



Meeting Date: 04/27/10

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input checked="" type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s). _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input type="checkbox"/> Public Hearing (Info/consent)
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Prepared By: Paul J. Wendt

Paul Wendt

Agenda Item No. I-3

Reviewed By: City Manager

[Signature]

City Attorney

S.M.F.

Finance

[Signature]

Other (Specify)

DATE: April 8, 2010

TO: City Council

FROM: Rob Roshanian, Development Services Manger
Development Services Department

u.s.r.

SUBJECT: Acceptance of Dedication of vehicular access rights to Santa Clara Avenue from the property on the southwesterly corner of Auto Center Drive and Santa Clara Avenue

RECOMMENDATION

That City Council adopt a resolution rescinding the rejection and accepting dedication of the rights of ingress and egress (vehicular access rights) to Santa Clara Avenue from the property located on the southwesterly corner of Auto Center Drive and Santa Clara Avenue.

DISCUSSION

On November 16, 1989, the Planning Commission adopted Resolution No. 7407 for Special Use Permit 1392, governing construction and operation of an Auto Care Center located on the southwesterly corner of Auto Center Drive (then Via Del Norte) and Santa Clara Avenue. Condition No. 125 of that resolution provides that "The driveway on Santa Clara Avenue is subject to removal in conjunction with the reconstruction of the Rice Avenue Interchange." Concurrent with this action, the Planning Commission adopted Resolution No. 7408 which recommended to the City Council approval of tentative parcel map 89-13. Condition No. 71 of that resolution required "The Developer shall provide the City with an irrevocable offer to dedicate all rights of access from these parcels to Santa Clara Avenue." City Council subsequently adopted Resolution 9850 approving the tentative parcel map subject to the conditions of Planning Commission Resolution 7408.

The property owners made the required irrevocable offer to dedicate all rights of ingress and egress "in order that the owners ... shall have no rights of access" to Santa Clara Avenue. The City Council approved Parcel Map 89-13 for recordation at its meeting of June 5, 1990 and the City Council's Certificate, on the map title sheet, rejected the offer to dedicate all rights of ingress and egress because removal of the Santa Clara driveway was not needed until the interchange was reconstructed. Rejected irrevocable offers of dedication remain open and subject to future acceptance until terminated in accordance with Subdivision Map Act section 66477.2.

Re-construction of the Rice Ave/Santa Clara Ave/Highway 101 interchange began early this year. The

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approved construction plans include reconstruction of the existing driveway access from the Auto Care Center project to Santa Clara Avenue in an attempt to maintain current access. The new interchange results in an elevation difference of approximately 10 feet between the Auto Care Center property and adjacent Santa Clara Avenue making the driveway at a significant slope. This new driveway requires placement of additional fill material over the existing underground fuel tanks on the Auto Care Center facility. City staff retained URS Corporation to research, design and process the required permits for placement of additional fill material over the existing fuel tanks near the driveway. Subsequent research has determined that placement of fill material above the tanks requires replacement of the tanks due to tank age and an exceedance of the maximum amount of fill material recommended by the tank manufacturer. The estimated cost of this work, assuming replacement of 4 tanks, would exceed \$600,000. This cost does not include any soil remediation that might be required or the impact associated with the anticipated 8 month tank replacement schedule. The site is known to have had a previous release of gasoline in the area and is currently under the Leaking Underground Fuel Tank (LUFT) Program with ongoing remediation requirements. The exact cause of the leak (tank or piping) remains unknown. These unknowns are likely to increase the cost and safety risk associated with modifying the tanks because their integrity may have already been compromised.

Removal of the driveway will result in safer vehicular movements by removing a steep driveway connection to Santa Clara Avenue. It will also eliminate significant financial and liability risk associated with the driveway reconstruction. The onsite turning movements for a fueling truck have been reviewed and there is adequate area for fueling trucks to enter the site, fill the underground fuel tanks, and exit the site from the remaining Auto Center Drive driveway.

It is the recommendation of staff that based upon the above facts, and the associated costs, risks and time delays, that City Council rescind the previous rejection of the ingress and egress (access) rights from the Auto Care Center to Santa Clara Avenue and now accept the dedication.

A certified letter was sent to the current property owner on April 6th, 2010, informing them that this action was proposed for a future Council Agenda. City staff has met and will continue to meet with Gasprom representatives to explore ways to minimize the impact of closure or create methods pursuant to which the driveway might be reopened in the future. Staff recommends acceptance of dedication at this time to keep the overall interchange project on schedule.

FINANCIAL IMPACT

There is no anticipated financial impact to the City general fund.

(PJW)

Attachment #1 – Resolution rescinding the rejection and accepting dedication of the rights of ingress and egress to Santa Clara Avenue from the property located on the southwesterly corner of Auto Center Drive and Santa Clara Avenue

RESOLUTION NO. _____

RESOLUTION RESCINDING THE REJECTION AND ACCEPTING DEDICATION OF THE RIGHTS OF INGRESS AND EGRESS TO SANTA CLARA AVENUE FROM THE PROPERTY LOCATED ON THE SOUTHWESTERLY CORNER OF AUTO CENTER DRIVE AND SANTA CLARA AVENUE.

WHEREAS, Parcel Map 89-13 recorded in the Ventura County Recorder's Office as 50PM07 included an irrevocable offer of dedication by the subdivider of all rights of ingress and egress over and across the southeasterly line of Parcels 3 and 4, abutting Santa Clara Avenue in order that the owners of said parcels shall have no rights of access whatsoever to Santa Clara Avenue except the general right-of-travel which belongs to the whole public (the "Offer of Dedication"); and

WHEREAS, on June 5, 1990, the City Council rejected the Offer of Dedication, as noted in the City Council's Certificate on Parcel Map 89-13; and

WHEREAS, the Subdivision Map Act, as codified at Government Code Section 66477.2(a), provides that irrevocable offers of dedication shall remain open and authorizes the City Council, by resolution at any later date and without further action by the subdivider, to rescind its rejection and accept the Offer of Dedication, which acceptance shall be recorded in the office of the County Recorder; and

WHEREAS, acceptance of the Offer of Dedication is necessary at this time in order to implement improvements to the Santa Clara Avenue/Rice Avenue/Highway 101 Interchange.

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

1. The action to reject the Offer of Dedication is rescinded and said Offer of Dedication is hereby accepted in compliance with Government Code Section 66477.2 (a).
2. The City Clerk or designee is hereby authorized and directed to cause a certified copy of this resolution, attested to by the City Clerk under the seal of the City, to be recorded in the office of the Ventura County Recorder.
3. The acceptance of the Offer of Dedication shall be effective upon the recordation of this resolution in the office of the Ventura County Recorder.

Passed and adopted this ____ day of _____, 2010, by the following vote:

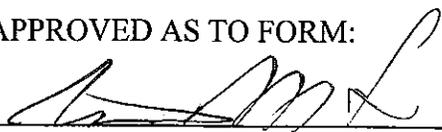
AYES:

NOES:

ABSENT:

Dr. Thomas E. Holden, Mayor

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

ATTEST:

Daniel Martinez, City Clerk

ATTACHEMENT # 1
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