



Legislation Text

File #: 22-0969, Version: 1

PUBLIC RIGHT-OF-WAY RESTORATION AT HARBOR AND COMMONWEALTH, TERMINATION OF ENCROACHMENT AT 100 NORTH HARBOR BOULEVARD AND POSSIBLE CONSIDERATION OF A SETTLEMENT AGREEMENT APPROVAL

Consideration of restoring the public right-of-way sidewalk at Harbor and Commonwealth to public use which requires adoption of a resolution, directing staff to terminate the existing Site Lease and Encroachment Agreements and notify the leaseholder and property owners of such termination and possible consideration of a draft Settlement Agreement.

Recommendation:

1. Adopt Resolution No. 2022-XXX.

RESOLUTION NO. 2022-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, DECLARING THE NEED TO RETURN PUBLIC RIGHT-OF-WAY AT THE NORTHEAST CORNER OF HARBOR BOULEVARD AND COMMONWEALTH AVENUE TO PUBLIC USE

2. Find that the Site Lease and Encroachment Agreement is terminable and should be terminated based on default by abandonment and failure to pay required rent.
3. Find that restoration of the full width of the public sidewalk adjacent to 100 North Harbor Boulevard is necessary and appropriate.
4. Direct staff to notify the leaseholder of the termination and notify the property owner of 100 North Harbor Boulevard to remove any and all encroachments into the public right-of-way within 60 days of such notice or pursuant to the terms of any settlement agreement and to restore the right-of-way to its previous condition.
5. Approve Draft Settlement Agreement between the City of Fullerton and Mario Marovic for Commonwealth and Harbor LLC allowing the City Manager to sign final agreement, in a form approved by City Attorney's Office.