

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, FINDING GOOD CAUSE AND CLEAR AND CONVINCING BENEFIT TO THE PUBLIC PURSUANT TO FRESNO MUNICIPAL CODE SECTION 4-204 RELATING TO THE DISPOSITION OF REAL SURPLUS PROPERTY BEING A PORTION OF THE SOUTHEAST CORNER OF NORTH PARKWAY DRIVE AND WEST SHIELDS AVENUE; A PORTION OF NORTH PARKWAY DRIVE, NORTH OF WEST WELDON AVENUE; AND A PORTION OF NORTH MARKS AVENUE, NORTH OF THE MARKS-SHIELDS CONNECTOR.

WHEREAS, the property located at the southeast corner of North Parkway Drive and West Shields Avenue; a portion of North Parkway Drive, North of West Weldon Avenue; and a portion of North Marks Avenue, north of the Marks-Shields Connector was previously declared excess surplus land in April 2023 by Resolution No. _____; and

WHEREAS, Fresno Municipal Code (FMC) Section 4-204 details the additional steps which may be required to dispose of real property and conduct a request for proposals (RFP) process; and

WHEREAS, FMC Section 4-204 states, in part: "Real property may be sold, encumbered by an option, or leased for period exceeding five years only after an open and competitive request for proposals (RFP) process initiated by Council action and in compliance with state law concerning disposition of surplus land; exclusive negotiating agreements shall not be permitted."; and

WHEREAS, FMC Section 4-204(a)(1) states: "An evaluation committee, to be selected prior to publication of the RFP, shall interview proposers, review and rank all

Date Adopted:
Date Approved:
Effective Date:

City Attorney Approval: 

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proposals based on a predetermined set of criteria as set forth in the RFP, and make recommendations for selection to present to Council for approval. The committee at a minimum shall consist of two employees from the affected department as well as at least two employees and/or members of the public. The composition of the committee shall be at the discretion of the City Manager. Information provided to and prepared by the committee shall not be deemed a public record until such time as a contract shall be placed on the agenda for Council consideration.”; and

WHEREAS, an exception to the RFP process may be provided where the Council finds good cause and clear and convincing benefits to the public to do so with a supermajority approval of at least five votes; and

WHEREAS, Council recognizes that the portion of these parcels in particular have been historically undevelopable due to restrictions related to the proximity to State Route 99; and

WHEREAS, there is good cause to expedite the RFP process and bypass the selection of a formal committee and allow the Public Works Director or designee to execute a Property Transfer Agreement and associated Grant Deeds with Caltrans for the transfer of the Subject Properties; and

WHEREAS, the California Streets and Highways Code section 83 states that the State is allowed to have jurisdiction and maintenance over any public street, or portion thereof, which is within the boundaries of a state highway.

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

1. The Council hereby makes findings of good cause and clear and convincing benefit to the public to vary from the provisions contained within FMC Section 4-204 and make an exception to the RFP process as detailed below.

2 Staff is directed to expedite the RFP process, bypass the selection of a formal committee, and allow the Public Works Director or designee to execute a Property Transfer Agreement and associated Grant Deeds with Caltrans for the transfer of the Subject Properties.

3. 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 _____ 2023.

AYES :
NOES :
ABSENT :
ABSTAIN :

TODD STERMER, CMC
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: _____
Angela M. Karst Date
Deputy City Attorney