



# County of Fresno

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

## Legislation Text

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**File #:** 18-1305, **Version:** 1

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**DATE:** April 9, 2019

**TO:** Board of Supervisors

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

**SUBJECT:** Resolution to Schedule a Resolution of Necessity Public Hearing

### RECOMMENDED ACTION(S):

**Adopt Resolution to Schedule a Resolution of Necessity Public Hearing for May 7, 2019 at 9:00 a.m. and Notice Affected Property Owners supporting the condemnation of necessary right-of-way to facilitate the Travers Creek Bridge Replacement Project on Parlier Avenue, Federal Project ID No. BRLO-5942 (227) (4/5 vote)**

Approval of the recommended action will schedule a Resolution of Necessity Public Hearing for May 7, 2019, at 9:00 a.m. and authorize Department of Public Works and Planning staff to give notice of the public hearing to the affected property owners within the limits of the Travers Creek Bridge Replacement Project (Project) on Parlier Avenue. The public hearing will determine whether a Resolution of Necessity should be adopted to begin eminent domain proceedings to acquire the property rights through court action. This item pertains to a location in District 4.

### ALTERNATIVE ACTION(S):

Not approving the recommended action will result in cancellation of the Project and de-obligation of the allocated Federal funding. Any funds received by the County for this project to date would require reimbursement to the Federal Highway Administration from the Road Fund.

### FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. If a Public Hearing for a Resolution of Necessity is scheduled and adopted, the total estimated cost for real property interests is \$7,800. This project is eligible for 100% reimbursement under the Federal Highway Bridge Program. Funds for the necessary acquisition are included in the Road Fund 0010. Sufficient appropriations are included in the Department's Org 4510 FY 2018-19 Adopted Budget.

### DISCUSSION:

The Project consists of replacing the Travers Creek Bridge at Parlier Avenue, a functionally obsolete two-lane concrete slab bridge, with a two-lane concrete box culvert with approach railings.

The Project requires the acquisition of real property interests from portions of four parcels, of which three have been acquired through negotiations with a Department on-call Real Property Consultant.

On April 12, 2018, the parcel owner of the remaining partial acquisition was presented a written offer of \$7,800 based on an independent appraisal. On June 19, 2018, the Department's on-call Real Property Consultant contacted the parcel owner over the phone whom expressed concern over the valuation of the fence on his property. The owner stated he would like the County to replace the fence instead of reimbursing its value. The Consultant discussed payment for the fence with the Department then made six attempts to re-contact the owner by phone between June 26, 2018 and August 21, 2018 and was able to speak to the owner on August 23, 2018. The Consultant informed the owner that without a payment for the fence, the County's offer would be \$1,873, to which the owner stated he would not agree to anything over the phone. Since the August 23, 2018 conversation, the Consultant made five attempts to re-contact the owner by phone with the last attempt on October 29, 2018. On December 4, 2018, the Consultant mailed a revised and final offer to the owner that did not include a payment for his fence; the letter explained that the owner still has the option to take the original offer. At the Department's request, the Consultant mailed the owner an impasse letter on January 18, 2019. On February 1, 2019, the Department's Real Property Agent attempted to contact the owner and left a voicemail requesting a call back, the Agent sent an email on same date to the owner informing him that there is an option to provide a bid for the fence if the owner believes the appraiser's valuation was incorrect. However, all attempts to contact the owner by phone have been unsuccessful since the last conversation on August 23, 2018 with the Consultant.

The Board is authorized to acquire certain real property interests by eminent domain pursuant to California Government Code, Section 25350.5, California Streets and Highways Code, Section 943, and California Code of Civil Procedure, Section 1230.010, et seq.

It is necessary to schedule a Public Hearing for your Board to consider a Resolution of Necessity, and for Department staff to mail notice of the Public Hearing to the affected property owners at the most recent Assessor's Tax Roll Mailing Address, as required by California Code of Civil Procedure, Section 1245.235, precedent to the commencement of eminent domain proceedings. Approval of the recommended action is necessary in order to meet construction commitments for the Project.

Construction is anticipated to commence as early as spring 2020; however, the Project will be delayed until possession can be obtained.

The property owner's name, appraised value offered as just compensation, property address subject to the recommended resolution, and the most recent Assessor's tax roll mailing address are listed on Exhibit A. The location of the property subject to the recommended Resolution is shown on Exhibit B.

REFERENCE MATERIAL:

BAI #48, October 23, 2018  
BAI #56, August 7, 2018  
BAI #34, September 17, 2013  
BAI #55, March 13, 2007

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibit A  
Exhibit B  
Location Map  
Draft Notice to Property Owners  
On file with Clerk - Resolution of Intention

CAO ANALYST:

Sonia M. De La Rosa