

**MOORPARK CITY COUNCIL  
AGENDA REPORT**

**TO:** The Honorable City Council

**FROM:** Yugal K. Lall, City Engineer / Public Works Director 

**BY:** Kenneth C. Gilbert, Public Works Consultant

**DATE:** April 20, 2006 (Council Meeting 05-03-06)

**SUBJECT:** Resolution to Vacate a Certain Segment of Magnolia Street

**OVERVIEW**

This presents a resolution vacating the street right-of-way for that portion of Magnolia Street between Charles Street and a point approximately one hundred twenty feet (120') south of Charles Street.

**DISCUSSION****A. Magnolia Park**

It is the intent of the City to construct a neighborhood park in the vicinity of the southwest corner of Charles Street and Magnolia Street (Attachment 1).

The proposed construction of Magnolia Park is consistent with certain language set forth in the Open Space, Conservation and Recreation Element of the Moorpark General Plan which discusses the development of "miniparks" in the downtown area.

**B. Street Closure / Vacation**

It is also the intent of the City to close the northerly one hundred twenty feet (120')±, of Magnolia Street (Attachment 2) and incorporate that property into the neighborhood park. As such, it is necessary for the City to vacate the street right-of-way for the subject segment of Magnolia Street, before the City can proceed with

modifications to the street improvements in this area, and the construction of the new neighborhood park.

It should be noted that the Moorpark Downtown Specific Plan discusses the closure of Magnolia Street to through traffic for the purpose of creating outdoor public places.

C. Ownership of Underlying Fee Interest

The City owns the property at the southwest corner of Charles Street and Magnolia Street. As owner of the property on the west side of Magnolia Street, the City is also the owner of the underlying fee title interest in the west one-half of that portion of Magnolia Street fronting the City's property.

The Area Housing Authority of the County of Ventura is the owner of the property at the southeast corner of that intersection. Recently, the Housing Authority granted to the City of Moorpark, all of the street rights-of-way fronting their property. Subsequent to the recordation of that deed, the City of Moorpark is also the owner of the underlying fee title interest in the east one-half of the subject street segment.

D. Utilities / Utility Easements

There are two underground utilities located within the subject street segment: a gas line and a sewer line. Staff has worked with the owners of those utilities and prepared utility easements for recordation to preserve the rights of those utility owners. If the street vacation is approved, it is the intent of staff to have all necessary utility easements recorded coincidental with, or prior to, the recordation of the City Council Resolution effectuating the street vacation.

It is proposed that existing utilities will remain in place within those easements, subsequent to the vacation of the street and the construction of the new park.

E. Report on Conformity

Section 65402 of the Government Code of the State of California requires the Planning Commission of an agency to render a finding, with regard to any proposed street vacation, as to the conformity of such action with the General Plan. On January 24, 2006, the Moorpark Planning Commission adopted Resolution No. PC-2006-495, finding the subject proposed street vacation to be in conformance with the Moorpark General Plan.

F. Resolution of Intent

On April 5, 2006, the City Council adopted Resolution No. 2006-2450 stating its intent to proceed with the vacation of the subject street segment and setting May 3, 2006, as the date of a public hearing to consider such action. That resolution was published, mail and posted on the subject property as required by law, and included a statement that the proposed street vacation is being undertaken in compliance with the requirements of Chapter 3, Part 3, Division 9 (Sections 8320 through Section 8325) of the Streets and Highways Code of the State of California.

G. Effective Date Subsequent to Recordation of Utility Easements

The Resolution (Attachment 3) directs the City Clerk to record said Resolution subsequent to the date of the recordation of all easement deeds necessary to preserve the rights of the owners of existing utilities affected by the street vacation. Pursuant to Section 8325 of the Streets and Highways Code of the State of California, the subject street vacation will become effective on the date of the recordation of that Resolution.

**STAFF RECOMMENDATION**

1. Open the public hearing; receive public testimony, and close the public hearing.
2. Adopt Resolution No. 2006-\_\_\_\_\_

Attachments:

- Attachment 1: Park
- Attachment 2: Street Vacation
- Attachment 3: Resolution

CHARLES

ST.

Attachment 1

PROPOSED 0.23 ACRE PARK

R/W

R/W

R/W

8' SIDEWALK

R/W

MAGNOLIA  
ST.

PROPERTY LINE

5' SIDEWALK

PARKWAY



000064



RESOLUTION NO. 2006 - \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
MOORPARK, CALIFORNIA, VACATING THE STREET  
RIGHT-OF-WAY FOR A PORTION OF MAGNOLIA STREET  
SOUTH OF CHARLES STREET

WHEREAS, vehicular traffic on Magnolia Street south of Charles Street is not required in order to provide for the adequate circulation of vehicular traffic in this residential neighborhood, and the closure of Magnolia Street south of Charles Street may even reduce the volume of non-local traffic on Magnolia Street, Charles Street and other residential streets in this area; and

WHEREAS, it is the desire of the City Council to close Magnolia Street to through traffic south of Charles Street, remove the street improvements in this area and add this property to a parcel located at the southwest corner of Magnolia Street and Charles Street set aside for the development of a neighborhood park; and

WHEREAS, on January 24, 2006, the Planning Commission of the City of Moorpark adopted Resolution No. PC-2006-495 finding the proposed street vacation to be in conformance with the Moorpark General Plan, as required by Section 65402 of the Government Code of the State of California; and

WHEREAS, on April 5, 2006, the City Council of the City of Moorpark adopted Resolution No. 2006-2450 declaring its intention to vacate a portion of Magnolia Street south of Charles Street; and

WHEREAS, said Resolution set May 3, 2006, at 7:00 p.m. as the date and time of a public hearing before the City Council, to hear persons interested in or objecting to the proposed street vacation, said date being at least fifteen (15) days subsequent to the date of the aforesaid Resolution No. 2006-2450; and

WHEREAS, said Resolution was duly published as required by Section 8322 of the Streets and Highways Code of the State of California and was published and posted in the same manner prescribed for the publishing and posting of Resolutions of the City Council of the City of Moorpark; and

WHEREAS, pursuant to Section 8323 of the Streets and Highways Code of the State of California, three (3) notices of this street vacation were posted conspicuously along the line of said street to be vacated, setting forth the passage of the Resolution of Intention and the time and place of the public hearing on the matter; and

WHEREAS, on May 3, 2006, the City Council held the aforesaid public hearing and received and considered the evidence with respect thereto.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council hereby makes the following findings:

- A. This street vacation is made pursuant to Chapter 3, Part 3, Division 9 (Sections 8320 through 8325) of the Streets and Highways Code of the State of California.
- B. The street segment to be vacated is generally described as that segment of Magnolia Street between Charles Street and a point approximately one hundred twenty feet (120') south of Charles Street, as more particularly described and shown on Exhibit 'A' and Exhibit 'B', attached hereto and made a part hereof.
- C. Certain existing utilities are located within the aforesaid street segment to be vacated.
- D. It is the intent of the City to prepare easement deeds, in a form acceptable to the owners of those affected utilities, and record said easements for the purpose of preserving the rights of said utility owners to operate and maintain said utilities in place.

SECTION 2. The above described street segment is not required for street purposes and is hereby vacated.

SECTION 3. The City Clerk is authorized and directed to cause a certified copy of this Resolution to be recorded in the Office of the County Recorder of the County of Ventura, subsequent to the date of the recordation of all easement deeds necessary to preserve the rights of the owners of all utilities which are currently in place within the street segment to be vacated.

SECTION 4. Upon the date of the recordation of this Resolution, the above described street segment shall no longer constitute a public street.

SECTION 5. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED AND ADOPTED this 3<sup>rd</sup> day of May, 2006.

ATTEST:

\_\_\_\_\_  
Patrick Hunter, Mayor

\_\_\_\_\_  
Deborah S. Traffenstedt, City Clerk

Attachments:

Exhibit 'A': Legal Description of Street Segment to be Vacated

Exhibit 'B': Diagram of Street Segment to be Vacated

EXHIBIT 'A'

LEGAL DESCRIPTION

MAGNOLIA STREET VACATION

Being that portion of Magnolia Street, 60.00 feet wide, between High Street and Charles Street, shown on map of M.L. Wicks Subdivision of a Part of Tract 'U' and Addition to Moorpark, in the City of Moorpark, County of Ventura, State of California, filed in Book 5, at Page 37 of Miscellaneous Records (Maps), in the office of the County Recorder of said County, and in that portion of Lot 10, Block F of said M.L. Wicks Subdivision, described as:

Beginning at the northeasterly corner of Lot 16, Block E, of said M.L. Wicks Subdivision; thence,

Along the easterly line of said Lot 16, South 120.80 feet to the beginning of a non-tangent curve concave northwesterly, having a radius of 36.00 feet, a radial to said curve bears South 25°11'41" East; thence,

Northeasterly along said curve, through a central angle of 24°59'59", an arc length of 15.71 feet to the beginning of a reverse curve concave southerly, having a radius of 23.00 feet, a radial to said curve bears North 50°11'40" West; thence,

Northeasterly, easterly, and southeasterly along said curve, through a central angle of 100°23'20", an arc length of 40.30 feet to the beginning of a reverse curve concave northeasterly, having a radius of 36.00 feet, a radial to said curve bears South 50°11'40" West; thence,

Southeasterly along said curve, through a central angle of 24°59'59", an arc length of 15.71 feet to a point in the westerly line of Lot 10, Block F of said M.L. Wicks Subdivision; thence,

Along said westerly line, North 105.80 feet to the beginning of a concave curve southeasterly, having a radius of 15.00 feet; thence,

Northerly, northeasterly and easterly through a central angle of 90°00'00" an arc distance of 23.56 feet to a point in the southerly right-of-way line of Charles Street, 60.00 feet wide. shown on said map of M.L. Wicks Subdivision; thence,

Along the southerly line of said Charles Avenue, West 75.00 feet to the point of beginning.

Containing an area of 0.15 acres.

See Exhibit 'B' attached and by this reference made a part hereof.

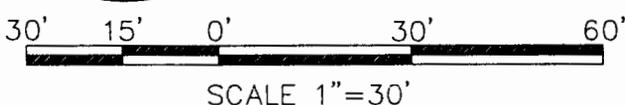
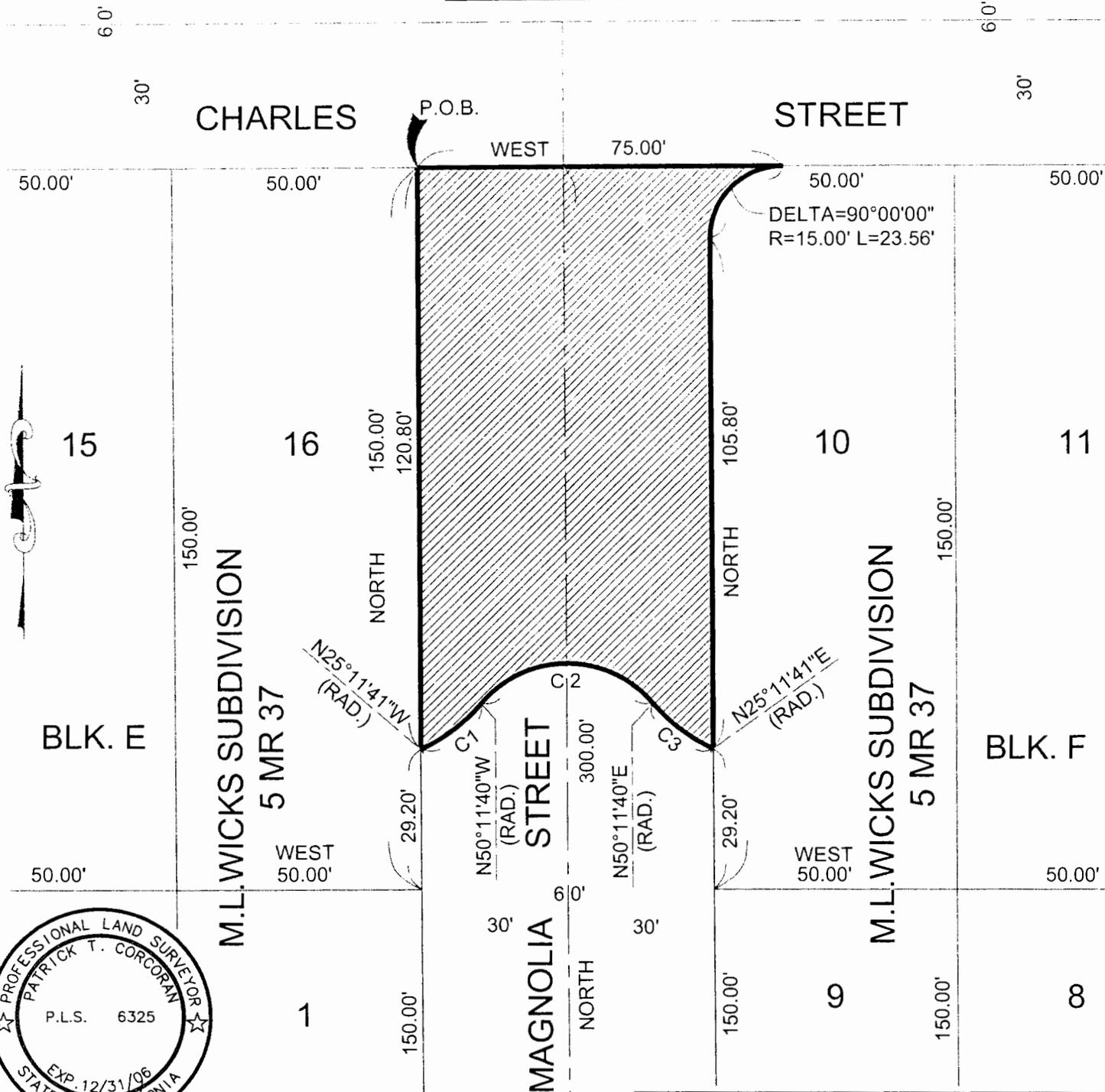
 3/30/06  
Date

Patrick T. Corcoran  
P.L.S. 6325, Exp. 12/31/2006

Stantec Consulting, Inc.  
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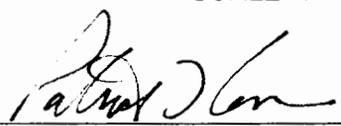


# EXHIBIT 'B'



CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	15.71'	36.00'	24°59'59"
C2	40.30'	23.00'	100°23'20"
C3	15.71'	36.00'	24°59'59"

0.15 Ac.

  
 PATRICK T. CORCORAN, P.L.S. 6325      DATE 3/30/06

**MAGNOLIA STREET VACATION**

A PORTION OF MAGNOLIA STREET AND LOT 10, BLOCK F  
 AS SHOWN ON MAP OF M.L. WICKS SUBDIVISION OF A PART  
 OF TRACT 'U' AND ADDITION TO MOORPARK (5 MR 37),  
 IN THE CITY OF MOORPARK, COUNTY OF VENTURA, STATE  
 OF CALIFORNIA      **000011**  
 MARCH 2006


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