



**RESOURCE MANAGEMENT
AGENCY
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

ALLEN ISHIDA
District One
PETE VANDER POEL
District Two
PHILLIP A. COX
District Three
J. STEVEN WORTHLEY
District Four
MIKE FENNIS
District Five

AGENDA DATE: February 2, 2010

| | | | | | | |
|--|-----|-------------------------------------|----|-------------------------------------|-----|--------------------------|
| Public Hearing Required | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input type="checkbox"/> |
| Scheduled Public Hearing w/Clerk | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input type="checkbox"/> |
| Published Notice Required | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> | N/A | <input type="checkbox"/> |
| Advertised Published Notice | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> | N/A | <input type="checkbox"/> |
| Meet & Confer Required | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> | N/A | <input type="checkbox"/> |
| Electronic file(s) has been sent | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input type="checkbox"/> |
| Budget Transfer (Aud 308) attached | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> | N/A | <input type="checkbox"/> |
| Personnel Resolution attached | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> | N/A | <input type="checkbox"/> |
| Resolution, Ordinance or Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s) | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input type="checkbox"/> |

CONTACT PERSON: Celeste Perez PHONE: (559) 624-7010

SUBJECT: Acquisition of Property by Eminent Domain for the Road 108 Widening Project Pursuant to Code of Civil Procedure Section 1245.330; Bill and Tanya Miller Family Limited Partnership

REQUEST(S):

That the Board of Supervisors:

Adopt, finds, determines, declares and resolves as follows:

- a. The public interest and necessity require the Project;
- b. The Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury;
- c. The property described in Appendix A attached hereto is necessary for the Project;
- d. The offer required by section 7267.2(a) of the Government Code, together with the accompanying statement of and summary of the basis for the amount established as just compensation, was made to the owner or owners of record and the offer and accompanying statement and summary complied with the requirements of Government Code section 7267.2(a);
- e. County Counsel is authorized to file a legal action against the property owner.

Two-thirds vote required.

SUMMARY:

The county of Tulare has undertaken a project to improve Road 108 between the cities of Visalia and Tulare. The Road 108 Project (Project) consists of widening

SUBJECT: Acquisition of Property by Eminent Domain for the Road 108 Widening Project Pursuant to Code of Civil Procedure Section 1245.330; Bill and Tanya Miller Family Limited Partnership

DATE: February 2, 2010

Road 108 from two lanes to four lanes and creating a dividing center median from Caldwell Avenue in the city of Visalia to Leland Avenue in the city of Tulare, a distance of approximately 5 miles, for the principal purposes of improving traffic flow, increasing safety, improving drainage, and improving access between the cities of Visalia and Tulare, together with incidental and related improvements.

On February 6, 2007 the Board of Supervisors approved (Resolution Number 2006-0070) a final environmental impact report (FEIR) pursuant to the California Environment Quality Act (CEQA) for the project. On January 30, 2007 the Federal Highway Administration approved a categorical exclusion (CE) pursuant to the National Environmental Policy Act (NEPA). The reader is directed to Chapter 1 (copy attached) of the above referenced document for a complete discussion on the purpose and need for the project, alternatives that were considered and the permits and approvals needed to construct the project.

In June, 2007, the county of Tulare received an allocation from the California Transportation Commission (CTC) to prepare the plans, specifications and estimate (PS&E) and acquire the right of way (ROW) for the project. Shortly thereafter, the County began the process of preparing the PS&E and ROW for the project. The preparation of the PS&E and ROW acquisition is funded by both a State Transportation Improvement Program (STIP) allocation and an allocation from the Tulare County Transportation Sales Tax Measure (Measure R).

The CTC has programmed in the 2010 STIP Proposition 1B State Local Partnership Program (SLPP) funding to construct the project. The SLPP funding will be matched by funding from Measure R, Proposition 1B discretionary funding and Tulare County Local Transportation Fund (LTF) funding.

The County has approximately 5 outstanding property owners it is currently dealing with to acquire the necessary ROW to construct the project. One property owner is Bill and Tanya Miller Family Limited Partnership.

The County has been negotiating with Bill and Tanya Miller Family Limited Partnership since December 2009 and has not been able to come to an agreement on terms and price thereby necessitating the need to utilize eminent domain. The section 7267.2 offer was made on December 2, 2009. The Bill and Tanya Miller Family Limited Partnership property is located along the west side of Road 108, south of Avenue 248. It is commonly referred to as Assessor Parcel Number (APN) 166-010-045. The right of way (ROW) to be acquired is 18 feet in width and approximately 192 feet in length. In addition to the ROW a 13 foot easement for the Tulare Irrigation District (TID) and a 25 foot temporary construction easement (TCE) will also be acquired. Detailed legal descriptions and plats of the required ROW, TID easement and TCE are attached to the Resolution of Necessity.

SUBJECT: Acquisition of Property by Eminent Domain for the Road 108 Widening Project Pursuant to Code of Civil Procedure Section 1245.330; Bill and Tanya Miller Family Limited Partnership

DATE: February 2, 2010

On January 15, 2010 the County mailed notice of the public hearing to Bill and Tanya Miller Family Limited Partnership pursuant to Code of Civil Procedure Section 1245.235.

In order to begin the eminent domain process, the Tulare County Board of Supervisors must adopt, by two-thirds of its members, a Resolution of Necessity which makes the following findings:

- a. The public interest and necessity require the Project;
- b. The Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury;
- c. The property described in Appendix A attached to the Resolution of Necessity hereto is necessary for the Project; and
- d. The offer required by section 7267.2(a) of the Government Code, together with the accompanying statement of and summary of the basis for the amount established as just compensation, was made to the owner or owners of record and the offer and accompanying statement and summary complied with the requirements of Government Code section 7267.2(a).

The public interest and necessity require the Project. Chapter 1, Proposed Project, of the FEIR/CE (copy attached) discusses in detail the Road 108 Project. Section 1.2, Purpose and Need, identifies the purpose and need of the project including that the project will reduce congestion and improve the level of service, improve safety, resolve drainage issues and provide for improved access between the cities of Visalia and Tulare. Based on the information contained in the FEIR/CE, the Board can make this finding.

The Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury. Section 1.3, Alternatives, of the FEIR/CE identifies the alternatives that were considered including the build alternative, the no-build alternative and alternatives considered and withdrawn. Through the environmental review process, the preferred alternative was identified which would provide greatest public good with the least private injury. Based on the information contained in the FEIR/CE, the Board can make this finding.

The property described in Appendix A attached to the Resolution of Necessity hereto is necessary for the Project. Attached to the Resolution of Necessity as Appendix A are the legal descriptions and plats for the ROW, TID easement and TCE to be acquired from Bill and Tanya Miller Family Limited Partnership. The ROW, TID easement and TCE being required are consistent with the project description in the approved environmental document and are necessary for the project. As such, the Board can make this finding.

SUBJECT: Acquisition of Property by Eminent Domain for the Road 108 Widening Project Pursuant to Code of Civil Procedure Section 1245.330; Bill and Tanya Miller Family Limited Partnership

DATE: February 2, 2010

The offer required by section 7267.2(a) of the Government Code, together with the accompanying statement of and summary of the basis for the amount established as just compensation, was made to the owner or owners of record and the offer and accompanying statement and summary complied with the requirements of Government Code section 7267.2(a). The offer required by Government Code section 7267.2(a) was made to the property owner on December 2, 2009 and the Board can make this finding.

FISCAL IMPACT/FINANCING:

There is no net cost to the County General Fund. The ROW acquisition is funded from an allocation from the STIP and Measure R. The cost for ROW acquisition is budgeted in the Road Fund.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

This project will enhance the safety and security of the public by improving the transportation infrastructure for both the general population in the region and the motorists using this facility.

ALTERNATIVES:


Do not proceed with eminent domain and continue to negotiate with Bill and Tanya Miller Family Limited Partnership. Staff does not recommend this alternative as the County has negotiated with Bill and Tanya Miller Family Limited Partnership and has not been able to come to agreement on the terms and price for the acquisition of the necessary ROW, TID easement and TCE. Any further delay in acquiring this ROW could jeopardize the access to funding for the construction of the project.

INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:

County Counsel has been involved in the preparation of the necessary documents for eminent domain.

SUBJECT: Acquisition of Property by Eminent Domain for the Road 108 Widening
Project Pursuant to Code of Civil Procedure Section 1245.330; Bill and
Tanya Miller Family Limited Partnership
DATE: February 2, 2010

ADMINISTRATIVE SIGN-OFF:

 1/19/10
Britt L. Fussel, P.E.
Assistant Director—Engineering
County Surveyor

BF

cc: Auditor/Controller
County Counsel
County Administrative Office (2)

Attachment(s) Vicinity Map, Road 108 Project
Location Map, Bill and Tanya Miller Family Limited Partnership
Chapter 1, Environmental Impact Report/Categorical Exclusion

RESOLUTION OF NECESSITY BEFORE THE BOARD OF SUPERVISORS COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER)
OF THE ACQUISITION)
OF PROPERTY BY EMINENT)
DOMAIN FOR THE ROAD 108)
WIDENING PROJECT) RESOLUTION NO. _____
PURSUANT TO CODE OF)
CIVIL PROCEDURE SECTION)
1245.330; BILL AND TANYA MILLER)
FAMILY LIMITED PARTNERSHIP)

The Board of Supervisors of the County of Tulare, by vote of at least two-thirds of its members, FINDS, DETERMINES, DECLARES, AND RESOLVES as follows:

1. The County of Tulare intends to construct the Road 108 Widening Project (the "Project"), which consists of widening Road 108 from two lanes to four lanes and creating a dividing center median from Caldwell Avenue in the City of Visalia to Leland Avenue in the City of Tulare, a distance of 5 miles, for the principal purposes of improving traffic flow, increasing safety, improving drainage, and improving access between the cities of Visalia and Tulare, together with incidental and related improvements;
2. The purposes described in Paragraph 1 are public purposes within the meaning of the California Constitution and the California Eminent Domain Law;
3. The County of Tulare is authorized to acquire the property described in Appendix A attached hereto by eminent domain for the public uses set forth herein pursuant to Government Code section 25350.5 and Streets and Highways Code section 943;
4. The property to be acquired consists of parcel APN No. 166-010-045. The parcel is located along the west side of Road 108, south of Avenue 248. It is more particularly described in Appendix A, attached hereto;
5. On January 13, 2010, a Notice of Hearing on the proposed adoption of this Resolution of Necessity was mailed to Bill and Tanya Miller Family Limited Partnership, whose name and address appears on the last equalized assessment roll. A copy of the Notice of Hearing is attached hereto as Appendix B.

6. The hearing described in the Notice of Hearing was held on February 2, 2010, at the time and place stated therein and all interested persons were heard as required by section 1245.235 of the Code of Civil Procedure;

The Board of Supervisors of the County of Tulare, by vote of at least two-thirds of its members, further FINDS, DETERMINES, DECLARES, AND RESOLVES as follows:

- a. The public interest and necessity require the Project;
- b. The Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury;
- c. The property described in Appendix A attached hereto is necessary for the Project;
- d. The offer required by section 7267.2(a) of the Government Code, together with the accompanying statement of and summary of the basis for the amount established as just compensation, was made to the owner or owners of record and the offer and accompanying statement and summary complied with the requirements of Government Code section 7267.2(a); and
- e. County Counsel is authorized to file a legal action against the property owner.

UPON MOTION OF SUPERVISOR, _____ SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD FEBRUARY 2, 2010,
BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JEAN M. ROUSSEAU
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

Appendix A

EXHIBIT "A"

That portion of the real property described in the Grant Deed to the Bill and Tanya Miller Family Limited Partnership, recorded on December 22, 2004, as Document No. 2004-0132468, Tulare County Official Records, lying within the Northeast quarter of Section 35, Township 19 South, Range 24 East, M.D.B. & M., in the County of Tulare, State of California, described as follows:

COMMENCING at the Northeast corner of said Section 35, thence along the East line of said Section 35, South $00^{\circ}14'34''$ East 1,157.76 feet to a point on the Easterly prolongation of the North line of said real property to Miller; thence leaving said East line, South $89^{\circ}44'06''$ West 55.00 feet along said prolongation to a point on the West line of the real property described in the Grant Deed to the County of Tulare, recorded on July 17, 1975, in Volume 3254, at Page 226, Tulare County Official Records, said point being the **POINT OF BEGINNING**; thence along said West line, South $00^{\circ}14'34''$ East 192.21 feet to a point on the South line of said real property to Miller; thence along said South line, North $89^{\circ}53'48''$ West 18.00 feet; thence leaving said South line, North $00^{\circ}14'34''$ West 192.09 feet to a point on the North line of said real property to Miller; thence along said North line, North $89^{\circ}44'06''$ East 18.00 feet to the **POINT OF BEGINNING**.

Said description contains 3,459 square feet (0.0794 acres) more or less.

Robert C. Bangert 2-19-09
Robert C. Bangert LS 5250 Date
License Expiration Date: December 31, 2009

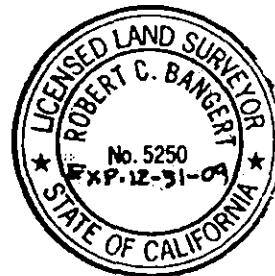
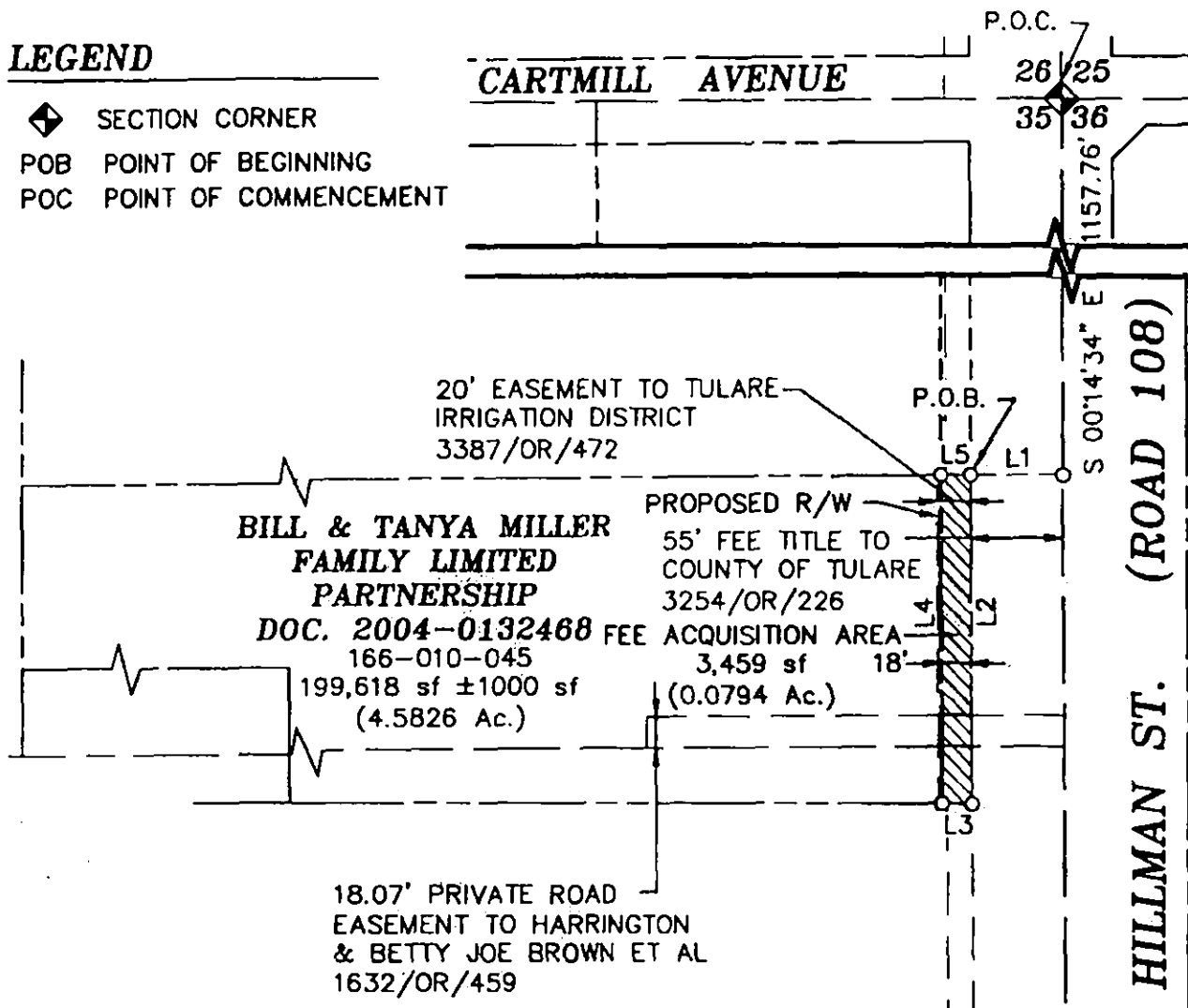


EXHIBIT 'B'

PORTION OF SECTION 35, T. 19 S., R. 24 E., M.D.B.&M.

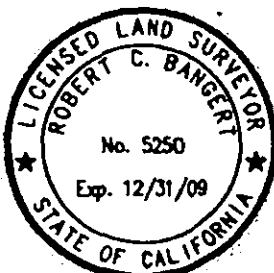
LEGEND

- ◆ SECTION CORNER
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT



LINE TABLE

| LINE | BEARING | LENGTH |
|------|---------------|---------|
| L1 | S 89°44'06" W | 55.00' |
| L2 | S 00°14'34" E | 192.21' |
| L3 | N 89°53'48" W | 18.00' |
| L4 | N 00°14'34" W | 192.09' |
| L5 | N 89°44'06" E | 18.00' |



Robert C. Bangert 2-19-09
 ROBERT C. BANGERT LS 5250 DATE
 LICENSE EXPIRATION DATE: DECEMBER 31, 2009

SCALE: 1"=100'

**HILLMAN STREET P&E
 FEE ACQUISITION**

EXHIBIT "A"

That portion of the real property described in the Grant Deed to the Bill and Tanya Miller Family Limited Partnership, recorded on December 22, 2004, as Document No. 2004-0132468, Tulare County Official Records, lying within the Northeast quarter of Section 35, Township 19 South, Range 24 East, M.D.B. & M., in the County of Tulare, State of California, described as follows:

COMMENCING at the Northeast corner of said Section 35, thence along the East line of said Section 35, South 00°14'34" East 1,157.76 feet to a point on the Easterly prolongation of the North line of said real property to Miller; thence along said prolongation and North line, South 89°44'06" West 73.00 feet to the **POINT OF BEGINNING**; thence leaving said North line, South 00°14'34" East 192.09 feet to a point on the South line of said real property to Miller; thence along said South line, North 89°53'48" West 25.00 feet; thence leaving said South line, North 00°14'34" West 191.93 feet to a point on the North line of said real property to Miller; thence along said North line, North 89°44'06" East 25.00 feet to the **POINT OF BEGINNING**.

Said description contains 4,800 square feet (0.1102 acres) more or less.

Robert C. Bangert 8-5-09
Robert C. Bangert LS 5250 Date
License Expiration Date: December 31, 2009

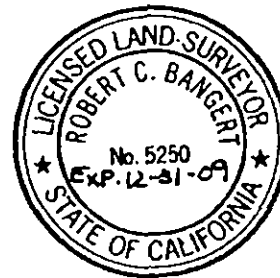
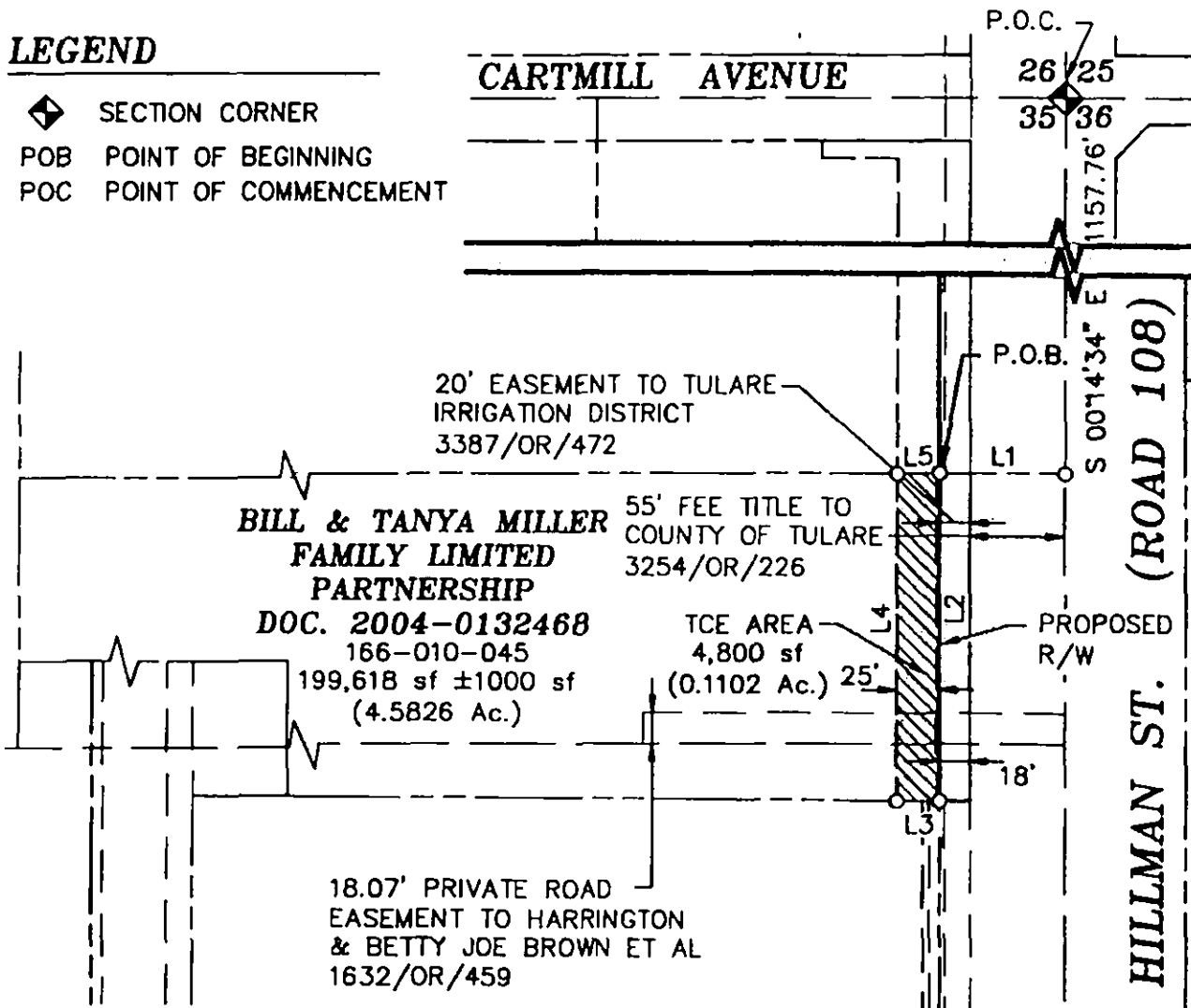


EXHIBIT 'B'

PORTION OF SECTION 35, T. 19 S., R. 24 E., M.D.B.&M.

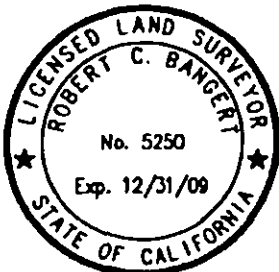
LEGEND

- ◆ SECTION CORNER
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT



LINE TABLE

| LINE | BEARING | LENGTH |
|------|---------------|---------|
| L1 | S 89°44'06" W | 73.00' |
| L2 | S 00°14'34" E | 192.09' |
| L3 | N 89°53'48" W | 25.00' |
| L4 | N 00°14'34" W | 191.93' |
| L5 | N 89°44'06" E | 25.00' |



Robert C. Bangert 8-5-09
 ROBERT C. BANGERT LS 5250 DATE
 LICENSE EXPIRATION DATE: DECEMBER 31, 2009

SCALE: 1"=100'

**HILLMAN STREET PS&E
 TEMPORARY CONSTRUCTION EASEMENT**

EXHIBIT "A"

That portion of the real property described in the Grant Deed to the Bill and Tanya Miller Family Limited Partnership, recorded on December 22, 2004, as Document No. 2004-0132468, Tulare County Official Records, lying within the Northeast quarter of Section 35, Township 19 South, Range 24 East, M.D.B. & M., in the County of Tulare, State of California, described as follows:

The West 13.00 feet of the East 88.00 feet of said Northeast quarter of Section 35, lying within the above-mentioned real property to the Bill and Tanya Miller Family Limited Partnership.

Said description contains 2,497 square feet (0.0573 acres) more or less.

Robert C. Bangert 7-24-09
Robert C. Bangert LS 5250 Date
License Expiration Date: December 31, 2009

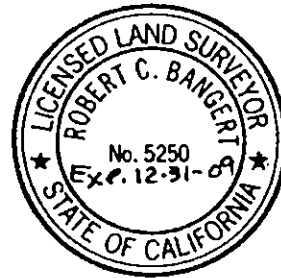
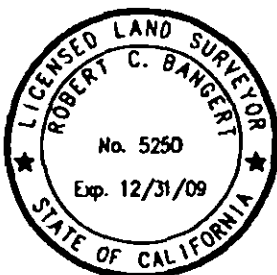
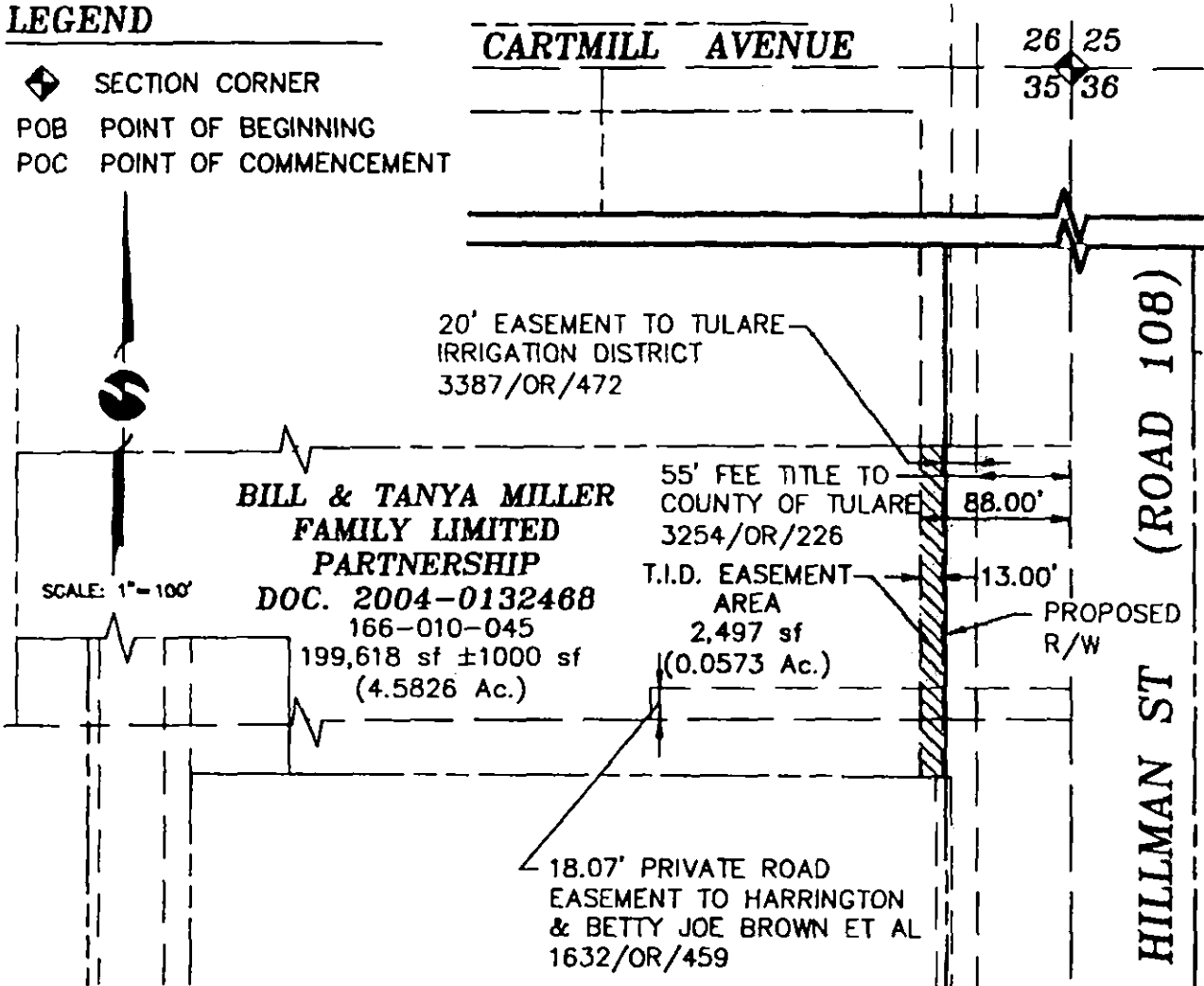


EXHIBIT 'B'

PORTION OF SECTION 35, T. 19 S., R. 24 E., M.D.B.&M.

LEGEND

- ◆ SECTION CORNER
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT



Robert C. Bangert 7-24-09
ROBERT C. BANGERT LS 5250 DATE
LICENSE EXPIRATION DATE: DECEMBER 31, 2009

**HILLMAN STREET P&E
TULARE IRRIGATION DISTRICT EASEMENT**

Appendix B



RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD.
VISALIA, CA. 93277
PHONE (559) 624-7000
FAX (559) 730-2653

| | |
|------------------|------------------|
| Brian L. Fussell | Engineering |
| William Bayler | Development Svcs |
| Jean P. Brou | Transportation |
| Jake Raper | Planning |
| Hal Cybert | Support Services |
| Roger Hunt | Admin Svcs |

JAKE RAPER JR., AICP, DIRECTOR

January 13, 2010

Bill and Tanya Miller Family Limited Partnership
P.O. Box 6398
Visalia, CA 93290

Subject: Notice of Hearing regarding Adoption of a Resolution of Necessity to Acquire Property by Eminent Domain Pursuant to California Code of Civil Procedure Section 1245.235

Dear Bill and Tanya Miller Family Limited Partnership:

Please take notice that the Board of Supervisors of the County of Tulare, at a regular meeting to be held on Tuesday, February 2, 2010 at 9:30 A.M., in the chambers of the Board of Supervisors in the Administration Building, 2800 West Burrel Avenue, Visalia, California, will hold a hearing to consider the adoption of a Resolution of Necessity pursuant Sections 1245.220 and 1245.230 of the California Code of Civil Procedure.

The Resolution of Necessity, if adopted, will authorize the County of Tulare to acquire 1 parcel by eminent domain for the Road 108 Widening Project. The parcel being considered for acquisition is described in Appendix A to the proposed Resolution of Necessity.

You have a right to appear and be heard by the Board of Supervisors at the above-scheduled hearing on each of the following matters and issues before it decides whether to adopt the proposed Resolution of Necessity:

- a. Whether the public interest and necessity require the proposed project;
- b. Whether the project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- c. Whether the property sought to be acquired is necessary for the project;
- d. Whether the offer required by Government Code section 7267.2(a), together with the accompanying statement and summary of the basis for the amount established as just compensation, was made to you and whether the offer and statement and summary were in the form and contained the factual information required by Government Code section 7267.2(a).

If you desire to be heard, you must file a written request with the Clerk of the Board of Supervisors within fifteen (15) days after this Notice was mailed. You must file your request to be heard at:

Clerk of the Board of Supervisors
Tulare County Administration Building
2800 West Burrel Avenue
Visalia, CA 93291

Should you elect to mail your request to the Clerk of the Board of Supervisors, it must actually be received by the Clerk within fifteen (15) days after this Notice was mailed. The date this Notice was mailed appears at the end of the Notice.

Please note that, pursuant to California Code of Civil Procedure section 1245.235(b)(3), failure to file a written request to be heard within fifteen (15) days after the Notice was mailed will result in waiver of the right to appear and be heard.

The amount of compensation to be paid for the property will not be considered by the Board of Supervisors at the hearing. If you do not appear at the hearing, your failure to appear will not prevent you from claiming greater compensation in accordance with the laws of the State of California.

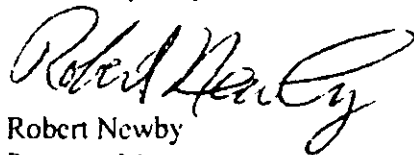
If you do not appear at the hearing, your failure to appear will waive your right to later challenge the right of the Board of Supervisors to acquire the property by eminent domain.

Neither this Notice nor the adoption of the Resolution of Necessity, if it is adopted, are intended to foreclose further negotiations between you the County on the amount of compensation to be paid for your property.

If the Board of Supervisors adopts the Resolution of Necessity, within six months the Board of Supervisors will commence eminent domain proceedings in the Tulare County Superior Court for the acquisition of the property. In that proceeding, the Court will determine the amount of compensation to be paid for the acquisition.

Dated and mailed on January 13, 2010.

Yours very truly,



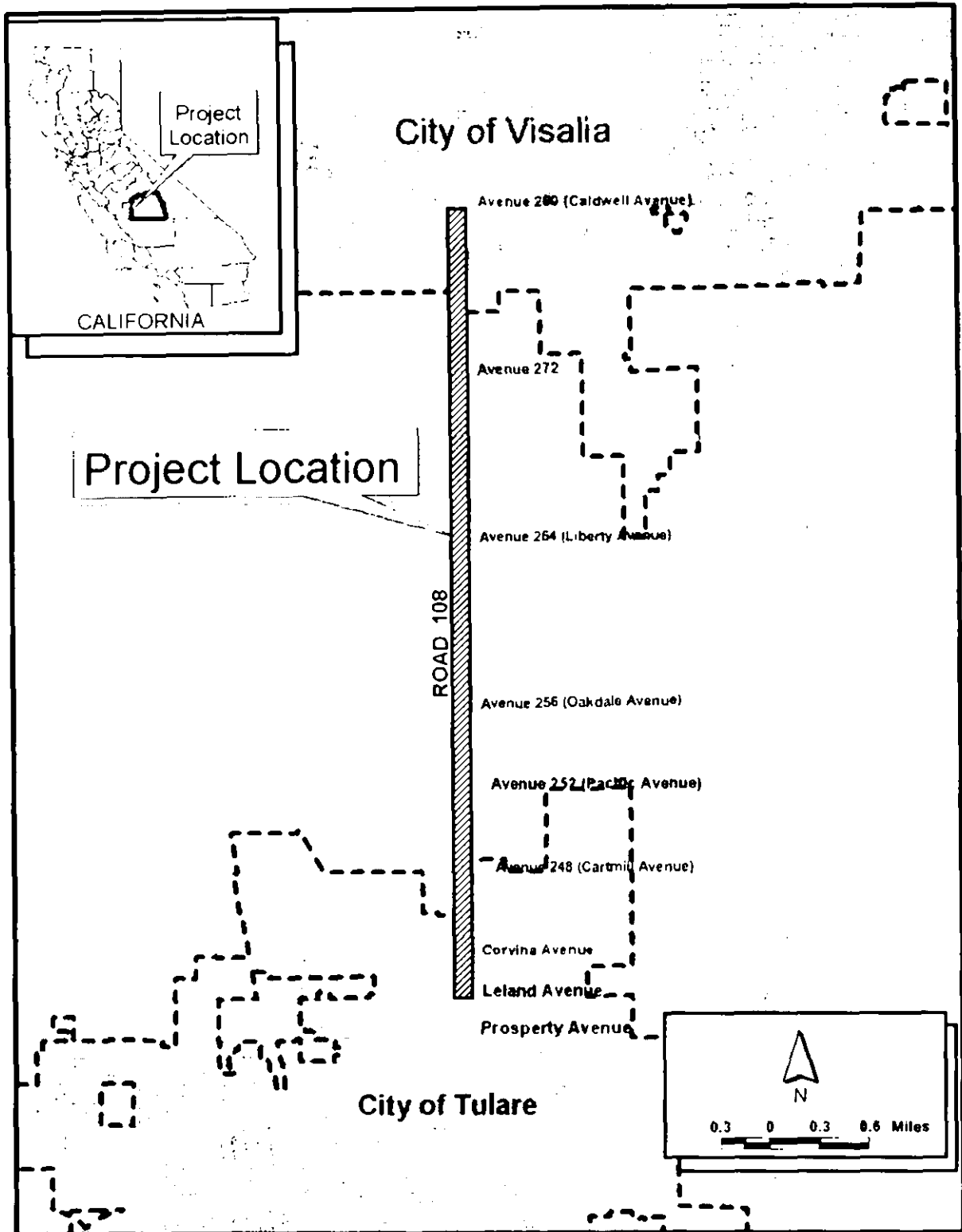
Robert Newby
Property Manager

Enclosures: Appendix A-Plats and Legal Descriptions
Appendix B-Government Code section 7267.2(a)

GOVERNMENT CODE

SECTION 7267.2(a)

7267.2. (a) (1). Prior to adopting a resolution of necessity pursuant to Section 124512.01 of the Code of Civil Procedure and initiating negotiations for the acquisition of real property, the public entity shall establish an amount that it believes to be just compensation therefor, and shall make an offer to the owner or owners of record to acquire the property for the full amount so established, unless the owner cannot be located with reasonable diligence. The offer may be conditioned upon the legislative body's ratification of the offer by execution of a contract of acquisition or adoption of a resolution of necessity or both. The amount shall not be less than the public entity's approved appraisal of the fair market value of the property. A decrease or increase in the fair market value of real property to be acquired prior to the date of valuation, caused by the public improvement for which the property is acquired, or by the likelihood that the property would be acquired for the improvement, other than that due to physical deterioration within the reasonable control of the owner or occupant, shall be disregarded in determining the compensation for the property.



Vicinity Map for Road 108 Widening

Visalia

Avenue 272

Road 108

Road 109

Oakdale

APN 166-010-045
MILLER

Blackstone

Pacific

99

63

Highway

Avenue 274

Ave. 275

Avenue 276

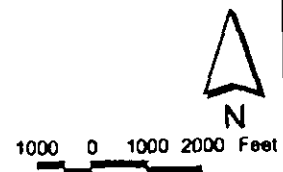
Avenue 277

Road 124

Central

Tulare

Location Map



Chapter 1 **Proposed Project**

1.1 Introduction

The County of Tulare (COT) and the Cities of Tulare and Visalia, in cooperation with the California Department of Transportation (Caltrans) and the Federal Highway Administration (FHWA), propose to widen approximately 4.75 miles of the Road 108 travel corridor. The proposed Project is included in the 2004 State Transportation Improvement Program (STIP), adopted by the California Transportation Commission on August 5, 2004. The Project is also included in the 2004 Regional Transportation Plan for Tulare County, adopted by Tulare County Association of Governments (TCAG) on August 9, 2004.

The proposed Project is located in the City of Tulare, unincorporated Tulare County, and the City of Visalia. The project area is east of State Route (SR) 99 and extends from Leland Avenue in the City of Tulare to the intersection of Road 108 and Caldwell Avenue/Avenue 280 in the City of Visalia, a distance of 4.75 miles (see Figure 1-1). Within the City of Tulare, Road 108 is named Hillman Street; within the City of Visalia it is named Demaree Road. For consistency, this document will refer to the roadway by its county designation of Road 108.

Road 108 was originally constructed in 1976 as a two-lane rural highway and has since been overlaid with an additional 2.5 inches of asphalt (Transportation Planning Group 1998). Portions of the road in the Cities of Tulare and Visalia have been widened to four lanes; however, within the project corridor, Road 108 is primarily two lanes on an 84-foot right-of-way. The posted speed limit is 55 miles per hour (mph) in rural areas.

The land surrounding the project area is relatively flat (average elevation is approximately 310 feet) and includes a waterway (Packwood Creek) and irrigation canals (Tulare Irrigation District Canal, North Branch Canal). In the City of Tulare, land uses include agricultural, urban residential, and commercial uses. Between the City of Tulare and the City of Visalia, the primary land use is agriculture, including several dairies. Land uses in the City of Visalia include commercial uses, urban residential uses, rural single-family homes, a church, and agricultural uses.

1.2 Purpose and Need

The proposed Project would increase the traffic capacity on Road 108 between the cities of Tulare and Visalia and upgrade traffic controls at major intersections. The increase in capacity is needed to accommodate the increase in traffic volumes along Road 108 as a result of the urbanization of both the City of Tulare and the City of Visalia (Transportation Planning Group 1998). Additional detail is provided below.

1.2.1 Purpose

The specific purposes and objectives of the proposed Project are to:

- accommodate regional development and corresponding increases in traffic volumes;
- be consistent with existing and planned local development;
- provide congestion relief to improve traffic flow on the regional transportation system;
- improve the safety and operation of vehicles crossing Road 108 and at the intersections of Road 108 and Avenue 256, Avenue 264, and Avenue 272; and
- improve the flow and safety of traffic at major intersections that are controlled by two-way stop signs.

1.2.2 Need

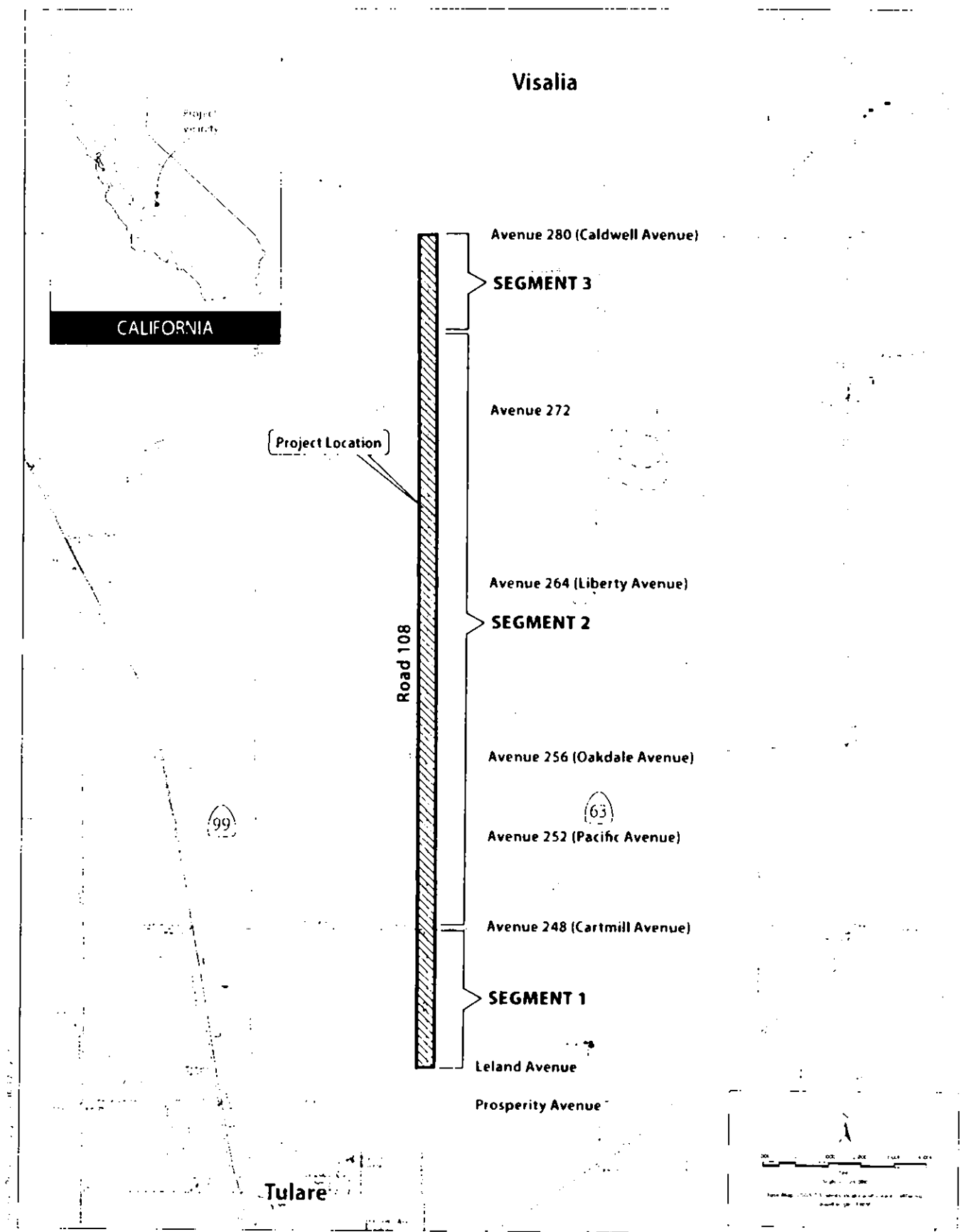
Over the past 20 years, there has been a continuous increase in traffic volumes along Road 108 as a result of the urbanization of both the City of Tulare and the City of Visalia (Transportation Planning Group 1998). Widening Road 108 to a four-lane divided highway would accommodate this increase.

As part of the project study report (PSR) (Transportation Planning Group 1998), a traffic analysis was completed for the project roadway segment. This analysis studied existing conditions, 2020 conditions with the existing geometrics, and 2020 conditions with the proposed geometrics at six intersections in the segment. This analysis was revised in 2002 in the final traffic operations analysis (OMNI-MEANS 2003) to include the forecasted traffic volumes for 2030. The six intersections analyzed, and the current intersection control types, are:

- Road 108 at Leland Avenue (signalized)
- Road 108 at Avenue 248 (Cartmill Avenue) (signalized)
- Road 108 at Avenue 256 (Oakdale Avenue) (two-way stop on Avenue 256)
- Road 108 at Avenue 264 (Liberty Avenue) (two-way stop on Avenue 264)
- Road 108 at Avenue 272 (two-way stop on Avenue 272)
- Road 108 at Avenue 280 (Caldwell Avenue) (signalized)

The traffic operations analysis indicates that the existing afternoon peak hour level of service (LOS) at the intersection of Road 108 and Avenue 272 is level E (unstable flow); the intersection of Road 108 and Avenue 264 operates at LOS F (forced flow). Road users experience significantly long queuing at these intersections. LOS F consists of jammed conditions and is generally considered to be unacceptable to most drivers. The existing afternoon peak hour LOS at these two intersections is below the standard adopted by the COT (LOS D).

The traffic operations analysis also indicates the 2030 traffic volumes would result in most of the studied intersections operating below the adopted standard at peak hours. Further, five of the six intersections are expected to operate at LOS F during the afternoon peak hour without road improvements, and three of the six intersections are expected to operate at LOS F during the morning peak hour without improvements.



With project improvements, each of the intersections would operate within or above the adopted standards of the COT (LOS D) and the Cities of Tulare (LOS D) and Visalia (LOS C).

1.3 Alternatives

This section describes, in detail, the project alternatives developed by the Project Development Team, composed of representatives from the Cities of Tulare and Visalia, the COT, and the Tulare Irrigation District, to achieve the project purpose and need while avoiding or minimizing environmental impacts.

1.3.1 Alternatives Development Process

The Project Development Team developed alignment alternatives with the goal of reducing or eliminating potential right-of-way impacts. The primary purpose and objective of the proposed Project is to increase traffic capacity on Road 108 to accommodate the increase in traffic volumes on the roadway consistent with current and planned development. Because of this primary purpose, widening other roadways in the vicinity of Road 108, such as Road 100 to the west or Mooney Boulevard (SR 63) to the east, would not feasibly attain the purpose and need of the Project and were not considered reasonable alternatives to the proposed Project. The creation of a new roadway corridor was also considered unreasonable, as the impacts it would cause would be far greater than improving an existing roadway corridor. Therefore, only the widening of Road 108 is considered in this report.

Road 100, one mile west of Road 108, is a two-lane undivided roadway south of Avenue 280 and is surrounded by rural and agricultural land uses. While local travelers do use Road 100 to travel between the Cities of Visalia and the northern portion of the City of Tulare, Road 100 only continues as far south as Cartmill Avenue and does not provide a direct north-south connection between the urbanized portions of the two cities. Within Tulare County, at SR 99, Road 100 merges into Diagonal 103 Drive and connects with Cartmill Avenue, an east-west roadway in the northern portion of the City of Tulare.

The widening of Road 100 from two to four lanes would cause similar impacts as the widening of Road 108, such as effects on land uses (primarily conversion of agricultural lands and property acquisition), permanent loss of foraging habitat for San Joaquin kit fox, the placement of fill in other waters of the United States (Packwood Creek and irrigation canals), and increases in noise levels for sensitive receptors adjacent to the roadway, such as private residences. Further, because Road 108 connects directly to established residential and commercial areas within both the City of Visalia and the City of Tulare, widening Road 100 would not reduce the impacts of current traffic congestion experienced on Road 108.

Mooney Boulevard (SR 63), one mile east of Road 108, is primarily a four-lane divided roadway with sections having up six lanes in the City of Visalia. Mooney Boulevard is heavily used and is a significant north-south arterial roadway in the region. Further widening of this roadway within the City of Visalia would not be feasible because of existing development along the Mooney Boulevard corridor. The availability of the four-lane roadway currently does not

alleviate congestion on Road 108. In addition, further widening of Mooney Boulevard within the COT would cause similar impacts as the widening of Road 108.

Because the primary purpose and objective of the proposed Project is to alleviate congestion within the Road 108 corridor between the Cities of Visalia and Tulare, only this corridor location is considered in this report.

1.3.2 Proposed Project

The proposed Project crosses three jurisdictions from south to north; however, it is considered a single project for construction and funding purposes. The Project has been broken down into three segments representing these three jurisdictions. The following summarizes portions of the Project in each of the jurisdictions:

- City of Tulare (Appendix A, Sheet L.1 and L.2) – Segment 1: From Leland Avenue to Avenue 248 (approximately 0.75 mile);
- County of Tulare (Appendix A, Sheets L.2 through L.11B) – Segment 2: From Avenue 248 to the southern Visalia city limits (approximately 3.6 miles);
- City of Visalia (Appendix A, Sheets L.11B through L.12) – Segment 3: From the southern city limits to Avenue 280 (approximately 0.4 mile).

The proposed Project would consist of the following elements:

- widening the existing Road 108 from two lanes to six lanes between Leland Avenue and Avenue 248 (Cartmill Avenue) in the City of Tulare;
- widening the existing Road 108 from two lanes to four lanes from Avenue 248 to Avenue 280 (Caldwell Avenue) in the COT and City of Visalia;
- adding a divided roadway median;
- installing new traffic signals at Avenues 256, 264, and 272;
- widening the existing box culverts on two irrigation canals and Packwood Creek;
- realigning the affected utilities; and
- acquiring property for rights-of-way as necessary to complete the proposed Project.

Because the proposed Project would cross three jurisdictions, the widths of project features such as medians vary. The Road 108 right-of-way would be 146 feet wide in the City of Tulare north to Avenue 248, 110–120 feet wide in unincorporated Tulare County north to the Visalia city limits, and 110 feet wide in the City of Visalia. Appendix A, Sheet X1 illustrates typical cross-sections for the project features by jurisdiction. At four intersections (Avenues 248, 256, 264, and 272), the east and westbound approaches to Road 108 will be widened for up to 925 feet on either side of Road 108 to provide for separate left-turn lanes for traffic entering Road 108.

The proposed Project is described further below by segment and illustrated on the alignment drawings in Appendix A. The proposed Project is based on the alignments studied and approved

in this project's PSR. The features common to the proposed Project are described separately from the unique features of the alignment options. Two alignment alternatives were developed (Option A and Option B) for portions of the project corridor within Segment 2 to represent the worst case east and west alignment variations through this segment in order to fully identify potential project impacts. Details of each alignment alternative are included below under Alternatives within the Proposed Project.

Design Features of the Proposed Project

Segment 1: City of Tulare, Leland Avenue to Avenue 248

This segment is approximately 0.75 mile long. The required right-of-way has already been acquired along the east side of the roadway from Leland Avenue to approximately 0.5 mile north, where commercial and urban residential uses exist. Aside from these urban uses, the lands on either side of the roadway are in agricultural uses. To allow construction of the proposed Project, the right-of-way would be extended along the east side of Road 108 to Avenue 248, and right-of-way would be acquired along the west side of the road.

Road 108 would be widened on both sides of the existing roadway, generally from two lanes to six lanes. Road 108 would consist of six 12-foot travel lanes, 12-foot parking lanes, and a 30-foot-wide raised median. Left-turn channelization at the intersecting streets would be provided within the median.

Segment 2: Unincorporated Tulare County, Avenue 248 to Visalia City Limits

This segment is approximately 3.6 miles long and runs through a largely rural area. Road 108 crosses Avenues 252, 256, 264, and 272 in this segment; each intersection would be improved as a part of the proposed Project. Right-of-way would have to be acquired on both the east and west sides of the road. North of Avenue 248, the roadway crosses the Tulare Irrigation District Canal. Between Avenue 264 and the Visalia city limits, the roadway crosses the Tulare Irrigation District North Branch Canal and Packwood Creek. The existing structures crossing the canals and the creek would be widened under the proposed Project. A groundwater well for agricultural supply, located on the east side of Road 108 approximately 300-400 feet south of Avenue 256 would be affected by the roadway widening and would need to be abandoned. This well would be replaced where it would not be in conflict with the Project and would provide irrigation water to the nearby farm.

This segment of Road 108 would be widened from two 12-foot lanes with 8-foot outside paved shoulders to four 12-foot lanes with a 14-foot-wide depressed median and 4-foot inside and 8-foot outside paved shoulders. For the first 1.25 miles, between Avenue 248 to north of Avenue 256, the roadway would be widened primarily to the east, then to the east and west for the next 0.25 mile.

On Avenue 272, the proposed right-of-way is 72-feet for approximately 700 feet east and west of Road 108 to allow for left-turn lanes for traffic entering Road 108. It is anticipated the City of Visalia may expand its limits to include Avenue 272. The standard right-of-way width for the City of Visalia is 110 feet. A separate environmental analysis will be conducted at the time the City of Visalia proposes to increase the right-of-way to its standard width.

Segment 3. City of Visalia, Visalia City Limits to Avenue 280

This segment is approximately 0.4 mile long. In this segment, Road 108 would be widened from two to four 12-foot-wide lanes and would include an 18-foot-wide raised, curbed median; two 8-foot-wide outside shoulders; and curbs, gutters, and sidewalks on both sides of the roadway. Road 108 would be widened primarily to the west from the city limits to the intersection with Avenue 280.

1.3.3 Alternatives within the Proposed Project

For the portion of Segment 2 north of Avenue 256 and Packwood Creek, two alignment alternatives have been developed: Base Alignment Options A and B (Appendix A, Sheets L.6A, L.6B, L.7A, L.7B, L.8A, L.8B, L.9A, L.9B, L.10A, L.10B, L.11A, and L.11B). These alignment alternatives focus on the roadway transition through the intersection at Avenue 264, across the North Branch Canal, and through the intersection at Avenue 272. The unique characteristics of Options A and B are described below. These alternatives represent the worst case east and west alignment variations through this segment in order to fully identify potential project impacts. The final roadway alignment may be developed with one of these alternatives or some combination or compromise of their characteristics. Each alternative is described from south to north. References to widening the roadway typically include right-of-way acquisition.

Alignment Option A

Alignment Option A would widen Road 108 equally to the east and west through the intersection with Avenue 264 before transitioning the roadway alignment entirely to the west across the North Branch Canal. A dairy farm owns and farms property on both sides of the North Branch Canal and Road 108. The dairy processing and other related agricultural facilities are located on the north side of the North Branch Canal and east of Road 108. This alternative provides an access corridor 24 feet wide along the edge of the travel way on the east side of Road 108 for the movement of agricultural equipment across the North Branch Canal outside of the travel way. Alignment Option A also would affect the Southern California Edison electrical substation at the southwest corner of the intersection at Avenue 272 (consistent with the PSR Alternative A alignment) but reduce effects on the residential/commercial properties located at the southeast and northeast corners.

Alignment Option B

Alignment Option B would widen Road 108 13 feet further to the east through the intersection at Avenue 264 and then transition to widening both east and west across the North Branch Canal. This alternative would require agricultural equipment to cross the North Branch Canal within the travel way. Option B also would affect those properties at Avenue 272 to a greater degree while reducing effects on the substation (consistent with the PSR Alternative B alignment).

1.3.4 Construction Phasing, Access, and Staging Areas

Construction Phasing

The earliest construction is anticipated to begin in 2008. Road construction will be phased into two northerly and southerly segments. Other construction activities such as utility relocation,

right-of-way clearing, and culvert widening may occur anywhere on the Project after they are authorized. Construction activities may extend to 2012 or longer.

Access and Staging Areas

Construction would be staged to occur on one side of the roadway at a time, at first allowing traffic to remain on the existing side. Traffic would then be transitioned onto the new portion while the existing portion is upgraded, thereby minimizing traffic delays as much as possible. A project traffic management plan would detail the staged construction approach. Access to the project site is currently provided from Road 108. No new access roads would be required. Staging of construction equipment and materials would occur within the limits of the proposed right-of-way. No new staging areas would be required.

1.3.5 Right-of-Way Acquisition

Right-of-way would be acquired in various locations adjacent to the existing roadway. Approximately 67 parcels would be affected, including irrigated farmland, native pasture, orchards, dairies, rural home sites, urban commercial uses, and urban residential uses. Right-of-way would be acquired under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

1.3.6 Transportation System Management and Transportation Demand Management Alternatives

Transportation system management strategies consist of actions that increase the efficiency of existing roadways; they are actions that increase the number of vehicle trips a roadway can carry without increasing the number of through lanes. Examples of transportation system management strategies include ramp metering, auxiliary lanes, turning lanes, reversible lanes, and traffic signal coordination. Transportation demand management focuses on regional strategies for reducing the number of vehicle trips and vehicle miles traveled, as well as increasing vehicle occupancy.

Although transportation system management measures alone or transportation demand strategies alone could not satisfy the purpose and need of the Project, the following transportation system management measure has been incorporated into the proposed Project: The Project will provide similar paved shoulder width for bicycles; the Project will continue to provide the same access availability at intersections and driveways.

Bus transit routes offered by the City of Visalia, the COT and the City of Tulare currently use the Mooney Boulevard corridor to connect the transit systems of the two cities and to provide access to other locations within the county. This combination of transit systems offers regular bus interval service along Mooney Boulevard between the Visalia Transit Center and the Tulare Transit Center and other stops and transfers within the cities and the county. While the addition of an intercity bus route on the Road 108 corridor may provide opportunities for an increase in transit use, the proximity to services being provided on Mooney Boulevard does not make adding a new bus route a feasible alternative to attain the project purpose and need.

1.3.7 No-Project Alternative

The No-Project Alternative was developed to serve as a baseline for assessing project impacts. Under this alternative, the proposed Project would not be constructed. Because additional traffic lanes would not be constructed, the existing roadway would not be able to accommodate increased traffic volumes at acceptable LOS. With the No-Project Alternative, traffic flows on Road 108 would continue to operate at unacceptable LOS during peak hours, resulting in significant traffic delays and long intersection queuing. In addition, as described in Section 1.2, above, the traffic operations analysis indicated that Year 2030 traffic volumes would result in most of the studied intersections operating below the adopted standards at peak hours and five of the six intersections studied operating at LOS F during the afternoon peak hour.

1.3.8 Alternatives Considered but Eliminated from Further Discussion

As discussed above, other corridor alternatives were not considered feasible to satisfy the purpose and need of the proposed Project. The PSR prepared for the Project considered improvements to the Road 108 corridor and did not identify additional corridors that would satisfy the project purpose and need. The PSR described two alignments (Alternatives A and B) within the Road 108 corridor between Leland Avenue and Avenue 280. The Project Development Team, composed of representatives from the Cities of Tulare and Visalia, the COT, and the Tulare Irrigation District, developed these alignment alternatives with the goal of reducing or eliminating potential right-of-way impacts. Alternative A was designed to eliminate possible right-of-way impacts at two dairy farms, three residences, and a commercial area along the west side of Road 108 and three residences on the east side of Road 108. Alternative B was identical to Alternative A except for the alignment at the intersection at Avenue 272. At this intersection, Alternative B curved to the east to reduce potential right-of-way impacts to the Southern California Edison substation located at the southwest corner of the intersection (Transportation Planning Group 1998).

During project design, the two alternatives considered in the PSR were refined to create a base alignment for the proposed Project (described above) in Segment 1 and Segment 3. In further refinement, two alignment alternatives for portions of Segment 2 (Option A and Option B, described above) were developed to minimize specific right-of-way impacts.

1.4 Permits and Approvals Needed

The following permits, reviews, and approvals would be required for project construction.

| Agency | Permit/Approval | Status |
|---|---|---|
| United States Fish and Wildlife Service | Section 7 consultation for Threatened and Endangered Species | Informal consultation for San Joaquin kit fox completed USFWS concurrence on determination of 'may affect not likely to adversely affect' received |
| United States Army Corps of Engineers | Section 404 Authorization for fill of waters of the United States | Not yet initiated |
| California Department of Fish and Game | Section 1602 Streambed Alteration Agreement | Not yet initiated |

| | | |
|---|---|-------------------|
| Central Valley Regional Water Quality Control Board | Section 401 Water Quality Certification | Not yet initiated |
| | <ul style="list-style-type: none"> Compliance with City of Visalia's Storm Water Management Program Storm Water Pollution Prevention Plan | |
| San Joaquin Valley Air Pollution Control District | Review and approval of Dust Control Plan-- compliance with Regulation VIII | |
| | Compliance with Indirect Source Review | |
| Tulare Irrigation District | Review of plans | Not yet initiated |