



Legislation Details (With Text)

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| Title: | CONSIDERATION OF A FENCE MAINTENANCE AGREEMENT BETWEEN THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION AND THE CITY OF CARSON, A PASS THROUGH AGREEMENT BETWEEN THE CITY AND WATSON LAND COMPANY, AND A MEMORANDUM OF RIGHT OF ENTRY (CITY COUNCIL) | | | | |
| Sponsors: | Public Works | | | | |
| Indexes: | | | | | |
| Code sections: | | | | | |
| Attachments: | 1. Exhibit No. 1 (PC Minutes), 2. Exhibit No. 2 (Porsche Driving Center Location Map), 3. Exhibit No. 3 (City-Caltrans) FenceMaintenanceAgreement, 4. Exhibit No. 4 (Passthrough and Reimbursement Agreement - Watson_Porsche), 5. Exhibit No. 5 (Memorandum of Right of Entry (Watson Porsche Revised)) | | | | |

| Date | Ver. | Action By | Action | Result |
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Report to Mayor and City Council

Wednesday, June 08, 2016

Consent

SUBJECT:

CONSIDERATION OF A FENCE MAINTENANCE AGREEMENT BETWEEN THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION AND THE CITY OF CARSON, A PASS THROUGH AGREEMENT BETWEEN THE CITY AND WATSON LAND COMPANY, AND A MEMORANDUM OF RIGHT OF ENTRY (CITY COUNCIL)

I. SUMMARY

A decorative boundary fence (fence) is proposed to be installed along the I-405 south bound on-ramp, within private property owned by Watson Land Company (Watson) adjacent to the State of California Department of Transportation (Caltrans) right-of-way. The proposed fence will be used as a security measure for the Porsche Experience Driving Center and will replace the current chain link fence that is owned by Caltrans that is within their right-of-way. In situations such as this, Caltrans' practice is to enter into maintenance agreements with the residing municipal agency, in this case, the City of Carson (City), rather than directly with a third party, in this case Watson. As such, Watson has requested that the City enter into the Fence Maintenance Agreement with Caltrans and, in turn, Watson will agree to carry out all of the City's obligations under the Fence Maintenance

Agreement.

In order to carry out this agreement, the City must enter into both the Fence Maintenance Agreement with Caltrans and the “Pass Through Agreement” with Watson. Additionally, a “Memorandum of Right of Entry” must also be executed with Watson and Porsche Cars North America, as Watson’s tenant, and recorded on the subject property so that the City may gain access as may be needed, pursuant to the Pass Through Agreement.

II. RECOMMENDATION

TAKE the following actions:

1. AUTHORIZE the Mayor to execute the Fence Maintenance Agreement between the State of California Department of Transportation and the City of Carson, following approval as to form by the City Attorney.
2. AUTHORIZE the Mayor to execute the Pass Through Agreement between City and Watson Land Company, following approval as to form by the City Attorney.
3. AUTHORIZE the Mayor to execute the Memorandum of Right of Entry between the City, Porsche Cars North America, and Watson Land Company, following approval as to form by the City Attorney.

III. ALTERNATIVES

1. DO NOT APPROVE the Fence Maintenance Agreement and the Pass Through Agreement, and the Memorandum of Right of Entry.
2. TAKE another action the City Council deems appropriate.

IV. BACKGROUND

On October 23, 2012, the Planning Commission approved the Porsche Experience Driving Center project to be developed on a 53-acres site that was a former landfill, owned by Watson Land Company (Exhibit No. 1). The project is a driver training facility with two levels of parking and includes a museum, restaurant, retail, and office spaces. The triangular shaped site is located at 19220 S. Main Street, bounded by a transmission line property to the south, Main Street to the west and the I-405 to the east (Exhibit No. 2).

The Planning Commission approved a proposed dark decorative metal fence to be installed around the perimeter of the site. This fence is proposed to be installed along the I-405 south bound on-ramp, within private property owned by Watson adjacent to the Caltrans right-of-way. Caltrans requires a maintenance agreement prior to permit issuance since the proposed fence is replacing a Caltrans-owned chain link fence located in Caltrans’ right- of-way.

In these situations, for the purpose of ensuring a fence exists that separates a property from their right-of-way, Caltrans’ practice has been to enter into a maintenance agreement between the residing municipal agencies of the development or property, rather than into a maintenance agreement directly between the developer and Caltrans. In this particular case, the City is the residing municipal agency that will have a maintenance agreement with Caltrans, on behalf of Watson (developer) (Exhibit No. 3). In order to ensure that the

developer is fully responsible for all terms of the maintenance agreement between the City and Caltrans, it is also proposed that the City execute a Pass Through Agreement with Watson (Exhibit No. 4). The Pass Through Agreement also contains a provision that allows the City to take over work related to the proposed fence if it is determined that Watson is not fulfilling its obligations. In such a case, the City would need to enter the subject property to maintain the fence, and it is further proposed that the City execute and record a Memorandum of Right of Entry to ensure that the City has the authority to enter into the subject property (Exhibit No. 5).

V. FISCAL IMPACT

None.

VI. EXHIBITS

1. Minutes, October 23, 2012, Item No. 11. (pgs. 4-8)
2. Location Map. (pg. 9)
3. Fence Maintenance Agreement between City and Caltrans. (pgs. 10-19)
4. Pass Through Agreement between the City and Watson Land Company. (pgs. 20-28)
5. Memorandum of Right of Entry. (pgs. 29-35)

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