



Town Council Agenda Report

Date: October 27, 2020 Item No. 8

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

This issue was discussed at the September 8th Town Council meeting and was tabled to allow staff time to modify the Resolution and bring back for Council discussion.

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 wither hardscape or landscaping 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 ALLOCATION AND MAINTENANCE OF ADDITIONAL LAND MADE AVAILABLE FOR LANDSCAPING, HARDSCAPING, AND PUBLIC RIGHT-OF-WAY AS A RESULT OF THE VACATION OF OUTER HIGHWAYS IN CONNECTION WITH RESOLUTION NO. 98-04

WHEREAS, on February 10, 1998, the Town Council of the Town of Apple Valley adopted Resolution No. 98-04 (Exhibit A) relating to the elimination and/or relocation of the outer highways; and

WHEREAS, in accordance with Resolution No. 98-04 it is the desire of the Town Council to remove the outer highways located within the community; and

WHEREAS, new development and street improvement requirements in the vicinity of the outer highways often results in the vacation of portions of the outer highway; and

WHEREAS, as the outer highways are vacated, additional land is made available for the public right of way, use by adjacent property owners, and for use as additional landscaping or public space; and

WHEREAS, the Town Council desires to provide Town staff with guidance relating to the allocation and future maintenance obligations for the additional land and the maintenance.

NOW, THEREFORE, THE APPLE VALLEY TOWN COUNCIL DOES HEREBY RESOLVE:

Section 1. As additional land is made available as a result of development projects involving the elimination of outer highways, Town staff shall consider the following nonexclusive factors in determining the appropriate portion of land to vacate to adjacent owners:

(A) Consistency of property lines with neighboring and nearby parcels along State Route 18 (SR-18);

(B) Current and anticipated future roadway and transportation infrastructure needs;

(C) Current and anticipated future public utility needs;

(D) Development needs and, specifically, the extent to which the vacation of land to adjacent landowners might facilitate development conducive to the public interest; and

(E) The adjacent property owner's commitments, if any, to maintain the public right of way or any adjacent landscaping districts.

In considering the above factors, and any others, Town staff may exercise discretion in determining the weight afforded to each.

Section 2. Land remaining under the Town's control following the vacation of the outer highway may be utilized for decorative hardscape, landscaping, and public art. In determining what use to put said land, Town staff shall consider all applicable planning documents, consistency with adjacent frontage, and the needs of the area affected among other factors.

Section 3. To the extent possible, in accordance with applicable laws, the installation and maintenance of the landscaping and hardscape within the parkway shall be made 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. This may be accomplished through the inclusion of the landscaped or hardscaped portion within a landscape assessment district or similar legislative mechanism to ensure the cost of maintenance is covered.

Section 4. The provisions of this Resolution are severable and if any provision of this Resolution is held invalid, that provision shall be severed from the Resolution and the remainder of this Resolution shall continue in full force and effect, and not be affected by such invalidity.

Section 5. This Resolution shall take effect immediately upon adoption.

Section 6. The Mayor shall sign this Resolution and the Town Clerk shall attest and certify to the passage and adoption thereof.

ADOPTED AND APPROVED by the Town Council of the Town of Apple Valley this 27th day of October 2020.

Scott Nassif, Mayor

ATTEST:

La Vonda 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

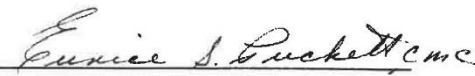
(SEAL)

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