

More properties up for condemnation for high-speed rail

Tim Sheehan, Fresno Bee News, 1-18-16

More properties in the San Joaquin Valley continue to fall in the crosshairs as the California High-Speed Rail Authority pushes forward on building the first stretches of a statewide bullet-train line.

The State Public Works Board, acting on requests by the rail agency, adopted five resolutions Friday declaring a need to use eminent domain to acquire about 27 acres of land in Madera, Fresno and Kings counties. Those resolutions bring to 305 the number of actions taken by the Public Works Board since December 2013, targeting more than 1,160 acres in Fresno, Kings, Madera and Tulare counties.

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.

305 The number of eminent domain actions for the high-speed rail line taken by the Public Works Board since December 2013

The land identified in the state’s resolutions of necessity – some are only partial pieces of larger parcels, while others are complete properties – are needed by the state as right of way for the high-speed train line as well as for associated structures such as road over- or underpasses and bridges.

The Public Works Board is made up of the heads of the state’s Finance, Transportation and General Services departments. The board governs property acquisition and fiscal issues for state construction projects and programs.

One piece involved in the latest resolutions is just under eight acres of a larger 47-acre property along the BNSF Railway tracks west of Kingsburg, and is proposed as a radio communications site for the high-speed rail project as well for the actual rail line between Kamm and Conejo avenues. The smallest is about three-quarters of an acre – part of a larger 14-acre parcel of farmland – that is about a mile farther south, on the east side of the BNSF tracks at Clarkson Avenue, and is needed by the rail authority for the realignment of Clarkson.

Another notable parcel is the former Lamoure's Cleaners building on G Street between Tuolumne and Merced streets in downtown Fresno. The Public Works Board's resolution describes it as a full acquisition of the entire 0.84-acre parcel.

To the north, in Madera County, the fifth resolution calls for the condemnation of about 12 acres of a 316-acre piece of farmland between Avenues 10 and 11, west of the BNSF tracks, for construction of the rail line and new overpasses at both avenues.

Right of way acquisition has been one of the factors that has slowed progress by the California High-Speed Rail Authority on its first 29-mile construction segment in Fresno and Madera counties.

As of Nov. 20, the rail authority reported that of the 711 parcels needed in that section, 376 had been delivered to its contractor. Major construction began near Madera last summer for a bridge that will span the Fresno River, Highway 145 and Raymond Road. Several other sites in downtown Fresno are expected to become active construction sites in the next couple of months.