

More properties eyed for high-speed rail condemnation

By Tim Sheehan

The Fresno Bee January 12, 2015



Gov. Jerry Brown's signature on the ceremonial section of rail at the high-speed rail groundbreaking in Fresno.

JOHN WALKER — THE FRESNO BEE [Buy Photo](#)

- Eminent domain for high-speed rail

What is it?

Eminent domain, or condemnation, is a legal process by which a government agency can go to court to acquire property for a public project when the agency and property owner cannot agree on price or terms. The first step is adoption of a resolution of necessity, and then the agency can file an eminent domain lawsuit in the county where the property is located. A judge first decides whether the agency is entitled to the property; in a second phase of the case, a trial determines the fair market value and other “just compensation” due the owner. The verdict can be no lower than the agency’s offer and no higher than the owner’s counteroffer.

How many this time?

On Monday, the state Public Works Board adopted 24 resolutions of necessity on behalf of the California High-Speed Rail Authority declaring a public need for 28 parcels of property in Madera and Fresno County. The resolutions cover permanent acquisition of about 31.8 acres of land, plus just over two acres as temporary construction easement.

How many so far?

Since December 2013, the Public Works Board has approved 97 resolutions affecting almost 120 parcels, amounting to about 123 acres of land in Fresno and Madera counties.

Twenty-eight more pieces of property in Fresno and Madera counties are in line for condemnation by the state to make way for California’s high-speed train project following a vote Monday in Sacramento.

The state Public Works Board, which oversees land acquisition for state projects, adopted 24 resolutions declaring a public need to take the properties — totaling less than 32 acres — through eminent domain on behalf of the California High-Speed Rail Authority for the proposed bullet-train route. Twenty of the resolutions call for taking parts of the affected parcels, while the other four seek full parcels.

Among the notable properties affected by Monday’s resolutions are a portion of the Ashlan/99 Business Park, an office complex along Golden State Boulevard north of Ashlan Avenue, and part of the Marquez Brothers International dairy product facility on Golden State between Shaw and Ashlan avenues, both to make way for the relocation of Golden State as a result of the rail construction; part of the Fresno Motel property on Golden State between McKinley and Olive avenues; a portion of the parking area of the Smart & Final property at Ventura and H streets in downtown Fresno to allow for construction of a new Ventura Avenue underpass beneath the new high-speed train tracks and the existing Union Pacific Railroad freight tracks; a portion of the C&S Logistics property on Orange Avenue between Golden State Boulevard and Highway 99, and the property now occupied by trucking company Central Transport on Muscat Avenue east of Cedar Avenue, both to make way for the high-speed rail right of way.

The heads of the state’s Finance, General Services and Transportation departments comprise the Public Works Board. Since late 2013, the panel has adopted about 100 resolutions authorizing the use of eminent domain to acquire almost 120 parcels of property from owners with whom the rail authority has failed to negotiate a sale or who simply don’t want to sell their property. The resolutions add up to about 123 acres of land in Fresno and Madera counties, most within the first 29-mile construction segment of the statewide train line between the south edge of Fresno and the northeast fringe of Madera.

As of mid-December, the rail agency has asked the Public Works Board for resolutions of necessity for 214 properties including 35 in the authority’s second construction segment, a 65-mile stretch from American Avenue south of Fresno to the Tulare-Kern county line. The sections of the route through the San Joaquin Valley from Merced to Bakersfield are proposed to be the backbone of a 520-mile statewide rail system connecting San Francisco and Los Angeles. Between Madera and Bakersfield, the rail authority will need to buy more than 1,300 pieces of property, either in

whole or in part. So far, however, it has acquired only about 100 parcels.

Contact Tim Sheehan: tsheehan@fresnobee.com, (559) 441-6319 or [@TimSheehanNews](https://twitter.com/TimSheehanNews) on Twitter.

Join The Conversation

[Copyright](#)

© 2015 www.fresnobee.com and wire service sources. All Rights Reserved. <http://www.fresnobee.com>