

RESOLUTION NO. 2024- _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, DETERMINING THAT PUBLIC INTEREST AND NECESSITY REQUIRE ACQUISITION OF FEE INTEREST OF ASSESSOR'S PARCEL NUMBER: 446-020-10 OWNED BY MOHAMED NASSER SALEM FOR THE RADIO PARK EXPANSION PROJECT AND AUTHORIZING EMINENT DOMAIN PROCEEDINGS FOR PUBLIC USE AND PURPOSE

WHEREAS, the City of Fresno plans to redesign and reconstruct Radio Park located at the southwest corner of First and Clinton Avenues in Fresno, California, to add additional park space, provide public restrooms, parking lots, fencing, shaded playground and picnic areas, splash park, event plaza, walking paths, artwork, green space and sports fields (Radio Park Renovation Project); and

WHEREAS, the City of Fresno plans to expand the current Radio Park footprint to acquire the real property located at 2329 North First Street, Fresno, California, and more particularly described as Assessor's Parcel Number (APN) 446-020-10, (Subject Property) to add critical green space for the Radio Park Expansion Project (Project); and

WHEREAS, the Project requires the fee acquisition of the Subject Property for construction of the Project and related purposes; and

WHEREAS, the Parks, After School, Recreation and Community Services Department and Capital Projects Department of the City of Fresno have reviewed and approved the redesign and construction of Radio Park in a manner that will be most compatible with the greatest public good and the least private injury; and

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: KAS

Resolution No.

WHEREAS, it is necessary to acquire the fee title interest in the Subject Property in order to construct the Project; and

WHEREAS, acquisition of the Subject Property for the Project will meet the needs of the community and enable the City to expand the needed green space; and

WHEREAS, the Parks, After School, Recreation and Community Services Department annual Capital Improvement budget has included appropriations in several of the past fiscal years for the acquisition of the Subject Property and preliminary design work for the expansion of Radio Park while future appropriations of funds will be included for the final design and construction of the expansion; and

WHEREAS, the current ownership of the Subject Property is as follows:

Assessor's Parcel Number 446-020-10, address of 2329 North First Street, Fresno, California and currently owned by Mohamed Nasser Salem.

WHEREAS, the Subject Property, and its general location and extent are described in attached Exhibit "A," and

WHEREAS, the fee interest acquisition of the Subject Property is necessary for the completion of the Project; and

WHEREAS, the City of Fresno has the power and authority to exercise eminent domain and acquire in fee real property for the public use set forth herein in accordance with the Constitution of the State of California, California Eminent Domain Law, Code of Civil Procedure section 1230.010 et seq., and pursuant to Government Code sections 37350.5 and 40404, and section 200 of the Charter of the City of Fresno; and

WHEREAS, in accordance with Section 7267.2 of the Government Code, an offer to purchase has been made to the owner of record of the Subject Property; and

WHEREAS, the owner of the Subject Property has not engaged in negotiations nor provided a counter offer to purchase the Subject Property; and

WHEREAS, in accordance with Section 1245.235 of the Code of Civil Procedure, notice and reasonable opportunity to respond and be heard on this matter has been given to the persons whose property are to be acquired by eminent domain and whose names and addresses appear on the last equalized county assessment roll; and

WHEREAS, at such time and place, or as soon thereafter as the matter could be heard, the Council received, heard, and considered information pertinent to the matters required by Section 1245.230 of the Code of Civil Procedure to be determined herein; and

NOW, THEREFORE, BE IT RESOLVED the Council of the City of Fresno finds, declares, determines, and orders as follows:

1. The public interest and necessity require the proposed expansion of Radio Park onto the Subject Property.
2. The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
3. The Subject Property is necessary for the proposed Project.
4. The offer to purchase required by Section 7267.2 of the Government Code has been made to the owner of record.
5. The Subject Property is situated in the City of Fresno, County of Fresno, State of California, and is more particularly described in Exhibit "A."
6. The City Attorney of the City of Fresno is authorized and directed to institute and conduct to conclusion, in the name of the City of Fresno, a proceeding in

eminent domain, including arbitration of compensation, in accordance with the provisions of the Constitution of the State of California and the California Eminent Domain Law, to acquire the Subject Property in the name of the City for public purposes.

7. The necessary funds for the acquisition of the Subject Property and litigation expenses, including staff time, have been earmarked.

8. The Controller of the City of Fresno is authorized to disburse out of the above account, as approved by the City Attorney, such amounts as may be required including costs, witness fees and attorneys' fees, to acquire possession of and title to the Subject Property.

9. This resolution shall be effective upon final approval.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, TODD STERMER, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2024.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2024
Mayor Approval/No Return: _____, 2024
Mayor Veto: _____, 2024
Council Override Vote: _____, 2024

TODD STERMER, CMC
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: _____
Kelsey Seib Date
Deputy City Attorney

Attachment:
Exhibit A