

ITEM 10.Q.

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Yugal K. Lall, City Engineer/Public Works Director
Prepared by: Adam Burks, Assistant Engineer



DATE: June 19, 2009 (CC Meeting of 07/01/09)

SUBJECT: Consider the Grant Deed of Easement to the City of Moorpark from Moorpark Oil, LLC

BACKGROUND

As part of the construction of the Spring Road Widening project (Project 8026), additional street right-of-way on the east side of Spring Road south of Los Angeles Avenue is required. Ultimate improvements will include a dedicated right turn lane northbound on Spring Road. The required dedication and construction easement has been obtained from the property owner as part of the gas station improvements (CUP 2008-03 Chevron Carwash).

DISCUSSION

As part of the development permit requirements for CUP 2008-03 at 502 Los Angeles Avenue, Moorpark Oil, LLC dedication of right-of-way and construction easement was required. The developer has dedicated the necessary right-of-way in fee and for construction easement (attachment).

FISCAL IMPACT

None

STAFF RECOMMENDATION

Accept the Grant Deed of Easement and authorize the City Clerk to sign and record an acceptance certificate for the Grant Deed of Easement and the attachments thereto in the office of the Ventura County Recorder.

Attachment

Grant Deed of Easement

Recording requested by:
City Clerk
City Of Moorpark

When recorded, mail to:

City Clerk
City of Moorpark
799 Moorpark Avenue
Moorpark, CA 93021

No fee per Government Code 6103

GRANT DEED OF EASEMENT
(To The City of Moorpark)

No Documentary Transfer Tax per Revenue Taxation Code 11922

APN: 512-350-06

For a valuable consideration, receipt of which is hereby acknowledged,

_____ (hereinafter referred to as "Grantor")

hereby grants to THE CITY OF MOORPARK, ("City"), the following described interests in real property located in the City of Moorpark, County of Ventura, State of California:

In Fee

All that property described in Exhibit "A" attached hereto and incorporated herein, for Public Street and roadway purposes, including construction, maintenance, inspection, removal and replacement of any and all facilities over, under and upon that property. The grantor hereby releases and relinquishes to the City any and all abutter's rights including access rights, appurtenant to the grantor's remaining property, in and to said Los Angeles Avenue and Spring Road, a public roadway, except all existing access opening.

Temporary Construction Easement

A temporary easement for construction and related purposes, in, on, over, under, along and across the property as described in Exhibit "B" attached hereto and incorporated herein. Said temporary construction notice shall commence 30 days after issuance of notice of commencement of construction, which shall be issued to Grantor by U.S. mail and shall automatically terminate upon completion of City's construction, or 1 year after commencement of construction, whichever occurs first. In any event, this construction easement will automatically terminate

at the conclusion of City's construction, or on December 31, 2014, whichever occurs first.

Executed this ____ day of _____, 2009.

GRANTOR:

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

State of _____
County of _____

On _____ before me, _____ personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Signature _____ (Seal)

LOS ANGELES AVENUE

L=17.224m
R=10.973m
D=89°56'06"

P.O.B. EXHIBIT 'A'
P.O.C. EXHIBIT 'B'
NE COR. PAR. 1
11PM44.

SPRING ROAD

A.P.N. 512-350-06
MOORPARK OIL, LLC
PARCEL 1, 11PM44

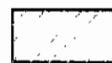
EASEMENT NOTES
(SEE TITLE REPORT BY
FIRST AMERICAN TITLE
INSURANCE CO., ORDER NO.
NCS-309937-SA-1, DATED
12/17/2007.)

- ① EXISTING RIGHT-OF-ENTRY TO SIMI LAND & WATER PER DOC. REC. 01/03/1890 IN BK. 29, PG. 500 OF DEEDS. (NO SPECIFIC LOCATION)
- ② EXISTING 0.76m(2.5') EASEMENT TO SO. CA. EDISON CO. PER DOC. REC. 11/06/1972 IN BK. 4032, PG. 320 O.R.
- ③ EXISTING 0.76m(2.5') EASEMENT TO PAC. TEL. & TEL. CO. PER DOC. REC. 12/01/1972 IN BK. 4043, PG. 20 O.R.
- ④ EXISTING RIGHT-OF-ACCESS TO CHEVRON USA, INC. PER DOC. REC. 07/14/1988 AS INST. NO. 88-099006 O.R.
- ⑤ EXISTING ACCESS EASEMENT TO CHEVRON USA, INC. PER DOC. REC. 12-17-07 AS INST. NO. 2007-226838 O.R.

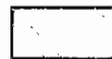
PAR. 2, 11PM44

PAR. 2, 11PM44

LEGEND



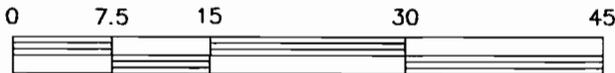
MOORPARK OIL, LLC PROPERTY
LAND ACQUISITION AREA
341.55 SQ. METERS



TEMPORARY CONSTRUCTION EASEMENT
142.17 SQ. METERS

P.O.B. DENOTES PT. OF BEGINNING

P.O.C. DENOTES PT. OF COMMENCEMENT



SCALE IN METERS

SEE EXHIBIT 'A', LEGAL DESCRIPTION,
FOR BASIS OF BEARINGS

CITY OF MOORPARK

RIGHT-OF-WAY ACQUISITION

SPRING ROAD/LOS ANGELES AVENUE

AECOM Water | AECOM

5851 Thille Street, Suite 201
Ventura, California 93003
T 805.644.9704 F 805.642.8277
www.aecom.com

JUNE 8, 2009
OC-M27-200-09
60060449

SHEET 1
OF
1 SHEETS

EXHIBIT "A"

PARCEL 512-350-06

A PORTION OF THAT CERTAIN PROPERTY DESCRIBED IN DEED RECORDED FEBRUARY 3, 1977 IN THE OFFICE OF THE COUNTY RECORDER OF VENTURA COUNTY, CALIFORNIA IN BOOK 4764, PAGE 888 OF OFFICIAL RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF LOT "M" OF TRACT "L" OF THE RANCHO SIMI, IN THE CITY OF MOORPARK, COUNTY OF VENTURA, STATE OF CALIFORNIA, AS SHOWN AS PARCEL 1 ON A MAP THEREOF FILED IN BOOK 11, PAGE 44 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID VENTURA COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF SAID PARCEL 1, BEING A POINT ON A LINE THAT IS PARALLEL WITH AND DISTANT SOUTHERLY 18.288 METERS (60 FEET) MEASURED AT RIGHT ANGLES FROM THE CENTERLINE OF THAT CERTAIN ROADWAY KNOWN AS LOS ANGELES AVENUE, AS SHOWN ON SAID PARCEL MAP, BEING ALSO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID LOS ANGELES AVENUE AS SHOWN ON SAID PARCEL MAP; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE OF LOS ANGELES AVENUE ALONG THE EASTERLY LINE OF SAID PARCEL 1,

1st: SOUTH 00°28'54" WEST, A DISTANCE OF 1.068 METERS; THENCE LEAVING SAID EASTERLY LINE OF SAID PARCEL 1,

2nd: SOUTH 89°09'30" WEST, A DISTANCE OF 39.242 METERS; THENCE

3rd: SOUTH 44°49'14" WEST, A DISTANCE OF 13.633 METERS; THENCE

4th: SOUTH 00°29'06" WEST, A DISTANCE OF 41.669 METERS TO A POINT ON THE SOUTHERLY LINE OF SAID PARCEL 1; THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL 1,

5th: NORTH 89°34'46" WEST, A DISTANCE OF 4.568 METERS TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF THAT CERTAIN ROADWAY KNOWN AS SPRING ROAD, AS SHOWN ON SAID PARCEL MAP; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF SPRING ROAD, ALONG THE WESTERLY LINE OF SAID PARCEL 1,

6th: NORTH 00°28'54" EAST, A DISTANCE OF 42.379 METERS TO THE BEGINNING OF A TANGENT 10.973 METER RADIUS CURVE CONCAVE SOUTHEASTERLY; THENCE

7th: NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89°56'06", AN ARC DISTANCE OF 17.224 METERS TO A POINT ON SAID SOUTHERLY RIGHT-OF-WAY LINE OF SAID LOS ANGELES AVENUE AS SHOWN ON SAID PARCEL MAP; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF LOS ANGELES AVENUE ALONG THE NORTHERLY LINE OF SAID PARCEL 1,

8th: SOUTH 89°35'00" EAST, A DISTANCE OF 42.370 METERS TO THE **POINT OF BEGINNING**.

CONTAINING 341.55 SQUARE METERS (0.034 HECTARES), MORE OR LESS.

THE AFOREMENTIONED CONVEYANCE IS MADE FOR THE PURPOSE OF A PUBLIC ROADWAY AND THE GRANTOR HEREBY RELEASES AND RELINQUISHES TO THE GRANTEE ANY AND ALL ABUTTER'S RIGHTS, INCLUDING ACCESS RIGHTS, APPURTENANT TO THE GRANTOR'S REMAINING PROPERTY, IN AND TO SAID LOS ANGELES AVENUE, A PUBLIC ROADWAY, EXCEPT AT EXISTING ACCESS OPENINGS.

THE BASIS OF BEARINGS FOR THIS LEGAL DESCRIPTION IS THE CALIFORNIA COORDINATE SYSTEM NAD83 ZONE 5 AND IS BASED ON A LINE BETWEEN CALIFORNIA DIVISION OF HIGHWAYS SECOND ORDER STATION "HITCH NO 2 1975" AND COUNTY OF VENTURA SECOND ORDER STATION "F 1134 1961", I.E. NORTH 44°34'57" EAST.

THE METRIC DISTANCES STATED HEREIN ARE GROUND DISTANCES. THE SCALE FACTOR AT SURVEY CONTROL MONUMENT "F 1134 1961" WHICH HAS NAD83 COORDINATES OF: NORTH 586,642.180 METERS, EAST 1,914,975.874 METERS IS 0.99995605. MULTIPLY GROUND DISTANCES BY 0.99995605 TO OBTAIN GRID DISTANCES.

THIS REAL PROPERTY DESCRIPTION HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYORS ACT.

SIGNATURE: St M. Howell
STEVEN M. HOWELL, LS 5758
LICENSE EXPIRES 6/30/10
DATE: June 9, 2009



EXHIBIT "B"

PARCEL 512-350-06 Temporary Construction Easement

A PORTION OF THAT CERTAIN PROPERTY DESCRIBED IN DEED RECORDED FEBRUARY 3, 1977 IN THE OFFICE OF THE COUNTY RECORDER OF VENTURA COUNTY, CALIFORNIA IN BOOK 4764, PAGE 888 OF OFFICIAL RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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1st : SOUTH 00°28'54" WEST, A DISTANCE OF 1.524 METERS; THENCE LEAVING SAID EASTERLY LINE OF SAID PARCEL 1,

2nd : SOUTH 89°09'30" WEST, A DISTANCE OF 38.586 METERS; THENCE

3rd : SOUTH 44°49'14" WEST, A DISTANCE OF 12.391 METERS; THENCE

4th : SOUTH 00°29'06" WEST, A DISTANCE OF 41.047 METERS TO A POINT ON THE SOUTHERLY LINE OF SAID PARCEL 1; THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL 1,

5th : NORTH 89°34'46" WEST, A DISTANCE OF 1.524 METERS; THENCE

6th : NORTH 00°29'06" EAST, A DISTANCE OF 41.669 METERS; THENCE

7th : NORTH 44°49'14" EAST, A DISTANCE OF 13.633 METERS; THENCE

8th : NORTH 89°09'30" EAST, A DISTANCE OF 39.242 METERS TO THE **POINT OF BEGINNING**.

CONTAINING 142.17 SQUARE METERS (0.014 HECTARES), MORE OR LESS.

THE BASIS OF BEARINGS FOR THIS LEGAL DESCRIPTION IS THE CALIFORNIA COORDINATE SYSTEM NAD83 ZONE 5 AND IS BASED ON A LINE BETWEEN CALIFORNIA DIVISION OF HIGHWAYS SECOND ORDER STATION "HITCH NO 2 1975" AND COUNTY OF VENTURA SECOND ORDER STATION "F 1134 1961", I.E. NORTH 44°34'57" EAST.

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SIGNATURE: *S. M. Howell*
STEVEN M. HOWELL, LS 5758
LICENSE EXPIRES 6/30/10
DATE: June 9, 2009



**City of Moorpark
Spring Road / Los Angeles Avenue**

Lot name: PARCEL 512-350-06 Temporary Construction Easement

North: 586682.2949 East: 1919477.9080
Line Course: N 00-29-06 E Length: 41.669
North: 586723.9625 East: 1919478.2607
Line Course: N 44-49-14 E Length: 13.633
North: 586733.6326 East: 1919487.8705
Line Course: N 89-09-30 E Length: 39.242
North: 586734.2090 East: 1919527.1082
Line Course: S 00-28-54 W Length: 1.524
North: 586732.6851 East: 1919527.0954
Line Course: S 89-09-30 W Length: 38.586
North: 586732.1183 East: 1919488.5136
Line Course: S 44-49-14 W Length: 12.391
North: 586723.3291 East: 1919479.7793
Line Course: S 00-29-06 W Length: 41.047
North: 586682.2836 East: 1919479.4319
Line Course: N 89-34-46 W Length: 1.524
North: 586682.2948 East: 1919477.9079

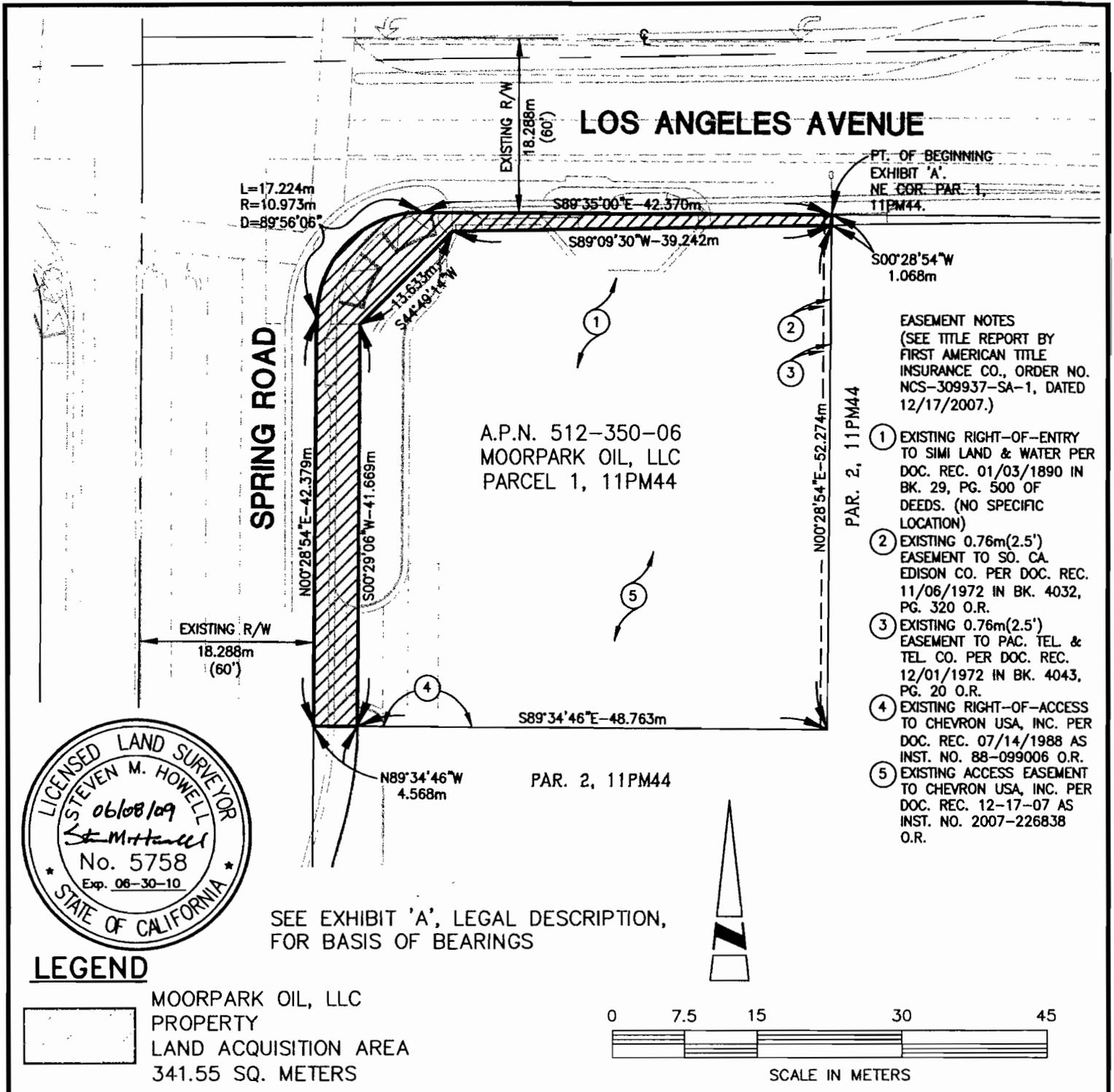
Perimeter: 189.617 Area: 142.17 sq.m. 0.014 hectares

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.0002 Course: S 31-05-27 W

Error North: -0.00017 East: -0.00010

Precision 1: 937,357.872



CITY OF MOORPARK

RIGHT-OF-WAY ACQUISITION

SPRING ROAD/LOS ANGELES AVENUE

AECOM Water | AECOM
5851 Thille Street, Suite 201
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JUNE 8, 2009
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SIGNATURE: Steven M. Howell
STEVEN M. HOWELL, LS 5758
LICENSE EXPIRES 6/30/10
DATE: June 8, 2009

