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12 **SUPERIOR COURT OF CALIFORNIA**

13 **COUNTY OF FRESNO**

14 CITY OF FRESNO,

15 Plaintiff,

16 v.

17 ART A. TERZIAN, and DOES 1 through 100,
18 inclusive,

19 Defendants.

Case No. 24CECG02985

**DECLARATION OF ART A. TERZIAN
ISO DEFENDANT'S OPPOSITION TO
PLAINTIFF'S MOTION FOR
PREJUDGMENT POSSESSION**

APN: 451-071-35

Date: March 25, 2025

Time: 3:30 p.m.

Dept.: 502

Complaint filed: July 12, 2024

20 I, Art A. Terzian, declare:

21 1. I am the named defendant in the above-captioned action. I own the real property
22 commonly known as 1780 East McKinley Avenue, Fresno, California, and more particularly
23 described as APN 451-071-35, title for which is held in the Granett Investment Trust and for
24 which I am the trustee. If called as a witness, I could and would competently testify to the
25 matters set forth in this declaration from my own personal knowledge unless otherwise stated.

26 2. My family has run our flooring and wall tile business, A&T Ceramics Wholesale,
27 for over 35 years. Today, I operate our business with my son, Tony. In addition to tile, we sell
28

1 granite, marble, travertine, and glass mosaic, for both residential and commercial applications.
2 Our customers include wholesale buyers and contractors, but we also conduct substantial retail
3 business. We import our materials from around the world, but most of our imports are from Italy
4 and Spain, as well as China. We also bring in material through tile distributors and other
5 importers.

6 3. Since 1995, we have been located at the property off Highway 41 and the
7 McKinley exit. We have been able to run a very successful business over the last three and half
8 decades, based in part on our location being centrally and conveniently located in Fresno.

9 4. But now, the City is trying to take my property. It is my understanding that the
10 City is taking my property to build a temporary road and save about six months on its estimated
11 timeframe to complete the proposed grade separation project. When the City's assistant public
12 works director and engineer, Andrew Benelli, came to my shop in 2023 to survey the property, I
13 learned that the grade would stop just short of the west side of our driveway. At that time, I
14 realized that there would be no need to take my property and I offered to dedicate the 8-feet of
15 sidewalk fronting McKinley to avoid losing the rest of my property.

16 5. Since the City made its first offer to purchase the property in late 2023, my son
17 and I have not found anything remotely suitable for our business given the sky-high prices for
18 places we could hypothetically move to if forced to do so. Comparable properties with the space
19 we need, including a retail floor and warehouse, are being marketed for \$3.4 to \$7 million. The
20 City has offered me \$2.2 million.

21 6. Even if we could find a suitable location to move our business to, moving our
22 business would be a massive undertaking. Several professional movers have told us that it would
23 not be doable and those that have, have provided quotes of more than \$1 million just to move our
24 inventory. Movers have advised us that moving everything would take at least 2 to 3 months.

25 7. Despite being a long-time resident and small business owner, the City has not
26 offered any meaningful assistance in finding a suitable location or otherwise relocating our
27 business. At no point have I been provided a copy of the relocation plan for the project and the
28 relocation agent assigned to us by the City, Barbie Barnes, has not been helpful.

1 8. On April 18, 2024, the City considered Resolution of Necessity No. 24-469 to
2 take our property for the project. We had already been in talks with the City on the issues of
3 having no place to go and the significant costs to move even if we found a place. Before and
4 during the hearing, we raised several objections, including:

5 a. Our property was not necessary for the project;

6 b. The project, which seeks to acquire our entire property for a temporary road, is
7 not planned or located in the manner that will be most compatible with the
8 greatest public good and the least private injury, and the City has not adequately
9 considered project alternatives;

10 c. The Resolution was a pretense and sham: the City had already shown that it was
11 committed to taking our property and the use of our property for a temporary road
12 is merely pretense for the actual desire and goal of using ours and other properties
13 for private economic development after the grade separation project is completed;

14 d. The City failed to make a good faith offer because it failed to properly consider
15 the significant costs of relocation and loss of goodwill that will result in forcing us
16 from the property after doing business there for 30 years;

17 A true and correct copy of our objections to the Resolution is filed herewith as **Exhibit A**.

18 9. At the hearing, the City referenced and appeared to consider additional documents
19 and information that were never disclosed to the public. These included materials that
20 supposedly described why it would be impractical for the access to our property to be modified
21 to match the proposed grade of the road, which would allow us to stay. As I described above, this
22 modification was something we had discussed with the City before it made its offer in later 2023
23 after we were first told that our property would be taken for the project.

24 10. Unfortunately, the City Council disregarded our positions, ignored the
25 alternatives, and adopted the Resolution over our objections and concerns.

26 11. My son and I have stressed over and over again that we have nowhere to go
27 despite our best efforts trying to find a suitable location for our business. There is no inventory
28 for comparable commercial spaces for the price put forward by the City.

