



# County of Fresno

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Fresno, California  
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## Legislation Text

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**File #:** 17-0775, **Version:** 1

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**DATE:** July 11, 2017

**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 road easements without eminent domain action from three parcels adjacent to existing County 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. 6139 located at the northeast quadrant of the Olive Avenue and Polk Avenue intersection.**

Approval of the recommended action will facilitate the City's request to acquire additional road easements along the southerly boundary of Olive Avenue east of Polk Avenue (see Vicinity Map and attached Exhibit A for the right-of-way acquisition area). 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 widen Olive Avenue to accommodate a center turn lane across the frontage of the tract.

### ALTERNATIVE ACTION:

There is no alternative that is viable for this action. Denial of this action 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 map.

### FISCAL IMPACT:

There will be no Net County Cost for this recommended action. The City has initiated this request per letter (see attached Exhibit B) and paid \$320 for processing of this request in accordance with the Master Schedule of Fees. The City will acquire easements for road right-of-way from private property owners. 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 County personnel 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 maintenance of the road improvements within their respective areas.

### DISCUSSION:

The City reviewed and approved a tentative map for the development of 102 single family lots at the northeast corner of Olive Avenue and Polk Avenue. The conditions of approval for the tentative map require that the developer reconstruct and widen Olive Avenue to include two travel lanes, bike lanes, and a center turn lane. Construction of these improvements requires that additional road right of way be acquired to accommodate the proposed improvements.

The current street improvements along Olive Avenue include a two-lane road that is approximately 22 feet in width across the proposed tract frontage. The existing half-road right-of-way is only 20 feet wide along the south side of Olive Avenue. Typical County standards require a 30-foot half road right of way, matching the proposal of the City for the acquisition area across the tract frontage. Beyond the tract frontage, the City's proposal is to acquire an additional 5 feet of road right of way to accommodate transition paving back to match existing improvements to remain.

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. County 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 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 Map  
Exhibit A  
Exhibit B

CAO ANALYST:

John Hays