

RESOLUTION NO. 2026- _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, DETERMINING THAT PUBLIC INTEREST AND NECESSITY REQUIRE ACQUISITION OF A PERMANENT EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT FOR PUBLIC PEDESTRIAN WALKWAY AND STREET PURPOSES THROUGH AND ACROSS PORTIONS OF ASSESSOR'S PARCEL NUMBER 471-282-20, OWNED BY ANDERS EVERT HUGOSSON AND NANETTE HUGOSSON, FOR THE CONSTRUCTION OF THE FAX BUS STOP ADA UPGRADES PROJECT, AND AUTHORIZING EMINENT DOMAIN PROCEEDINGS FOR PUBLIC USE AND PURPOSE

WHEREAS, the City of Fresno plans to construct the Fresno Area Express (FAX) Bus Stop Americans with Disabilities Act (ADA) Project, which will include improvements to remediate ADA deficiencies at FAX Bus Stop Number 1537, located at South Cedar Avenue and East Dwight Way, in order to construct the upgrades necessary to bring this bus stop into ADA compliance (the "Project"); and

WHEREAS, the Traffic and Engineering Services Division of the City's Public Works Department has reviewed and approved the plans to construct the bus stop improvements at South Cedar Avenue and East Dwight Way in a manner that will be compatible with the greatest public good and the least private injury; and

WHEREAS, it is necessary for the Project to acquire a permanent pedestrian easement and a temporary construction easement (collectively referred to as the "Easements"), under, through, and across the real property located at 4160 East Dwight Way, Fresno, California, more particularly described as Assessor's Parcel Number

(APN) 471-282-20, hereinafter called the "Subject Property," for construction of the Project and related purposes; and

WHEREAS, the design of the Project has been reviewed and it has been determined that the Project cannot be constructed without acquiring the Easements over, under, through, and across the Subject Property; and

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

Assessor's Parcel Number 471-282-20, address of 4160 East Dwight Way, Fresno, California and currently owned by Anders Evert Hugosson and Nanette Hugosson.

WHEREAS, the acquisition of the Easements upon the Subject Property is necessary for the construction of the Project because the Subject Property is in the area designated to facilitate the improvements at the FAX Bus Stop 1537; and

WHEREAS, the Easements to be acquired over, under, through, and across the Subject Property, and their general location and extent, are described in the attached Exhibits "A-1," "A-2," "B-1," and "B-2," and

WHEREAS, the City of Fresno has the power and authority to exercise eminent domain and acquire easements and right-of-way for the public use set forth herein in accordance with the Constitution of the State of California, California Eminent Domain Law, California Code of Civil Procedure section 1230.010 et seq., and pursuant to Government Code sections 37350.5 and 40404, Streets and Highway Code section 10102, 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 City and the owner of the Subject Property have not been successful in negotiating the acquisition of the Easements over, under, through, and across the Subject Property; and

WHEREAS, in accordance with Section 1245.235 of the California Code of Civil Procedure, notice and reasonable opportunity to appear and be heard on this matter have been provided to the persons whose property is to be acquired by eminent domain and whose name and address 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 has received, heard, and considered information pertinent to the matters required by Section 1245.230 of the California Code of Civil Procedure to be determined herein; and

WHEREAS, the Easements will be appropriated to a public use, and in accordance with California Code of Civil Procedure section 1240.510, the proposed use will not unreasonably interfere with or impair the continuance of the public use as it now exists or may reasonably be expected to exist in the future.

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 Project.
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 Easements that are sought over, under, through, and across the Subject Property are 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 Easements which are sought are situated in the City and County of Fresno, State of California, and are more particularly described in Exhibits "A-1," "A-2," "B-1," and "B-2."

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. Project ID FC00019, Fund 43571, Org 459901, has been established to disburse the necessary funds for the acquisition of the Easements upon the Subject Property and to pay for litigation expenses, including staff time. There will be no General Fund dollars required to construct the Project.

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 Easements upon the Subject Property.

9. This resolution shall be effective upon final approval.

* * * * *

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

I, AMY K. ALLER, 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 _____ 2026.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2026
Mayor Approval/No Return: _____, 2026
Mayor Veto: _____, 2026
Council Override Vote: _____, 2026

AMY K. ALLER
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: _____
Kelsey A. Seib Date
Deputy City Attorney

Attachments:
Exhibits A-1, A-2, B-1, B-2

EXHIBIT "A-1"

APN 471-282-20 (portion)
Public Pedestrian Easement

That portion of Parcel 2 of Parcel Map No. 6206, according to the map thereof recorded in Book 39 of Parcel Maps, at Page 63, Fresno County Records, lying in the Southeast quarter of Section 11, Township 14 South, Range 20 East, Mount Diablo Base and Meridian, in the City of Fresno, County of Fresno, State of California, and is described as follows:

COMMENCING at the Southeast corner of said Section 11; thence North $00^{\circ}25'33''$ East, on the East line of said Section 11, a distance of 237.49 feet; thence North $89^{\circ}34'27''$ West, leaving said East line, a distance of 40.00 feet to the current west Right-of-Way line of North Cedar Avenue and to the **POINT OF BEGINNING**; thence North $00^{\circ}25'33''$ East, on said West Right-of-way line, a distance of 49.72 feet; thence South $29^{\circ}40'48''$ West, leaving said West Right-of-way line, a distance of 4.69 feet; thence South $00^{\circ}25'33''$ West, a distance of 41.87 feet; thence South $30^{\circ}55'24''$ East, a distance of 4.40 feet to the **POINT OF BEGINNING**.

Containing an area of 104.88 square feet, more or less.



EXHIBIT "A-2"

APN 471-282-20 (portion)
Temporary Construction Easement

That portion of Parcel 2 of Parcel Map No. 6206, according to the map thereof recorded in Book 39 of Parcel Maps, at Page 63, Fresno County Records, lying in the Southeast quarter of Section 11, Township 14 South, Range 20 East, Mount Diablo Base and Meridian, in the City of Fresno, County of Fresno, State of California, and is described as follows:

COMMENCING at the Southeast corner of said Section 11; thence North 00°25'33" East, on the East line of said Section 11, a distance of 237.49 feet; thence North 89°34'27" West, leaving said East line, a distance of 40.00 feet to the current West Right-of-Way line of North Cedar Avenue and to the **POINT OF BEGINNING**; thence North 89°34'27" West, leaving said West Right-of-Way line, a distance of 5.30 feet; thence North 00°25'33" East, a distance of 49.72 feet; thence South 89°34'27" East, a distance of 5.30 feet to said West Right-of-Way line; thence South 29°40'48" West, leaving said West Right-of-Way line, a distance of 4.69 feet; thence South 00°25'33" West, a distance of 41.87 feet; thence South 30°55'24" East, a distance of 4.40 feet to the **POINT OF BEGINNING**.

Containing an area of 158.65 square feet, more or less.



2025-233
15-A-10921
PLAT: 2859
PWF# 13513
FC00019

EXHIBIT "B-1"

EAST DWIGHT WAY

PORTION of
PARCEL 2, PARCEL
MAP NO. 6206,
BK. 39 OF PARCEL
MAPS, PG. 63, F.C.R.

APN 471-282-20
ANDERS EVERT HUGOSSON
and NANETTE HUGOSSON



EXISTING ROW

S29°40'48"W 4.69'

S00°25'33"W 41.87'

N00°25'33"E 49.72'

40.00'

S30°55'24"E 4.40'

N89°34'27"W 40.00'

POINT OF BEGINNING

EAST LINE OF SECTION 11

NORTH CEDAR AVENUE

N00°25'33"E 237.49'

THE SOUTHEAST CORNER OF SECTION 11,
WHICH IS THE POINT OF COMMENCEMENT

SOUTH LINE OF SECTION 11

EAST CALIFORNIA AVENUE



1"=30'



INDICATES AREA TO BE DEDICATED FOR PUBLIC
PEDESTRIAN PURPOSES. 104.88 S.F. ±.

REF. & REV.

2024-252

PLAT: 2859

PWF# 13513

CITY OF FRESNO
DEPARTMENT OF PUBLIC WORKS

(THAT PORTION OF THE SE 1/4 OF SEC. 11, T14S, R20E, M.D.B. & M.)

TO BE DEEDED TO THE CITY OF FRESNO FOR
PUBLIC PEDESTRIAN EASEMENT PURPOSES

PROJ. ID. FC00019

FUND NO. 43567

ORG. NO. 459901

RES TYPE FAXFC

DR. BY J.E.H.

CH. BY J.A.C.

DATE NOV. 03, 2025

SCALE 1" = 30'

SHEET NO. 1

OF 1 SHEETS

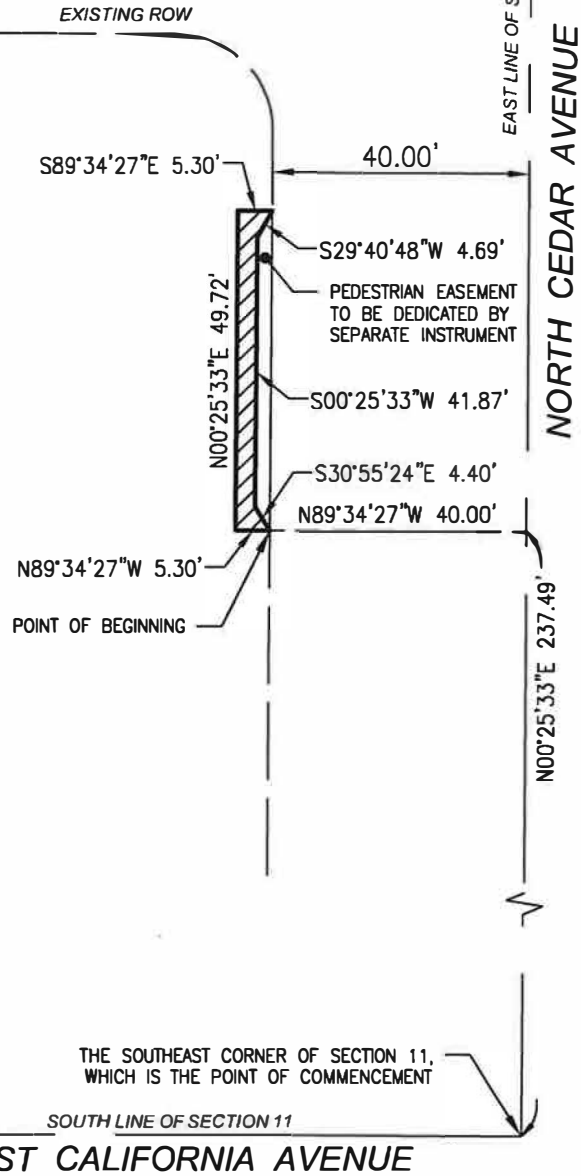
15-A-10636

EXHIBIT "B-2"

EAST DWIGHT WAY

PORTION of
PARCEL 2, PARCEL
MAP No. 6206,
BK. 39 OF PARCEL
MAPS, PG. 63, F.C.R.

APN 471-282-20
ANDERS EVERT HUGOSSON
and NANETTE HUGOSSON



INDICATES AREA TO BE DEDICATED FOR TEMPORARY
CONSTRUCTION EASEMENT PURPOSES. 158.65 S.F. ±.

REF. & REV. 2025-233 PLAT: 2859 PWF# 13513	CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS		PROJ. ID. <u>FC00019</u>		RES TYPE <u>FAXFC</u>
			FUND NO. <u>43567</u>		
			ORG. NO. <u>459901</u>		
	(THAT PORTION OF THE SE ¼ OF SEC. 11, T14S, R20E, M.D.B.&M.)		DR. BY <u>J.E.H.</u>		SHEET NO. <u>1</u>
	TO BE DEEDED TO THE CITY OF FRESNO FOR TEMPORARY CONSTRUCTION EASEMENT PURPOSES		CH. BY <u>J.A.C.</u>		OF <u>1</u> SHEETS
			DATE <u>NOV. 03, 2025</u>	15-A-10921	
			SCALE <u>1" = 30'</u>		