



Meeting Date: 04/21/09

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: Paul J. Wendt

Paul J. Wendt

Agenda Item No. I-2

Reviewed By: City Manager

[Signature]

City Attorney *SMT* Finance *J.C.* Other (Specify)

DATE: April 6, 2009

TO: City Council

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

[Signature]

SUBJECT: **Vacation of four (4) Irrevocable Offers of Dedication Within the Riverpark Specific Plan**

RECOMMENDATION

That City Council adopt a resolution to vacate two (2) irrevocable offers of dedication for street and public utility purposes and vacate two (2) additional irrevocable offers of dedication for public utility purposes within the Riverpark Specific Plan.

DISCUSSION

Riverpark Trust A executed two (2) irrevocable offers of dedication for street and public utility purposes and two (2) irrevocable offers of dedication for public utility purposes within the Riverpark Specific Plan. These irrevocable offers of dedication were recorded on January 27th, 2005 as document numbers 20050127-0021249 (D-3425), 20050127-0021252 (D-3428), 20050127-0021258 (D-3434), and 20050127-0021261 (D-3437). Under an irrevocable offer of dedication the dedicated land remains under private ownership until such time as the City determines that acceptance of the offer is appropriate. No further action is required of the property owner. These particular easements set aside area for a future street (now Danvers River Street) that would be needed in the future. In January of 2005 the irrevocable offers were rejected by the City but the offer was to remain open for future acceptance by the City.

The Collections (Riverpark Collection, LLC) project within Riverpark designed and constructed Danvers River Street within the area of these irrevocable offers of dedication as a part of their development. The final alignment of Danvers River Street varied slightly from the original assumptions under the irrevocable offers. Riverpark Collection, LLC provided a new easement recorded November 6th, 2008 as document 20081106-00162975-0 for the new alignment. The four (4) original irrevocable offers currently remain open. Passing the proposed resolution will permanently vacate the offers and they will no longer encumber the Collections property.

FINANCIAL IMPACT

There is no anticipated financial impact to the City budget.

(PJW)

Subject: Vacation of four (4) Irrevocable Offers of Dedication Within the Riverpark Specific Plan
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Attachment #1 – Resolution vacating two (2) irrevocable offers of dedication for street and public utility purposes and vacating two (2) irrevocable offers of dedication for public utility purposes within the Riverpark Specific Plan

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD VACATING TWO (2) IRREVOCABLE OFFERS OF DEDICATION FOR STREET AND PUBLIC UTILITY PURPOSES AND VACATING TWO (2) IRREVOCABLE OFFERS OF DEDICATION FOR PUBLIC UTILITY PURPOSES WITHIN THE RIVERPARK SPECIFIC PLAN.

WHEREAS, the City rejected two (2) irrevocable offers of dedication for street and public utility purposes and rejected two (2) irrevocable offers of dedication for public utility purposes recorded on January 27th, 2005 as document numbers 20050127-0021249, 20050127-0021252, 20050127-0021258, and 20050127-0021261; and

WHEREAS, all four (4) irrevocable offers of dedication were rejected at the time of initial recordation but the offer was to remain open for possible future acceptance by the City without further action by the Grantor; and

WHEREAS, the necessary street and public utility purposes offered by these irrevocable offers have been superseded by a modified dedication recorded November 6th, 2008 as document 20081106-00162975-0; and

WHEREAS, the street and public utility easements offered under the four (4) irrevocable offers of dedication are unnecessary for present or prospective use; and

WHEREAS, Section 8330 of Part 3 of Division 9 of the Streets and Highways Code authorizes the City Council to summarily vacate these four (4) irrevocable offers of dedication; and

WHEREAS, the vacation of these four (4) irrevocable offers of dedication will not cut off all access to a person's property; and

WHEREAS, the vacation of these four (4) irrevocable offers of dedication will not terminate a public service easement; and

WHEREAS, the proposed vacation of the irrevocable offers of dedication bestows a public benefit by relieving the City of future 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 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.
3. From and after the date that this resolution is recorded with the Ventura County Recorder, the irrevocable offers of dedication recorded as document numbers 20050127-0021258 and 20050127-0021261 are permanently rejected and shall no longer constitute irrevocable offers of dedication for street and public utility purposes.
4. From and after the date that this resolution is recorded with the Ventura County Recorder, the irrevocable offers of dedication recorded as document numbers 20050127-0021249 and 20050127-0021252 are permanently rejected and shall no longer constitute irrevocable offers of dedication for public utility purposes.
5. The right-of-way for public streets and public utility purposes recorded November 6th, 2008 as document 20081106-00162975-0 is necessary for public purposes and supersedes the vacated irrevocable offers and is not affected by this resolution.

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

AYES:

NOES:

ABSENT:

ATTEST:

Daniel Martinez, City Clerk

Dr. Thomas E. Holden, Mayor

APPROVED AS TO FORM:



Alan Holmberg, City Attorney