Meeting Date: 3/3/2009

ACTION	TYPE OF ITEM
☐ Approved Recommendation	X Info/Consent
☐ Ord. No(s). _____	☐ Report
☐ Res. No(s). _____	☐ Public Hearing (Info/consent)
☐ Other _____	☐ Other _____

Prepared By: Cynthia Daniels, AICP CD Agenda Item No. I-8

Reviewed By: City Manager City Attorney SMF Finance JC Other NA

DATE: February 24, 2009

TO: City Council

FROM: Cynthia Daniels, Project Manager Cynthia Daniels
Development Services Department

SUBJECT: **Resolution Delegating Authority for Right of Way Certifications Required for Projects Involving California Department of Transportation (Caltrans)**

RECOMMENDATION

That City Council adopt a resolution delegating to the Development Services Manager the authority to execute right of way certifications required by Caltrans procedures for construction projects.

DISCUSSION

Caltrans requires a right of way certification document for all City construction projects on the State and federal-aid highway systems, or when State funds are used for the project. A right of way certification is a written statement summarizing all right of way matters with respect to a proposed construction project. The purpose of a right of way certification is to document that real property interests have been or are being secured, and physical obstructions, including buildings, utilities, and railroads, have been or will be removed, relocated, or protected as required for the construction, operation, and maintenance of the proposed project. The right of way certification documents that right of way activities were conducted in accordance with applicable policies and procedures.

The Caltrans *Right of Way Manual* suggests the governing body of a local public agency submit a resolution authorizing the execution of right of way certifications either whenever a project requires certification, or as a blanket authority delegated to a responsible official. The blanket delegation will remove the necessity for City Council action on a minor administrative matter. The delegated authority will allow the City to file the right of way certifications in a timely manner.

FINANCIAL IMPACT

None.

CD

Attachment #1 - City Council Resolution

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD DESIGNATING AUTHORITY FOR CERTIFICATIONS FOR RIGHT OF WAY TO THE DEVELOPMENT SERVICES MANAGER

WHEREAS, the State of California Department of Transportation (Caltrans) requires a right of way certification for all City projects on the State and federal-aid highway systems as part of Caltrans' standard procedures; and

WHEREAS, Caltrans' latest edition of the *Right of Way Manual* Chapter 17 describes a right of way certification as a written statement summarizing all right of way matters with respect to a proposed construction project; and

WHEREAS, the purpose of a right of way certification is to document that real property interests have been or are being secured, and physical obstructions, including buildings, utilities, and railroads, have been or will be removed, relocated, or protected as required for the construction, operation, and maintenance of the proposed project. The right of way certification documents that right of way activities were conducted in accordance with applicable policies and procedures, and

WHEREAS, the City as a Local Public Agency performs the right of way activities on a portion of a state highway, or on any project with State funds (specifically, the State Transportation Improvement Program), or on a federally assisted local project, and is responsible for preparing the right of way certification, and

WHEREAS, Chapter 17, Section 17.08.14.11 of the Caltrans *Right of Way Manual* suggests the governing body of a Local Public Agency submit a resolution authorizing the execution of right of way certifications either for each project's certification or as a blanket authority delegated to a responsible official.

NOW, THEREFORE, the City Council of the City of Oxnard resolves:

The Development Services Manager is designated as a responsible official with authority to execute right of way certifications. This authority remains in effect until rescinded by action of the City Council.

PASSED AND ADOPTED THIS _____ day of _____, 2009, by the following vote:

AYES:

NOES:

ABSENT:

_____
Dr. Thomas E. Holden, Mayor

ATTACHMENT 1
PAGE 1 OF 1

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

FOR

Alan Holmberg, City Attorney