

## Fresno Bee

### Fresno bar owner wins his bid against a city takeover

By Matt Leedy / The Fresno Bee

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A restaurateur won a court battle with the Fresno Redevelopment Agency that means the Cosmopolitan Tavern cannot be forcibly bought by the city.

The agency agreed not to use its eminent domain power to buy the century-old bar and grill from its third-generation owner, Gary Lanfranco.

The Cosmopolitan is in the 180-acre Chinatown redevelopment area, an aging section of the city long targeted for new businesses and housing. In April 2006, the City Council extended condemnation authority over the entire area, giving the city eminent domain power to buy properties over the objections of owners.

Lanfranco filed a civil lawsuit against the Redevelopment Agency two months later, asking a Fresno County Superior Court judge to stop the city from buying his property against his wishes.

He said the entire Chinatown area was improperly labeled as blighted and not every property should be eligible for purchase through eminent domain.

The Cosmopolitan at Fresno and G streets is in good shape, Lanfranco said, and should have been inspected more closely by the city before it was grouped in with the Chinatown condemnation area.

In January, state law was changed, forcing redevelopment agencies to inspect every piece of property for blight before extending their condemnation powers.

The agency admits it had used a less-detailed inspection in 2006 to determine that properties in the Chinatown area could qualify for eminent domain.

Crime rates, property values and a consultant's opinion of the area were used to establish condemnation authority, said Redevelopment Agency director Marlene Murphy and the agency's attorney, Dale Bacigalupi.

They added that the study complied with state law at the time.

In a recent settlement with Lanfranco, the agency said it will not take the Cosmopolitan through eminent domain.

The city also will pay Lanfranco \$15,000 for attorneys' fees.

"I feel so much more at ease now," Lanfranco said. "I don't feel all this pressure any more to fight to keep the property."

Lanfranco agreed to improve and maintain his property to the agency's standards. He's already received an \$18,000 grant from the agency and has spruced up the Cosmopolitan's facade.

He also wants to expand his restaurant by adding a new room and 75 seats. Lanfranco will move ahead with those expansion plans now that a settlement was reached with the Redevelopment Agency.

"I hesitated to spend a lot of money on the place when it looked like the city could take it," Lanfranco said. "But now I can move ahead."

The reporter can be reached at [mleedy@fresnobee.com](mailto:mleedy@fresnobee.com) or (559) 441-6208.