

ATTACHMENT A

RESOLUTION NO. 2021- 96

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, AUTHORIZING THE PUBLIC WORKS DIRECTOR, CITY ENGINEER, AND THEIR DESIGNEES TO EXECUTE RIGHT-OF-WAY CERTIFICATIONS

WHEREAS, the City of Newport Beach ("City") has transportation projects that are eligible to receive federal funding and are administered through the California Department of Transportation ("Caltrans") and also has transportation projects that are not federally funded but are within Caltrans' right-of-way;

WHEREAS, these projects require the City to certify that any right-of-way interests necessary for the project have been, or are being secured in accordance with applicable laws and regulations, or that no additional property rights or rights-of-way are required ("Right-of-Way Certifications"); and

WHEREAS, Right-of-Way Certifications are required to be signed by a City official authorized by the City Council to act on behalf of the City.

NOW, THEREFORE, the City Council of the City of Newport Beach resolves as follows:

Section 1: The City Council does hereby authorize the Public Works Director, City Engineer, and their designees to sign all Right-of-Way Certifications required for the above-referenced transportation projects.

Section 2: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 3: If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 4: The City Council finds the adoption of this resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 5: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

ADOPTED this 12th day of October, 2021.

Brad Avery
Mayor

ATTEST:

Leilani I. Brown
City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



Aaron C. Harp
City Attorney