



# County of Fresno

Hall of Records, Rm. 301  
2281 Tulare Street  
Fresno, California  
93721-2198

## Legislation Text

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**File #:** 18-0707, **Version:** 1

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**DATE:** July 10, 2018

**TO:** Board of Supervisors

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

**SUBJECT:** Right-of-Way Acquisition for Fowler Avenue Shoulder Improvement Project - Federal Project No. CML 5942(211)

**RECOMMENDED ACTION(S):**

**Accept the Easement Deeds, authorize the Chairman to execute the Right-of-Way Contracts for the Fowler Avenue from Elkhorn Avenue to South Avenue shoulder improvement project for a total monetary consideration of \$32,000, and authorize and direct Department of Public Works and Planning staff to issue a settlement draft in the amount of \$16,300.**

Approval of the recommended action will authorize the purchase of additional right-of-way required to facilitate the construction of paved shoulders on Fowler Avenue, see Exhibit A. The paved shoulders will improve air quality by decreasing the amount of airborne particulate matter disturbed by passing vehicles. This item pertains to a location in District 4.

**ALTERNATIVE ACTION(S):**

There is no viable alternative. Your Board approved this settlement in closed session on January 23, 2018, County of Fresno v. Richard Adams, et al. Case No. 16CECG02432; and County of Fresno v. Richard Joseph Adams II, Case No. 16CECG02434. County Counsel initiated the cases after the adoption of Resolution of Necessity No. 16-318 on July 12, 2016, authorizing the filing of eminent domain actions to acquire the remaining parcels necessary for the Fowler Avenue from Elkhorn Avenue to South Avenue shoulder improvement project. Approval of the recommended action will formalize the settlement by accepting the Grants of Easement and authorizing the Chairman to execute the Right-of-Way Contracts, as authorized by your Board on January 23, 2018.

**FISCAL IMPACT:**

There is no Net County Cost associated with the recommended action. This project is eligible for reimbursement under the Congestion Mitigation Air Quality Improvement (CMAQ) Program, Federal Project No. CML 5942(211). The CMAQ Program will provide 88.53% of the project funding. The remaining 11.47% of the project costs will be paid out of the County's Road Fund 010. Sufficient appropriations and estimated revenues for the project are included in the Department's Roads Org 4510 FY 2018-19 Recommended Budget.

On May 1, 2016, your Board adopted Resolution of Necessity No. 16-318, as required by law prior to the County filing eminent domain proceedings and deposited the appraised value of Parcels 18 (APN 385-180-62) and 19 (APN 385-180-61) into the State Condemnation Deposit Fund as follows: \$14,800 and \$1,400, respectively. The previously approved settlement of \$32,000 is broken down as follows: (1) \$14,300 to the owner Richard Adams for the acquisition of the permanent easement over Parcel 18, and (2) \$17,700 to

Richard Joseph Adams II for the acquisition of the permanent easement over Parcel 19.

Department staff directed the State Condemnation Deposit Fund to issue \$14,300 of the \$14,800 deposit for Parcel 18, directly to Richard Adams, as full payment from the County; the remaining \$500 was returned to the County. Department staff directed the State Condemnation Deposit Fund to issue the full \$1,400 deposit for Parcel 19, directly to Richard Joseph Adams II, as partial payment from the County. A check for the remaining \$16,300 (\$17,700 - \$1,400) will be drawn from the County's Road Fund 0010, payable to Richard Joseph Adams II.

Listed below are the owners, mailing addresses, amount for the parcels, and the basis of the compensation associated with the parcels:

- Parcel 18 (APN 385-180-62) - Richard Adams, P.O. Box 224, Laton, CA 93242 - \$14,300. This payment is for a 0.410-acre road easement. The payment will be made directly to the owner from the State Condemnation Deposit Fund.
- Parcel 19 (APN 385-180-61) - Richard Joseph Adams II, P.O. Box 224, Laton CA 93242 - \$16,300. This payment is for a 0.042-acre road easement, pavement, and severance damages as a result of dairy cow capacity. The payment will be made directly to the owner from the County's Road Fund 010.

Of the total compensation authorized pursuant to the recommended action, all \$32,000 is for permanent roadway easement.

#### DISCUSSION:

The proposed project consists of constructing eight-foot wide paved shoulders on each side of Fowler Avenue from Elkhorn Avenue to South Avenue. Fowler Avenue is a rural two-lane undivided major collector that has approximately 24 feet of paved travel way with eight-foot wide maintained dirt shoulders on each side. With the proposed project, the new pavement width will be 40 feet. The paved shoulders will improve air quality by decreasing the amount of airborne particulate matter disturbed by passing vehicles.

#### REFERENCE MATERIAL:

BAI #18.1, September 27, 2016  
BAI #60, August 9, 2016  
BAI #12, July 12, 2016  
BAI #15, March 1, 2016  
BAI #40, January 26, 2016  
BAI #29, January 10, 2017

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

Location Map  
Exhibit A  
On file with Clerk - Right-of-Way Contracts  
On file with Clerk - Grants of Easement  
On file with Clerk - Executed Settlement of Eminent Domain Actions

#### CAO ANALYST:

Sonia M. De La Rosa