



G&M Oil Company Facility No. 70

**Approve License Agreement and
Landscape Maintenance Agreement**

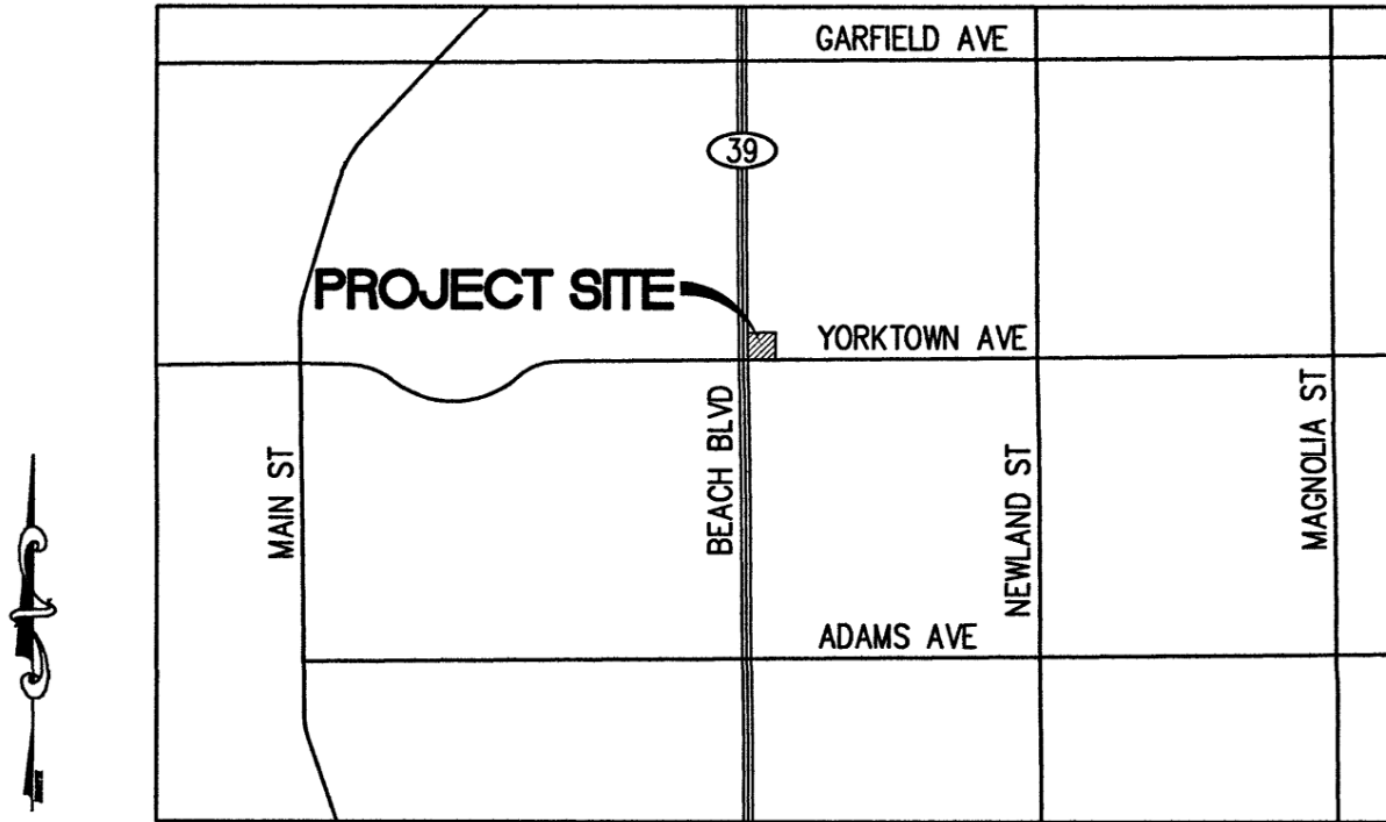
Department of Public Works

BACKGROUND

- The G&M Oil Company Facility No. 70 project is located at 19442 Beach Boulevard, near the intersection with Yorktown Avenue (Attachment 1). Developed by G&M Oil, the project will construct a new convenience store at an existing gas station to provide drinks, snacks, and other to-go items. The project consists of one convenience store totaling 1,175 square feet and a covered trash enclosure.
- As part of the development requirements, the developer was required to construct a streetlight, concrete walkways, landscaping, and irrigation in State Route 39 (Beach Boulevard) along the project frontage. State Route 39 is operated by the California Department of Transportation (Caltrans).
- The developer was also required to assume maintenance responsibilities of the constructed improvements in State Route 39. Caltrans will not directly sign agreements with developers, only governmental agencies. To satisfy the maintenance requirements, the City signs a maintenance agreement with Caltrans and then signs another separate maintenance agreement with the developer to pass maintenance responsibility to the developer.



LOCATION MAP



VICINITY MAP

N.T.S.



NEED/WHY/BENEFITS

- The project's development requirements included the maintenance responsibilities of hardscape and street lighting improvements within State Route 39 along the project frontage. To document this responsibility, the project developer is required to execute a License Agreement for all hardscape, landscape, irrigation, and street lighting within State Route 39 Right-of-Way. This agreement also addresses sidewalk cleaning, disposal of trash, and all other aspects of maintenance.
- The California Department of Transportation (Caltrans), the owner of State Route 39 Right-of-Way, will only enter into maintenance agreements with governmental agencies, not private developers. Consequently, there are two agreements necessary to adequately address maintenance responsibility. The Landscape Maintenance Agreement between the City and Caltrans passes maintenance responsibilities from Caltrans to the City, and the License Agreement between the City and G&M GAPCO LLC (G&M Oil), passes maintenance responsibilities from the City to the developer.
- Executing these agreements allows the developer to meet the development requirements and transfers maintenance responsibility to the developer, which results in no maintenance responsibilities for the City.



DETAILS

- The constructed improvements along the project frontage within Caltrans Right-of-Way on State Route 39 (Beach Boulevard) include concrete walkways, landscaping, irrigation, streetlight, conduit, and pull boxes.
- Maintenance responsibilities include sidewalk cleaning and disposal of trash in addition to the previously mentioned improvements.
- Executing both agreements will pass all maintenance responsibilities to the developer and free the City of maintenance responsibility. The City signs two separate agreements with Caltrans and the developer due to Caltrans not signing agreements directly with developers, only governmental agencies like the City.



RECOMMENDATION

- A) Approve and authorize the Mayor and City Clerk to execute the License Agreement between the City of Huntington Beach and G&M GAPCO LLC (G&M Oil, the project developer), to provide maintenance of improvements within State Highway Right-of-Way on State Route 39 (Beach Boulevard) for the G&M Oil Facility No. 70 project (Attachment 2); and
- B) Approve and authorize the Mayor and City Clerk to execute the Landscape Maintenance Agreement between the City of Huntington Beach and State of California (Caltrans) for improvements within State Highway Right-of-Way on State Route 39 (Beach Boulevard) for the G&M Oil Company Facility No. 70 project (Attachment 3).



Questions?

