

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

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

DATE: December 29, 2008 (CC Meeting of 01/07/09)

SUBJECT: Consider Quitclaim of City Conservation Easement over Ventura County Watershed Protection District's Detention Basin Lot P of Tract 5187-1

BACKGROUND

Tract 5187 is a 248 unit single family Residential Planned Development (RPD 1999-02) located west of Walnut Canyon Road and approximately one-half mile north of Casey Road as shown on Attachment 1.

DISCUSSION

As part of the site improvements and recorded tract map for Tract 5187-1, Lot P of said map was both dedicated in fee to the Ventura County Watershed Protection District (VCWPD) as a flood control basin, and as an conservation easement to the City for permanent conservation, landscape and open space, and restricts activities such as grading excavation on the subject lot. Development Agreement Item 6.10(c) states that concurrently with the recordation of the first final map for Tract 5187, Developer agrees to grant a conservation easement to retain Lot P, (and all other open space lots), in a predominantly open space condition consistent with Civil Code Section 815 et seq., except for intended uses as shown on the Vesting Tentative Map and any Final Map for Tract 5187. On the Vesting Map, Lot P was intended to be used for flood control purposes; and on the Final Map it is used solely for VCWPD flood control purposes with native mitigation landscaping along the upper perimeters of the basin.

Since Lot P is constructed as a flood control detention basin, restrictions as part of the City conservation easement preclude the VCWPD from activities necessary for proper maintenance of the flood control basin, such as excavation of deposited silt, gravel and or sand following storm occurrences. Henceforth, a quitclaim of the City conservation easement over Lot P is necessary to allow the VCWPD to perform all maintenance activities necessary for proper functioning of the flood control detention basin.

FISCAL IMPACT

None.

STAFF RECOMMENDATION

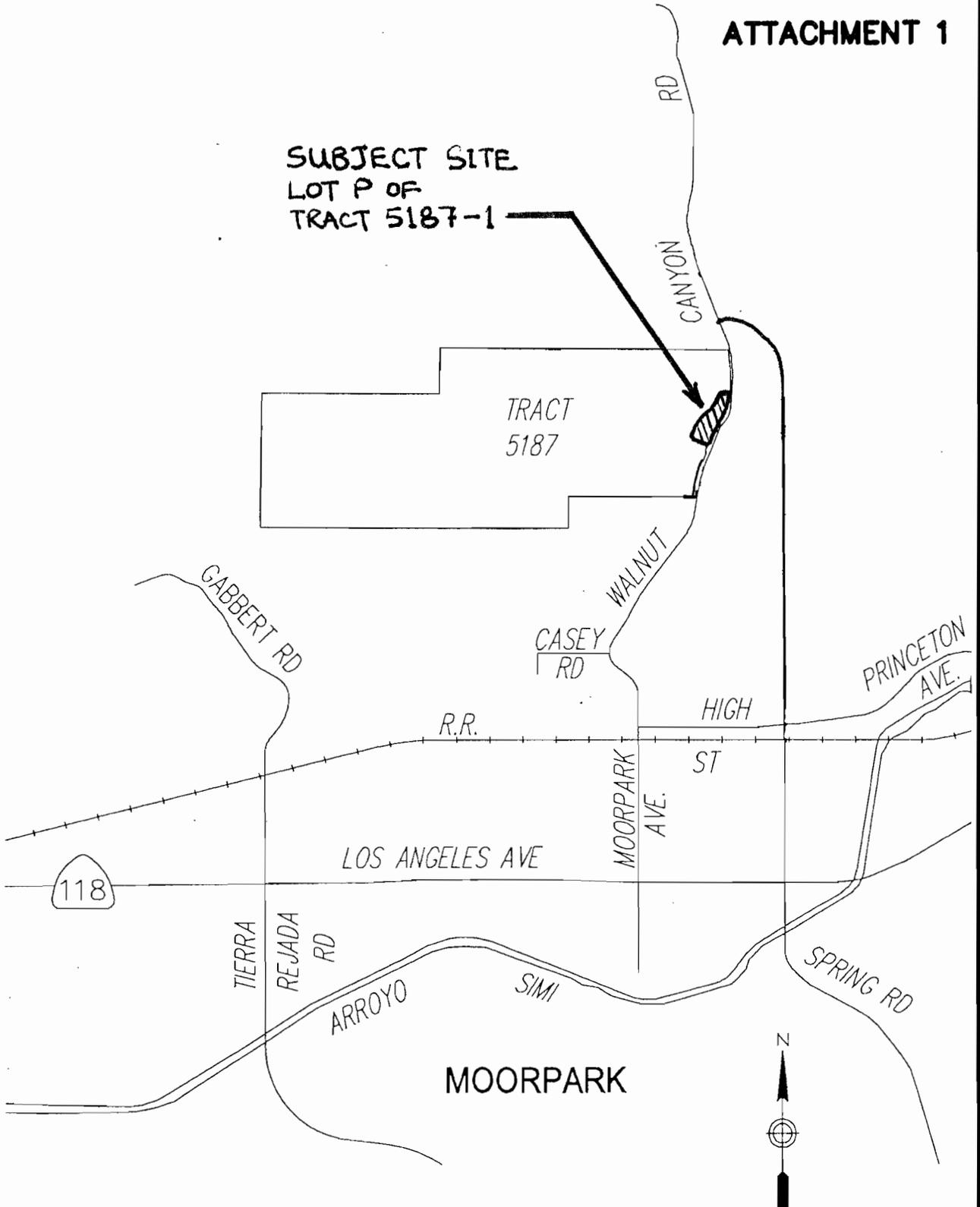
Approve the quitclaim of the conservation easement and authorize the Mayor to sign and the City Clerk to attest and record the quitclaim of conservation easement and the attachments thereto in the office of the Ventura County Recorder.

ATTACHMENTS

- 1 – Vicinity Map
- 2 – Grant Deed of Easement

ATTACHMENT 1

SUBJECT SITE
LOT P OF
TRACT 5187-1



VICINITY MAP

TRACT 5187

Drawing Name: 000001.dwg (00000-10) Location: STAFF REPORTS\MOORPARK_ATT001.dwg
Last Updated: Nov 27, 2007 - 11:30am by: Therian

RECORDING REQUESTED BY:

WHEN RECORDED MAIL TO

City Clerk
CITY OF MOORPARK
799 Moorpark Avenue
Moorpark, CA 93021

MAIL TAX EXEMPT STATEMENTS TO:
EXEMPT

No Fee Required **SPACE ABOVE THIS LINE FOR RECORDER'S USE**

(Gov't Code Sec. 6103 & 27383)

The undersigned grantor(s) declare(s)

Assessor's Parcel No: 513-0-130-095

Documentary transfer tax is \$0.00

Project No. & Name: Tract 5187-1, Meridian Hills

() computed on full value of property

or

() computed on full value less value of liens and
encumbrances remaining at time of sale.

() Unincorporated area: (x) City of Moorpark, and

GRANT DEED OF EASEMENT QUITCLAIM

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

City of Moorpark, a Municipal Corporation

Hereby QUITCLAIMS to:

Ventura County Watershed Protection District

the following described real property in the City of Moorpark, County of Ventura, State of California:

an easement for permanent conservation, landscape, and open space over that property described in Exhibit "A" consisting of one page, attached hereto and made a part hereof. Exhibit "B" consisting of one page is attached for illustration purposes only.

By: _____

Dated: _____

(signature)

Name: Janice S. Parvin

(type or print)

Title: Mayor

(type or print)

EXHIBIT "A"

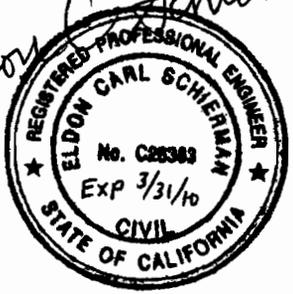
**LOT P CONSERVATION, LANDSCAPE
AND OPEN SPACE EASEMENT TO VCWPD
EASEMENT QUITCLAIM**

Easement Description

That permanent conservation, landscape and open space easement to the City of Moorpark over Lot P, Tract 5187-1, per map recorded in Book 157, Pgs 24-40 of Miscellaneous Records (Maps) in the office of the County Recorder of Ventura County, CA

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

Eldon C. Sherman
12/24/08

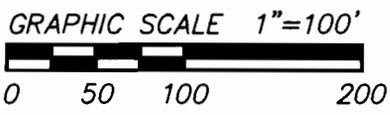
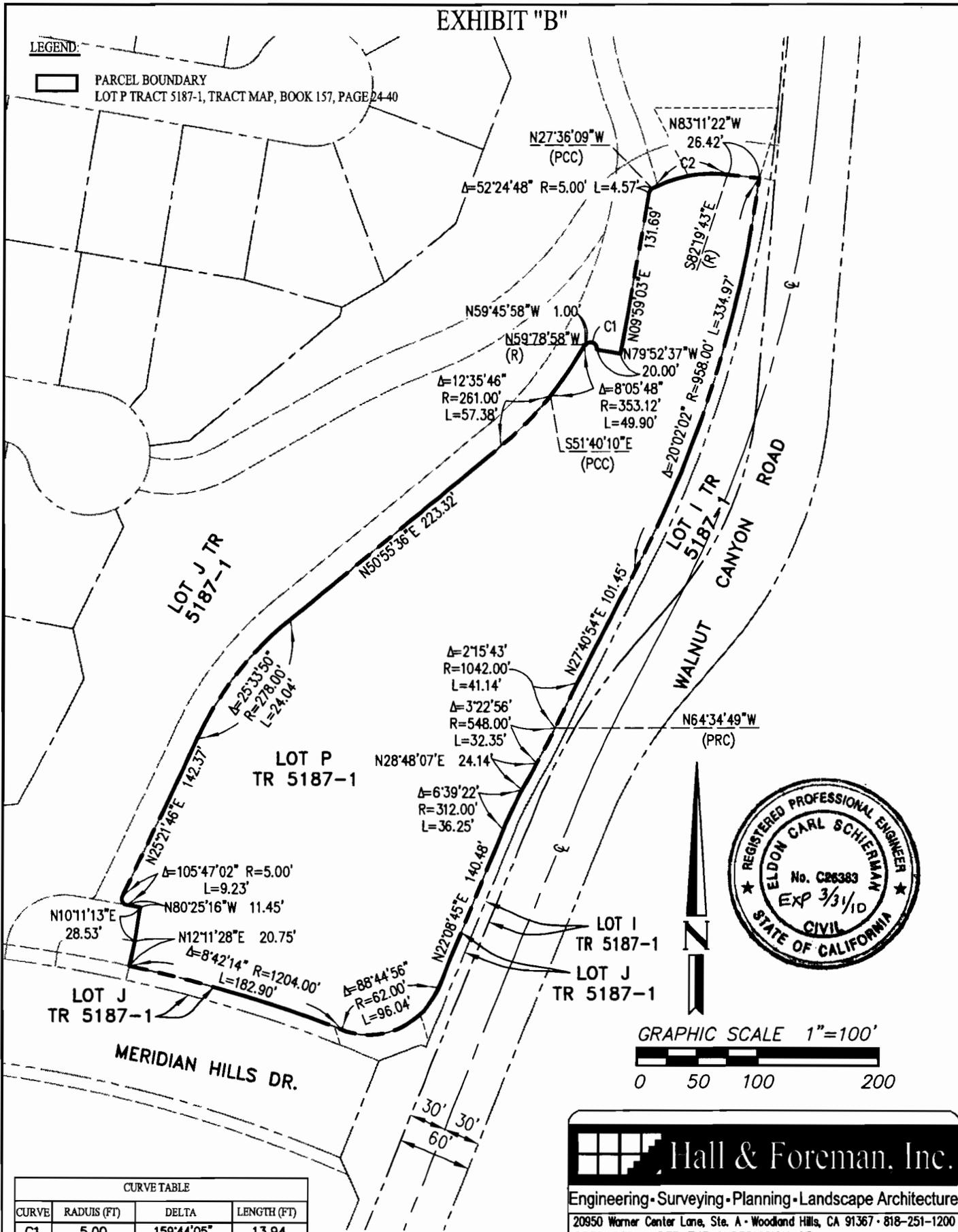


A circular professional engineer seal for Eldon Carl Schierman, No. C28383, Exp 3/31/10, State of California, Civil. The seal is stamped over a handwritten signature and date.

EXHIBIT "B"

LEGEND:

 PARCEL BOUNDARY
 LOT P TRACT 5187-1, TRACT MAP, BOOK 157, PAGE 2440



CURVE TABLE			
CURVE	RADIUS (FT)	DELTA	LENGTH (FT)
C1	5.00	159°44'05"	13.94
C2	106.00	34°24'47"	63.67


Hall & Foreman, Inc.
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 20950 Warner Center Lane, Ste. A • Woodland Hills, CA 91367 • 818-251-1200
 PREPARED UNDER THE SUPERVISION OF:
Eldon C. Schierman 12/24/08
 ELDON C. SCHIERMAN R.C.E. 26383 DATE
 EXP. 3/31/10 100037