

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA, REGARDING THE DONATION
AND TRANSFER OF SOUTHERN PACIFIC ENGINE 1238
FROM ROEDING PARK TO THE KINGSBURG RAILROAD
DEPOT

WHEREAS, Southern Pacific Engine 1238 (Engine 1238) currently resides at
Roeding Park behind a chain-link fence near the Fresno Chaffee Zoo; and

WHEREAS, Engine 1238 was donated to the City pursuant to a 1956 Donation
Agreement with the Southern Pacific Company railroad (Donation Agreement); and

WHEREAS, the Donation Agreement requires the City to pay for the continued
maintenance of Engine 1238 and to protect it from vandalism and damage; and

WHEREAS, the City has encountered difficulty protecting Engine 1238 at its
current location; and

WHEREAS, the City has considered donating or selling Engine 1238 numerous
times but has been unable to do so due to cost and logistical concerns; and

WHEREAS, the Friends of the Historic Kingsburg Depot have requested that the
City donate Engine 1238 to the Kingsburg Depot, which is an educational facility to
benefit the children of the San Joaquin Valley and preserve and make known the history
and importance of the San Joaquin Valley's historic railroads; and

WHEREAS, the Friends of the Historic Kingsburg Depot have arranged for the
Army Corps of Engineers to transport Engine 1238 to the Kingsburg Depot at no cost to
the City of Fresno; and

WHEREAS, relocation of Engine 1238 will allow more flexibility to use Roeding Park space for other uses and will relieve the City of a costly maintenance obligation and liability; and

WHEREAS, the Donation Agreement legally permits the City to donate Engine 1238 to Friends of the Historic Kingsburg Depot; and

WHEREAS, Engine 1238 is not a listed “Historic Resource” pursuant to the City’s Historic Preservation Ordinance, nor is it listed on any official historic register at the state or national level, nor has it been determined to contribute to the historical significance of Roeding Park as the 1956 donation occurred outside of the period of historical significance for Roeding Park, which was from 1903-1953; and

WHEREAS, the relocation of Engine 1238 to the Kingsburg Depot would allow visitors to better and more closely interact with the engine in a more appropriate setting focused specifically on railroad history and education.

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

1. City staff shall be directed to facilitate the transfer of Engine 1238 to the Friends of the Historic Kingsburg Depot for placement at the Kingsburg Depot, subject to the following conditions:

a) The transfer of Engine 1238 shall occur at no direct cost to the City;
and

b) the Friends of the Historic Kingsburg Depot shall indemnify and hold the City harmless from all costs, claims, or demands associated with or arising in any manner from the move and change of ownership of Engine 1238 in

a form acceptable to the City Attorney's Office and Risk Management Department; and

c) the Friends of the Historic Kingsburg Railroad Depot shall adhere to all terms and conditions of the Donation Agreement, including the requirement that Engine 1238 remain accessible to the public for education and historical purposes, and shall indemnify, defend and hold the City harmless from any costs, claims or demands arising out of compliance with said agreement; and

d) the Director of the City's PARCS Department is empowered to execute all agreements or documents necessary to carry out this Resolution.

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

I, YVONNE SPENCE, 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 _____, 2019.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2019
Mayor Approval/No Return: _____, 2019
Mayor Veto: _____, 2019
Council Override Vote: _____, 2019

YVONNE SPENCE, MMC CRM
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By: _____
John Hastrup Date
Deputy City Attorney