



# County of Fresno

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

**File #:** 19-0275

**On agenda:** 4/9/2019

**Final action:** 4/9/2019

**Enactment date:**

**Enactment #:**

**Title:** Consider and approve City of Fowler's request to acquire road easement, without eminent domain action, from a parcel adjacent to a proposed City street in unincorporated area of the County as needed in conjunction with the City's conditions of approval for Tentative Tract No. 5834 located at northeast quadrant of Sunnyside Avenue and South Avenue intersection

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

Date	Ver.	Action By	Action	Result
4/9/2019	1	Board of Supervisors	Approved (Consent Agenda)	Pass

**DATE:** April 9, 2019

**TO:** Board of Supervisors

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

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

### RECOMMENDED ACTION(S):

**Consider and approve City of Fowler's request to acquire road easement, without eminent domain action, from a parcel adjacent to a proposed City street in the unincorporated area of the County as needed in conjunction with the City's conditions of approval for Tentative Tract No. 5834 located at the northeast quadrant of the Sunnyside Avenue and South Avenue intersection.**

Approval of the recommended action will facilitate the City of Fowler's (City) request to acquire additional road easement along the westerly boundary of proposed Sunnyside Avenue north of South Avenue to facilitate the extension of Sunnyside Avenue along its current alignment, see Vicinity Map and Exhibit A for the right-of-way (ROW) acquisition area. The City has been advised that the Board's approval of the request will not include approval to undertake eminent domain proceedings. The City is requiring the developer to extend Sunnyside Avenue at its current alignment into an undeveloped portion of property within the City's sphere of influence. This proposal does not alter access to any County parcels. This item pertains to a location in District 4.

### ALTERNATIVE ACTION(S):

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 \$320 in accordance with the Master Schedule of Fees. The City will acquire easement for road ROW from Fowler Unified School District, who has acquired the parcel for a new school. The proposed road

improvements do not conflict with the development of the school site.

The City, 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. The City will be responsible for the maintenance of the road improvements within the acquired area pursuant to the California Streets and Highways Code.

#### DISCUSSION:

The City reviewed and approved a Tentative Tract No. 5834 for the development of 58 single-family lots at the northeast quadrant of Sunnyside Avenue and South Avenue. The conditions of approval for the tentative tract map require that the developer extend Sunnyside Avenue along its current alignment north of South Avenue. Construction of the road improvements require that additional road ROW be acquired from a County parcel to accommodate the proposed improvements.

Currently, northbound Sunnyside Avenue is a tee intersection at South Avenue, controlled by a stop sign along northbound Sunnyside Avenue. The proposed improvements will require the developer to extend Sunnyside Avenue to the north to connect with an existing portion of Sunnyside Avenue that is within the City's limits.

A portion of the ROW along the westerly side of Sunnyside Avenue will have to be acquired from a parcel that is in the unincorporated area of the County and within the City's sphere of influence. The supplemental acquisition along the westerly side of Sunnyside Avenue facilitates the extension of Sunnyside Avenue along its current alignment.

Section 1810 of the Streets and Highways Code provides the basis for the City to request to obtain road easement in the County by the Board of Supervisors. The proposed ROW 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 ROW will be processed through an encroachment permit.

#### OTHER REVIEWING AGENCIES:

The recommended action was initiated at the request of the City of Fowler. A copy of the Agenda Item has been provided to the City per their request.

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

Vicinity Map  
Exhibit A

#### CAO ANALYST:

Sonia M. De La Rosa