

**MOORPARK CITY COUNCIL  
AGENDA REPORT**

**TO:** Honorable City Council

**FROM:** Dave Klotzle, Interim City Engineer/Public Works Director 

**DATE:** October 8, 2010 (CC Meeting of 10/20/10)

**SUBJECT:** Consider Dedication of Right-of-Way and Access Easements to the City of Moorpark from Shea Homes, Tract 5133 and Tentative Tract 5425

**BACKGROUND**

Shea Homes, Tract 5133 and Tentative Tract 5425 are residential subdivisions located south of Los Angeles Avenue and east of Moorpark Avenue. The conditions of approval for these projects require Shea Homes to dedicate certain rights-of-way and easements to the City. Two dedications of right-of-way on the south side of Los Angeles Avenue are required for the future widening of the state route. A public access easement is required for the street “knuckle” connecting Majestic Court to Fremont Street which provides access to the new recreation area. Another access easement is required over the private portion of Millard Street which connects to City-owned property south of Tract 5133.

**DISCUSSION**

The dedication or right-of-way and easements are generally described as follows:

<u>Attachment</u>	<u>Type</u>	<u>Description</u>
1	Right-of-Way in Fee	Right-of-Way across Lot 54 and 55 required for the widening of Los Angeles Avenue.
2	Right-of-Way in Fee	Right-of-Way across the north end of Fremont St. (private) required for the widening of Los Angeles Avenue.

<u>Attachment</u>	<u>Type</u>	<u>Description</u>
3	Temporary Access Easement	To provide public access upon, and the placement of public utilities within, an area to become a future private street connecting Majestic Court to Fremont Street, when Tract 5425 is recorded.
4	Access Easement	To provide for public access across certain Shea owned property situated between Millard avenue and certain City-owned property to the south.

It should be noted that the temporary access easement between Majestic Court and Fremont Street (Attachment 3) will be superseded by recordation of the final map for Tract 5425 and may have to be vacated at that time.

### **FISCAL IMPACT**

None.

### **STAFF RECOMMENDATIONS**

Accept the Grant Deeds of Right-of-Way and Access Easement Dedications and authorize the City Clerk to sign and record an acceptance certificate for said Grant Deeds and the attachments thereto in the office of the Ventura County Recorder.

#### Attachments:

- 1 – Grant Deed of Right-of-Way In Fee (Lot 54 & 55)
- 2 – Grant Deed of Right-of-Way In Fee (North end of Fremont Street)
- 3 – Grant Deed of Temporary Access Easement (Majestic Court to Fremont Street)
- 4 – Grant Deed of Access Easement (south of Millard Street)

**RECORDING REQUESTED BY:**  
Shea Homes Limited Partnership

**WHEN RECORDED MAIL TO:**  
City Clerk  
City of Moorpark  
799 Moorpark Avenue  
Moorpark, CA 93021

**GRANT DEED**  
(To the City of Moorpark)

No Documentary Transfer Tax per Revenue Taxation Code 11922

APN: 506-0-020-330 (portion of)

For valuable consideration, receipt of which is hereby acknowledged, SHEA HOMES LIMITED PARTNERSHIP, a California limited partnership (“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:

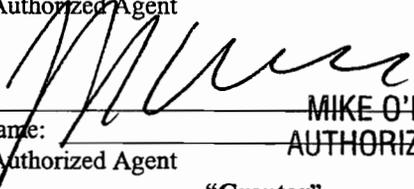
In Fee:

All that certain property described in Exhibit “A”, attached hereto and incorporated herein;

Executed this 30th day of September, 2010.

SHEA HOMES LIMITED PARTNERSHIP,  
a California limited partnership

By:  Brooke Thomas  
Print Name: \_\_\_\_\_ Assistant Secretary  
Title: Authorized Agent

By:  MIKE O'MELVENY  
Print Name: \_\_\_\_\_ AUTHORIZED AGENT  
Title: Authorized Agent  
“Grantor”

**STATE OF CALIFORNIA**

**COUNTY OF RIVERSIDE**

On September 30, 2010, before me, Beth A. Hutchinson, Notary Public, personally appeared Brooke Thomas and Mike O'Melveny, who proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



**Beth A. Hutchinson**  
**Notary Public**  
Commission #1850258  
Comm. Expires May 21, 2013



California General Purpose Acknowledgment  
For all documents executed in the State of California

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**within**  
**LOT 54 and LOT 55**  
**FREMONT TRACT**  
**per**  
**3 MR 39**

The southerly 20.00 feet of the northerly 40.00 feet of Lot 55 of Fremont Tract, in the City of Moorpark, County of Ventura, State of California, as per Map filed in Book 3, Page 39 of Miscellaneous Records (Maps) in the Office of the County Recorder of said County.

**TOGETHER WITH** the easterly 5.00 feet of the southerly 20.00 feet of the northerly 40.00 feet of Lot 54 of said Fremont Tract.

**CONTAINING:** 6,700 Square Feet, more or less.

**SUBJECT TO:** All covenants, Rights, Rights-of-Way and Easements of record.

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



Matthew J. Vernon  
PLS 7553, Exp. 12/31/2011

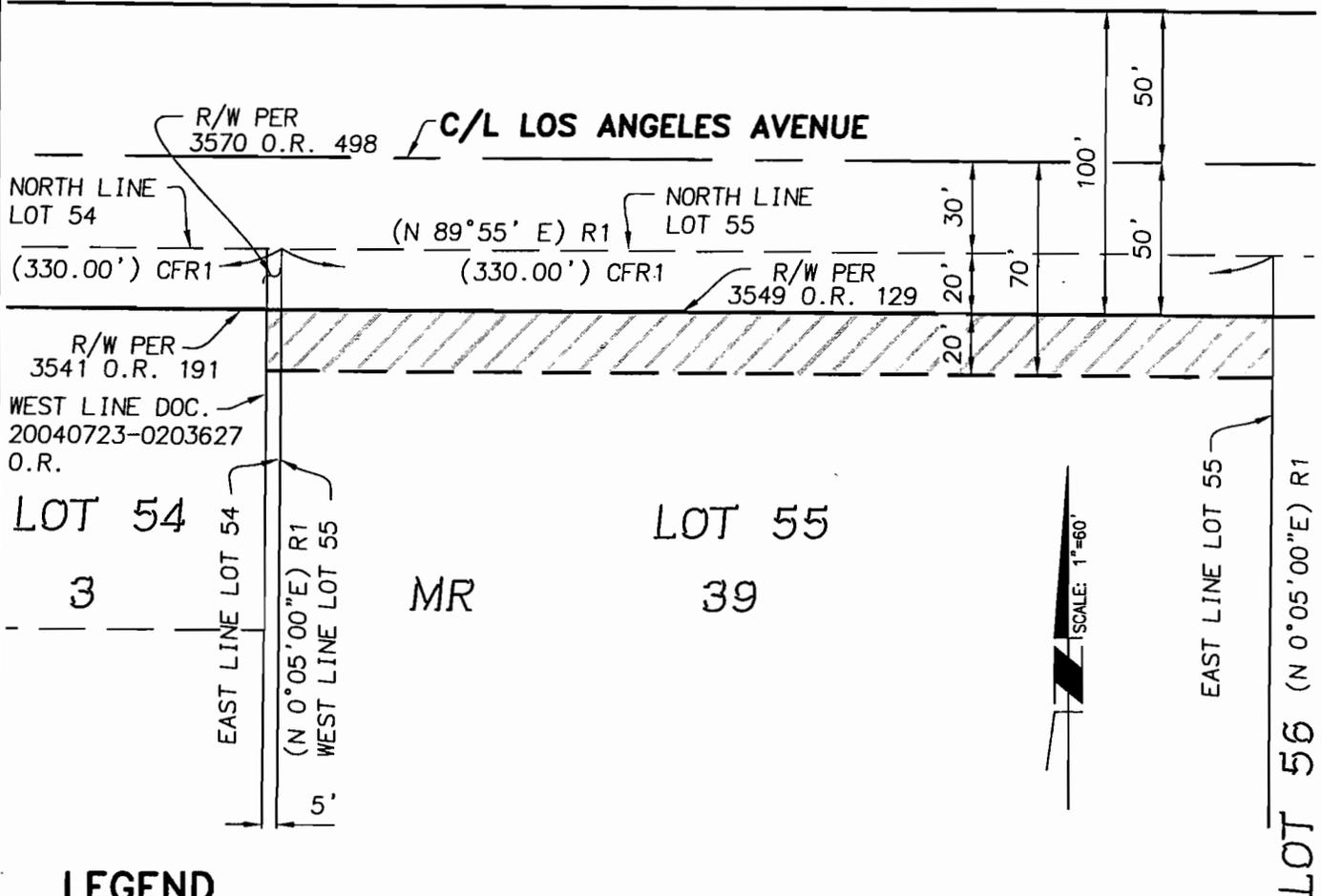
*10/1/2010*

Date

735-LA\_Ave\_ROW-EX019.doc

# EXHIBIT "B"

## PLAT TO ACCOMPANY LEGAL DESCRIPTION



### LEGEND

- C/L CENTERLINE
- R/W RIGHT-OF-WAY
- R1 FREMONT TRACT PER 3 MR 39
-  AREA OF DESCRIPTION



*[Signature]* 11/1/2010  
 MATTHEW J. VERNON, PLS 7553 DATE  
 EXPIRES 12/31/2011

**RBF** PLANNING ■ DESIGN ■ CONSTRUCTION  
 CONSULTING  
 5051 VERDUGO WAY, SUITE 300  
 CAMARILLO, CALIFORNIA 93012  
 805.383.3373 • FAX 805.383.3371 • www.RBF.com

**LOS ANGELES AVE R/W**  
**FREMONT TRACT**  
**3 MR 39**  
 CITY OF MOORPARK  
 COUNTY OF VENTURA, STATE OF CALIFORNIA

DATE: 5/6/10  
 SCALE: 1"=60'  
 SHEET: 1 OF 1  
 CAD: JM  
 CHK'D: MJV

**RECORDING REQUESTED BY:**  
Shea Homes Limited Partnership

**WHEN RECORDED MAIL TO:**  
City Clerk  
City of Moorpark  
799 Moorpark Avenue  
Moorpark, CA 93021

**GRANT DEED**  
(To the City of Moorpark)

No Documentary Transfer Tax per Revenue Taxation Code 11922

APN: 506-0-020-230 (portion of)

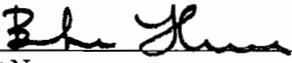
For valuable consideration, receipt of which is hereby acknowledged, SHEA HOMES LIMITED PARTNERSHIP, a California limited partnership (“Grantor”), hereby grants to THE CITY OF MOORPARK (“City”), the following described interests in real property located in the City of Moorpark, County of Ventura, State of California:

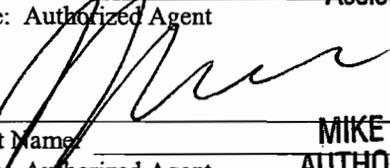
In Fee:

All that certain property described in Exhibit “A”, attached hereto and incorporated herein;

Executed this 30th day of September, 2010.

SHEA HOMES LIMITED PARTNERSHIP,  
a California limited partnership

By:  Brooke Thomas  
Print Name: \_\_\_\_\_ Assistant Secretary  
Title: Authorized Agent

By:  MIKE O'MELVENY  
Print Name: \_\_\_\_\_ AUTHORIZED AGENT  
Title: Authorized Agent  
“Grantor”

**STATE OF CALIFORNIA**

**COUNTY OF RIVERSIDE**

On September 30, 2010, before me, Beth A. Hutchinson, Notary Public, personally appeared Brooke Thomas and Mike O'Melveny, who proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



**Beth A. Hutchinson**  
**Notary Public**  
Commission #1850258  
Comm. Expires May 21, 2013



California General Purpose Acknowledgment  
For all documents executed in the State of California

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**within**  
**LOT 54**  
**FREMONT TRACT**  
**per**  
**3 MR 39**

That portion of Lot 54 of Fremont Tract, in the City of Moorpark, County of Ventura, State of California, as per Map filed in Book 3, Page 39 of Miscellaneous Records (Maps) in the Office of the County Recorder of said County, more particularly described as follows:

The south 20.00 feet of the north 40.00 feet of said lot 54.

**EXCEPT THEREFROM** the east 140.00 feet of said lot 54.

**ALSO EXCEPT THEREFROM** the west 140.00 feet of said lot 54.

**CONTAINING:** 1,000 Square Feet, more or less.

**SUBJECT TO:** All covenants, Rights, Rights-of-Way and Easements of record.

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

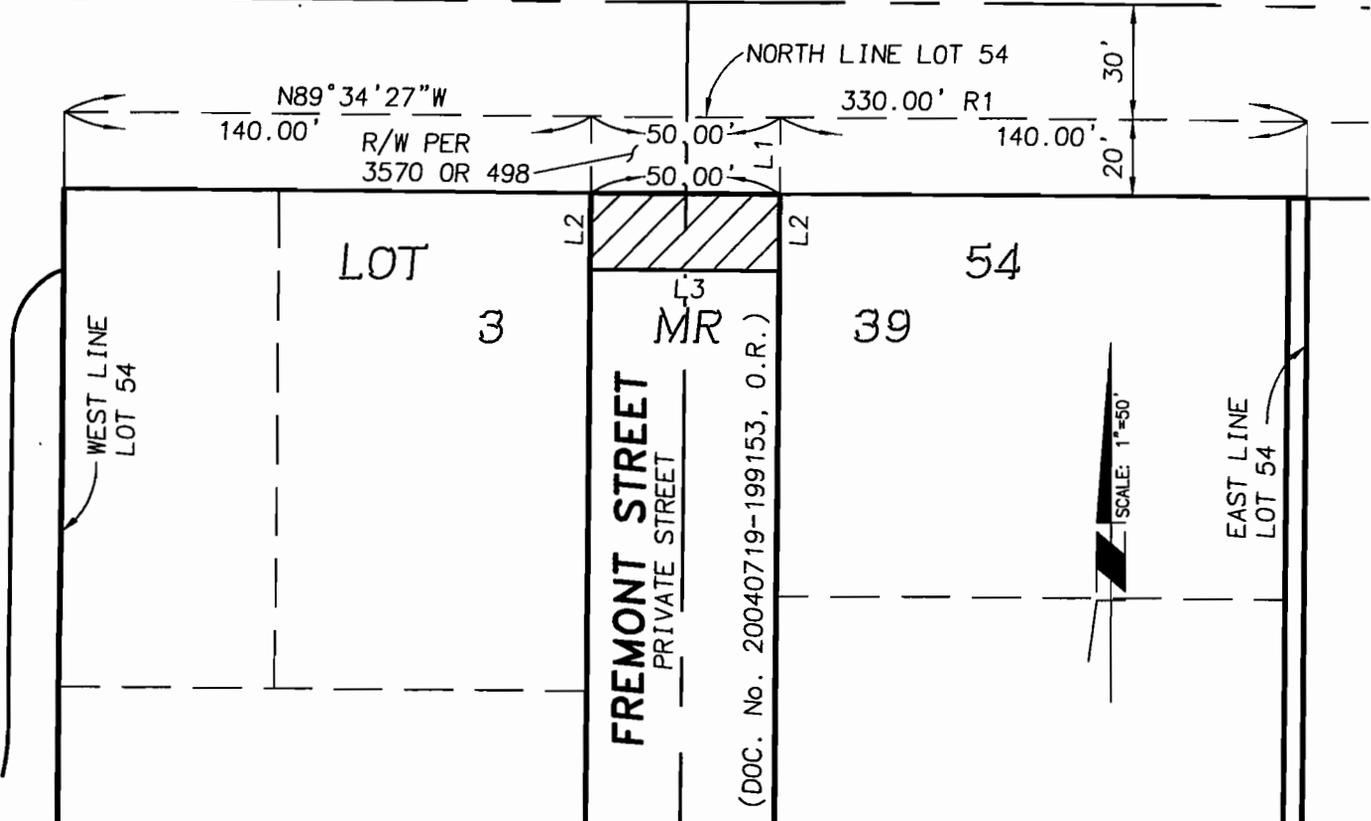


  
\_\_\_\_\_  
Matthew J. Vernon      10/1/2010  
Date  
PLS 7553, Exp. 12/31/2011

735-EX020.doc

**EXHIBIT "B"**  
**PLAT TO ACCOMPANY LEGAL DESCRIPTION**

C/L LOS ANGELES AVENUE



LINE DATA TABLE			
NO.	BEARING	LENGTH	
L1	N00°26'10"E	20.00'	R2
L2	N00°26'10"E	20.00'	
L3	N89°33'50"W	50.00'	

**LEGEND**

- C/L CENTERLINE
- R/W RIGHT-OF-WAY
- R1 FREMONT TRACT 3 MR 39
- R2 3570 OR 498
- AREA OF DESCRIPTION



*Matthew J. Vernon* 10/6/2010  
 MATTHEW J. VERNON, PLS 7553 DATE  
 EXPIRES 12/31/2011

**RBF** CONSULTING  
 PLANNING ■ DESIGN ■ CONSTRUCTION  
 5051 VERDUGO WAY, SUITE 300  
 CAMARILLO, CALIFORNIA 93012  
 805.383.3373 • FAX 805.383.3371 • www.RBF.com

**LOS ANGELES AVE R/W**  
**FREMONT TRACT**  
**3 MR 39**  
 CITY OF MOORPARK  
 COUNTY OF VENTURA, STATE OF CALIFORNIA

DATE: 5/6/10  
 SCALE: 1"=50'  
 SHEET: 1 OF 1  
 CAD: JM  
 CHK'D: MJV

**RECORDING REQUESTED BY:**  
Shea Homes Limited Partnership

**WHEN RECORDED MAIL TO:**  
City Clerk  
City of Moorpark  
799 Moorpark Avenue  
Moorpark, CA 93021

**GRANT DEED**  
(To the City of Moorpark)

No Documentary Transfer Tax per Revenue Taxation Code 11922

APN: 506-0-020-310 (portion of)  
& APN: 506-0-020-320 (portion of)

For valuable consideration, receipt of which is hereby acknowledged, SHEA HOMES LIMITED PARTNERSHIP, a California limited partnership ("**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:

An access and public utility easement across:

All that certain property described in Exhibit "A", attached hereto and incorporated herein;

Executed this 30<sup>th</sup> day of September, 2010.

SHEA HOMES LIMITED PARTNERSHIP,  
a California limited partnership

By:  Brooke Thomas  
Print Name: Assistant Secretary  
Title: Authorized Agent

By:  MIKE O'MELVENY  
Print Name: AUTHORIZED AGENT  
Title: Authorized Agent

"Grantor"

**STATE OF CALIFORNIA**

**COUNTY OF RIVERSIDE**

On September 30, 2010, before me, Beth A. Hutchinson, Notary Public, personally appeared Brooke Thomas and Mike O'Melveny, who proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



**Beth A. Hutchinson**  
**Notary Public**  
Commission #1850258  
Comm. Expires May 21, 2013



California General Purpose Acknowledgment  
For all documents executed in the State of California

**EXHIBIT "A"**  
**TEMPORARY ACCESS EASEMENT**  
**LEGAL DESCRIPTION**  
**within**  
**LOT 54**  
**FREMONT TRACT**  
**per**  
**3 MR 39**

That portion of Lot 54 of Fremont Tract, in the City of Moorpark, County of Ventura, State of California, as per Map filed in Book 3, Page 39 of Miscellaneous Records (Maps), and of Parcel 1 of Parcel Map recorded November 15, 1968, in the City of Moorpark, County of Ventura, State of California, filed in Book 4, Page 96 of Parcel Maps, all in the Office of the County Recorder of said County described as follows;

**BEGINNING** at a point of intersection in the west line of said Lot 54 with the south line of the north 725.00 feet of said Lot; thence, along the west line of said Lot, South 0° 05' 00" East 117.35 feet to a point of intersection with the north line of Majestic Court (51.50 feet wide) as shown on Tract No. 5133, filed in Book 154, Pages 39 through 45 of Miscellaneous Records (Maps), in the Office of the County Recorder of said County, said point being the **TRUE POINT of BEGINNING**;

- 1<sup>st</sup> Thence, departing said west line parallel with said south line of the north 725.00 feet of said Lot 54, North 89° 55' 00" East 111.00 feet to the beginning of a tangent curve, concave northwesterly having a radius of 29.00 feet, said curve also being tangent to the west line of the easement for Fremont Street (a private street 50.00 feet wide) as described in Document recorded August 6, 1962 in Book 2187, Page 438 of Official Records of said County;
- 2<sup>nd</sup> Thence, easterly, northeasterly and northerly along said curve through a central angle of 90°00'00" an arc distance of 45.55 feet to a point in the southerly prolongation of said west line of Fremont Street;
- 3<sup>rd</sup> Thence, along said southerly prolongation North 0° 05' 00" West 88.35 feet to a point in the south line of the northerly 725.00 feet of said Lot 54;
- 4<sup>th</sup> Thence, along said south line North 89° 55' 00" East 50.00 feet to a point of intersection with a line which is parallel with and 50.00 feet east of said west line of Fremont Street;
- 5<sup>th</sup> Thence, along said parallel line South 0°05'00" East 52.99 to the beginning of a tangent curve concave northeasterly having a radius of 34.00 feet;
- 6<sup>th</sup> Thence, southerly and southeasterly along said curve through a central angle of 19° 10' 58" an arc distance of 11.38 feet to the beginning of a reverse curve having a radius of 86.00 feet;

- 7<sup>th</sup> Thence, southeasterly, southerly, westerly and northwesterly along said curve through a central angle of 132° 13' 12" an arc distance of 198.46 feet to the beginning of a reverse curve having a radius of 34.00 feet;
- 8<sup>th</sup> Thence, northwesterly and westerly along said curve through a central angle of 23° 02' 14" an arc distance of 13.67 feet to a point in a line which is parallel with and 51.50 feet southerly of the 1<sup>st</sup> course described herein;
- 9<sup>th</sup> Thence, along said parallel line South 89° 55' 00" West 63.70 feet to a point in the west line of said Lot 54;
- 10<sup>th</sup> Thence, along said west line North 0° 05' 00" West 51.50 feet to the **TRUE POINT of BEGINNING.**

**CONTAINING:** 15,987 Square feet, more or less.

**SUBJECT TO:** All covenants, Rights, Rights-of-Way and Easements of record.

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

**NOTE:** This easement is temporary and shall expire and terminate upon dedication of right-of-way for Fremont Street and Majestic Court by subdivision map.



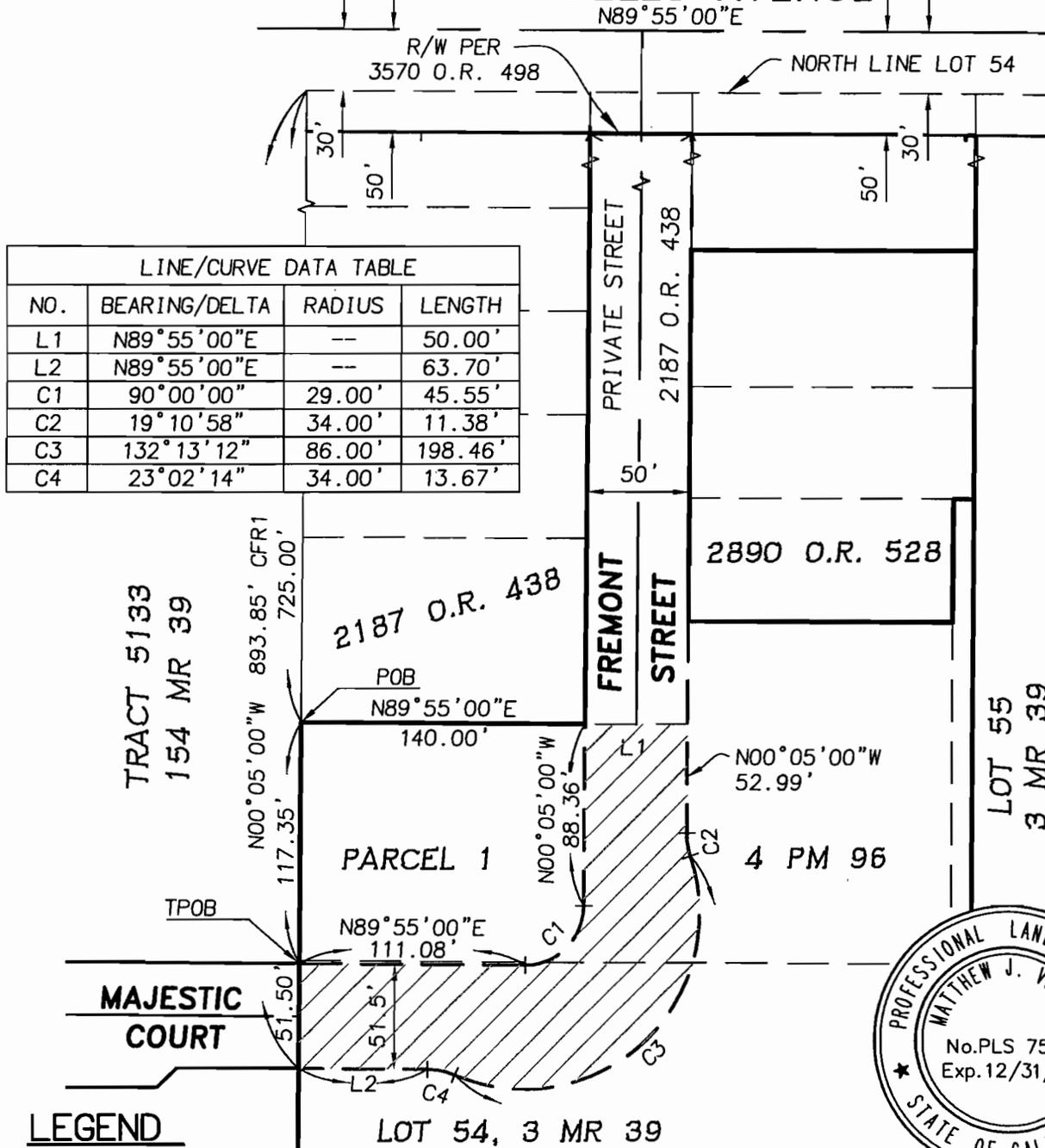
*[Handwritten Signature]* 10/1/2010  
 Matthew J. Vernon Date  
 PLS 7553, Exp. 12/31/2011

735-TEMP-ACCESS-EX018.doc

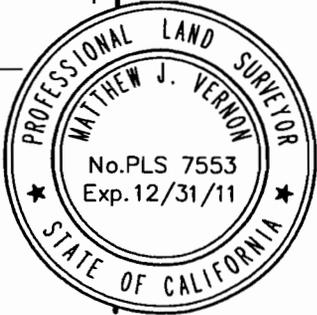
# EXHIBIT "B"

PLAT TO ACCOMPANY LEGAL DESCRIPTION

## LOS ANGELES AVENUE



LINE/CURVE DATA TABLE			
NO.	BEARING/DELTA	RADIUS	LENGTH
L1	N89°55'00"E	--	50.00'
L2	N89°55'00"E	--	63.70'
C1	90°00'00"	29.00'	45.55'
C2	19°10'58"	34.00'	11.38'
C3	132°13'12"	86.00'	198.46'
C4	23°02'14"	34.00'	13.67'



### LEGEND

- R1 154 MR 39
- R/W RIGHT-OF-WAY
- POB POINT OF BEGINNING
- TPOB TRUE POINT OF BEGINNING
- AREA OF DESCRIPTION

*Matthew J. Vernon* 10/1/2010  
 MATTHEW J. VERNON, PLS 7553 DATE  
 EXPIRES 12/31/2011

<p>PLANNING ■ DESIGN ■ CONSTRUCTION</p> <p>5051 VERDUGO WAY, SUITE 300                  CAMARILLO, CALIFORNIA 93012                  805.383.3373 • FAX 805.383.3371 • www.RBF.com</p>	<p><b>TEMPORARY RIGHT-OF-WAY</b>  <b>LOT 54, FREMONT TRACT</b>  <b>3 MR 39</b></p> <p>CITY OF MOORPARK                  COUNTY OF VENTURA, STATE OF CALIFORNIA</p>	<p>DATE: 7/19/10</p> <p>SCALE: 1"=120'</p> <p>SHEET: 1 OF</p> <p>CAD: JM</p> <p>CHK'D: MJV</p>
	<p>H: \PDATA\30100735\CADD\MAPPING\EXHIBITS\LLA-REC_CENTER\0735-TEMP-ACCESS-EX018.DWG MJV 10/1/10 10:01 am</p>	

**RECORDING REQUESTED BY:**  
Shea Homes Limited Partnership

**WHEN RECORDED MAIL TO:**  
City Clerk  
City of Moorpark  
799 Moorpark Avenue  
Moorpark, CA 93021

**GRANT DEED**  
(To the City of Moorpark)

No Documentary Transfer Tax per Revenue Taxation Code 11922

APN: 506-0-360-545 (portion of)

For valuable consideration, receipt of which is hereby acknowledged, SHEA HOMES LIMITED PARTNERSHIP, a California limited partnership (“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:

An access easement across:

All that certain property described in Exhibit “A”, attached hereto and incorporated herein;

Executed this 30<sup>th</sup> day of September, 2010.

SHEA HOMES LIMITED PARTNERSHIP,  
a California limited partnership

By:  Brooke Thomas  
Print Name: Assistant Secretary  
Title: Authorized Agent

By:   
Print Name: MIKE O'MELVENY  
Title: Authorized Agent  
**AUTHORIZED AGENT**  
“Grantor”

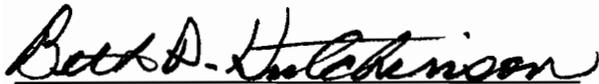
**STATE OF CALIFORNIA**

**COUNTY OF RIVERSIDE**

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I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



**Beth A. Hutchinson**  
**Notary Public**  
Commission #1850258  
Comm. Expires May 21, 2013



California General Purpose Acknowledgment  
For all documents executed in the State of California

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**ACCESS EASEMENT**  
**within**  
**Lot 3**  
**TRACT No. 5133**  
**per**  
**154 MR 39**

The west 38.13 feet of Lot 3, Tract No. 5133, in the City of Moorpark, County of Ventura, State of California, as per map filed in Book 154, Pages 39 through 45 of Miscellaneous Records (Maps) in the Office of the County Recorder of said County.

**CONTAINING:** 18,016 square feet, more or less.

**SUBJECT TO:** All covenants, Rights, Rights-of-Way and Easements of record.

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

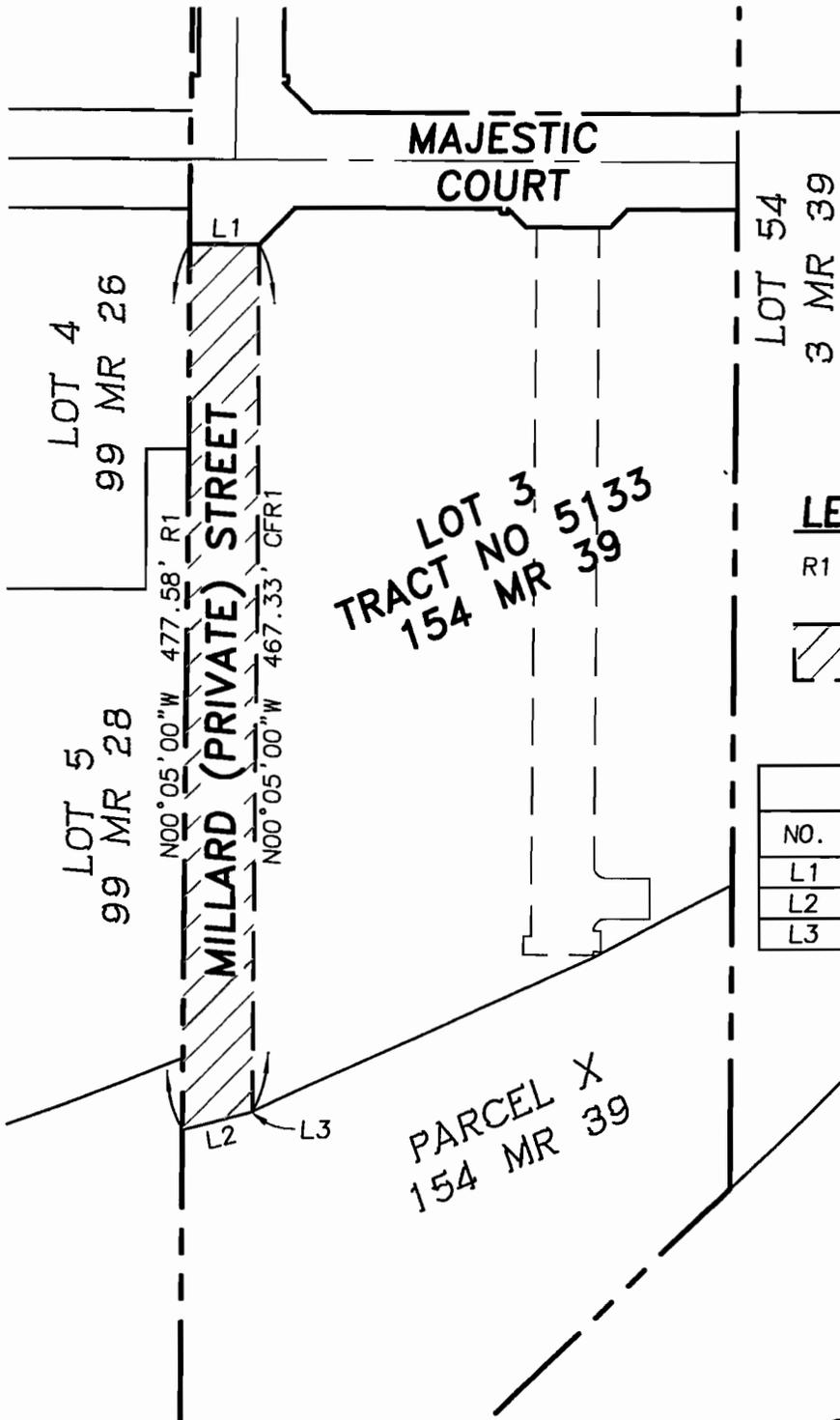


  
Matthew J. Vernon  
PLS 7553, Exp. 12/31/2011

*9/27/2010*  
Date

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**EXHIBIT "B"**  
**PLAT TO ACCOMPANY LEGAL DESCRIPTION**



**LEGEND**

- R1 TRACT NO 5133  
154 MR 39
- AREA OF DESCRIPTION

LINE DATA TABLE			
NO.	BEARING	LENGTH	
L1	N89°55'00"E	38.13'	R1
L2	N75°09'44"E	38.25'	R1
L3	N65°34'40"E	1.25'	R1



*[Signature]*

MATTHEW J. VERNON, PLS 7553      9/27/2010      DATE



PLANNING ■ DESIGN ■ CONSTRUCTION  
 5051 VERDUGO WAY, SUITE 300  
 CAMARILLO, CALIFORNIA 93012  
 805.383.3373 • FAX 805.383.3371 • www.RBF.com

**ACCESS EASEMENT**  
**LOT 3**  
**TRACT 5133, 154 MR 39**  
 CITY OF MOORPARK  
 COUNTY OF VENTURA, STATE OF CALIFORNIA

DATE: 5/6/10  
 SCALE: 1"=100'  
 SHEET: 1 OF 1  
 CAD: JM  
 CHK'D: MJV