

More Valley properties targeted for possible condemnation for high-speed rail route

By Tim Sheehan



A Fresno city FAX bus rolls along H Street at Mariposa Street in front of the Greyhound bus station in downtown Fresno. The station is targeted for condemnation to make way for a new high-speed train station in downtown Fresno. CRAIG KOHLRUSS — Fresno Bee Staff Photo | [Buy Photo](#)

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- 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 Friday, the state Public Works Board adopted 28 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 counties. The resolutions authorize the use of condemnation to acquire about 81 acres of land for the rail line and for related structures such as bridges and road overpasses. The board includes representatives of the state’s Finance, General Services and Transportation departments and oversees property acquisition for state projects.

How many so far?

Since December 2013, the Public Works Board has approved resolutions affecting 303 parcels, adding up to about 273 acres of land in Fresno, Madera and Kings counties.

- *The California Public Works Board authorized the use of eminent domain, or condemnation, on 28 pieces of property in Fresno, Kings and Madera counties for the state’s high-speed rail project.*
- *Among the properties targeted are the Greyhound bus station in downtown Fresno and part of a northwest Fresno business park.*
- *The state is continuing to step up the pace at which it authorizes condemnation resolutions as the California High-Speed Rail Authority lags behind its property acquisition schedule for the rail route.*

More than two dozen pieces of property in Fresno, Kings and Madera counties were added Friday to a list of land that could be cleared for California’s high-speed rail route, signaling a quickening of pace for the project.

The properties include the [Greyhound Bus Lines terminal at Tulare and H streets](#) in downtown Fresno and a portion of the Fresno Interstate Business Park complex on Golden State Boulevard north of Ashlan Avenue. They range in size from slivers — a few hundredths of an acre — to more than 12 acres.

All of them were marked Friday for eminent domain action by the State Public Works Board, which oversees the acquisition of property for state projects. The board, which met in Sacramento, approved 28 resolutions declaring a public need for the state to take the property for the controversial statewide rail project. The targeted properties add up to about 81 acres.

The board’s 3-0 vote brings to 303 the number of properties for which it has authorized eminent domain or condemnation. They represent a total of about 273 acres. The properties run the gamut from businesses to homes to farms, and they all have one thing in common: They sit in the path of either the railroad right of way planned to form the backbone of the rail system in the Valley or related structures such as road over- or underpasses.

The [California High-Speed Rail Authority](#) wants to acquire the 1.4-acre Greyhound bus station property to allow for vehicle and pedestrian access to boarding platforms at the future high-speed train station site, bounded by Tulare,

Fresno, H and G streets. According to Bee archives, the bus station at that site dates to 1960.

At the Interstate Business Park in northwest Fresno, the rail agency wants less than 1 acre of the 8-acre property. The long, narrow site houses a cluster of businesses in late 1980s-vintage buildings that run almost perpendicular to Golden State Boulevard. The property is needed to rebuild a new alignment for Golden State Boulevard between Richert and Santa Ana avenues.

In recent months, the rail agency has stepped up the rate at which it is asking the Public Works Board for eminent domain resolutions. Such resolutions mark the first step of a legal process of going to court to condemn the property for the train project. In many cases, the resolutions seem to be a way for the state to achieve negotiating leverage with owners who are reluctant to sell or are unhappy with the amount the state has offered to pay for their property.

But the rail agency is also working to speed the pace at which it is acquiring land for the first two construction sections in the Valley. The authority inked a billion-dollar contract in mid-2013 with a team of engineering and construction firms to design and build the first 29-mile segment between south Fresno and northeast Madera. More than a year and half later, major construction has yet to commence, largely because the rail authority had only made 108 parcels available — out of more than 520 needed — for the contracting team to do its work.

Earlier this year, the rail authority board awarded a second contract of more than \$1.2 billion for the next section of the route, about 65 miles from Fresno to about the Tulare-Kern county line. About 545 pieces of property are needed in that stretch, none of which the agency has in hand.

The state continues to face a time crunch when it comes to building the Valley segments of the route. A good chunk of the \$3 billion that the Obama administration pledged to the state for construction in the Valley comes with the condition that the money be exhausted by Sept. 30, 2017, just 21/2 years from now. That's going to be a tall order if the authority continues to be slow in nailing down the property it needs for contractors to work.

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