

RESOLUTION NO. 2026- _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, DETERMINING THAT PUBLIC INTEREST AND NECESSITY REQUIRE ACQUISITION OF THREE PERMANENT EASEMENTS, A TEMPORARY CONSTRUCTION EASEMENT, AND RIGHT-OF-WAY FOR PUBLIC STREET PURPOSES THROUGH AND ACROSS PORTIONS OF ASSESSOR'S PARCEL NUMBER 511-012-05S, OWNED BY BEATRIS MEDINA AND OLGA GONZALEZ, FOR THE CONSTRUCTION OF THE ASHLAN WIDENING – POLK TO CORNELIA PROJECT, AND AUTHORIZING EMINENT DOMAIN PROCEEDINGS FOR PUBLIC USE AND PURPOSE

WHEREAS, the City of Fresno plans to construct the Ashlan Avenue Widening – Polk to Cornelia Project which will install sidewalks, Class II bike lanes, new streetlights, curbs, gutters, curb ramps, power pole relocation, new signal loops, new storm drain inlet connected to existing facilities, and a raised median on eastbound Ashlan Avenue (the “Project”); and

WHEREAS, it is necessary for the Project to acquire permanent and temporary construction easements (the “Easements”) and right-of-way over, under, through, and across the real property located at 5383 West Ashlan Avenue, Fresno, California, more particularly described as Assessor’s Parcel Number (APN) 511-012-05S, hereinafter called the “Subject Property,” for construction of the Project and related purposes; and

WHEREAS, the Traffic and Engineering Services Division of the City’s Public Works Department has reviewed and approved the plans to construct the widening and improvements on eastbound Ashlan Avenue in a manner that will be compatible with the greatest public good and the least private injury; and

1 of 5

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval:



Resolution No.

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

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

Assessor's Parcel Number 511-012-05S, address of 5383 West Ashlan Avenue, Fresno, California and currently owned by Beatris Medina and Olga Gonzalez.

WHEREAS, the Easements and right-of-way to be acquired over, under, through, and across the Subject Property, and its general location and extent, are described in the attached Exhibits "A-1" through "A-4," and

WHEREAS, the acquisition of the Easements and right-of-way 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 on the south side of Ashlan Avenue between Polk and Cornelia Avenues; 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 and right-of-way 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.

WHEREAS, the Easements and right-of-way 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 and right-of-way 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 and right-of-way which are sought are situated in the City and County of Fresno, State of California, and are more particularly described in Exhibits "A-1" through "A-4."

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 PW00891, Fund 22048, Org 189901, has been established to disburse the necessary funds for the acquisition of the Easements and right-of-way 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 and right-of-way 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, Interim 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
Interim City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: _____
Brent Richardson Date
Deputy City Attorney

Attachments:
Exhibits A-1, A-2, A-3, A-4

EXHIBIT "A-1"
LEGAL DESCRIPTION

APN: 511-012-05S (portion)
Right-of-Way Dedication

A portion of that parcel of land granted by Grant Deed, recorded June 27, 2000, as Document No. 2000-0076083, of Official Records of Fresno County, lying in the Northwest quarter of the Northwest quarter of the Northeast quarter of Section 22, Township 13 South, Range 19 East, Mount Diablo Base and Meridian, according to the Official Plat thereof, in the County of Fresno, State of California, more particularly described as follows:

BEGINNING at the Southwest corner of that certain parcel of land granted by Deed, recorded April 15, 1992, as Document No. 92048156, Official Records of said County;

thence South $89^{\circ}48'30''$ East, along a line which is parallel with and 35.00 feet South of the North line of said Northeast quarter of Section 22, a distance of 170.00 feet to a point of intersection thereof with the East line of said parcel granted by Document No. 2000-0076083;

thence South $0^{\circ}20'20''$ West, along said East line, a distance of 27.79 feet to the beginning of a non-tangent curve, concave Northerly, with a radial bearing of South $5^{\circ}24'10''$ West;

thence Westerly, along the arc of said non-tangent curve, with a radius of 1,149.00 feet, through a central angle of $4^{\circ}19'20''$, an arc distance of 86.68 feet to a point of reverse curvature with a tangent curve, concave Southerly;

thence Westerly, along the arc of said tangent curve, with a radius of 1,051.00 feet, through a central angle of $4^{\circ}37'03''$, an arc distance of 84.70 feet to a point of intersection thereof with the West line of said Document No. 2000-0076083;

thence North $0^{\circ}20'20''$ East, along said West line, a distance of 6.02 feet to the **POINT OF BEGINNING**.

Containing an area of 2,863 square feet or 0.07 acres, more or less.

END DESCRIPTION

This legal description was prepared by me, or under my direction, in accordance with the Professional Land Surveyors' Act.



Randell Scott West, PLS 8663
Blair, Church & Flynn Consulting Engineers

July 14, 2023
Date



2023-175
15-A-10327
PLAT: 1945
PW13314

EXHIBIT "A-2"
LEGAL DESCRIPTION

APN: 511-012-05S (portion)
Right-of-Way Dedication

A portion of that Parcel of land granted by Grant Deed, recorded June 27, 2000, as Document No. 2000-0076083, of Official Records of Fresno County, lying in the Northwest quarter of the Northwest quarter of the Northeast quarter of Section 22, Township 13 South, Range 19 East, Mount Diablo Base and Meridian, according to the Official Plat thereof, in the County of Fresno, State of California, more particularly described as follows:

COMMENCING at the Northwest corner of the Northwest quarter of the Northwest quarter of said Northeast quarter, thence South 89°48'30" East, along the North line of said Northeast quarter, a distance of 451.65 feet to the Northwest corner of said Grant Deed and the **POINT OF BEGINNING**;

thence South 89°48'30" East, continuing along said North line, a distance of 170.00 feet to a point of intersection thereof with a line which is parallel with and 621.73 feet East of the West line of the Northwest quarter of the Northwest quarter of said Northeast quarter;

thence South 0°20'20" West, along said parallel line, a distance of 30.00 feet to a point of intersection thereof with a line which is parallel with and 30.00 feet South of said North line;

thence North 89°48'30" West, along last said parallel line, a distance of 170.00 feet to a point of intersection thereof with a line which is parallel with and 451.73 feet East of said West line;

thence North 0°20'20" East, along last said parallel line, a distance of 30.00 feet to the **POINT OF BEGINNING**.

Containing an area of 5,100 square feet or 0.12 acres, more or less.

END DESCRIPTION

This legal description was prepared by me, or under my direction, in accordance with the Professional Land Surveyors' Act.



Randell Scott West, PLS 8663
Blair, Church & Flynn Consulting Engineers

December 17, 2024
Date



2024-241
15-A-10625
PLAT: 1945
PWF# 13314
PW00891

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EXHIBIT "A-3"

APN: 511-012-05S (portion)
Wall Maintenance Easement

A portion of that parcel of land granted by "Grant Deed", recorded June 27, 2000, as Document No. 2000-0076083, Official Records Fresno County, lying in the Northwest quarter of the Northwest quarter of the Northeast quarter of Section 22, Township 13 South, Range 19 East, Mount Diablo Base and Meridian, according to the Official Plat thereof, in the County of Fresno, State of California, more particularly described as follows:

Commencing at the Southwest corner of that "Deed of Easement", recorded April 15, 1992, as Instrument No. 92048156, Official Records Fresno County; thence South 0°20'20" West, on the West line of said "Grant Deed", a distance of 6.02 feet to the **POINT OF BEGINNING**; thence South 0°20'20" West, continuing on the West line of said "Grant Deed", a distance of 27.00 feet; thence South 89°39'40" East, leaving last said West line, a distance of 149.00 feet; thence South 0°21'09" West, a distance of 29.33 feet; thence South 89°39'40" East, a distance of 21.00 feet to the East line of said "Grant Deed"; thence North 0°20'20" East, on the East line of said "Grant Deed", a distance of 35.00 feet to the beginning of a non-tangent curve, concave northeasterly, having a radius of 1149.00 feet, at which point a radial line bears South 5°24'10" West; thence Northwesterly, on said curve, through a central angle of 4°19'20", an arc length of 86.68 feet to the beginning of a reverse curve, concave southwesterly, having a radius of 1051.00 feet; thence Northwesterly, on said reverse curve, through a central angle 4°37'03", an arc length of 84.70 feet to the **POINT OF BEGINNING**.

Containing an area of 3,403.32 square feet, more or less.



2025-155
15-A-10854
PLAT: 1945
PWF# 13314
PW00891

EXHIBIT "A-4"

APN 511-012-05S (portion)
Temporary Construction Easement

AREA 1

A portion of that parcel of land granted by Grant Deed, recorded June 27, 2000, as Document No. 2000-0076083, of Official Records of Fresno County, lying in the Northwest quarter of the Northwest quarter of the Northeast quarter of Section 22, Township 13 South, Range 19 East, Mount Diablo Base and Meridian, according to the Official Plat thereof, in the County of Fresno, State of California, more particularly described as follows:

COMMENCING at the Southwest corner of that certain parcel of land granted by Deed, recorded April 15, 1992, as Document No. 92048156, Official Records of said County; thence South 0°20'20" West, on the West line of said Grant Deed, recorded June 27, 2000, as Document No. 2000-0076083, a distance of 33.02 feet to the **POINT OF BEGINNING**; thence South 0°20'20" West, continuing on said West line, a distance of 47.00 feet; thence South 89°39'40" East, a distance of 88.00 feet; thence North 0°20'20" East, a distance of 47.00 feet; thence North 89°39'40" West, a distance of 88.00 feet to the to the **POINT OF BEGINNING**.

AREA 2

A portion of that parcel of land granted by Grant Deed, recorded June 27, 2000, as Document No. 2000-0076083, of Official Records of Fresno County, lying in the Northwest quarter of the Northwest quarter of the Northeast quarter of Section 22, Township 13 South, Range 19 East, Mount Diablo Base and Meridian, according to the Official Plat thereof, in the County of Fresno, State of California, more particularly described as follows:

COMMENCING at the Southwest corner of that certain parcel of land granted by Deed, recorded April 15, 1992, as Document No. 92048156, Official Records of said County; thence South 0°20'20" West, on the West line of said Grant Deed, recorded June 27, 2000, as Document No. 2000-0076083, a distance of 33.02 feet; thence South 89°39'40" East, a distance of 146.00 feet to the **POINT OF BEGINNING**; thence South 0°20'20" West, a distance of 46.62 feet; thence South 89°39'40" East, a distance of 24.00 feet; thence North 0°20'20" East, a distance of 17.29 feet; thence North 89°39'40" West, a distance of 21.00 feet; thence North 0°21'09" East, a distance of 29.33 feet; thence North 89°39'40" West, a distance of 3.00 feet to the to the **POINT OF BEGINNING**.

Containing an area of 4,638.93 square feet, more or less.



2025-017
15-A-17024
PLAT: 1945
PWF# 13314