



Meeting Date: 09/25/12

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-4

Reviewed By: City Manager

City Attorney

Finance

Other (Specify)

DATE: September 11, 2012

TO: City Council

FROM: Paul J. Wendt
Development Services

SUBJECT: Vacation of Excess Right-of-Way Along the South Side of Gonzales Road East of Williams Drive

RECOMMENDATION

That City Council adopt a resolution summarily vacating a strip of excess right-of-way along the south side of Gonzales Road east of Williams Drive.

DISCUSSION

On December 20th, 2007, the Planning Commission passed resolution 2007-56 approving Planning and Zoning Permit 07-540-01 for construction of the Artisan Apartment complex at the southeast corner of Gonzales Road and Williams Drive. The project design included redesigning the existing eastbound right turn pocket which results in excess right-of-way. Condition number 199 of the Resolution requires the Developer to prepare and process documentation to effectuate the vacation of the excess right-of-way.

The proposed resolution will summarily vacate a variable width strip of right-of-way along the south side of Gonzales Road. The vacated right-of-way will be incorporated into the landscaping area between the southerly sidewalk and the apartment buildings. The developer has granted additional right-of-way to the City where needed for the new turn pocket location.

The City sent notices of the intent to vacate right-of-way to private utility owners that may have used the City's easement rights under their franchise agreements. We received notice from at least one utility of the existence of facilities within the area being vacated. The proposed vacation document retains a public utility easement over the area being vacated to allow these facilities to remain in place.

The right-of-way being vacated was originally dedicated to the City in 1991 as a part of Parcel Map No. 90-12 recorded in Parcel Map Book 52, Pages 30 through 32, in the office of the County Recorder, in the County of Ventura, State of California.

FINANCIAL IMPACT

There is no anticipated financial impact to the City budget.

(PJW)

Attachment #1 - Resolution vacating a portion of Gonzales Road

City Council of the City of Oxnard

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
SUMMARILY VACATING A VARIABLE WIDTH STRIP OF GONZALES ROAD
RIGHT-OF-WAY EASTERLY OF WILLIAMS DRIVE

WHEREAS, in 1991 the City accepted the right-of-way for a right turn pocket on the south side of Gonzales Road by way of Parcel Map No. 90-12, recorded in Parcel Map Book 52 at Pages 30 through 32, in the Office of the County Recorder of Ventura County; and

WHEREAS, in 2007 the City of Oxnard Planning Commission adopted Resolution No. 2007-56 approving construction of 272 apartments at the southeast corner of the Williams Drive and Gonzales Road intersection which included findings that the project will be served by streets and highways adequate in width and structure to carry the kind and quantity of traffic such use will generate and that the project was in conformance with the General Plan, and a condition requiring the vacation of excess right-of-way resulting from the redesign of the existing roadway required for the project; and

WHEREAS, the Gonzales Road right-of-way described in attached Exhibits "A" and "B" is excess right-of-way not required for street or highway purposes; and

WHEREAS, section 8334(a) of the California Streets and Highways Code authorizes the City Council to summarily vacate the area set forth in Exhibits "A" and "B" as excess right-of-way; and

WHEREAS, section 8334.5 of the California Streets and Highways Code prohibits the summary vacation of right-of-way if in-place public utility facilities that are in use would be affected by the vacation; and

WHEREAS, section 8340(c) of the California Streets and Highways Code authorizes the City to reserve and except from the vacation a public utility easement; and

WHEREAS, the area proposed for vacation as set forth in Exhibits "A" and "B" is unnecessary for present or prospective use and 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. This vacation is made under Chapter 4 of the Public Streets, Highways, and Services Easement Vacation Law (Streets and Highways Code section 8330 et seq.).
3. The summary vacation of a portion of Gonzales Road right-of-way will not cut off all access to any person's property.
4. This vacation includes the reservation and exception of a public utility easement to construct, maintain, operate, replace, remove, or renew public utility facilities, within the area depicted in Exhibits "A" and "B".
5. 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.
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 _____, 2012, by the following vote:

AYES:

NOES:

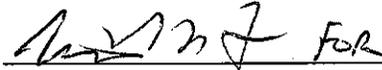
ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

APPROVED AS TO FORM:

Daniel Martinez, City Clerk



Alan Holmberg, City Attorney

EXHIBIT "A"
LEGAL DESCRIPTION
Right-of-Way Vacation

Those portions of Gonzales Road shown of Parcel Map No. 90-12 in the City of Oxnard, County of Ventura, State of California, Recorded in Parcel Map Book 52 Pages 30 through 32, in the office of the County Recorder of said County, lying Southerly the following described line:

BEGINNING at a point on the northwesterly line of Parcel 1 of Parcel Map No 90-12 said line shown as North 46° 08' 15" East 38.91 feet said point distant thereon South 46° 02' 29" West 10.09 feet southwesterly of the northeast terminus thereof,

- 1st Thence, leaving said line South 89° 59' 18" East 225.10 feet to the beginning of a tangent curve concaved southerly, having a radius of 190.00 feet;
- 2nd Thence, easterly along said curve through a central angle of 08° 59' 30" an arc distance of 29.82 feet;
- 3rd Thence, South 80° 59' 48" East 31.74 feet to the beginning of a tangent curve concaved northerly, having a radius of 220 feet
- 4th Thence, easterly along said curve through a central angle of 08° 59' 30" an arc distance of 34.53 feet,
- 5th Thence, South 80° 59' 18" East 364.07 feet to a point on the northerly line of Parcel 1 of Parcel Map No 90-12 also being the southerly Right-of-Way of Gonzales Road as shown on said map

CONTAINING: 555 square feet, more or less.

SUBJECT TO: All covenants, Rights, Rights-of-Way and Easements of record.

EXHIBIT "B": Attached and by this reference made a part hereof.



Mathew J. Vernon
PLS 7553, Exp. 12/31/2013

11/08/2011

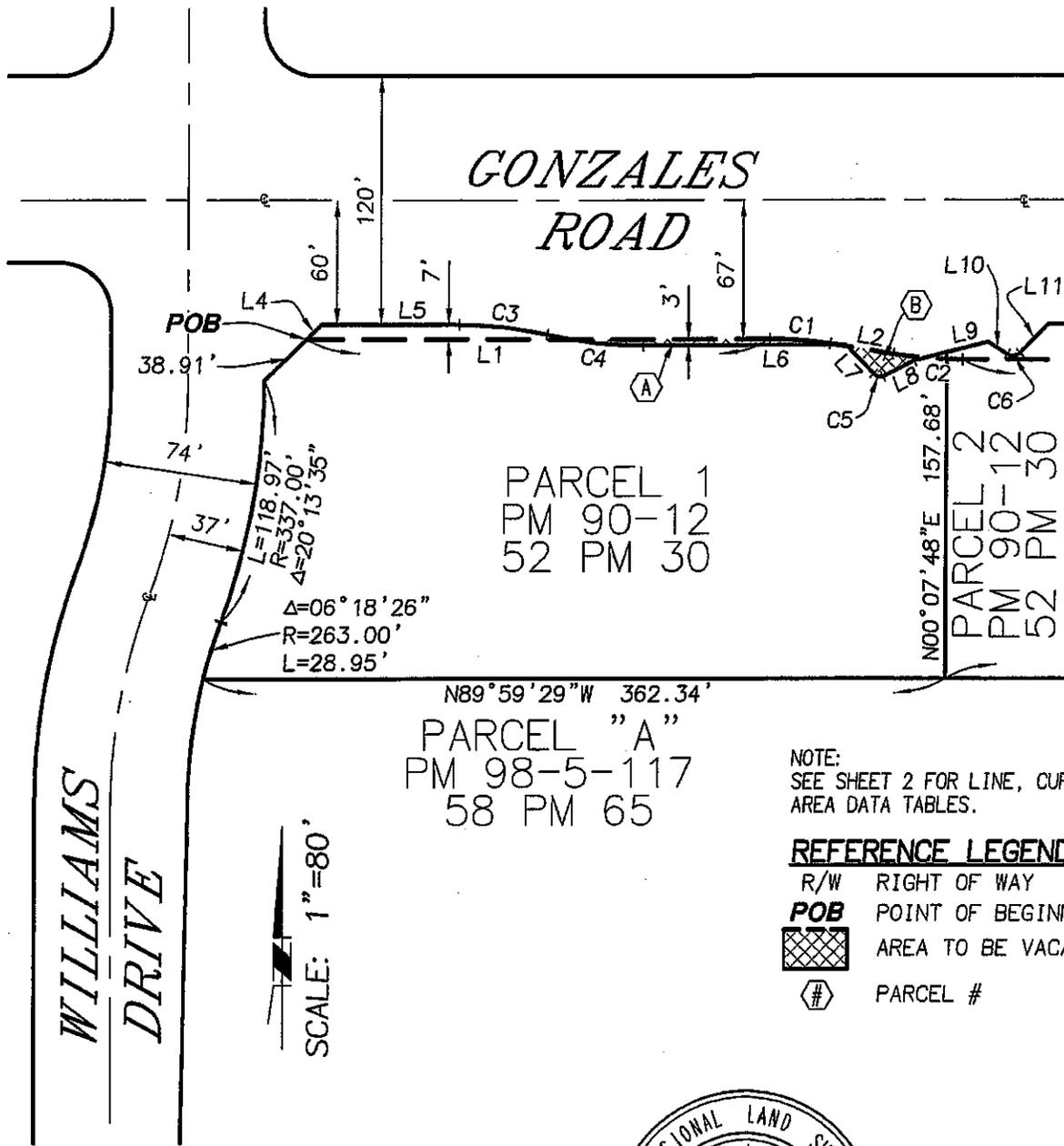
Date



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EXHIBIT "B"

PLAT TO ACCOMPANY LEGAL DESCRIPTION



- SEE SHEET 2 -

PARCEL "A"
PM 98-5-117
58 PM 65

PARCEL 1
PM 90-12
52 PM 30

PARCEL 2
PM 90-12
52 PM 30

NOTE:
SEE SHEET 2 FOR LINE, CURVE &
AREA DATA TABLES.

REFERENCE LEGEND:

- R/W RIGHT OF WAY
- POB POINT OF BEGINNING
-  AREA TO BE VACATED
-  PARCEL #

SCALE: 1"=80'



MATTHEW J. VERNON
PLS 7553, EXP. 12/31/13



RBF CONSULTING PLANNING ■ DESIGN ■ CONSTRUCTION
5051 VERDUGO WAY, SUITE 300
CAMARILLO, CALIFORNIA 93012
805.383.3373 • FAX 805.383.3371 • www.RBF.com

**RIGHT-OF-WAY VACATION
GONZALES ROAD**

CITY OF OXNARD
COUNTY OF VENTURA, STATE OF CALIFORNIA

DATE: 11/08/11
SCALE: 1"=80'
SHEET: 1 OF 2
CAD: DK
CHK'D: MJV

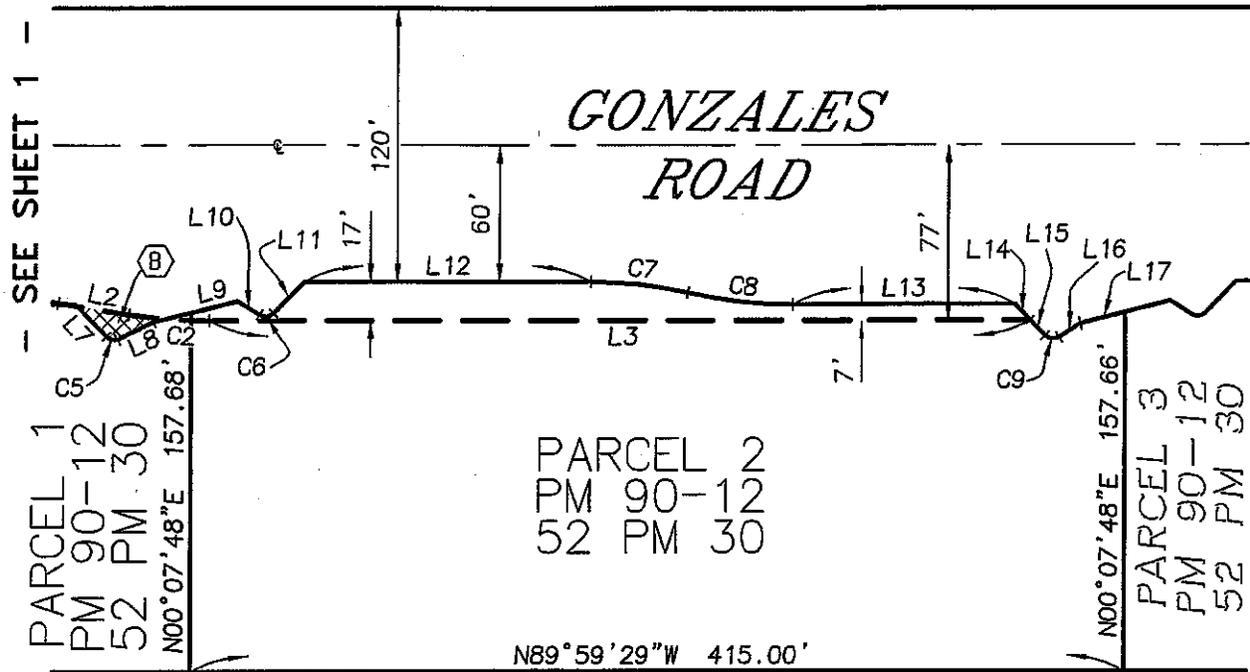
EXHIBIT "B"

PLAT TO ACCOMPANY LEGAL DESCRIPTION

REFERENCE LEGEND:

- R/W RIGHT OF WAY
- POB POINT OF BEGINNING
-  AREA TO BE VACATED
-  PARCEL #

SCALE: 1"=80'



PARCEL "A"
PM 98-5-117
58 PM 65

#	PARCEL	AREA(SQ')	TYPE
A	R/W	325.11'	VACATE
B	R/W	235.76'	VACATE

NO.	DELTA	RADIUS	LENGTH
C1	08°59'30"	190.00'	29.82'
C2	08°59'30"	220.00'	34.53'
C3	12°50'19"	192.00'	43.02'
C4	12°50'19"	208.00'	46.61'
C5	57°08'45"	5.00'	4.99'
C6	76°54'14"	5.00'	6.71'
C7	12°50'19"	192.00'	43.02'
C8	12°50'19"	208.00'	46.61'
C9	76°54'14"	5.00'	6.71'

NO.	BEARING	LENGTH
L1	N89°59'18"W	225.10'
L2	N80°59'48"W	31.74'
L3	N89°59'18"W	364.07'
L4	N46°02'29"E	10.09'
L5	N89°59'18"W	66.46'
L6	N89°59'18"W	100.00'
L7	N44°55'26"W	19.58'
L8	N63°29'50"E	17.26'
L9	N76°05'06"E	37.58'
L10	N58°01'12"W	11.41'
L11	N45°04'34"E	19.55'
L12	N89°59'18"W	126.10'
L13	N89°59'18"W	100.00'
L14	N44°55'26"W	9.89'
L15	N44°55'26"W	9.69'
L16	N58°10'20"E	11.45'
L17	N76°05'06"E	41.83'

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**RIGHT-OF-WAY VACATION
GONZALES ROAD**

CITY OF OXNARD
COUNTY OF VENTURA, STATE OF CALIFORNIA

DATE: 11/08/11
SCALE: 1"=80'
SHEET: 2 OF 2
CAD: DK
CHK'D: MJV

