

**CITY OF OJAI
CITY COUNCIL RESOLUTION NO. 22-49**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OJAI, CALIFORNIA, DELEGATING AUTHORITY TO THE CITY MANAGER TO ACQUIRE REAL PROPERTY FOR TEMPORARY CONSTRUCTION EASEMENTS AND PERMANENT FEE INTERESTS FOR PUBLIC RIGHTS-OF-WAY FOR THE ACTIVE TRANSPORTATION PROJECT TO CONSTRUCT PEDESTRIAN AND BICYCLE SAFETY IMPROVEMENTS TO OJAI AVENUE (SR 150) AND MARICOPA HIGHWAY (SR 33)

WHEREAS, the City has worked with consultants and the California Department of Transportation (“Caltrans”) to establish a design and secure funding for bike and pedestrian improvements along Maricopa Highway/State Route 33 between Cuyama Road and Ojai Avenue/State Route 150 between the eastern City limits and El Roblar Road termed the Active Transportation Project (“ATP”); and

WHEREAS, the proposed improvements are intended to enhance bike and pedestrian safety by adding bicycle facilities, as well as proven safety treatments, including curb extensions, pedestrian crossings, filling sidewalk gaps, and traffic signal upgrades; and

WHEREAS, at its Regular Meeting on January 13, 2015, City Council authorized a resolution of support for the ATP; and

WHEREAS, on May 26, 2015 the City Council adopted a resolution to file an ATP grant application for pedestrian and bike improvements on Ojai Avenue and Maricopa Highway, supporting the project utilizing a previously awarded Congestion Mitigation and Air Quality grant for matching funds, and

WHEREAS, the grant application was successful, resulting in \$2.3 million in ATP funds, combined with \$1.3 million in CMAQ funds, \$ 642,000 in TDA Article 3 funds, and \$242,500 in HSIP funds, for a total project of \$4.637 million; and

WHEREAS, at its Regular Meeting on December 13, 2016, City Council reviewed the concept design for ATP. At its Regular Meeting on January 22, 2019, Council affirmed the design and priorities. At its Regular Meeting on June 11, 2019, Council authorized a contract with Alta Planning and Design to prepare design documents necessary to secure a Caltrans permit for construction of ATP and the Council has met multiple times since then to review the design of the project; and

WHEREAS, on February 22, 2022, the City Council approved the latest design for the ATP; and

WHEREAS, on May 26, 2022 the City Council voted to proceed with the ATP ROW

acquisitions by sending out the Notice of Decision (“NDA”) to Appraise letters and associated brochures which are required by Caltrans; and

WHEREAS, the ATP requires various temporary construction easements from adjacent properties to build the proposed improvements; and

WHEREAS, City staff have identified 29 parcels within the ATP limits which require a temporary construction easement, an acquisition, or both to complete ATP; and

WHEREAS, the City has obtained several grants to fund ATP, which require the project to be ready for construction by October 2022 in order to maintain eligibility for the funding.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OJAI, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Recitals. All of the foregoing recitals are true and correct.

SECTION 2. Delegation of Authority. That the City Council delegates authority to the City Manager to act on their behalf to commence real property acquisitions discussions with the property owners impacted by ATP identified in the latest version of the ATP Plans considered at the August 23, 2022 City Council meeting, attached as Exhibit A, and to do the following on their behalf to complete the real property transactions necessary for the Project including acquiring temporary construction easements and ROW acquisitions for a not to exceed amount of \$500,000.

The City Council also authorizes the City Manager, following the certification of NEPA or upon receipt of authorization from Caltrans to commence early acquisition, whichever occurs first, to do the following on their behalf to complete the real property transaction necessary for the Project:

- (a) Accept counter offers, authorize settlements and execute purchase and sale agreements and escrow instructions;
- (b) Accept real property; and
- (c) Sign the Right of Way Agreement between Caltrans and the City; and
- (d) Sign the Caltrans Right of Way Certification for the Project; and
- (e) Execute and deliver any and all other documents, do any and all things, and take any and all actions that may be necessary or advisable, in his discretion, to complete the transactions described above and acquire temporary construction easements and permanent rights of way as needed for the ATP, within the budget authorization stated herein.

SECTION 3. Environmental Determination. The City Council determines that the following findings reflect the independent judgment of the City Council. The City Council finds that this resolution is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines section 15301, Class 1(c) because this project involves the alteration of existing highways and streets, sidewalks, bicycle and pedestrian trails, and similar facilities. The City Council also finds that this resolution is exempt from CEQA under CEQA Guidelines

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section 15304, Class 4(h) because this resolution involves the creation of bicycle lanes on existing rights-of-way.

SECTION 4. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED this 23rd day of August, 2022 by the following vote:

AYES: Blatz, Francina, Haney, Stix, Weirick
NOES: None
ABSTAIN: None
ABSENT: None

CITY OF OJAI, CALIFORNIA

By:

Betsy Stix
Betsy Stix, Mayor

August 31, 2022
Date signed

ATTEST:

Gail Davis
Gail Davis, Deputy City Clerk

APPROVED AS TO FORM:

Matthew T. Summers
Matthew T. Summers, City Attorney