



County of Fresno

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Legislation Text

File #: 19-1073, **Version:** 1

DATE: September 10, 2019

TO: Board of Supervisors

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

SUBJECT: Request by the City of Fresno to Obtain Right-of-Way in the County

RECOMMENDED ACTION(S):

- 1. Approve request by City of Fresno to acquire right-of-way, excluding eminent domain condemnation action, from a parcel adjacent to existing County right-of-way in an identified unincorporated area of the County as needed in conjunction with the City's ongoing maintenance and operation of an existing traffic signal and associated components serving the entrance from Kings Canyon Boulevard into the University Medical Center Campus at Chance Avenue; and**
- 2. Approve request by City of Fresno to acquire a water line easement from a parcel of land owned by the County of Fresno as needed in conjunction with the City's ongoing maintenance and operations of an existing 12-inch water line along Kings Canyon Boulevard on the University Medical Center Campus.**

Approval of the first recommended action will approve the request by the City of Fresno (City) to acquire additional right-of-way (ROW) in an unincorporated area along the north side of Kings Canyon Boulevard for the right-of-way (ROW) acquisition area (see location map and Exhibit A and B). The City has been advised that your Board's approval of the recommended action does not include approval to undertake eminent domain proceedings. The City requires acquisition of ROW in the unincorporated area of the County to continue to maintain the existing traffic signal and associated components located within the ROW acquisition area. This proposal does not alter access to any County parcels. Approval of the second recommended action will approve the request by the City to acquire a water line easement for an existing 12-inch water line on the UMC property along Kings Canyon Boulevard (see Location Map and Exhibit A1 and B1). The City requires acquisition of the easement to continue to operate and maintain the existing water line. This item pertains to a location in District 3.

ALTERNATIVE ACTION(S):

Your Board may elect not to approve the recommended action, in which case the City will not have a dedicated easement and need to continue to rely on the assertion that it has established a prescriptive right to maintain its traffic signal and associated components; however, to ensure that the absence of a dedicated ROW does not interfere with any prospective property transfer, it is desired that the necessary ROW be formally acquired by the City.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. The City initiated this action based on a request from Department of Public Works and Planning staff. Per the County Master Schedule of Fees, there is a \$352 fee associated with this process. The City intends to acquire the easement from the County as it is the underlying property owner, but it is unknown if this will occur prior any prospective property transfer or, alternatively, in conjunction with the sale as part of the sale agreement. Each agency will continue to be responsible for maintenance within their respective jurisdictions, pursuant to the California Streets and Highways Code.

DISCUSSION:

The acquisition of ROW and water line easement on County owned property will allow the City to continue ongoing maintenance and operation of an existing traffic signal and associated components that control vehicular entrance to and exit from the UMC Campus at the intersection of Kings Canyon Boulevard and Chance Avenue and continue to operate the existing water line. Components associated with the traffic signal, such as signal loops and conduits, are located within the area as depicted on the attached Exhibits and Location Map, and it is necessary that the City ensure ongoing access to the ROW area to maintain the traffic signal and associated components.

The City has maintained the traffic signal and associated components since installation, along with the existing water line. To ensure that the absence of a dedicated ROW for the traffic signal and associated components and water line does not interfere with any prospective property transfer, it is desired that the necessary ROW and water line easement be formally acquired by the City.

The City will need to acquire 1,896 square feet of additional ROW within the County's jurisdiction along the north side of Kings Canyon Boulevard and a 20-foot easement for the existing water line.

Section 1810 of the Streets and Highways Code provides the basis for the City to request to obtain road easements in the County from the Board of Supervisors. The proposed ROW acquisition is consistent with the need for an easement sufficient to enable maintenance of the traffic signal and associated components. Since this easement is being acquire to serve an existing traffic signal and associated components, there will be no new construction associated with approval of the recommended action.

OTHER REVIEWING AGENCIES:

The City prepared the attached Exhibit A and B, Exhibit A1 and B1.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Location Map
Exhibit A and B
Exhibit A1 and B1

CAO ANALYST:

Sonia M. De La Rosa