



Meeting Date: 2/10/09

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: Robert Hearne *RH*

Agenda Item No. I-6

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

DATE: February 3, 2009

TO: City Council

FROM: Robert Hearne, Civil Engineer
Development Services

SUBJECT: Vacation of a Landscape and Sidewalk Easement located within the Riverpark Development

RECOMMENDATION

That City Council:

1. Adopt a resolution ordering the vacation of a landscape and sidewalk easement located within the Riverpark Development on the east side of North Ventura Road approximately 600 feet south of Forest Park Boulevard and,
2. Authorize the Mayor to sign a quitclaim deed for the proposed vacation transferring all City rights to RP Apartment Ventures, LLC.

DISCUSSION

A landscape and sidewalk easement as described in a deed recorded as Document No. 89-094625 filed in the City of Oxnard, County of Ventura, State of California, was accepted by the City of Oxnard but a portion of the easement, as described in Exhibit A and as shown in Exhibit B, is now unnecessary for present or prospective use. The easement is a thirty and one half foot wide easement for landscaping and sidewalk purposes. The easement was intended to serve the adjoining street right-of-way. The street right-of-way has been realigned and this landscape and sidewalk easement is no longer needed. There are no in-place public utility facilities which would be affected by the vacation.

This resolution also authorizes the Mayor to sign a quitclaim deed for the vacated landscaping and sidewalk easement to Riverpark Apartment , LLC as the underlying property owner of the vacated easement.

FINANCIAL IMPACT

There is no anticipated financial impact to the City budget.

RTH

Attachment #1 – Exhibit A, legal description of the portion of easement to be vacated.

Attachment #2 – Exhibit B, the plat that illustrates the portion of the easement to be vacated.

Attachment #3 - Resolution vacating a landscape and sidewalk easement on the east side of North Ventura Road approximately 600 feet south of Forest Park Boulevard within the Riverpark Development

Attachment #4 - Quitclaim deed to Riverpark Apartments, LLC, for the landscape and sidewalk easement on the east side of North Ventura Road approximately 600 feet south of Forest Park Boulevard within the Riverpark Development

EXHIBIT "A"
(LANDSCAPING AND SIDEWALK EASEMENT VACATION)

Those portions of Lots 4 and 5 of Tract No. 5352-1, in the city of Oxnard, county of Ventura, state of California, as shown on the map filed in Book 150 at Page 76 of Miscellaneous Records (Maps) of said county described as follows:

That portion of Lot 1 of PZ 06-310-05 (Lot Merger), in the city of Oxnard, county of Ventura, state of California, as described in the document number 20060613-0125457 of Official Records of said county described as follows:

Beginning at the most westerly corner of said Lot 1; thence along the northwesterly line of said Lot 1 the following 3 courses,

- 1st North 46°35'24" East, a distance of 276.18 feet; thence,
- 2nd South 43°24'36" East, a distance of 6.00 feet; thence,
- 3rd North 46°35'24" East, a distance of 80.72 feet to the beginning of a curve concave southeasterly, having a radius of 546.00 feet, a radial line to the center of said curve bears S 34°54'29" E, thence along said curve,
- 4th Northeasterly an arc distance of 193.00 feet, through a central angle of 20°15'10"; thence,
- 5th South 43°25'15" East, a distance of 35.11 feet to the beginning of a non-tangent curve to the left, having a radius of 515.50 feet, a radial line to the center of said curve bears S 12°46'37" E, thence along said curve,
- 6th Westerly, southwesterly an arc distance of 275.61 feet, through a central angle of 30°37'59"; thence,
- 7th South 46°35'24" West, a distance of 273.70 feet to the southwesterly line of said Lot 1; thence along westerly line of said Lot 1,
- 8th North 48°03'54" West, a distance of 30.60 feet to the Point of Beginning.

The above described parcel of land is delineated on the attached Exhibit "B"



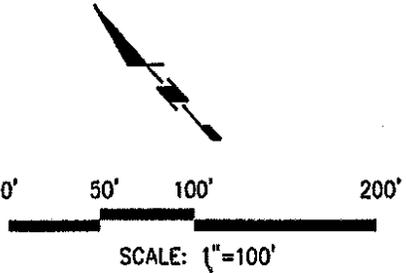
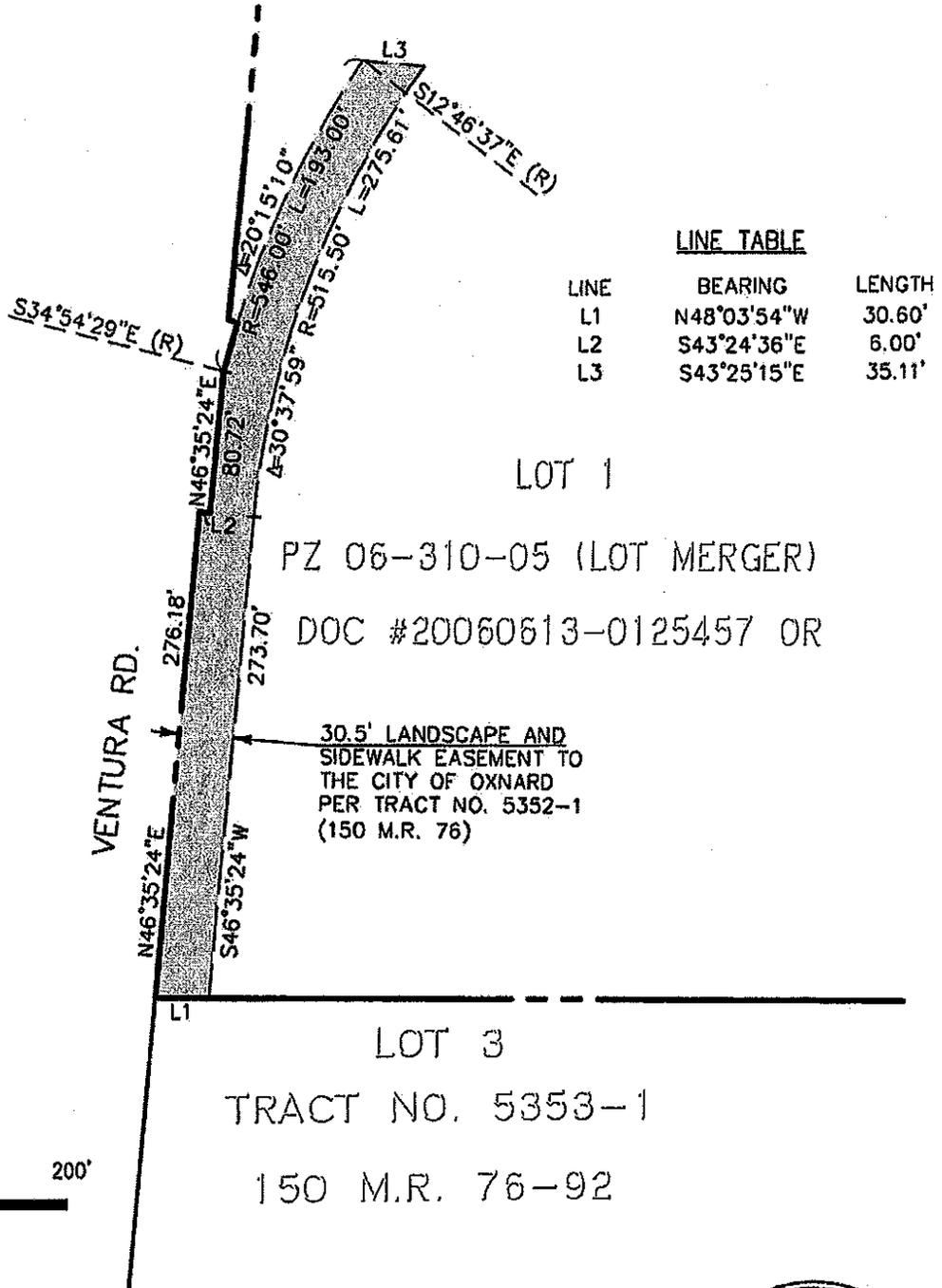
Gregory L. Rice
LS 8201 (Exp. 03/31/09)

11/12/08
Date



EXHIBIT "B"

(LANDSCAPING AND SIDEWALK EASEMENT VACATION)



LEGEND

(R) RADIAL

SHADED AREA DENOTES LAND DESCRIBED IN THE ATTACHED EXHIBIT "A"

Gregory L. Rice
 GREGORY L. RICE DATE 11/12/08
 LS 8201 (EXP 03/31/09)



1:10123823 | Survey | Exhibits | 3823 Ex. B | Landscape & Sidwalk Easmt Vacation.dwg | Nov 12, 2008, 10:17am | alpton

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 LANDSCAPING AND SIDEWALK EASEMENT LOCATED APPROXIMATELY 600- FEET SOUTH OF FOREST PARK BOULEVARD ON NORTH VENTURA ROAD WITHIN THE RIVERPARK DEVELOPMENT.

WHEREAS, the City of Oxnard accepted a thirty and one half (30.5) foot wide landscaping and sidewalk easement as described in a deed recorded as Document No. 89-094625 filed in the City of Oxnard, County of Ventura, State of California; and

WHEREAS, a portion of the landscaping and sidewalk easement has been superseded by relocation and there are no other public facilities located within this portion of the easement; and

WHEREAS, the portion of the landscaping and sidewalk easement being vacated is currently unnecessary for present or prospective use; and

WHEREAS, the public purpose served by vacating this easement is a reduction in potential liability claims.

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

1. The City Council hereby finds that a portion of the landscaping and sidewalk easement as described in a deed recorded as Document No. 89-094625 filed in the City of Oxnard, County of Ventura, State of California is unnecessary for present or prospective use because the easement has been superseded by relocation and no other public facilities are located within the easement. The portion to be vacated is further described in Exhibit A and shown in Exhibit B attached hereto,
2. The vacation of a landscaping and sidewalk easement is made under Chapter 4 of Part 3 of Division 9 of the Streets and Highways Code and Section 8333(c) 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. From and after the date that this resolution is recorded with the Ventura County Recorder, the portion of the landscaping and sidewalk easement being vacated shall no longer constitute a landscaping and sidewalk easement.
5. The Mayor is hereby authorized to sign a quitclaim deed for the proposed vacation of the area set forth in Exhibits "A" and "B" quitclaiming all City rights to RP Apartment Ventures, LLC.
6. 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.

Passed and adopted this ____ day of _____, 2009, by the following vote:

AYES:

NOES:

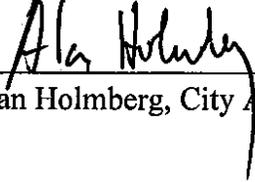
ABSENT:

Dr. Thomas Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, 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.

D - 4396

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 RP Apartment Ventures, L.L.C., ("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: _____, 2009

APPROVED AS TO FORM:

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

By: Alan Holmberg
Alan Holmberg
City Attorney

By: _____
Dr. Thomas E. Holden
Mayor

NOTARIZATION REQUIRED

ATTACHEMENT # 4
PAGE 1 OF 3

ACKNOWLEDGMENT

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 paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

(Seal)

ACKNOWLEDGMENT

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.

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Signature _____

(Seal)