



Legislation Text

File #: 18-0454, **Version:** 1

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

Stephanie Katsouleas, Public Works Director

Prem Kumar, City Engineer

Michael A. Guerrero, Principal Civil Engineer

SUBJECT:

Resolution No. 18-0093 Approving Public Utility Right-of-Way Relinquishments (Water, Sewer, Storm Drain; Summary Vacations); Resolution No. 18-0094 Accepting Public Utility Easements at 3200 N. Sepulveda Boulevard; and Resolution No. 18-0095 Authorizing the Public Works Director or City Engineer to Accept and Consent to Deeds or Grants for Street, Highway, or Public Service Easements and to Vacate Public Service Easements (Public Works Director Katsouleas).

ADOPT RESOLUTION NOS. 18-0093, 18-0094 AND 18-0095

RECOMMENDATION:

Staff recommends that the City Council:

1. Adopt Resolution No. 18-0093 approving public utility right-of-way (ROW) relinquishments at 3200 N. Sepulveda Boulevard;
2. Adopt Resolution No. 18-0094 accepting public utility easements at 3200 N. Sepulveda Boulevard; and
3. Adopt Resolution No. 18-0095 authorizing the Public Works Director or City Engineer to accept and consent to Deeds or Grants for Street, Highway, or Public Service Easements and to Vacate Public Service Easements.

FISCAL IMPLICATIONS:

There is no cost associated with approving public utility ROW relinquishments, accepting Public Utility Easements and delegating authority to Public Works Director and City Engineer to approve these documents. However, there are intrinsic savings in staff time by delegating such authorities.

BACKGROUND:

One of the City's General Plan goals is to maintain and protect reliable and cost effective water supply, sanitary sewer and storm drainage systems that adequately protect the health, safety and property of Manhattan Beach residents and property owners. Toward that goal and when needed, property owners offer and the City accepts easements rights on private property in order to install and/or maintain this utility infrastructure. Most commonly, it is for the express purpose of serving the property that grants the easement rights, and occasionally an easement may be to traverse a

property in order to cost-effectively connect to other infrastructure in the ROW. Surface easements and dedications are also offered on occasion, often as part of a development project, to achieve General Plan goals for ROW lane widening, turn lanes, sidewalks, etc. where needed.

Under this framework and during the original development of the Manhattan Village Mall in 1981, which is located at 3200 N. Sepulveda Boulevard, the property owner granted utility easements for water, sewer, storm drain infrastructure to the City of Manhattan Beach in order to construct, use, maintain, operate, repair, replace, and remove utility facilities servicing the mall property. As part of the current redevelopment of the site, modifications to the original easements are now needed in order to relocate these utilities.

DISCUSSION:

Manhattan Village Mall Utility Easements

The property at 3200 N. Sepulveda Boulevard is currently being redeveloped. A major component of the redevelopment is the expansion of the existing Macy's building beyond its original footprint. This expansion will place additional building square footage directly over the City's existing utility easements/facilities, which necessitates their relocation to unobstructed areas. The easement relocation process includes: 1) the relinquishment (summary vacation) of those portions of the existing utility easements that are in conflict with the proposed building expansion, and 2) the granting and acceptance of new utility easements in order to maintain continuity of service of the utility facilities.

The property owner has completed installation of the relocated utility facilities and is now ready to grant the new infrastructure and access to the City through newly-proposed utility easements. The property owner has agreed to dedicate the proposed easements to the City at no cost. Therefore, Resolution No. 18-0093 approves the Summary Vacations of the original public utility easements and Resolution No. 18-0094 approves the acceptance of the new public utility easements/infrastructure. Should City Council approve the summary vacations and acceptance of the easements, then the Vacation Deeds and Easement Deeds will be recorded with the Los Angeles County Recorder's Office.

Authorize the Public Works Director or City Engineer to Accept Deeds and/or Grants and Vacate Public Service Easements

During the normal course of the development review process, the City may require a property owner to provide deeds or grants for street, highway, or public service easements for the benefit of the public and in conformance with the General Plan. This may include various public improvements including streets, sidewalks, parkways, access ramps, water utilities, sewer utilities, or storm drain utilities. Similarly, as part of a Capital Improvement Plan (CIP) project, the City may need to secure a small sliver of property via an easement to widen a sidewalk or construct an ADA compliant curb ramp on an adjacent property. In addition, the City may desire to vacate public service easements when they are no longer needed or are superseded by a relocation, such as described above with the Mall property.

Section 27281 of the Government Code provides that deeds or grants conveying an interest in or easement upon real estate to a government agency for public purposes shall not be accepted for recordation without the consent of the grantee, evidenced by its resolution of acceptance attached to the deed or grant. Section 27281 of the Government Code also provides that a government agency

may, by general resolution, authorize an officer or agent to accept and consent to such deeds or grants.

Section 8335 of the California Streets and Highways Code authorizes the City Council to delegate the authority to vacate a public service easement to any public officer or employee otherwise qualified to prepare easements or approve parcel maps or final maps, pursuant to the requirements of that Section.

Because the City has not yet adopted a general resolution authorizing City staff to accept and consent to deeds and grants or vacate public service easements, the current practice is that all such deeds, grants and easement vacations are individually approved by the City Council. In order to expedite the acceptance process of grants, deeds and vacations of public service easements, staff recommends that City Council adopt Resolution No. 18-0095 delegating to the Public Works Director or City Engineer the approval process for vacating easements and accepting deeds, grants and easements, on behalf of the City, for public ROW and subsurface infrastructure improvements. Such approval would significantly enhance the interests and convenience of both property owners who develop their properties (e.g., the applicant) and City staff who must assist in the preparation of these documents.

ENVIRONMENTAL REVIEW:

The City has reviewed the proposed activity for compliance with the California Environmental Quality act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is necessary.

LEGAL REVIEW:

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

Attachments:

- 1) Resolution No. 18-0093
- 2) Resolution No. 18-0094
- 3) Resolution No. 18-0095
- 4) Project Vicinity Map
- 5) Project Location Map