior dedications sufficient to meet the project needs. The ultimate right-of-way for the Shaw Avenue corridor will be provided in the future at the time of property development.

Section 1810 of the Streets and Highways Code provides the basis for the City to request this action by the Board of Supervisors. The proposed right-of-way acquisition is consistent with the project improvement plans provided by the City. The Department of Public Works and Planning staff has reviewed 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 request of the City. A copy of this Agenda Item has been provided to the City per their request.

REFERENCE MATERIAL:

BAI #50, January 23, 2018

ATTACHMENTS INCLUDED AND/OR ON FILE:

Vicinity Map  
Exhibit A

CAO ANALYST:

Sonia M. De La Rosa