Meeting Date. 09/16/08

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-7

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

DATE: August 15, 2008

TO: City Council

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

SUBJECT: **Vacation of Right-of-Way for Moonlight Park Avenue Southerly of Danvers River Street Within the Riverpark Specific Plan**

RECOMMENDATION

That City Council adopt a resolution vacating the Moonlight Park Avenue (formerly Moss Landing Boulevard) right-of-way southerly of Danvers River Street within the Riverpark Specific Plan.

DISCUSSION

The right-of-way for Moonlight Park Avenue (formerly Moss Landing Boulevard) was dedicated to the City on the final map for Tract No. 5352-1, recorded in Book 150, Pages 76 through 92 of Miscellaneous Records (Maps). Moonlight Park Avenue was dedicated south of Forest Park Boulevard as an approximately 500 foot long street with a cul-de-sac on the southerly end. Subsequent to recordation of Tract No. 5352-1, the City approved Planning and Zoning Permit Number 06-200-015 for the construction of the commercial project known as "The Collections". The Collections is constructing a new street (Danvers River Street) along the northerly edge of their project which will intersect with Moonlight Park Avenue and thereby eliminate the need for the bulb end of the cul-de-sac. This resolution summarily vacates the right-of-way for the portion of Moonlight Park Avenue southerly of the newly created Danvers River Street.

This resolution also authorizes the Mayor to sign a quitclaim deed for the vacated right-of-way to Riverpark Collection, LLC as the underlying property owner of the vacated Moonlight Park Avenue right-of-way.

FINANCIAL IMPACT

There is no anticipated financial impact to the City budget.

(PJW)

Attachment #1 – Resolution vacating Moonlight Park Avenue (formerly Moss Landing Boulevard) right-of-way southerly of Danvers River Street
Attachment #2 – Quitclaim deed to Riverpark Collection, LLC. for Moonlight Park Avenue (formerly Moss Landing Boulevard) right-of-way southerly of Danvers River Street

City Council of the City of Oxnard

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD VACATING MOONLIGHT PARK AVENUE (FORMERLY MOSS LANDING BOULEVARD) RIGHT-OF-WAY SOUTHERLY OF DANVERS RIVER STREET.

WHEREAS, the City accepted the right-of-way for Moonlight Park Avenue (formerly Moss Landing Boulevard) on the final map for Tract 5352-1, recorded in Book 150, Pages 76 through 92 of Miscellaneous Records (Maps); and

WHEREAS, the portion of the Moonlight Park Avenue right-of-way southerly of Danvers River Street as described in attached Exhibit "A", and shown on attached Exhibit "B" is a portion of a street that lies within property under one ownership and does not continue through such ownership or end touching property of another; and

WHEREAS, section 8334(b) of the California Streets and Highways Code authorizes the City Council to summarily vacate the area set forth in Exhibit "B" and:

WHEREAS, the proposed vacation of the area set forth in Exhibit "B" is unnecessary for present or prospective use; and

WHEREAS, the proposed vacation of the area set forth in Exhibit "B" bestows a public benefit by relieving the City of future maintenance duties, costs, and liabilities.

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

1. The City Council hereby finds that all of the above recitals are true and correct.
2. The summary vacation of the Moonlight Park Avenue right-of-way will not cut off all access to any person's property.
3. The Mayor is hereby authorized to sign a quitclaim deed for the proposed vacation of the area set forth in Exhibit "B" quitclaiming all City rights to Riverpark Collection, LLC.
4. The City Clerk or designee is hereby authorized and directed to cause a certified copy of this resolution, attested to by the City Clerk under the seal of the City, to be recorded in the office of the Ventura County Recorder.
5. The City Clerk or designee is hereby authorized and directed to cause the executed quitclaim deed 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 right-of-way being vacated shall no longer constitute a public right-of-way.

Passed and adopted this ____ day of _____, 2008, by the following vote:

AYES:

NOES:

ABSENT:

_____
Dr. Thomas E. Holden, Mayor

ATTEST:

_____
Daniel Martinez, City Clerk

APPROVED AS TO FORM:

_____ FTY
Alan Holmberg, Acting City Attorney 7-8-08

ATTACHMENT # 1
PAGE 1 OF 1

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

Space above this line for Recorder's use

QUITCLAIM DEED

THIS QUITCLAIM DEED, by the City of Oxnard, a municipal corporation of the State of California ("Grantor"), does hereby quitclaim to RiverPark Collection, L.L.C., a Delaware limited liability company ("Grantee"), all of its right, title, and interest in the following property located in the City of Oxnard, State of California and described in Exhibits A and B, attached hereto and made a part hereof, together with all rights, privileges and appurtenances thereto.

TO HAVE AND TO HOLD the same unto Grantee and Grantee's heirs, administrators, executors, successors and assigns forever.

Dated: _____, 2008

APPROVED AS TO FORM:

By: _____ for
Alan Holmberg, Acting City Attorney
11-8-08

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

By: _____
Dr. Thomas E. Holden
Mayor

NOTARIZATION REQUIRED

ATTACHMENT # 2
PAGE 1 OF 4

ACKNOWLEDGEMENT

State of California
County of _____

On _____before me, _____.
(here insert name and title of the officer.)

personally appeared_____
_____
_____

who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing is true and correct.

WITNESS my hand and official seal.

Signature_____

(Seal)

HUITT-ZOLLARS

HUITT-ZOLLARS, INC. • 430 Exchange • Suite 200 • Irvine, CA 92602-1315 • 714.734.5100 phone • 714.734.5155 fax • huitt-zollars.com

10-1198-17 (A)
03-31-08
Revised
04-30-08

EXHIBIT "A"
LEGAL DESCRIPTION
THE COLLECTION AT RIVERPARK
MOONLIGHT PARK AVENUE
STREET VACATION

That portion of Moonlight Park Avenue, formerly Moss Landing Boulevard as dedicated on Tract No. 5352-1, in the City of Oxnard, County of Ventura, State of California, as shown on the map filed in Book 150, Pages 76 through 92, inclusive, of Miscellaneous Records (Maps), in the office of the County Recorder of said County, lying Southwesterly of the following described line:

Beginning at the intersection of a line being parallel with and 36.00 feet Southwesterly of the Northeasterly line of Lot 10 of said Tract No. 5352-1 and the Southeasterly line of said Lot 10; thence South 48°03'54" East 107.80 feet to the intersection of a line being parallel with and 36.00 feet Southwesterly of the Northeasterly line of Lot 15 of said Tract No. 5352-1 and the Northwesterly line of said Lot 15.

Containing an area of 0.247 acres, (10,776 square feet) more or less.

Subject to covenants, conditions, reservations, restrictions, right of way and easements, if any of record.

James L. Garvin
JAMES L. GARVIN, PLS 6343

PROFESSIONAL LAND SURVEYOR
JAMES L. GARVIN
NO. 6343
EXP. 12/31/2008
STATE OF CALIFORNIA

q/10-1198-17/a/l/moonlight/zk/pp

ATTACHMENT # 2
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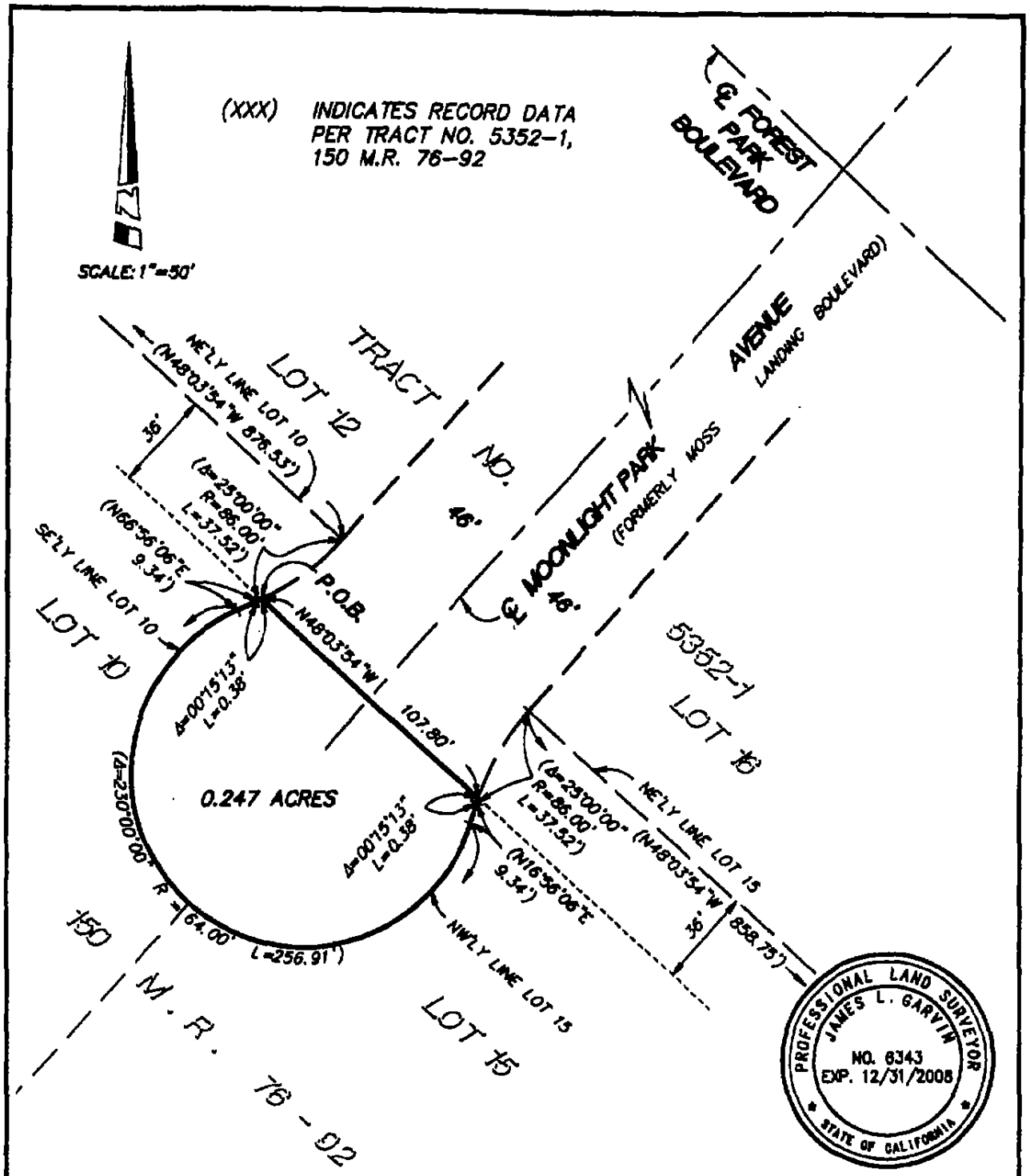

HUITT-ZOLLARS Huitt-Zollars, Inc. Irvine 430 Exchange, Suite 200, Irvine, CA 92602-1315 Phone (714) 734-5100 Fax (714) 734-5155 APPROVED BY James L. Garvin 4-30-2008	SKETCH TO ACCOMPANY A LEGAL DESCRIPTION EXHIBIT "B" MOONLIGHT PARK AVENUE (FORMERLY MOSS LANDING BOULEVARD) STREET VACATION	SCALE 1"=50' DRAWN BY DAO CHECKED BY JLG DATE 04-30-2008 JOB NO. 10-1198-17

D:\10119817\MAP119817\dwg\119817JEX03.dwg

ATTACHMENT # 2
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