

State OKs condemnation for 37 parcels for high-speed rail in Fresno, Madera

By Tim Sheehan

About three dozen pieces of property in Fresno and Madera counties were targeted for condemnation Friday by the state [Public Works Board](#) to make way for high-speed rail construction.

The Public Works Board, comprised of the heads of the state's Finance, General Services and Transportation departments, adopted resolutions of necessity declaring a public need for [36 parcels in Fresno and one in Madera](#). The resolutions — the first step toward condemnation or eminent domain — amount to less than 32 acres, mostly in portions of property rather than entire parcels.

The board oversees land acquisition for transportation, highway and other public building projects in the state. The resolutions adopted Friday are aimed at providing land needed by the [California High-Speed Rail Authority](#) between Madera and the south end of Fresno for the first 29-mile construction segment of the [statewide rail project](#). Originally, 38 resolutions, were to be considered, but five of them were pulled from the agenda.

The state has already made formal written offers to each of the property owners, according to a staff report to the board. "Negotiations to acquire the property have been unsuccessful to date," the report added, "thereby precipitating the need to adopt a resolution of necessity to authorize the use of eminent domain."

The unanimous vote brings to 79 the number of resolutions adopted by the board since December 2013 to authorize eminent domain in Fresno and Madera counties. The rail authority needs to acquire 525 pieces of property for its [Madera-Fresno construction section](#); to date, it has secured title to about 100 parcels.

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. Even after a resolution is adopted, however, negotiations often continue between the government agency and the property owner.

The properties identified by the state board range in size from less than 1/100th of an acre at the southwest corner of Cedar and American avenues, needed for construction of a new overpass that will carry traffic on American Avenue over the high-speed track as well as the adjacent [BNSF Railway](#) freight tracks, to 6.25 acres across the street at the southeast corner of American and Cedar for the new overpass as well as construction of the high-speed rail line itself.

Among the properties pulled from Friday's agenda were [FreshKO](#), a produce-shipping business at Cedar and Muscat avenues just west of Highway 99, through which the rail route runs.

Notable northwest Fresno businesses whose properties are being considered for condemnation include [Riverside Nursery](#) on Golden State Boulevard north of Shaw Avenue, where just over a half-acre is needed for construction of the rail line and realigning Golden State Boulevard; about 5/100ths of an acre on the [La Quinta Inn](#) property on Cornelia Avenue just north of Shaw to realign both Cornelia and Golden State; a [Derrel's Mini Storage location](#) where 1.45 acres are needed on Golden State south of Shaw Avenue; and Romo's Towing on Golden State south of Shaw, where 1.34 acres are sought for realigning Golden State.

Along Cedar Avenue south of Highway 99, 2.7 acres at the rear of the [Old Dominion Freight Lines](#) service center

between Central and Malaga avenues is sought for construction of the rail line.

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