



Town Council Agenda Report

Date: September 8, 2020 Item No. 16

To: Honorable Mayor and Town Council

Subject: A RESOLUTION TO ADDRESS THE INSTALLATION AND MAINTENANCE OF NEW PARKWAYS CREATED BY THE VACATION OF OUTER HIGHWAYS

From: Douglas Robertson, Town Manager

Submitted by: Lori Lamson, Assistant Town Manager

Budgeted Item: Yes No N/A

RECOMMENDED ACTION

Adopt Resolution No. 2020-48

BACKGROUND & ANALYSIS

At the July 28th Town Council meeting, the Town Council requested that the issue of new parkways created from the vacation of an outer highway be discussed on a future agenda. Specifically, the Council requested that there be a discussion regarding landscape requirements and maintenance of these parkways. Currently, there are no specific regulations within the Municipal Code, including the Development Code regarding the issue of parkways adjacent to newly vacated outer highways. For larger projects, the Town Engineer has the option of requiring a landscape assessment district, but for single ownership or smaller projects, the Code isn't clear on what is required and who is responsible.

Resolution 98-06 was adopted by the Town Council in February of 1998, establishing policy to remove the outer highways when development occurs and with future Capital Improvement Projects. The Town has had the opportunity to implement this Resolution, by removing the outer highway, several times on both Highway 18 and Bear Valley Road. Recently, the installation of landscaping and maintenance of the newly created parkway has been in question. Clarity is needed on who is responsible for the installation and maintenance. The draft Resolution No. 2020-48 provides language for clarification.

Proposition 218 does require that on a regional roadway, such as Highway 18 and Bear Valley Road, where the outer highways exist, that the Town must take some of the

responsibility for on-going maintenance of the parkway. The burden of maintaining the entire parkway adjacent to a regional roadway cannot be placed on the entirely on the private property owner(s). In the attached resolution, the maintenance responsibility of the parkway is equally divided between the Town and the adjacent property owner. For maintenance purposes, the Town's half of the parkway would be installed with hardscape approved by the Town Engineer. Installation of the hardscape would be the responsibility of the adjacent property owner only if the development of their property caused the need for the vacation of the outer highway, consistent with Resolution 98-06.

After discussion with the Town Council, staff can make modifications to the proposed Resolution prior to adoption.

FISCAL IMPACT

Implementation of the Resolution will not have a fiscal impact.

ATTACHMENTS

Resolution No. 2020-48

Resolution No. 2020-48

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY RELATING TO THE INSTALLATION AND MAINTENANCE OF A LANDSCAPE AND HARDSCAPE PARKWAY ADJACENT TO PROPERTY VACATED TO ELIMINATE THE OUTER HIGHWAY

WHEREAS, In accordance with Resolution No. 98-04 (Attached as Exhibit A) it is the desire of the Town Council to remove the outer highways located within the community;

WHEREAS, during the redesign and vacation of the outer highway, triggered by street improvements and/or new development, the landscaping and maintenance of the vacated outer highway shall be the responsibility of the adjacent property owner;

WHEREAS, the maintenance of the adjacent parkway within the new right of way, created from the vacation of the outer highway, shall be an equally shared responsibility between the adjacent property owner and the Town in the following manner:

Section 1. The interior half of the parkway shall be installed with landscaping that is consistent in design with the adjacent landscape frontage within the area recently vacated, and landscaping and irrigation shall meet Town standards;

Section 2. The second half of the parkway, adjacent to the street, shall have decorative hardscape installed with the approval of design by the Town Engineer;

Section 3. The installation of the landscaping and hardscape within the parkway shall be the responsibility of the adjacent property owner requesting the vacation of right of way of the outer highway due to new development of the adjacent property;

Section 4. If landscaping and hardscape is necessary due to a capital improvement project by the Town, the Town Engineer shall cause the installation of the landscape parkway and hardscape parkway to occur;

Section 5. Maintenance of the landscape parkway shall be the responsibility of the adjacent property owner and the Town shall assume maintenance of the hardscape parkway; and,

Section 6. The Town Engineer can determine if the parkway should be included within a landscape assessment district established by the property owner of the adjacent property that was the recipient of the vacated right-of-way.

NOW, THEREFORE, THE TOWN OF APPLE VALLEY DOES HEREBY ORDER THAT THE ABOVE POLICY AND REGULATIONS BE IMPLEMENTED

APPROVED and **ADOPTED** by the Town Council of the Town of Apple Valley this 8th day of September, 2020.

Honorable Scott Nassif, Mayor

ATTEST:

Ms. LaVonda M. Pearson, Town Clerk

Exhibit A

RESOLUTION NO. 98-06

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY RELATING TO THE ELIMINATION AND/OR RELOCATION OF THE OUTER HIGHWAYS

WHEREAS, it is the desire of the Town Council to enhance the traffic safety along the outer highways located within the community; and

WHEREAS, under certain circumstances this enhancement of the traffic safety will necessitate the physical reconfiguration of the roadway; and

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY DOES RESOLVE AND ORDER AS FOLLOWS:

Section 1: That whenever new development or redevelopment requiring land subdivisions occurs involving more than two newly created parcels at the corner of any intersection having an outer highway along Highway 18 or Bear Valley Road, said outer highway connection will either be eliminated or moved back from the main highway.

Section 2: Furthermore any development or complete redevelopment, of any parcel of land 5 acres or more in size located at the corner of any intersection having an outer highway along Highway 18 or Bear Valley Road, said outer highway connection will either be eliminated or moved back from the main highway.


Section 3: Furthermore any development or complete redevelopment, of any parcel of land less than 5 acres in size located at the corner of any intersection having an outer highway along Highway 18 or Bear Valley Road, said outer highway connection will either be eliminated or moved back from the main highway when in the opinion of the Town Engineer it is feasible to do so.

Section 4: An allowable alternative to the relocation or elimination of the outer highway connection mentioned above would be to make the outer highway subject to one-way traffic if deemed appropriate by the Town Engineer.

APPROVED and ADOPTED this 10th day of February, 1998.


MAYOR

ATTEST:


TOWN CLERK

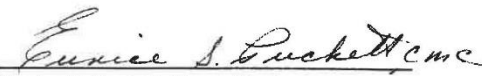
(SEAL)

STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO
TOWN OF APPLE VALLEY

I, EUNICE PUCKETT, TOWN CLERK of the Town of Apple Valley, California, do hereby certify that Resolution No. 98-06 as duly and regularly adopted by the Town Council of the Town of Apple Valley, California, at a meeting thereof held on the 10th day of February, 1998 by the following vote:

AYES: Councilmembers Loux, Shoup, Willison, Mayor Pro Tem Burchfield and Mayor Holman
NOES: None
ABSENT: None
ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Apple Valley, California, this 11th day of February, 1998.


Eunice S. Puckett, Town Clerk
Town of Apple Valley

SEAL