



RESOLUTION NO. 2009-86

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, TO ADOPT A MITIGATED NEGATIVE DECLARATION AND AFFIRM THE APPROVAL OF A PROGRAMMATIC CATEGORICAL EXCLUSION AND APPROVE THE ACQUISITION OF ONE FEE SIMPLE ACQUISITION AT THE CORNER OF HERNDON AVENUE AND WEBER AVENUE FROM PROPERTY OWNED BY DAVID T. AND RITA F. HINOJOSA AND NICANOR F. HINOJOSA

WHEREAS, the Design Services Division of Public Works Department has designed a street widening project along Herndon Avenue between Weber and Freeway 99; and

WHEREAS, Federal financing has been authorized for the project under Federal Project No., CML 5060 (122); and

WHEREAS, in order to retain the federal funding, the right of way must be certified by June 1, 2009; and

WHEREAS, City has entered into a Purchase and Sale Agreement with David T. and Rita F. Hinojosa and Nicanor Hinojosa to purchase the subject property ("Agreement"); and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno, based upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, as follows:

1. The Council finds and determines that the foregoing recitals are true and correct.
2. The Council finds and declares that the actions authorized hereby constitute and are with respect to municipal affairs of the City and the statements, findings, and determinations of the Council set forth herein are true and correct.

Accepted \_\_\_\_\_  
Approved 4/23/09  
Effective \_\_\_\_\_



3. The Council finds that the Herndon Avenue and Golden State Boulevard Reconstruction Project meets the requirements for the Categorical Exclusion provided for in the 2003 Programmatic Categorical Exclusion Agreement entered into between the California Department of Transportation and the Federal Highway Administration on November 19, 2003 and therefore affirms the California Department of Transportation's (date) adoption of a Programmatic Categorical Exclusion.

4. The Council finds that with the mitigation measures included with the Initial Study and Mitigated Negative Declaration, (State Clearinghouse No. 2007021046), the Herndon Avenue and Golden State Boulevard Reconstruction Project clearly will not have any significant effects on the environment. Therefore, Council hereby adopts the finding of a Mitigated Negative Declaration set forth in Environmental Assessment No. E200710000241, (State Clearinghouse No. 2007021046.)

5. The City Manager, or designees, are individually and collectively authorized and directed to take all steps that may be necessary to negotiate and finalize the Agreement and related documents all as substantively consistent with this resolution, and to take any other actions and execute any other documents that are reasonably required to carry out the Agreement, all as consistent with this resolution.

6. This resolution shall take effect upon its final passage.

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

I, REBECCA E. KLISCH, 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 23rd day of April, 2009.

AYES : Borgeas, Brand, Dages, Westerlund, Xiong, Sterling  
NOES : None  
ABSENT : Perea  
ABSTAIN : None

Mayor Approval: N/A, 2009

Mayor Approval/No Return: N/A, 2009

Mayor Veto: N/A, 2009

Council Override Vote: N/A, 2009

REBECCA E. KLISCH  
City Clerk

BY: Rebecca E. Klisch  
Deputy

APPROVED AS TO FORM:  
CITY ATTORNEY'S OFFICE

BY: Laurie A. Avedisian  
Laurie A. Avedisian, Deputy

LAA:cg: 48868cs/reso -4/9/09