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DATE: August 20, 2014

TO: Honorable Mayor and City Councilmembers

FROM: Property Management

SUBJECT: **ADOPTION OF A RESOLUTION AUTHORIZING ACCEPTANCE OF RELINQUISHED STATE HIGHWAY RIGHTS OF WAY WITHIN STATE ROUTE 76 AND WAIVING THE NINETY DAY NOTICES OF INTENTION TO RELINQUISH HIGHWAY RIGHT OF WAY REQUIREMENTS**

**SYNOPSIS**

Staff recommends that the City Council adopt a resolution accepting the relinquishment of segments of State Highway right of way within State Route 76 from the State of California acting through its Department of Transportation (Caltrans); and waiving the City's right to receive 90 days notice of Caltrans' intention to relinquish highway right of way.

**BACKGROUND**

Per Controlled Access Highway Agreement dated January 5, 1994, between the City and Caltrans, the City agreed to accept title to relocated or reconstructed city streets, and the frontage roads, and other Caltrans constructed local roads, upon relinquishment to the City by Caltrans.

As part of its plans to widen State Route 76, Caltrans acquired rights of way from the City for a project between Melrose Drive to South Mission Road that expanded the former two-lane conventional highway to four lanes with the potential to widen to six lanes. The area at issue is the alignment of the prior Mission Avenue between Melrose Drive and Jeffries Ranch Road.

Section 73 of the Streets and Highways Code provides the California Transportation Commission (CTC) the authority to relinquish segments of State Highway right of way that were built or modified during the course of a State Highway project and are not needed for the State Highway System. With the consent of the City, such right of way segments may be relinquished back to the City.

Now, Caltrans has requested the City to adopt a resolution accepting the relinquishment of three segments of State Highway right of way within State Route 76 between Melrose Drive and Jeffries Ranch Road; and to waive the City's right to receive 90 days notice of Caltrans' intention to relinquish each right of way.

The City is to accept the relinquished areas in two phases, which are depicted on the Caltrans Relinquishment Map – Sheets 1 and 2. Phase 1 being depicted as “Segment A1” has already been constructed and will be relinquished first. In accordance with Section 73 of the Streets and Highways Code, the City received the first written notice on it, dated May 22, 2014, via certified mail return receipt. As part of its landscaping plans that is a separate project, Caltrans has indicated that Phase 2 shown as “Segment B1” and “Segment B2” on said relinquishment map will include on it an earthen trail that will tie into existing equestrian trails and can provide another method for the City to drive to existing utility facilities. This area is also identified in City’s Bicycle Master Plan for future bicycle path access to the San Luis Rey River Trail. These two segments will be relinquished upon the completion of the improvements to be made there. Caltrans also indicated the City will receive a separate Ninety Day Notice of Intention to Relinquish Highway Right of Way that will include both of these segments. The resolution will allow the City to accept these segments of State Highway right of way after Caltrans relinquishes them. It also waives the ninety day noticing requirement of Section 73 of the Street and Highways Code for the relinquishment action to be taken by the CTC.

## **ANALYSIS**

Staff has examined these portions of State Highway right of way and finds that by taking ownership and control of them, the City would be able to better serve the residents by pursuing improvements to the local roadway system, bicycle path access and other community enhancements. The City would also gain alternate access points to service utilities that are located remotely or on uneven terrain and without having to go through Caltrans’ encroachment permit process.

After the City Council adopts the resolution, Caltrans will submit it to the CTC and request its approval. Upon approval by the CTC and recordation of its relinquishment resolution, the segments will become City right of way.

Section 73 of the Street and Highways Code also requires Caltrans to give the City 90 days notice in writing of the intention to relinquish. If no protest by the City is received within 90 days after the notice, the CTC may proceed with relinquishment. Staff has inspected the segments to be relinquished and has found them to be in good repair and finds no reason to protest relinquishment. The proposed resolution therefore contains a provision waiving the City’s 90-day notice rights.

Additionally, the proposed action is acceptance of segments of relinquished State Highway right of way thereby transferring ownership and maintenance for these segments from Caltrans to the City; the use of the land as right of way does not change. Therefore, this activity is exempt from review under the California Environmental Quality Act (CEQA), Section 21000 et seq. of the California Public Resources Code pursuant to Section 15061(b)(3) of the State CEQA Guidelines, Division 6 of Chapter 3 of Title 14 of the California Code of Regulations.

The City Engineer concurs with the adoption of this proposed resolution and of the waivers.

**FISCAL IMPACT**

Accepting the relinquished state highway rights of way will add these improved segments to the City's infrastructure system, and the fiscal impact is estimated to be minimal. Future maintenance costs for these improvements will be absorbed by future street maintenance Capital Improvement Project funding. Staff has inspected the current conditions of the improvements within these segments and is satisfied that no significant maintenance will be needed in the near future. It is therefore anticipated that the additional costs to maintain these new segments is minimal.

**COMMISSION OR COMMITTEE REPORT**

Does not apply.

**CITY ATTORNEY'S ANALYSIS**

The referenced documents have been reviewed by the City Attorney and approved as to form.

**RECOMMENDATION**

Staff recommends that the City Council adopt a resolution accepting the relinquishment of segments of State Highway right of way within State Route 76 from the State of California acting through its Department of Transportation (Caltrans); and waiving the City's right to receive 90 days notice of Caltrans' intention to relinquish highway right of way.



# Attachment 1

## Resolution

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF CALTRANS RELINQUISHMENT OF PROPERTIES LOCATED WITHIN STATE ROUTE 76 BETWEEN MELROSE DRIVE AND JEFFRIES RANCH ROAD, IN THE CITY OF OCEANSIDE

WHEREAS, the State of California Department of Transportation ("State" and/or "Caltrans") is authorized to relinquish certain areas of right-of-way pursuant to Section 73 of the Streets and Highway Code within a Local Agency's jurisdiction, with the Local Agency's consent, and with the approval of the California Transportation Commission ("CTC"); and

WHEREAS, Caltrans intends to relinquish certain portions of State Route 76 right of way composed of collateral facilities built as part of new highway construction and portions of superseded highway right-of-way reconstructed as an earthen trail and non-motorized transportation facility; and

WHEREAS, the areas Caltrans desires to relinquish are within the jurisdiction of the City of Oceanside ("City"); and

WHEREAS, Caltrans has offered to relinquish to City, at no charge, the areas depicted on Exhibit "A" attached hereto, subject to said CTC approval, consisting of portions of existing public State Highway right-of-way and appurtenant roadway facilities that have been superseded by relocation; and

WHEREAS, City agrees to accept said relinquishment areas depicted on said Exhibit "A" in two phases; phase 1 being depicted as "Segment A1", which has already been constructed and will be relinquished first; phase 2 being depicted as "Segment B1" and "Segment B2", which will be relinquished upon the completion of construction of the earthen trail and non-motorized transportation facility; and

WHEREAS, City agrees to prohibit new ingress and egress from areas within said relinquished highway, in and to remaining State Highway right-of-way, except as

1 agreed to by Caltrans in writing; and

2 WHEREAS, City agrees that relinquished highway areas and facilities may be  
3 reincorporated into State Highway right-of-way for future transportation projects and  
4 City agrees to reconvey said properties, at no cost to the State, which is still  
5 functioning as public right-of-way, when requested to do so by Caltrans; and

6 WHEREAS, City agrees to waive the Ninety (90) Day Notice of Intention to  
7 Relinquish Highway Right of Way as provided in Section 73 of the California Streets  
8 and Highways Code; and

9 WHEREAS, this activity is exempt from CEQA pursuant to State CEQA  
10 Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no  
11 possibility that the activity in question may have a significant effect on the  
12 environment.

13 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
14 Oceanside as follows:

15 1. That City agrees to accept maintenance, control and ownership, including  
16 all of the State's current obligations, rights, title and interest in the segments of  
17 highway area and appurtenant facilities depicted on said Exhibit "A" upon recordation  
18 of the CTC's Resolutions of Relinquishment in the San Diego County Recorder's  
19 Office, and thereafter operate, maintain and be liable for the improvements and  
20 facilities within the relinquished highway areas, which include, but are not limited to,  
21 public street improvements, an earthen trail and non-motorized transportation facility,  
22 landscaping, irrigation, and drainage facilities, at no additional cost to the State.

23 2. That City agrees there shall be no CTC allocation of funds for a  
24 betterment or improvement of relinquished areas after the recordation of the  
25 respective CTC Resolution of Relinquishment.

26 3. That the City agrees that the State reserves the right to enter relinquished  
27 facilities, including sidewalks and other areas adjacent to the State highway traveled  
28 way, to modify or add signage, drainage, and other improvements necessary for the

1 State's highway operations, at no additional cost to the State for the right to perform  
2 said activities and at no additional cost incurred to the City.

3 PASSED AND ADOPTED by the City Council of the City of Oceanside, California  
4 this \_\_\_\_ day of \_\_\_\_\_, 2014, by the following vote:

5  
6 AYES:  
7 NAYS:  
8 ABSENT:  
9 ABSTAIN:

\_\_\_\_\_  
Mayor

10 ATTEST:

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

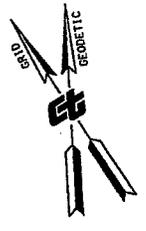
11  
12  
13 \_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney

14  
15 Resolution Authorizing Acceptance  
16 of Relinquished Caltrans Properties  
17 Within SR 76 between Melrose  
18 Drive and Jeffries Ranch Road  
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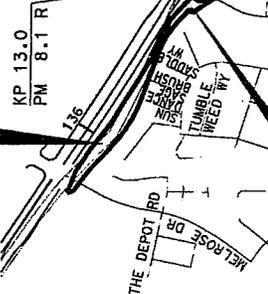
# CITY OF OCEANSIDE

T.10 S. R.4 W. S.B.M.



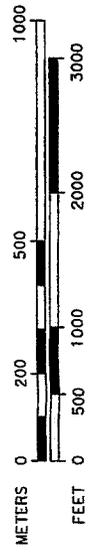
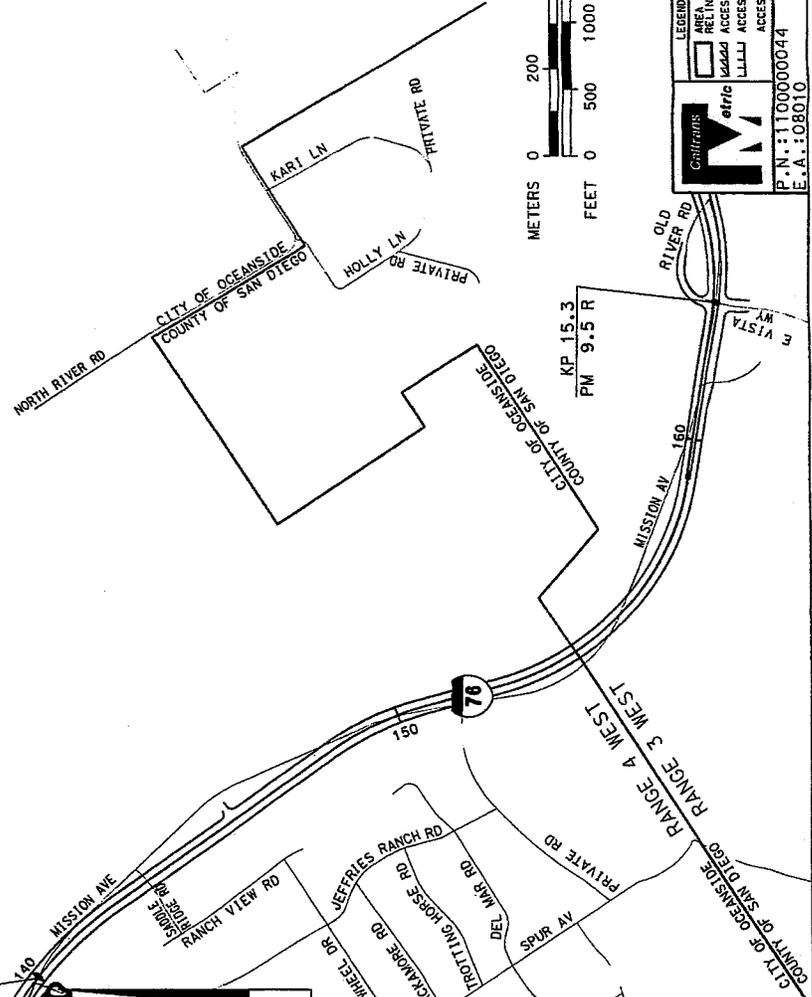
STATE OF CALIFORNIA  
 DEPARTMENT OF TRANSPORTATION  
 DISTRICT 11  
 RELINQUISHMENT KEY MAP  
 No. 15 8004  
 Exp. 01/31/2014

SUPERSEDED HIGHWAY  
**SEGMENT B1**



**SEGMENT B2**  
 COLLATERAL FACILITY

**SEGMENT A1**  
 COLLATERAL FACILITY



STATE OF CALIFORNIA  
 DEPARTMENT OF TRANSPORTATION  
 DISTRICT 11  
**RELINQUISHMENT KEY MAP**  
 Relinquishment No. **R34587-A**  
 Relinquishment No. **R34587-B**  
 Scale: 25502km  
 P.N.: 1100000044  
 E.A.: 08010



LEGEND & NOTES  
 AREA TO BE RELINQUISHED  
 ACCESS RELINQUISHED  
 ACCESS DENIED  
 ACCESS OPENING

CONTRACT NO.	12A-13.0	SCALE	1:11,000
DATE	12-13-09	SHEET	1 OF 2

# CITY OF OCEANSIDE

T.11 S. R.4 W. S.B.M.

\* NOTE: THE STATE RESERVES A MAINTENANCE ACCESS EASEMENT OVER SEGMENTS "B1" AND "B2"

SECTION 2  
RDS 18274  
LOT 1

GOV'T LOT 1  
RDS 16513

RDS 978

NONMOTORIZED TRANSPORTATION FACILITY SUPERSEDED HIGHWAY \*

SEGMENT B1

SEGMENT B2

NONMOTORIZED TRANSPORTATION FACILITY COLLATERAL FACILITY \*

SEGMENT A1

COLLATERAL FACILITY

P.M. 9540 PAR 5

MAP 8468

LOT 15

LOT 16

LOT 17

LOT 18

LOT 19

LOT 20

LOT 21

LOT 22

LOT 23

LOT 24

LOT 25

LOT 26

LOT 27

LOT 28

LOT 29

LOT 30

LOT 31



DATE: \_\_\_\_\_  
BY: \_\_\_\_\_

PROJECT: "TRAIL OF THE BENTLEY"

SCALE: \_\_\_\_\_

DATE: \_\_\_\_\_

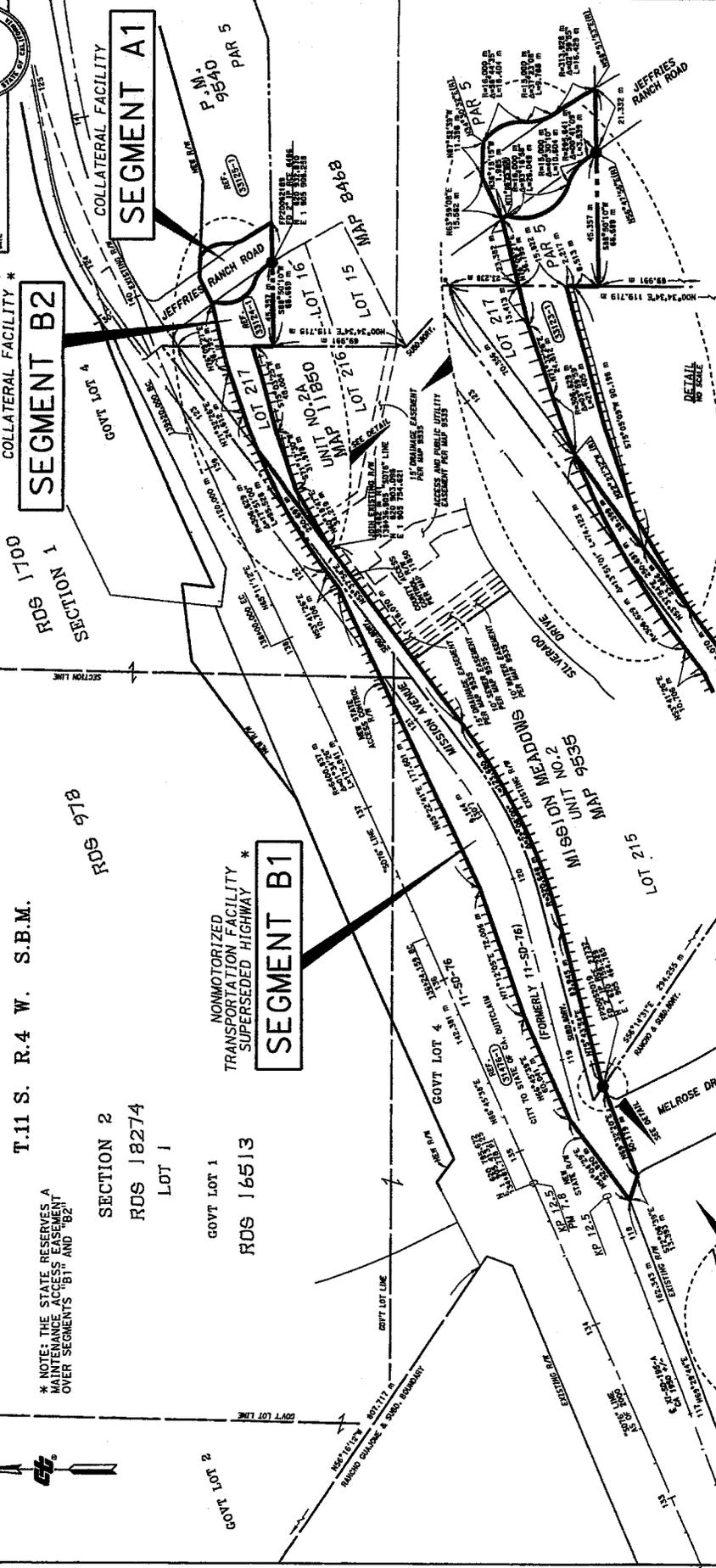
BY: \_\_\_\_\_

PROJECT: "TRAIL OF THE BENTLEY"

SCALE: \_\_\_\_\_

DATE: \_\_\_\_\_

BY: \_\_\_\_\_



STATE OF CALIFORNIA  
DEPARTMENT OF TRANSPORTATION  
DISTRICT 11

**RELINQUISHMENT MAP**

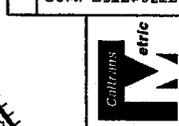
Relinquishment No. **R34587-A**  
P.O. No. **POT 25502.6m**  
EXAMINER'S LICENSE NO. **11,100**  
S.D. **76** P.M. **7.8** SHEET **2** OF **2**

**LEGEND & NOTES**

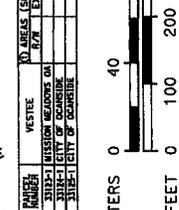
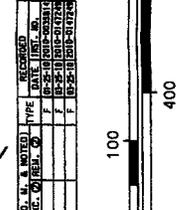
Coordinates, bearings and distances are in meters from the California Coordinate System of 1983, zone 6. Distances are in meters. Multiply distances by 1.09361 to obtain ground level distances. To convert survey foot multiplicity distances by 3571/200.

Improvements Edge of Pavement Area to be Relinquished Access Relinquished Access Denied Access Opening Previous Record Data

P.N.: 11100000044  
E.A.:



NUMBER	VECTIVE	TO AREAS (S.D. N. & NOTED) R/W	EX. (S.D. REL. Q)	TYPE	DATE	RECORDED
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						



MISSION AVENUE UNIT NO. 2  
MELROSE DRIVE  
SILVERADO DRIVE  
JEFFRIES RANCH ROAD  
MELROSE DRIVE  
SILVERADO DRIVE  
JEFFRIES RANCH ROAD

Attachment 2

Caltrans Notice

**DEPARTMENT OF TRANSPORTATION**  
DIVISION OF RIGHT OF WAY AND LAND SURVEYS  
OFFICE OF LAND SURVEYS  
1727 30<sup>th</sup> Street  
P. O. BOX 168041  
SACRAMENTO, CA 95816  
PHONE (916) 227-7669  
FAX (916) 227-7670  
TTY (916) 654-4014

TRAFFIC



*Serious drought  
Help Save Water!*

May 22, 2014

R/W ENGINEERING  
Relinquishments  
11-SD-76-PM R7.7/R8.1  
Rel. Req. No. R34587-A  
Collateral Facilities

City of Oceanside  
City Hall - City Council  
300 North Coast Highway  
Oceanside, CA 92054

### NOTICE OF INTENTION TO RELINQUISH HIGHWAY RIGHT OF WAY

Enclosed for your information is a proposed California Transportation Commission relinquishment resolution.

This letter provides you with notice of our intention to present this resolution to the California Transportation Commission at its regular meeting following a period of 90 days from the date you receive this notice. When the commission passes the resolution, you will receive a certified copy of the approved action.

The relinquishment will not become effective until it is filed with the County Recorder. This is in accordance with Section 73 of the Streets and Highways Code, which covers highway relinquishments to counties and cities. Our District Office will handle the recording and will advise you immediately thereafter.

Any questions, comments, or objections you may have with respect to the proposed relinquishment should be made by letter directly to Laurie S. Berman, District Director, Attention Bruce Urquhart, Chief, Office of Land Surveys, Department of Transportation, 4050 Taylor Street, San Diego, CA, 92110, with a copy forwarded to me.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark S. Turner".

MARK S. TURNER, Chief  
Office of Land Surveys  
Division of Right of Way and Land Surveys

Attachments

R/W ENGINEERING  
Relinquishments  
Rel. Req. No. R34587-A  
May 22, 2014  
Page 2 of 2

Receipt of the notice of intention to relinquish highway right of way is acknowledged  
this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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City Clerk

(Note: Please return this sheet to Tim Arnold, Division of Right of Way and Land  
Surveys, Office of Land Surveys - MS 35, PO Box 168041, Sacramento, CA 95816

**DRAFT**

RELINQUISHMENT OF HIGHWAY RIGHT OF WAY IN THE  
CITY OF OCEANSIDE, ROAD 11-SD-76-PM R7.7/R8.1  
Request No. R34587-A

WHEREAS, by Controlled Access Highway Agreement dated January 5, 1994, between the City of Oceanside and the State of California, the City agreed to accept title to relocated or reconstructed city streets, and the frontage roads, and other State constructed local roads, upon relinquishment thereof to said City by the State of California; and

WHEREAS, the State of California has acquired right of way for and has constructed the above-mentioned collateral facilities in the City of Oceanside, along Route 76, on Jeffries Ranch Road; and

WHEREAS, in accordance with Section 73 of the Streets and Highways Code, a 90-day notice in writing dated May 22, 2014, of intention to relinquish the above-mentioned collateral facilities was delivered to the City by certified mail return receipt on \_\_\_\_\_; and

**TRANSPORTATION COMMISSION  
RESOLUTION No. R-xxxx**

WHEREAS, this Commission has found and determined, and does hereby find and determine, that it is desirable and in the public interest that said collateral facilities be relinquished to the City of Oceanside for use as a city street.

NOW, THEREFORE, IT IS VOTED by the California Transportation Commission that it relinquish, and it does hereby relinquish, to the City of Oceanside, effective upon the recordation of a certified copy hereof with the Recorder of San Diego County, all of the State of California's right, title and interest in and to said collateral facilities in said City, together with the right of way and appurtenances thereof, described as follows:

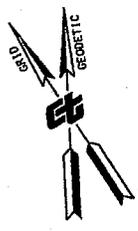
All that portion of collateral facilities of State Route 76 contiguous and adjacent thereto, designated as "Relinquishment No. R34587-A", within SEGMENT A1 on that certain relinquishment map, consisting of 2 sheets, filed as Document No. \_\_\_\_\_ on \_\_\_\_\_, in the State Highway Map Book, as State Highway Map No. \_\_\_\_, sheets 1 and 2, in the Office of the County Recorder of San Diego County.

RESERVING AND EXCEPTING unto the State of California any and all rights of ingress to and egress from the State Highway hereby relinquished, in and to the adjoining highway, except at such points as now are or may be established by resolution of this Commission.

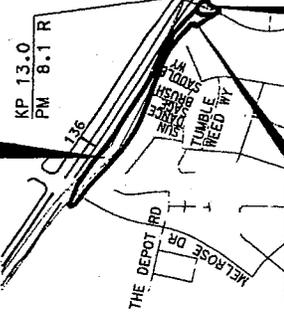
# CITY OF OCEANSIDE

T.10 S. R.4 W. S.B.M.

DATE: \_\_\_\_\_  
 DRAWN BY: *[Signature]*  
 CHECKED BY: \_\_\_\_\_  
 IN CHARGE: \_\_\_\_\_  
 DISTRICT: \_\_\_\_\_  
 SHEET: \_\_\_\_\_

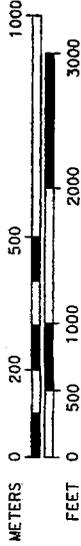
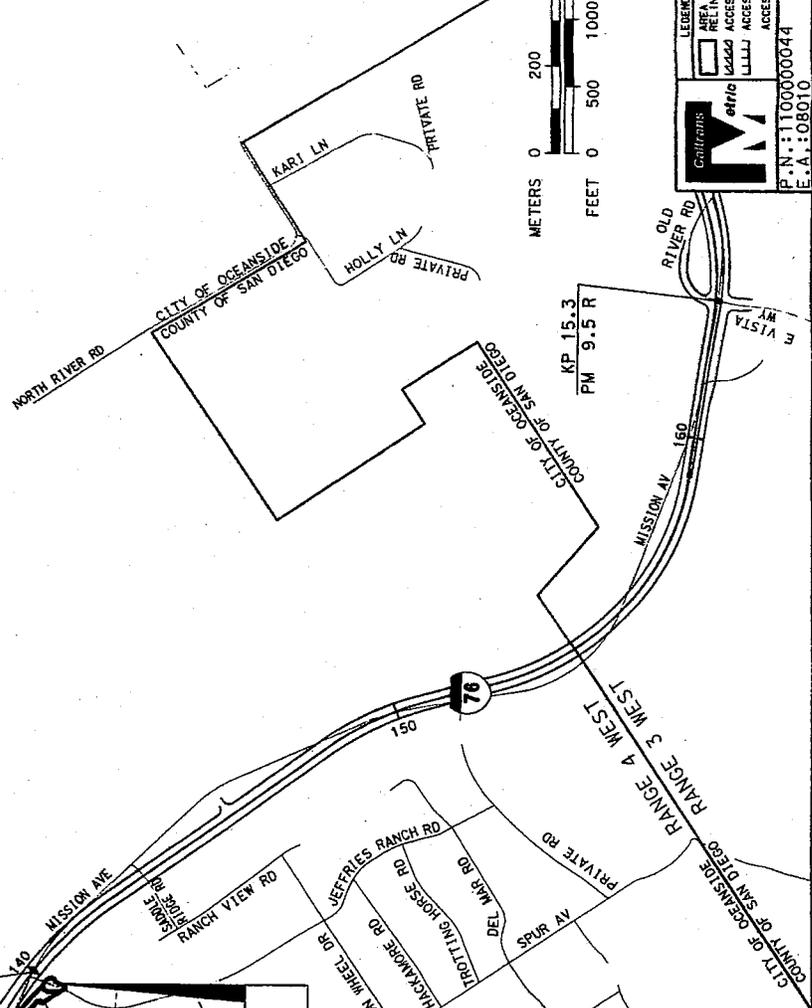


SUPERSEDED HIGHWAY  
**SEGMENT B1**



**SEGMENT B2**  
 COLLATERAL FACILITY

**SEGMENT A1**  
 COLLATERAL FACILITY



**Caltrans**  
**Metric**

LEGEND & NOTES  
 [Symbol] RITE IN LINES  
 [Symbol] ACCESS RELINQUISHED  
 [Symbol] ACCESS OPENING

STATE OF CALIFORNIA  
 DEPARTMENT OF TRANSPORTATION  
 DISTRICT 11

RELINQUISHMENT  
 KEY MAP  
 Relinquishment No. R34987-A  
 Relinquishment No. R34987-B

ROUTE NO. 56  
 SCALE 25502KM

DATE	NO.	BY	SCALE
12.4.13.0	16	PM 07.7 (RM.1)	1:11,5000

P.N.:1100000044  
 E.A.:08010

# CITY OF OCEANSIDE

T.11 S. R.4 W. S.B.M.

\* NOTE: THE STATE RESERVES A MAINTENANCE ACCESS EASEMENT OVER SEGMENTS B1 AND B2

SECTION 2  
RDS 18274  
LOT 1

GOVT LOT 1  
RDS 16513

RDS 9271

NONMOTORIZED TRANSPORTATION COLLATERAL FACILITY \*

SEGMENT B2

COLLATERAL FACILITY  
SEGMENT A1

NONMOTORIZED TRANSPORTATION FACILITY SUPERSEDED HIGHWAY \*

SEGMENT B1

GOVT LOT 2

SECTION 1  
RDS 1700

P.M. 9540 PAR 5

LOT 15

LOT 16

LOT 17

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LOT 19

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GOVT LOT 4

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LOT 257

UNIT NO. 2A

UNIT NO. 2B

UNIT NO. 2C

UNIT NO. 2D

UNIT NO. 2E

UNIT NO. 2F

UNIT NO. 2G

UNIT NO. 2H

UNIT NO. 2I

UNIT NO. 2J

UNIT NO. 2K

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UNIT NO. 2DV

UNIT NO. 2DW

UNIT NO. 2DX

UNIT NO. 2DY

UNIT NO. 2DZ

UNIT NO. 2EA

UNIT NO. 2EB

UNIT NO. 2EC

UNIT NO. 2ED

UNIT NO. 2EE

UNIT NO. 2EF

UNIT NO. 2EG

UNIT NO. 2EH

UNIT NO. 2EI

UNIT NO. 2EJ

UNIT NO. 2EK

UNIT NO. 2EL

UNIT NO. 2EM

UNIT NO. 2EN

UNIT NO. 2EO

UNIT NO. 2EP

UNIT NO. 2EQ

UNIT NO. 2ER

UNIT NO. 2ES

UNIT NO. 2ET

UNIT NO. 2EU

UNIT NO. 2EV

UNIT NO. 2EW

UNIT NO. 2EX

UNIT NO. 2EY

UNIT NO. 2EZ

UNIT NO. 2FA

UNIT NO. 2FB

UNIT NO. 2FC

UNIT NO. 2FD

UNIT NO. 2FE

UNIT NO. 2FF

UNIT NO. 2FG

UNIT NO. 2FH

UNIT NO. 2FI

UNIT NO. 2FJ

UNIT NO. 2FK

UNIT NO. 2FL

UNIT NO. 2FM

UNIT NO. 2FN

UNIT NO. 2FO

UNIT NO. 2FP

UNIT NO. 2FQ

UNIT NO. 2FR

UNIT NO. 2FS

UNIT NO. 2FT

UNIT NO. 2FU

UNIT NO. 2FV

UNIT NO. 2FW

UNIT NO. 2FX

UNIT NO. 2FY

UNIT NO. 2FZ

UNIT NO. 2GA

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UNIT NO. 2GD

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UNIT NO. 2GG

UNIT NO. 2GH

UNIT NO. 2GI

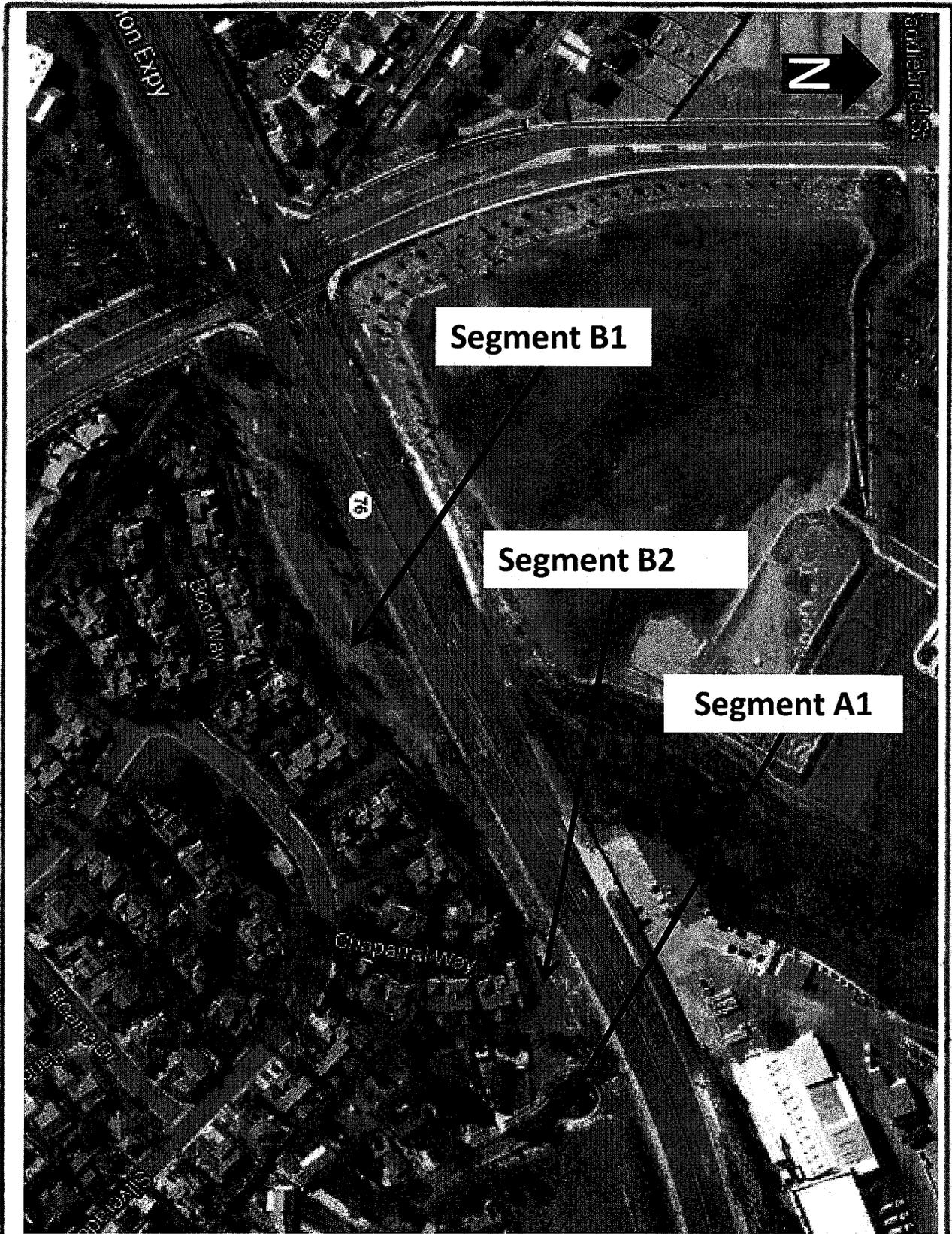
UNIT NO. 2GJ

UNIT NO. 2GK

UNIT NO. 2GL

## Attachment 3

### Site Map



Revision	By	Approved	Date	<b>CITY OF OCEANSIDE</b>	