



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-5

Reviewed By: City Manager

City Attorney

Finance

Other (Specify)

DATE: September 11, 2012

TO: City Council

FROM: Paul J. Wendt
Development Services

SUBJECT: Planning and Zoning Permit No. 12-660-01 (Street Vacation)
Vacation of a Four Foot Wide Strip Right-of-Way Along the East Side of I Street
Southerly of Wooley Road, adjacent to Oralia's Bakery

RECOMMENDATION

That City Council adopt a resolution summarily vacating a four foot wide strip (616 square feet) of excess right-of-way along the east side of I Street southerly of Wooley Road.

DISCUSSION

On February 27th, 2012, the Development Services Director adopted Resolution No. 11-500-01 approving Development Design Review Permit (DDR) No. 11-500-01 for construction of a 1,681 square foot addition to an existing building (operating as Oralia's Bakery) and parking and landscaping improvements. The property is addressed 942 West Wooley Road and is located at the southeast corner of Wooley Road and I Street. The project design includes the addition of architectural treatments along the I Street frontage of the existing bakery building. The project also includes replacement of the existing I Street sidewalk along the project frontage with a six foot wide sidewalk, which is considered a minor alignment project. The City currently has a right-of-way that extends ten feet behind the I Street curb face. A condition of the DDR approval requires the Developer to petition the City to vacate the excess I Street right-of-way.

The proposed resolution will summarily vacate a four foot wide strip of right-of-way along the east side of I Street (approximately 616 square feet). The vacated right-of-way will be incorporated into the landscaping area between the widened sidewalk and the existing building. The vacated right-of-way will align the sidewalk to allow for the addition of architectural features to the building façade which is located at the current property line.

The proposed vacation document retains a public utility easement over the area being vacated to allow exiting facilities, including poles and overhead utility lines to remain in place.

The right-of-way being vacated was originally dedicated to the City on a Map recorded October 29,

1945 in Book 13, Pages 79 through 80 of Miscellaneous Records (Maps), in the office of the County Recorder, County of Ventura, State of California.

FINANCIAL IMPACT

There is no anticipated financial impact to the City budget.

(PJW)

Attachment #1 - Resolution

City Council of the City of Oxnard

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
SUMMARILY VACATING A FOUR FOOT WIDTH STRIP OF I STREET RIGHT-
OF-WAY SOUTH OF WOOLEY ROAD

WHEREAS, the City accepted the right-of-way I Street via a Map recorded October 29, 1945 in Book 13 at Pages 79 through 80, in the Office of the County Recorder of Ventura County; and

WHEREAS, the City of Oxnard Development Services Director adopted Resolution No. 11-500-01, one purpose of which is to align the public sidewalk along I Street at the subject location, and which included a finding that the proposed use and vacation of right-of-way is in conformance with the 2030 General Plan; and

WHEREAS, the I Street 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

WHEREAS, the proposed vacation of the area set forth in Exhibits "A" and "B" bestows a public benefit by aligning the public sidewalk and 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. This vacation is found to be part of an alignment project for the subject right-of-way and of a minor nature; therefore, the provisions of Government Code section 65402(a) do not apply.
4. The proposed summary vacation of a portion of I Street right-of-way will not cut off all access to any person's property.
5. This vacation includes the reservation and exception of a public utility easement to construct, maintain, operate, replace, remove, or renew public utility facilities.
6. 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.

7. 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'
STREET VACATION

IN THE CITY OF OXNARD, COUNTY OF VENTURA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

THE EASTERLY 4.00 FEET OF THAT STREET DESIGNATED AS "I" STREET AS SHOWN ON MAP RECORDED OCTOBER 29, 1945 IN BOOK 13, PAGES 79-80 OF MISCELLANEOUS RECORDS, (MAPS) IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF VENTURA, STATE OF CALIFORNIA.

THE SOUTHERLY TERMINUS OF SAID STRIP TO INTERSECT WITH THE WESTERLY PROLONGATION OF THE SOUTHERLY LINE LOT 1, BLOCK 1, WOOLEY ROAD SUBDIVISION AS SHOWN ON BOOK 13, PAGES 79-80 OF MISCELLANEOUS RECORDS (MAPS).

THE NORTHERLY TERMINUS OF SAID STRIP TO INTERSECT WITH THE WESTERLY PROLONGATION OF THE SOUTHERLY LINE OF THAT PORTION OF LAND AS DESCRIBED IN BOOK 1236, PAGE 317 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER, SAID COUNTY AND STATE.

SAID PORTION TO BE VACATED 616 SQFT.

Prepared by:
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W.O. 11-5120

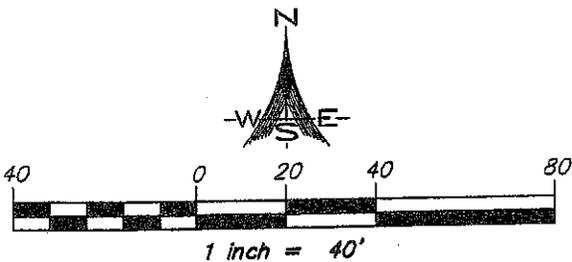
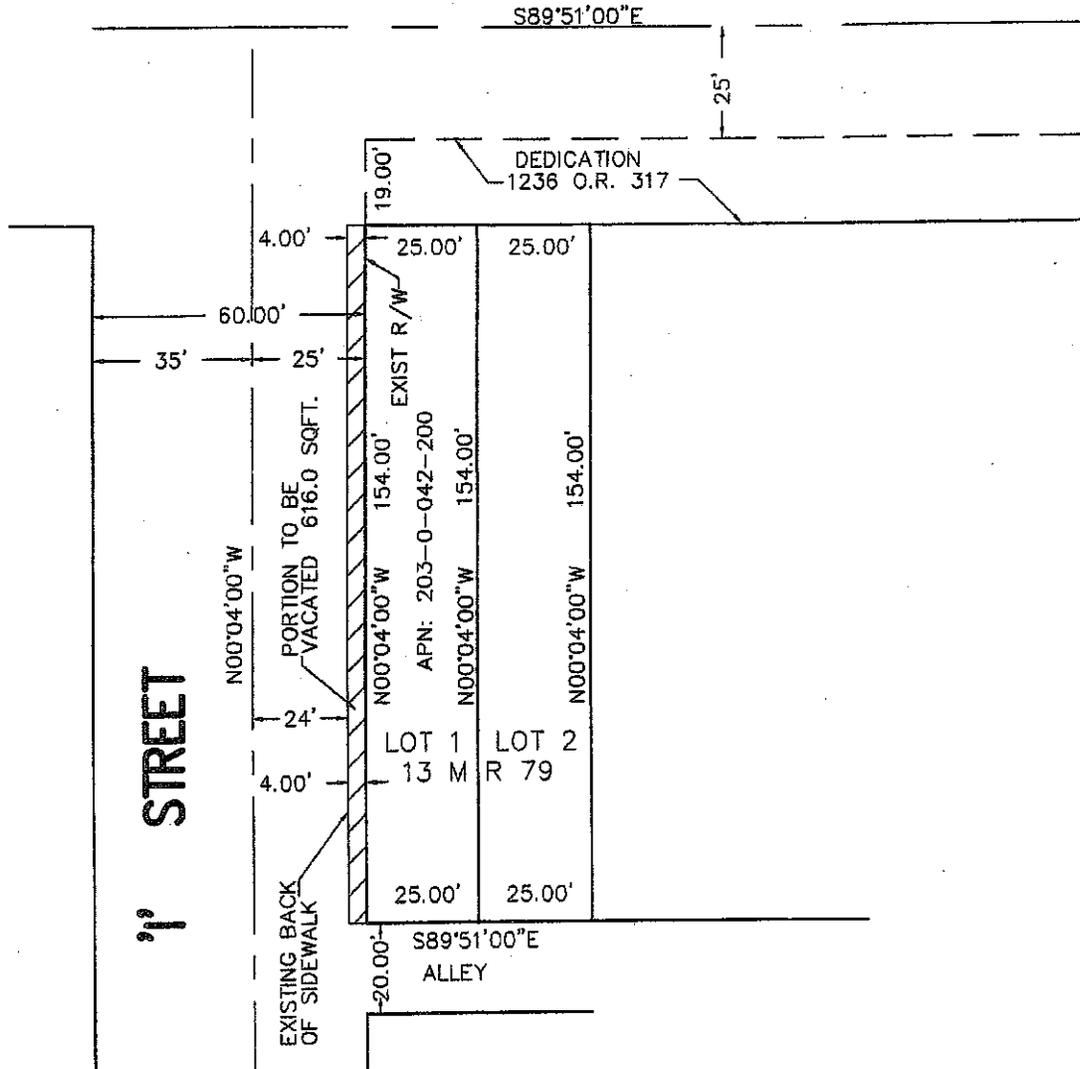
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ATTACHMENT # 1
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EXHIBIT 'B' STREET VACATION

W. WOOLEY ROAD



PREPARED BY:
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Greg C. Wardle
GREG C. WARDLE 11-03-13

