

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO GRANTING AUTHORITY TO THE CITY MANAGER OR DESIGNEE TO APPROVE AND AUTHORIZE PAYMENT FOR THE MOVE AND ONE YEARS' STORAGE COSTS FOR THE RELOCATION OF A & T CERAMIC TILE AS A RESULT OF THE BLACKSTONE MCKINLEY BNSF GRADE SEPARATION PROJECT, PURSUANT TO THE UNIFORM RELOCATION ACT

WHEREAS, in 2020, the Fresno City Council approved the Blackstone McKinley BNSF Grade Separation Project (Project) which will eliminate two existing at-grade railroad crossings of the BNSF mainline tracks at North Blackstone and East McKinley Avenues by separating train traffic from pedestrians, cyclists, and moving vehicle traffic to an underpass below the BNSF mainline tracks; and

WHEREAS, the Fresno City Council approved the Measure C Cooperative Project Agreement for the Project and subsequent amendments (collectively the Agreement) which provides approximately \$58,500,000 of Project funding (Project Funds); and

WHEREAS, the Project requires the full acquisition of nineteen commercial properties for use as right of way; and

WHEREAS, on March 25, 2025, the Fresno Superior Court issued an Order Granting the Motion for Prejudgment Possession in the case entitled City of Fresno v. Art A. Terzian, Case Number 24CECG02985, granting the City of Fresno possession of real property located at 1730 E. McKinley Avenue, Fresno, California, Assessor Parcel Number 451-071-35 (Subject Property); and

WHEREAS, the Project requires relocation of the business, A&T Ceramic Tile, which is located on the Subject Property; and

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Date Adopted:
Date Approved:
Effective Date:
City Attorney Approval: KAS

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WHEREAS, the inventory of A&T Ceramic Tile consists of a large amount of unique and rare tiles sourced worldwide; and

WHEREAS, the former owner of the Subject Property has not identified a replacement property and requires storage of his inventory in the interim; and

WHEREAS, relocation will be provided pursuant to the Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs (URA); and

WHEREAS, Part 24 of Section 49 of the Code of Federal Regulations (CFR) sets forth the eligibility requirements and qualifications of Nonresidential Relocation and Reestablishment under the URA; and

WHEREAS, a benefit package is necessary to provide the former owner of the Subject Property with nonresidential eligible moving and reestablishment expenses, but requires personal and sensitive information which may include the former owner's drivers' license, birth certificate, certification regarding legal residence, source and amount of business income, including tax returns; and

WHEREAS, benefits for this nonresidential relocation are derived by the URA statute and exceed \$200,000; and

WHEREAS, pursuant to Resolution Number 2025-129, the City Manager is authorized to execute contracts relating to the relocation of owner-operated businesses for the Project, up to \$200,000.

WHEREAS, this resolution will delegate authority to the City Manager or designee to approve and authorize payment for the move, storage, and insurance costs for the relocation of A & T Ceramic Tile for the Project, in the amount not to exceed \$1,100,000

as provided by Section 49 CFR Part 24.301 and Section 49 CFR Part 24.303 using Project Funds.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. The Council of the City of Fresno authorizes the City Manager or designee to approve and authorize payment for the moving, storage, and insurance costs for the relocation of A & T Ceramic Tile in the amount not to exceed \$1,100,000 as provided by Section 49 CFR Part 24.301 and Section 49 CFR Part 24.303, paid through Project Funds.

2. The cost estimates for the move and storage of A & T Ceramic Tile shall be reviewed and approved by staff and the relocation consultants contracted for the Project prior to execution by the City Manager or designee.

3. This Resolution shall be subject to all applicable City rules and regulations.

4. This Resolution shall be effective upon final approval.

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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 _____ 2025.

AYES :
NOES :
ABSENT :
ABSTAIN :

TODD STERMER, CMC
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: _____
Kelsey A. Seib Date
Deputy City Attorney