Meeting Date: 6 /20/06

ACTION	TYPE OF ITEM
☐ Approved Recommendation	■ Info/Consent
☐ Ord. No(s). _____	☐ Report
☐ Res. No(s). _____	☐ Public Hearing (Info/consent)
☐ Other _____	☐ Other _____

Prepared By: Paul J. Wendt _____ Agenda Item No. I-2

Reviewed By: City Manager _____ City Attorney _____ Finance _____ Other *(Specify)*

DATE: June 8, 2006

TO: City Council

FROM: Paul J. Wendt, Supervising Civil Engineer
Development Services Department

SUBJECT: **Vacation of a Portion of a Seawall and Rip-Rap Maintenance Easement on Lot 72 of Tract No. 5196-05 (1560 Twin Tides Place)**

RECOMMENDATION

That City Council adopt a resolution:

1.) Vacating a portion of a seawall and rip-rap maintenance easement on Lot 72 of Tract No. 5196-05 located at 1560 Twin Tides Place.

2.) Authorizing the Mayor to sign a quitclaim deed to James J. Wilk and Barbara A. Wilk, Trustees under the Wilk Living Trust dated November 30, 1994, for vacation of a portion of a seawall and rip-rap maintenance easement on Lot 72 of Tract No. 5196-05 recorded as Document Number 2003-18167.

DISCUSSION

A 15-foot wide seawall and rip-rap maintenance easement in favor of the City was recorded along the southerly and easterly property lines of lot 72 of Tract No. 5196-05 as Document 2003-18167. This easement was recorded to provide the City with access behind the rip-rap (rock) slope for maintenance purposes. Lot 72 is the only lot within Tract No. 5196-05 that is burdened with a 15-foot wide easement along two sides of the lot. A home was constructed on this lot and two narrow portions of the house encroach into the 15-foot easement. The original 15-foot width was chosen to allow a pathway for construction vehicles along the outside edge of the rip-rap. Consultations with the design engineer for the rip-rap (Moffat and Nichol) resulted in a determination that maintenance would in all likelihood be provided from the waterside due to the existence of property line block walls and other typical backyard improvements. Staff recommends vacation of the non-crucial westerly 5 feet of this 15-foot maintenance easement. The resolution also authorizes the Mayor to sign a quitclaim deed to the current owner of Lot 72 of Tract No. 5196-05 for recordation.

FINANCIAL IMPACT

There is no estimated financial impact to the current fiscal year 2005-2006 budget.

(PJW)

Attachment #1 – Resolution vacating a portion of a seawall and rip-rap maintenance easement on Lot 72 of Tract No. 5196-05
Attachment #2 – Quitclaim Deed for a portion of Document Number 2003-18167

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD ORDERING VACATION OF A PORTION OF A SEAWALL AND RIP-RAP MAINTENANCE EASEMENT

WHEREAS, the City of Oxnard is the beneficiary of a seawall and rip-rap maintenance easement recorded as Document Number 2003-18167 across a portion of Lot 72 of Tract No. 5196-05; and

WHEREAS, the date of acceptance of the portion of the easement proposed for vacation was less than five years, and more than one year from today's date; and

WHEREAS, the easement has not been used continuously since the date of acceptance for provision of maintenance; and

WHEREAS, the vacation of the portion of the aforementioned easement described in the attached Exhibits A and B is consistent with the City's 2020 General Plan.

NOW, THEREFORE, the City Council of the City of Oxnard resolves:

1. The City Council finds that the portion of the seawall and rip-rap maintenance easement obtained as Document No. 2003-18167 across Lot 72 of Tract No. 5196-05, described in the Exhibits A and B ("Proposed Vacation"), attached hereto and incorporated herein by reference, is unnecessary for present or prospective use.

2. The Proposed Vacation is hereby ordered vacated in accordance with Chapter 4 of Part 3 of Division 9 of the Streets and Highways Code and Section 8333(b) thereof.

3. The City Clerk is instructed to cause a certified copy of this resolution, attested by the City Clerk under the seal of the City, to be recorded in the office of the Ventura County Recorder.

4. The City Clerk is instructed to cause recordation of a quitclaim deed for the Proposed Vacation.

5. From and after the date that this resolution is recorded with the Ventura County Recorder, a portion of the seawall and rip-rap maintenance easement being vacated shall no longer constitute a public service easement.

PASSED AND ADOPTED this ____ day of _____, 2006, by the following vote:

AYES:

NOES:

ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

06-13-06

Gary L. Gillig, City Attorney

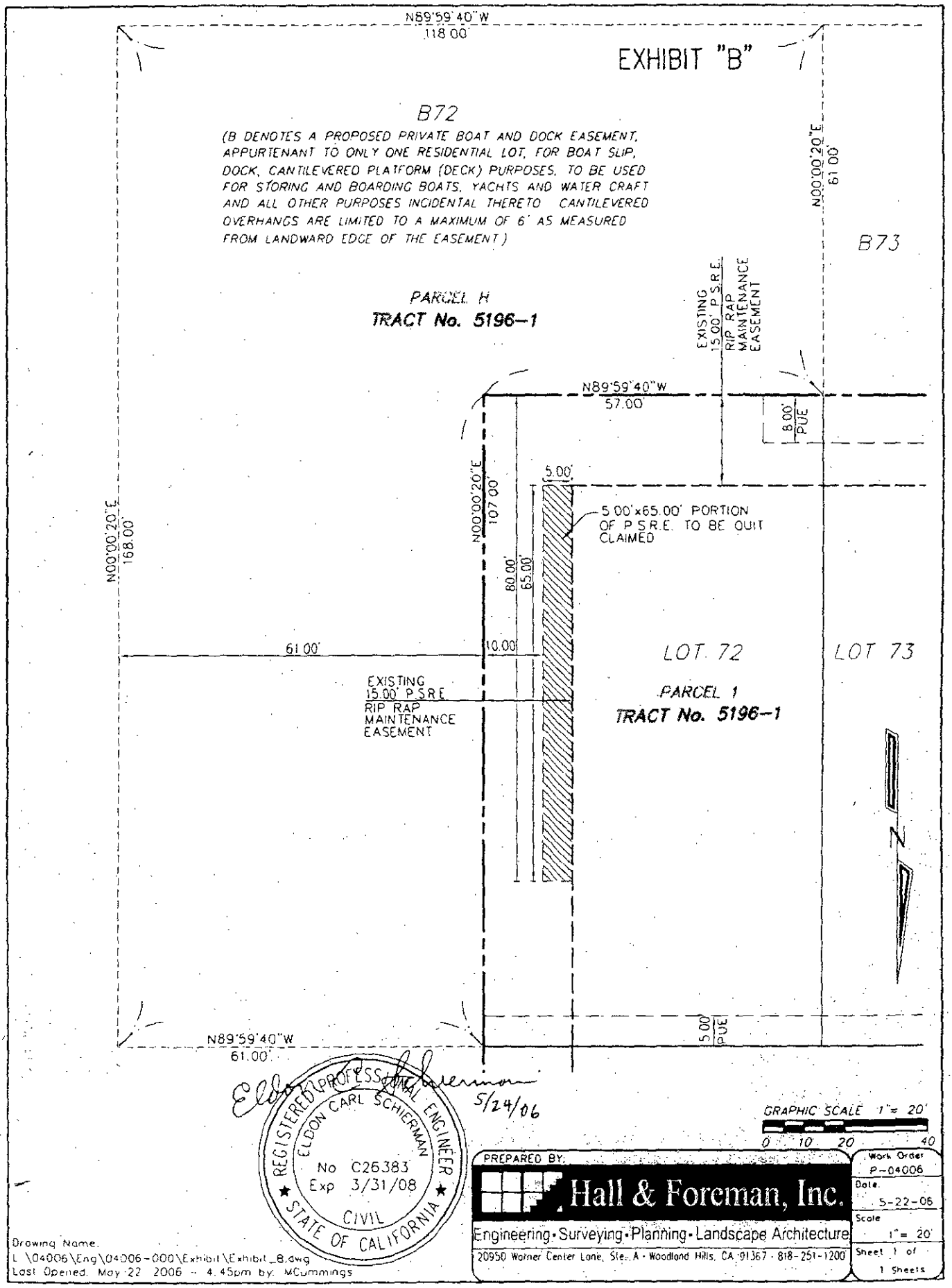
EXHIBIT "A"
LEGAL DESCRIPTION

A PORTION OF TRACT NO. 5196-1 IN THE CITY OF OXNARD, COUNTY OF VENTURA, STATE OF CALIFORNIA PER MAP RECORDED DECEMBER 30, 2002 IN BOOK 147, PAGES 14 THROUGH 19 INCLUSIVE OF MISCELLANEOUS RECORDS (MAPS) IN THE OFFICE OF THE COUNTY RECORDER OF SAID VENTURA COUNTY, BEING A PORTION OF THAT CERTAIN EASEMENT SHOWN ON SHEET 5 OF SAID TRACT MAP AS 15' P.S.R.E. PROPOSED SEAWALL AND RIP-RAP MAINTENANCE EASEMENT, SAID P.S.R.E. BEING ADJACENT TO, AND WESTERLY OF, THAT CERTAIN PRIVATE BOAT AND DOCK EASEMENT IDENTIFIED AS B72, MORE PARTICULARLY DESCRIBED AS:

THE WESTERLY 5.00 FEET OF THE SOUTHERLY 80.00 FEET, EXCEPT THEREFROM THE SOUTHERLY 15.00 FEET, OF SAID P.S.R.E.

Eldon C. Schiermann 5/26/06

REGISTERED PROFESSIONAL ENGINEER
ELDON CARL SCHIERMAN
No. C26383
CIVIL
STATE OF CALIFORNIA



ATTACHMENT # 1
PAGE 4 OF 4

RECORDING REQUESTED BY:
City of Oxnard
Request recording without fee. Record for benefit of City of Oxnard pursuant to Section 6103 of Government Code

WHEN RECORDED MAIL TO:
Oxnard City Clerk's Office
305 West Third Street
Oxnard, California 93030

QUITCLAIM DEED

In accordance with City of Oxnard City Council Resolution Number _____, the City of Oxnard, a political subdivision of the State of California ("Grantor"), does hereby convey, release, remise and forever quitclaim to James J. Wilk and Barbara A. Wilk, Trustees under the Wilk Living Trust dated November 30, 1994 ("Grantee"), all rights obtained by the instrument recorded as Document Number 2003-18167 over the portion of lot 72 of Tract No. 5196-05 described in Exhibit A and depicted in Exhibit B, attached hereto and incorporated herein in full by this reference:

Grantor:
City of Oxnard

By: _____
(Signature)
Dr. Thomas E. Holden, Mayor

STATE OF CALIFORNIA ss.
COUNTY OF _____

On _____, 20__ before me, _____ the undersigned, a notary public in and for said state, personally appeared _____, personally know to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____ Print Name _____
Principal Place of business _____ County
My Commission Expires _____ Commission No. _____

ATTACHMENT # 2
PAGE 1 OF 3

EXHIBIT "A"
LEGAL DESCRIPTION

A PORTION OF TRACT NO. 5196-1 IN THE CITY OF OXNARD, COUNTY OF VENTURA, STATE OF CALIFORNIA PER MAP RECORDED DECEMBER 30, 2002 IN BOOK 147, PAGES 14 THROUGH 19 INCLUSIVE OF MISCELLANEOUS RECORDS (MAPS) IN THE OFFICE OF THE COUNTY RECORDER OF SAID VENTURA COUNTY, BEING A PORTION OF THAT CERTAIN EASEMENT SHOWN ON SHEET 5 OF SAID TRACT MAP AS 15' P.S.R.E. PROPOSED SEAWALL AND RIP-RAP MAINTENANCE EASEMENT, SAID P.S.R.E. BEING ADJACENT TO, AND WESTERLY OF, THAT CERTAIN PRIVATE BOAT AND DOCK EASEMENT IDENTIFIED AS B72, MORE PARTICULARLY DESCRIBED AS:

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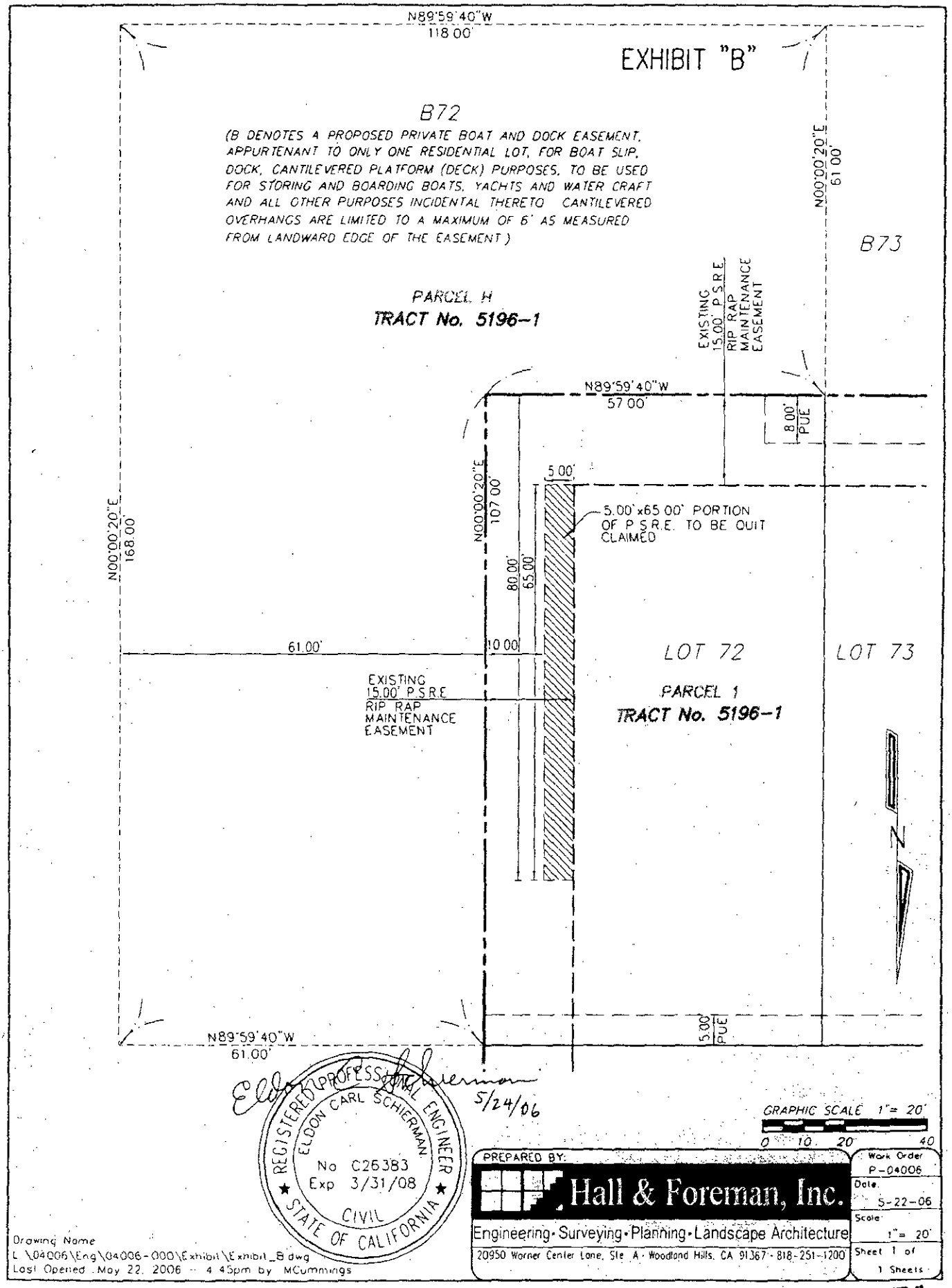

ATTACHMENT # 2
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