



Administrative Report

H.11., File # 25-1097

Meeting Date: 8/5/2025

To: MAYOR AND CITY COUNCIL
From: ANDREW WINJE, PUBLIC WORKS DIRECTOR

TITLE

ADOPT BY TITLE ONLY RESOLUTION NO. CC-2508-060 OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, AUTHORIZING THE CITY ENGINEER TO EXECUTE TEMPORARY CONSTRUCTION AND ACCESS AGREEMENTS ON PRIVATE PROPERTY PURSUANT TO CONSTRUCTION OF PUBLIC WORKS PROJECTS

EXECUTIVE SUMMARY

Adoption of the proposed resolution would authorize the City Engineer to execute temporary access agreements with private property owners on behalf of the City, when such access is required to complete public works projects adjacent to that private property. These agreements are only intended for use during construction, do not to run in perpetuity, do not require a certificate of acceptance, and do not allow any exchange of money. The form of the agreement is attached as a template and has been approved by the City Attorney's office.

The intent of the authorization is to support timely project delivery without the need to bring a specific agreement to the City Council for approval. The City Council previously provided this signature authorization on December 5, 2017, relying on a 1992 resolution (City Council Resolution 7510) allowing the City Engineer to accept property rights (land conveyances) on behalf of the City. However, the reliance upon the land conveyance doctrine in Resolution 7510 leaves an open question about the need to record these temporary agreements with the County Recorder. The recordation process can significantly delay projects, contrary to the intent of the City Council's 2017 authorizing action.

Recent changes to the City Charter allow the City Council to designate signatories for agreements on behalf of the City. Therefore, staff recommends adoption of the attached Resolution based on language in the revised City Charter rather than the 1992 Resolution. Adoption of the proposed Resolution would maintain the authority previously granted to the City Engineer by the City Council, and would eliminate the question about needing to record the document with the County, which adds to project timelines.

BACKGROUND

The Public Works Department is tasked with implementing public works construction projects on behalf of the City both at City owned properties and in the public right-of-way. On occasion, during the implementation of these projects, it is necessary for City staff or their contracted agents (i.e. contractors) to access work through, or from, private property or, in some cases, do ancillary work on

private property. To formalize the private property owner's permission and to clarify the City's work and responsibilities to the property owner, City Council approved a template agreement on December 5, 2017 and authorized the City Engineer to execute these agreements on behalf of the City with the intent to expedite the process and support timely project delivery.

However, the 2017 action was founded on an earlier adopted resolution related to accepting land rights conveyed to the City for permanent easements and dedications. These documents, being permanent encumbrances on the parcel, are typically recorded with the County. The temporary access agreements are only intended for use during the period of construction, do not to run in perpetuity with the land, and do not require the formalities of a dedication, like a certificate of acceptance. Despite that, there is some question as to whether the temporary access agreements require recordation since they were based on a resolution dealing with acceptance of land conveyance rights.

Therefore, staff is proposing the City Council approve a new resolution that gives the City Engineer authority to sign the temporary access agreements without the reference to land conveyance doctrine, made possible by recent language changes in the City Charter. The attached template agreement, which staff also recommends for approval as to form, contains updated language to remove reference to the old resolution and further streamlines the intent of the signature authorization by the City Engineer to support timely project delivery.

COORDINATION

The Public Works Department staff prepared the proposed Resolution and updated agreement template with the City Attorney's Office.

FISCAL IMPACT

There is no fiscal impact associated with approval of the Resolution or updated language in the template agreement.

APPROVED BY:

Mike Witzansky, City Manager

ATTACHMENTS

- Attachment 1 - Proposed Resolution No. CC-2508-060 Authorizing the City Engineer to Sign Temporary Construction and Access Agreements
- Attachment 2 - Resolution No. 7510 Authorizing the City Engineer to Accept Temporary Access for Public Works Construction Purposes, September 22, 1992