

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: The Honorable City Council

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

BY: Kenneth C. Gilbert, Director of Public Works 

DATE: March 16, 2006 (Council Meeting 4-5-06)

SUBJECT: Resolution of Intent to Vacate that Portion of Magnolia Street between Charles Street and a Point Approximately One-Hundred Twenty Feet (120') South of Charles Street

OVERVIEW

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

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 (see Exhibit 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 (see Exhibit 2) and incorporate that property into the neighborhood

park. It is necessary, therefore, for the City to vacate the street right-of-way for the subject segment of Magnolia Street, before the City can proceed with construction of 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. 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.

D. 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.

E. Utilities / Utility Easements

There are two underground utilities located within the subject street segment: a gas line and a sewer line. Staff is working with the owners of those utilities on preparation and recordation of utility easements to preserve the rights of those utility owners subsequent to the vacation of the subject street right-of-way. 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.

F. 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.

G. 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 (Exhibit 3) 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-_____ of Intent setting the date of a public hearing to consider the vacation of that portion of Magnolia Street described in this report.

Attachments:

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

PROPOSED 0.23 ACRE PARK

R/W

R/W

R/W

8' SIDEWALK

R/W

MAGNOLIA ST.

5' SIDEWALK

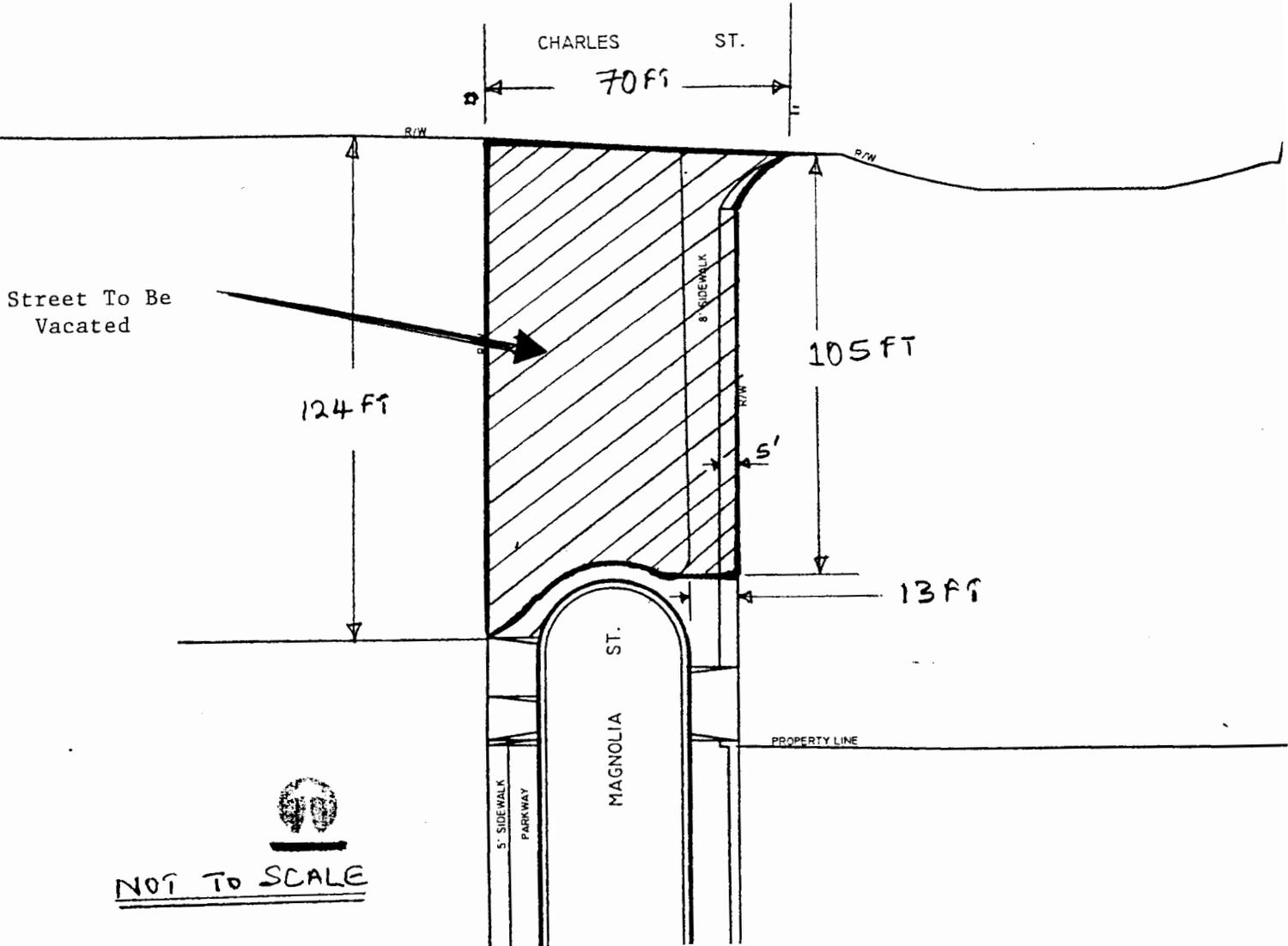
PARKWAY

PROPERTY LINE



SCALE: 1"=20'

000184




NOT TO SCALE

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 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 the residential neighborhood; and, the closure of Magnolia Street south of Charles Street may even reduce the volume 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, it is necessary to vacate a segment of Magnolia Street in order to facilitate the above described modifications and improvements; and

WHEREAS, the Planning Commission of the City of Moorpark has reviewed this proposed street vacation and has found it 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, it is appropriate, therefore, for the City Council to consider the vacation of a segment of the street right-of-way for Magnolia Street.

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

SECTION 1. That portion 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', attached hereto and made a part hereof, is no longer needed for present or prospective use.

SECTION 2. It is the intent of the City, therefore, to vacate said street right-of-way and incorporate that property into a neighborhood park to be constructed at and to the west of said street segment.

SECTION 3. The City Council of the City of Moorpark hereby elects to proceed with said 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.

SECTION 4. The City Council hereby sets 7:00 p.m., May 3, 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 5. 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 Notice 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 8322 of the Streets and Highways Code of the State of California.

SECTION 6. 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 _____ day of _____, 2006.

ATTEST:

Patrick Hunter, Mayor

Deborah S. Traffenstedt, City Clerk

Attachment:

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

