



Meeting Date: 10 /23/07

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input checked="" type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s). _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input type="checkbox"/> Public Hearing (Info/consent)
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Prepared By: Paul J. Wendt

Agenda Item No. I-2

Reviewed By: City Manager

City Attorney

Finance SW

Other (Specify)

DATE: October 9, 2007

TO: City Council

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

SUBJECT: Vacation of a Public Service Easement and a Temporary Ingress and Egress Easement Within the Riverpark Specific Plan Area.

### RECOMMENDATION

That City Council adopt a resolution:

- 1) Vacating a public service easement for public utility (water and sewer) purposes as described in the document recorded June 15, 1989, as instrument number 89-094624 of Official Records with the public utility easement starting westerly of the current Oxnard Boulevard/Town Center intersection and extending easterly to the newly constructed section of Myrtle Street within the Riverpark Specific Plan.
- 2) Vacating an easement for temporary ingress and egress purposes as described in the document recorded May 16, 2005, as instrument number 20050516-0119076 of Official Records and located at the southeast corner of Lot 13 of Tract 5352-1 within the Riverpark Specific Plan.
- 3) Authorizing the Mayor to sign a quitclaim deed to RiverPark A, L.L.C., for vacation of a public service easement recorded June 15, 1989 as Document Number 89-094624.
- 4) Authorizing the Mayor to sign a quitclaim deed to RiverPark A, L.L.C., for vacation of a temporary ingress and egress easement recorded May 16, 2005, as Document Number 20050516-0119076.

### DISCUSSION

On June 15, 1989, a public service easement recorded as document 89-094624 ("Utility Easement") was obtained from Oxnard Town Center for the installation of sewer and water lines to serve the first phase of the Town Center Development. This easement was temporary in nature until the then existing County Maintenance Yard was relocated. The easement also incorporates an area along the north side of recently vacated El Rio Road.

The Developers of the Riverpark Specific Plan have relocated the sewer and water lines that were within the Utility Easement and therefore the Utility Easement is no longer needed for current or prospective use.

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On May 16, 2005, a temporary ingress and egress easement recorded as document 20050516-0119076 ("Access Easement") was obtained from RiverPark A, L.L.C. for the construction of a temporary access road between Riverpark Boulevard and then existing El Rio Road. This easement allowed the public to obtain access to the County Maintenance Yard and Town Center Drive from Riverpark Boulevard.

On July 17, 2007, City Council approved the vacation of the nearby portion of El Rio Road, and the County Maintenance Yard has recently been relocated. The Access Easement is no longer needed for current or prospective use.

### **FINANCIAL IMPACT**

There is no anticipated financial impact to the current fiscal year 2007-2008 budget.

(PJW)

Attachment #1 – Resolution vacating a public service easement and vacating a temporary ingress and egress easement within the Riverpark Specific Plan area.

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RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD VACATING  
A PUBLIC SERVICE EASEMENT AND VACATING AN TEMPORARY INGRESS  
AND EGRESS EASEMENT WITHIN THE RIVERPARK SPECIFIC PLAN AREA.

WHEREAS, the City accepted a public service easement for public utility purposes (“Utility Easement”) in a document recorded June 15, 1989, as instrument number 89-094624 of Official Records; and

WHEREAS, the Utility Easement is no longer needed due to relocation of the utility lines within the easement; and

WHEREAS, the City accepted a temporary ingress and egress easement (“Access Easement”) in a document recorded May 16, 2005 as instrument number 20050516-0119076 of Official Records; and

WHEREAS, the Access Easement is no longer needed due to the vacation of the portion of El Rio Road served by the Access Easement; and

WHEREAS, the Utility Easement and Access Easement are currently unnecessary for present or prospective use; and

WHEREAS, vacating the Utility Easement and Access Easement bestows a public benefit by relieving the City of maintenance duties, costs and liabilities.

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

1. The City Council hereby finds that the public service easement for sewer and water line purposes recorded June 15, 1989, as instrument number 89-094624 of Official Records is unnecessary for present or prospective use because all utilities within the easement have been superseded by relocation and there are no other public facilities located within the easement.
2. The City Council hereby finds that the temporary ingress and egress easement recorded May 16 2005 as instrument number 20050516-0119076 of Official Records is unnecessary for present or prospective use because El Rio Road has been relocated and the easement no longer serves its intended purpose.
3. Vacation of the temporary ingress and egress easement is made under Chapter 4 of Part 3 of Division 9 of the Streets and Highways Code and Section 8330(a) thereof.
4. Vacation of the public utility easement is made under Chapter 4 of Part 3 of Division 9 of the Streets and Highways Code and Section 8333(c) thereof.
5. 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.
6. From and after the date that this resolution is recorded with the Ventura County Recorder, the public utility easement being vacated shall no longer constitute public service easement.
7. From and after the date that this resolution is recorded with the Ventura County Recorder, the temporary ingress and egress easement being vacated shall no longer constitute public right-of-way.
8. The Mayor is hereby authorized to sign a quitclaim deed to RiverPark A, L.L.C., for relinquishment of all rights related to the public service easement for sewer and water line purposes recorded June 15, 1989, as instrument number 89-094624 of Official Records.
9. The Mayor is hereby authorized to sign a quitclaim deed to RiverPark A, L.L.C., for relinquishment of all rights related to the temporary ingress and egress easement recorded May 16, 2005, as instrument number 20050516-0119076 of Official Records.

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ATTACHMENT # 1  
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Passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 2007, by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Dr. Thomas E. Holden, Mayor

ATTEST:

\_\_\_\_\_  
Daniel Martinez, City Clerk

APPROVED AS TO FORM:

*Gary L. Gillig* 10-16-07  
\_\_\_\_\_  
Gary L. Gillig, City Attorney

**RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:**

City of Oxnard  
305 West Third Street  
Oxnard, California 93030  
Attention: City Clerk

Request recording without fee. Record for the benefit of  
the City of Oxnard pursuant to section 6103 of the Government Code.

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Space above this line for Recorder's use

**QUITCLAIM DEED**

For valuable consideration, receipt of which is hereby acknowledged, the City of Oxnard, a municipal corporation of the State of California ("Grantor"), does hereby quitclaim to RiverPark A, L.L.C., a Delaware limited liability company ("Grantee"), all of its right, title, and interest in the public service easement for sewer and water line purposes recorded June 15, 1989, as instrument number 89-094624 of Official Records.

Dated: \_\_\_\_\_, 2007

**CITY OF OXNARD**, a municipal  
Corporation of the State of California

By: \_\_\_\_\_  
Dr. Thomas E. Holden  
Mayor

**NOTARIZATION REQUIRED**

**000011**

ATTACHMENT # 1  
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Dated: \_\_\_\_\_, 2007

**CITY OF OXNARD**, a municipal  
Corporation of the State of California

By: \_\_\_\_\_  
Dr. Thomas E. Holden  
Mayor

**NOTARIZATION REQUIRED**

**000013**

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ACKNOWLEDGMENT

STATE OF CALIFORNIA }  
 } ss.  
COUNTY OF VENTURA }

On \_\_\_\_\_, 2006, before me, \_\_\_\_\_,  
personally appeared \_\_\_\_\_, personally known 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.

\_\_\_\_\_

**000014**

ATTACHMENT # 1  
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