



Meeting Date: 07/20/10

| 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: Rob Roshanian *W.R.*

Agenda Item No. I-5

Reviewed By: City Manager *JMB* City Attorney *AA* Finance *JC* Other (Specify) _____

DATE: July 7, 2010

TO: City Council

FROM: Rob Roshanian, Development Services Manager
Building and Engineering Services *W.R.*

SUBJECT: Resolution Rescinding 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 Resolution No. 13,782, which accepted 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 April 27, 2010, the City Council adopted Resolution No. 13,782, which accepted an offer of dedication for vehicular access rights to Santa Clara Avenue from the service station located at 2460 Auto Center Drive in conjunction with the Rice Avenue Interchange project. In response to the contentions of the service station owner that eliminating vehicular access would constitute a taking, City staff has developed a modified driveway configuration that would allow vehicles to access the service station from Santa Clara Avenue. The City and the service station owner have entered into a Settlement Agreement (A-7339) which provides for the modified driveway configuration and which preserves the City's right to accept the offer of dedication if the alternative driveway access is not constructed as agreed. Rescission of Resolution No. 13,782 will allow the construction of interchange-related improvements along Santa Clara Avenue to be conducted without threat of litigation from the service station owner based on lack of vehicular access to the owner's property from Santa Clara Avenue.

FINANCIAL IMPACT

There is no anticipated financial impact.

(SMF)

Attachment #1 – Resolution No. 13,782
#2 – Resolution rescinding Resolution No. 13,782

RESOLUTION NO. 13,782

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:

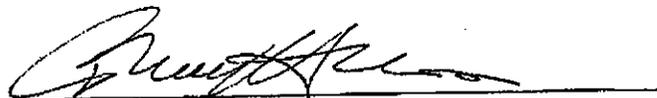
1. The action to reject the Offer of Dedication is rescinded and said Offer of Dedication is hereby accepted in compliance with Government Code Section 66477.2 (a).
2. The City Clerk or designee is hereby authorized and directed to cause a certified copy of this resolution, attested to by the City Clerk 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 27th day of April, 2010, by the following vote:

AYES: Councilmembers Holden, Herrera, Maulhardt, Pinkard, and MacDonald.

NOES: None.

ABSENT: None.



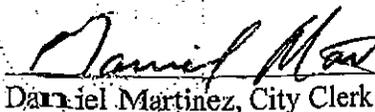
Dr. Thomas E. Holden, Mayor

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

ATTEST:



Daniel Martinez, City Clerk

ATTACHMENT NO. 1

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CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD RESCINDING RESOLUTION NO. 13,782 REGARDING 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, on April 27, 2010, the City Council adopted Resolution No. 13,782 accepting an irrevocable offer of dedication made in Parcel Map 89-13, as recorded in the Ventura County Recorder's Office as 50PM07, of vehicular access rights to Santa Clara Avenue from the property located at 2460 Auto Center Drive in conjunction with the Rice Avenue Interchange project (the "Offer of Dedication"); and

WHEREAS, the City and the owner of the property located at 2460 Auto Center Drive have entered into Agreement No. A-7339, a settlement agreement regarding the vehicular access rights to Santa Clara Avenue from 2460 Auto Center Drive, which provides that the City will rescind Resolution No. 13,782 and retain its right to accept the Offer of Dedication if an alternative access driveway is not constructed as specified in the Settlement Agreement.

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

1. Resolution No. 13,782 is hereby rescinded.
2. The Offer of Dedication remains open in accordance with Government Code Section 66477.2 (a).
3. 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.

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

AYES:

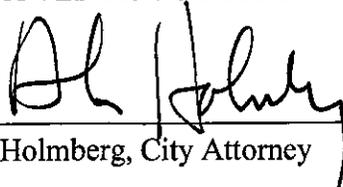
NOES:

ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

Daniel Martinez, City Clerk

ATTACHMENT NO. 2
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