



## AGENDA MEMORANDUM

First Reading Ordinance for the City Council Meeting of July 21, 2015  
Second Reading for the City Council Meeting of July 28, 2015

**DATE:** June 24, 2015

**TO:** Ronald L. Olson, City Manager

**FROM:** Daniel Grimsbo, P.E., Director, Development Services Department  
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Ordinance authorizing the City Manager or designee, to execute a Revocable Surface Easement Abandonment Agreement ("Agreement") with Avinash C. Ahuja and Peggy B. Ahuja ("Owners") to construct and maintain a brick wall, within the Ocean Way public street right-of-way.

### **CAPTION:**

Ordinance authorizing the City Manager or designee, to execute a Revocable Surface Easement Abandonment Agreement ("Agreement") with Avinash C. Ahuja and Peggy B. Ahuja ("Owners"), to construct and maintain a masonry brick wall, extending approximately 50-square feet into the public right-of-way while occupying an additional 138-square feet of public right-of-way (approximately 188 total square feet), subject to Owners' compliance with specified conditions.

### **PURPOSE:**

The purpose of the Agreement is to allow the Owners the ability to construct and maintain a brick wall, in an unneeded portion of the present Ocean Way public street right-of-way.

### **BACKGROUND AND FINDINGS:**

Owners desire to construct and maintain a masonry brick wall, extending approximately 50-square feet into the public right-of-way while occupying an additional 138-square feet of public right-of-way (approximately 188 total square feet) of the present Ocean Way public street right-of-way.

Staff recommends that the Owners pay a one-time surface easement abandonment agreement fee of \$3,215.00 for the use of the construction of a masonry brick wall (approximately 50-square feet into the public right-of-way while occupying an additional

138-square feet of public right-of-way (approximately 188 total square feet) into the existing Ocean Way public street right-of-way, prior to the Agreement request going to City Council.

**ALTERNATIVES:**

Deny the Agreement request.

**OTHER CONSIDERATIONS:** Not applicable

**CONFORMITY TO CITY POLICY:**

City Charter Article IX, Section 1, requires City Council approval for use of any portion of public right-of-way for private purposes.

**EMERGENCY / NON-EMERGENCY:** Non-Emergency

**DEPARTMENTAL CLEARANCES:**

All public and franchised utilities were contacted. None of the City departments or franchised utility companies had any facilities or objections regarding the proposed Agreement, provided the applicant meets the specified conditions set out in the Agreement.

**FINANCIAL IMPACT:**

Operating       Revenue       Capital       Not applicable

<b>Fiscal Year: 2014-2015</b>	<b>Project to Date Expenditures (CIP only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Line Item Budget				
Encumbered / Expended Amount				
This item		\$3,215.00	One-time payment of \$3,215.00	\$3,215.00
BALANCE		\$3,215.00	\$3,215.00	\$3,215.00

Fund(s):

**Comments:** None

**RECOMMENDATION:**

Staff recommends approval and adoption of the ordinance. Owners must comply with all the following specified conditions of the ordinance:

- a. In exchange for the City's authorization to use the public right-of-way to place and maintain the brick wall, the Owners agrees to provide the City with a one-time payment fee of \$3,215.00.
  
- b. All costs incurred to maintain, repair, or remove the brick wall is the responsibility of the Owners.

**LIST OF SUPPORTING DOCUMENTS:**

Ordinance with Revocable Agreement attached