

## MOORPARK CITY COUNCIL AGENDA REPORT

**TO:** The Honorable City Council

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

**BY:** Earl B. Schwartz, Assistant City Engineer

**DATE:** April 26, 2006 (Council Meeting 05-03-06)

**SUBJECT:** Resolution of Intent to Vacate that Portion of Park Crest Lane Described as Located at the Northeasterly Corner of Park Lane and Park Crest Lane Containing Approximately 0.072 Acre (3,153 Square Feet)

### OVERVIEW

This presents a resolution declaring the City's intent to vacate the subject portion of street right-of-way.

### BACKGROUND

The approval of CDP 2005-03, Renaissance Development on the west side of Park Lane by the City Council on November 2, 2005, did not include reservation of street right-of-way for the future extension of Unidos Avenue from the terminus easterly to Park Lane. This approval meant that the City decided not to connect Unidos Avenue to Park Lane. CDP 2005-03 was approved after the approval of CDP 2004-02, Kylexa Development and CDP 2005-02, Tuscany Development. Both of these developments were conditioned to modify the configuration of Park Lane and Park Crest Lane intersection. The City by the approval of CDP 2005-03 ultimately decided not to connect Unidos Avenue to Park Lane and as a prerequisite to such a configuration of Park Lane/Park Crest Lane, a vacation of the excess right-of-way is necessary.

### DISCUSSION

- A. It is now the intent of the City to initiate the vacation of a portion of Park Crest Lane (Attachment 1). Presently, Park Crest Lane at the northeasterly corner of Park Lane and Park Crest Lane has a right-of-way configuration to enable the future connection

of Unidos Avenue through to Park Crest Lane. A portion of street right-of-way is no longer necessary and should return to a typical configuration as satisfied by this vacation.

B. Process

Local agencies may vacate surplus street right-of-way by adoption of a resolution pursuant to the requirements of applicable provisions of the Streets and Highways Code of the State of California. Those provisions require a public hearing to be held prior to taking such action.

C. Ownership of Underlying Interest

The subject street was dedicated as part of Parcel Map 5316, filed in Book 60 Pages 87 et. Seq. in the office of the County Recorder of Ventura County, by the owners of Herbert I. Rosenkrantz and Barbara Ann Rosenkrantz, trustees of the Rosenkrantz Living Trust, and Edward Lewis, Trustee of the Edward Lewis Intervivos Trust, for the purpose for public use as right-of-way. The subject street was therefore dedicated as an easement and is not in fee. If the vacation is executed, the said land will revert to the current owners of the said land as Kylexa Enterprises LLC, a California limited company.

D. Utilities / Utility Easements

There are no underground utilities located within the subject street.

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. This intent to vacate will be presented to the Planning Commission on May 23, 2006, and their findings will be presented to the City Council as part of the report for the proposed June 7, 2006, public hearing.

F. Resolution of Intent

It is recommended below that the City Council adopt a resolution stating its intent to proceed with the vacation of the subject street segment. The attached Resolution (Attachment 2) states that this proceeding 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. If adopted, it is the intent of staff to publish, mail and post notices of a public hearing to formally consider this action, in a manner consistent with those requirements.

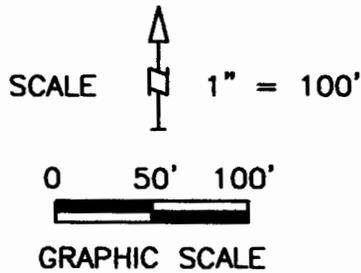
**STAFF RECOMMENDATION**

Adopt Resolution No. 2006 - \_\_\_\_\_

Attachments:

- Attachment 1: Park Crest Lane Roadway Vacation
- Attachment 2: Resolution

**EXHIBIT "B"**  
**PARK CREST LANE ROADWAY VACATION**



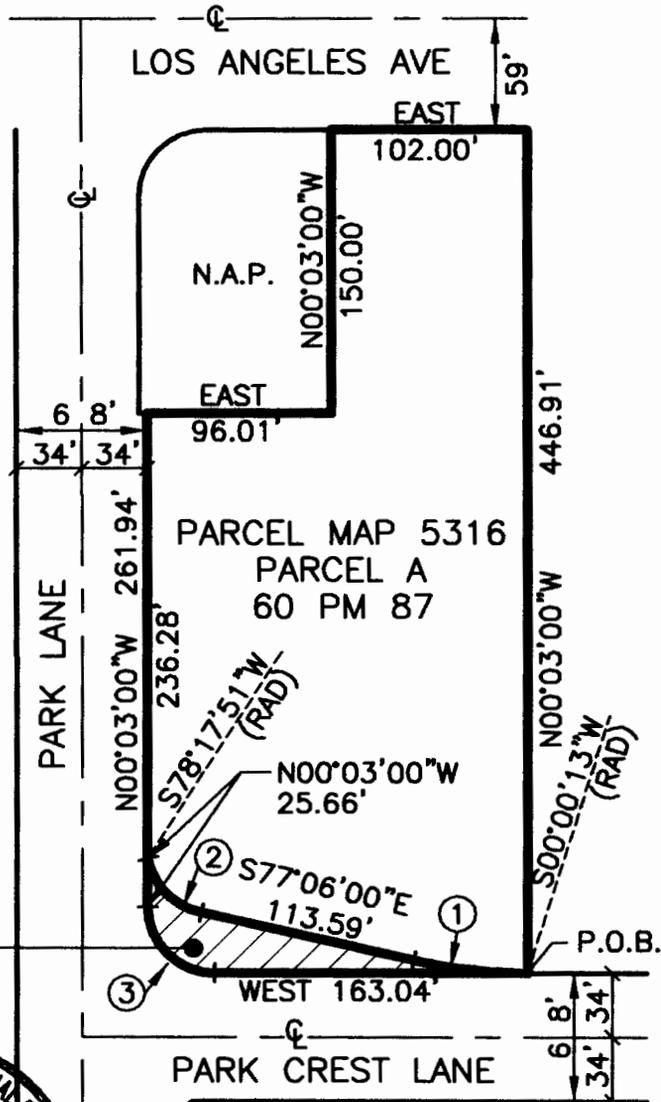
VACATION OF ROADWAY  
 DEDICATION BY THE  
 CITY OF MOORPARK  
 (0.072 ACRE)



PREPARED BY:  
**FRED W. HAMMAR**  
 P.O. BOX 162  
 SOMIS, CA 93066  
 (805)491-0294

*Fred W. Hammar* 4-17-06

R.C.E. 13765 EXP. 03-31-07 DATE



**CURVE DATA**

○	Δ	R	L	T
1	12°53'47"	266.00'	59.87'	30.06'
2	65°23'51"	37.00'	42.23'	23.75'
3	89°57'00"	35.00'	54.95'	34.97'

SHEET 1 OF 1 SHEETS

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, DECLARING ITS INTENT TO VACATE THE STREET RIGHT-OF-WAY LOCATED AT THE NORTHEASTERLY CORNER OF PARK LANE AND PARK CREST LANE CONTAINING APPROXIMATELY 0.072 ACRES (3,153.16 SQUARE FEET)

WHEREAS, the circulation element has been modified and Unidos Avenue will not be a through street; and, the purpose of the irregular shaped street right-of-way located at the northeasterly corner of Park Lane and Park Crest Lane is no longer necessary and should return to a typical configuration; and, the liability for maintenance would be removed; and

WHEREAS, it is the desire of the City Council to vacate said portion of Park Crest Lane and revert to the original owners who are the current owners of the said land as Kylexa Enterprises LLC, a California limited company; Herbert I. Rosenkrantz and Barbara Ann Rosenkrantz, as trustees of the Rosenkrantz Living Trust, dated May 2, 1988, as to an undivided ½ interest; and Edward Lewis, as Trustee of the Edward Lewis Intervivos Trust, dated September 11, 1987, as to an undivided ½ interest; and

WHEREAS, it is appropriate, therefore, for the City Council to consider the vacation of a segment of the street right-of-way located at the northeasterly corner of Park Lane and Park Crest Lane containing approximately 0.072 acres (3,153.16 square feet).

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

SECTION 1. That portion of street right-of-way located at the northeasterly corner of Park Lane and Park Crest Lane containing approximately 0.072 acres (3,153.16 square feet), as more particularly described as Exhibit 'A', and shown on Exhibit 'B', attached hereto and made a part hereof, is to revert to the current owners of the said land as Kylexa Enterprises LLC, a California limited company.

SECTION 2. The City Council of the City of Moorpark hereby elects to proceed with said easement vacation pursuant to the provisions of Chapter 3, Part 3, Division 9 (Sections 8320 through Section 8325) of the Streets and Highways Code of the State of California.

Street Vacation: Park Crest Lane  
May 3, 2006  
Page 2

SECTION 3. The City Council hereby sets 7:00 p.m., June 7, 2006, in the City Council Chambers at City Hall, 799 Moorpark Avenue in the City of Moorpark, California, as the time and date and location of a public hearing before the City Council to hear all persons interested in or objecting to the proposed street vacation.

SECTION 4. The City Clerk is authorized and directed to cause the posting of at least three (3) notices of said proposed street vacation, conspicuously along the line of the street to be vacated. Said Notices shall be posted at least fourteen (14) days before the date of the date of said hearing and shall be prepared and posted pursuant to Section 8323 of the Streets and Highways Code of the State of California.

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 resolution.

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 for Park Crest Lane Roadway Vacation
- Exhibit "B": Plat of Street Segment to be Vacated

**EXHIBIT "A"**

**Legal Description for  
Park Crest Lane Roadway Vacation**

All that portion of Park Crest Lane "Offered for Dedication" as shown on Parcel Map 5316 in the City of Moorpark, County of Ventura, State of California as recorded in Book 60 Pages 87 - 90 of Parcel Maps in the Office of the County Recorder of said county, further described as follows:

Beginning at the Southeast corner of Parcel A of said Parcel Map, said point being on the Northerly line of said Park Crest Lane; thence,

- 1st: West 163.04 feet to a point on a tangent curve concave Northeasterly and having a radius of 35 feet; thence Westerly and Northerly along said curve,
- 2nd: 54.95 feet through a central angle of  $89^{\circ} 57' 00''$  to a point on the Southerly prolongation of the Westerly line of said Parcel A said Westerly line being the East Right of Way of Park Lane, having a width of 68 feet; thence tangent to said curve and Northerly along said Southerly prolongation,
- 3rd: North  $00^{\circ} 03' 00''$  West 25.66 feet to a point on a non-tangent curve concave Northeasterly, a radial to said curve at said point bears South  $78^{\circ} 17' 51''$  West, having a radius of 37.00 feet; said curve being on the Northerly line of said Park Crest Lane; thence along said Northerly line by the following three courses, Southeasterly along said curve,
- 4th: 42.23 feet through a central angle of  $65^{\circ} 23' 51''$ ; thence tangent to said curve,
- 5th: South  $77^{\circ} 06' 00''$  East 113.59 feet to a point on a tangent curve concave Northeasterly and having a radius of 266.00 feet; thence Southeasterly along said curve,
- 6th: 59.87 feet through a central angle of  $12^{\circ} 53' 47''$ , a radial at said point bears South  $00^{\circ} 00' 13''$  West to the True Point of Beginning

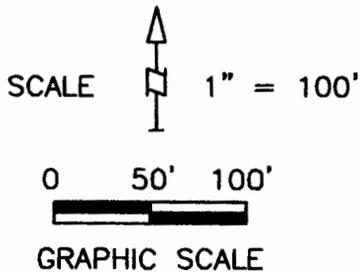
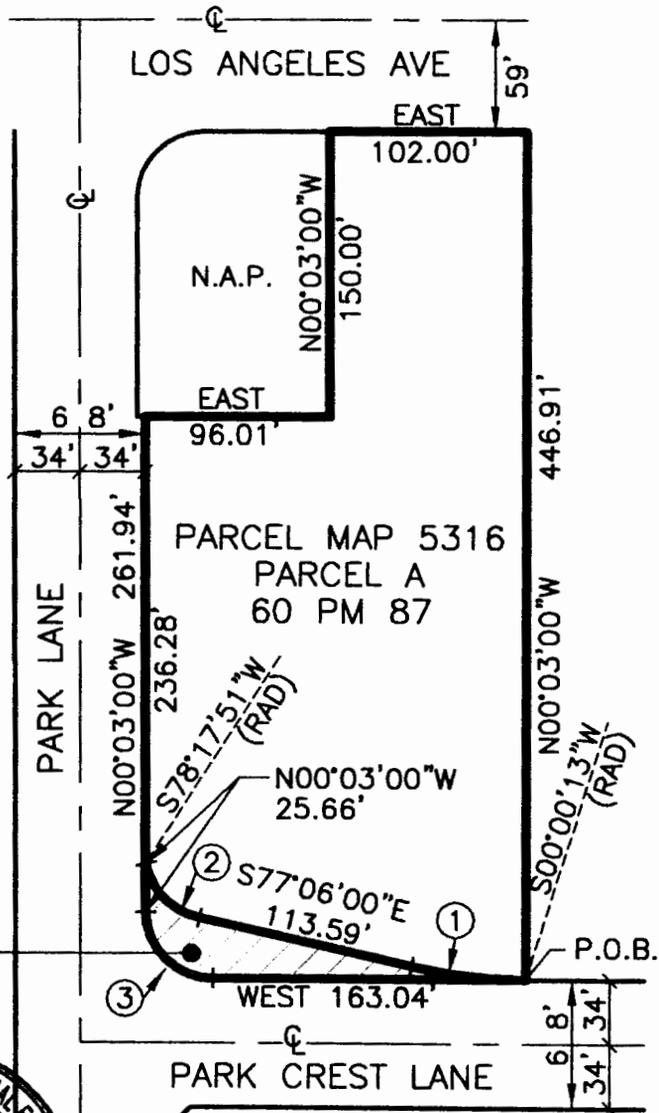
Containing 0.072 Acres



*Fred W. Hammar*

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