

More condemnations ahead for Valley's high-speed rail route

By Tim Sheehan



Conceptual view of high speed rail.

SPECIAL TO THE BEE

California may be picking up the pace on getting land it needs to build the state's first stretch of high-speed rail in the Valley.

The state's Public Works Board, meeting next week in Sacramento, will consider resolutions declaring a public need to use eminent domain, better known as condemnation, to acquire nearly 40 pieces of property in Fresno and Madera counties. All of the properties are along the path of the California High-Speed Rail Authority's Construction Package 1, a 29-mile segment from the northeast edge of Madera to the southern fringe of Fresno.

Some parcels are vacant, but others are occupied by businesses that will have to relocate to make way for the rail route. They include several in the Highway City area near Shaw Avenue and Golden State Boulevard: Riverside Nursery and Landscaping, in business for more than 30 years; the La Quinta Inn & Suites that's only about five years old; and a Derrel's Mini Storage location. At the southern end of Fresno, tucked between Cedar Avenue and the BNSF Railway line, there's FreshKO, a produce distribution company, and an Old Dominion Freight Lines center.

Manny Robles, a co-founder of FreshKO, didn't know about the planned condemnation resolution before The Bee asked him about the situation. He said he wanted to learn more about the potential for eminent domain before commenting on the status of the company's negotiations with the rail agency.

The Public Works Board, which includes the directors of the state's Finance, General Services and Transportation departments, oversees land acquisition for transportation, highway and public works projects in the state. A resolution of necessity by the board is the first step in eminent domain, a legal process by which a government agency can declare a public need for property and sue to acquire it if the government cannot reach agreement with the

landowner. A judge decides whether the agency is entitled to the property; in a second phase, a trial determines the fair market value and other “just compensation” due the owner. Verdicts can be no lower than the agency’s offer and no higher than the owner’s counteroffer.

The owners of Keith’s Automotive, Nanette and Keith Erwin, learned this week that their landlord’s property on Golden State Boulevard north of Shaw Avenue is among those targeted next week for condemnation. Because they are not the property owners, the Erwins aren’t involved in any of the negotiations taking place over the purchase of the property, but will be eligible for relocation assistance — a process that has frustrated them for the better part of two years because they felt the relocation agents with whom they were working were unhelpful.

“Everyone had this conclusion that they just didn’t have their ducks in a row,” Nanette Erwin said of the rail authority. “But now we have a new person we’re dealing with who seems much more helpful. ... They’ve found a few properties that we’re looking at, and they seem to understand what we need.”

After 12 years in their current location, however, “we’re still not happy about this,” Erwin said. “But we finally came to the conclusion that we have to move, that this is going to happen even if it just becomes a bike path and the train never runs.”

The slow pace of land acquisition has been acknowledged as a problem by the California High-Speed Rail Authority, which faces a Sept. 30, 2017 deadline to spend more than \$3 billion in federal transportation and stimulus funds for construction in the Valley between Merced and Bakersfield.

The rail authority needs about 525 parcels to build the rail line and related structures, such as bridges and road overpasses, in its Madera-Fresno construction segment. The agency has made formal offers to every property owner along the route in that segment. As of this week, the rail authority has secured title to 96 parcels, said Lisa Marie Alley, a spokeswoman for the agency — less than 20% of what it needs. And that doesn’t count another 539 pieces of property required for the next construction stretch from the south end of Fresno to near the Tulare-Kern county line. Alley said the agency has made initial offers to 115 landowners.

But that is well behind schedule. By this time, the agency anticipated having sealed the deals on about 300 parcels in the Madera-Fresno segment for contractors to work on, according to the \$1 billion construction contract between the rail authority and the construction consortium of Tutor Perini/Zachry/Parsons.

Over the past 12 months, the Public Works Board has approved 46 resolutions of necessity for condemnation, all within the Madera-Fresno segment; Alley said 13 owners have since reached settlements with the rail authority. Thus far, only a handful of the eminent domain cases have been filed in Fresno County Superior Court.

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