

**MOORPARK CITY COUNCIL  
AGENDA REPORT**

**To:** Honorable City Council

**From:** David C. Moe II, Economic Development and Housing Manager *Dcm*

**Date:** November 19, 2014 (CC Meeting of 12/3/14)

**Subject:** Consider Resolution Authorizing the Acquisition of 148 Los Angeles Avenue and Accepting the Grant Deed for Recordation

**BACKGROUND AND DISCUSSION**

The property located at 148 Los Angeles Avenue ("Property") is listed for sale by ReMax. A portion of the Property is needed for the widening project of Los Angeles Avenue (Highway 118) right of way from Moorpark Avenue to Spring Road (Capital Improvement Project No. 8013). The Property is 8,815 square foot lot improved with a 1,478 square foot, three bedroom, 2 bath home. Access to the Property is solely from Los Angeles Avenue. The home is vacant and in very poor condition.

Staff negotiated the purchase price for the Property. The owner (Bayview Loan Servicing, LLC) has accepted the City's offer of \$295,000.00 for the purchase of the Property and escrow has been opened.

Pursuant to Government Code Section 27281, staff recommends the City Council adopt a resolution authorizing the purchase of the Property and directing the City Clerk to accept and consent to the recordation of any deed.

**GENERAL PLAN CONFORMANCE**

On May 27, 2014, the Planning Commission reviewed the Seven-Year Capital Improvement Program for FY 2013/14- FY 2019/20 ("CIP") and rendered a finding that it is in conformance with the Moorpark General Plan, as required by Section 65401 of the Government Code of the State of California. The Planning Commission also rendered a finding that the necessary acquisition of additional street right-of-way for the projects listed in the CIP is in conformance with the Moorpark General Plan, as required by Section 65402 of the Government Code of the State of California.

The following projects are identified in the CIP as requiring additional acquisition of street right-of-way:

<b>Code</b>	<b>No.</b>	<b>Project Name</b>
104	8026	Spring Road Widening
105	8012	Princeton Avenue Widening
106	8013	L.A. Avenue Widening east of Moorpark Ave.
107	8069	Spring Rd./ Charles Bus Turn-Out
115	8061	North Hills Parkway*
117	8045	23 FWY North Alignment*

*\* The majority of right-of-way required by these projects will be dedicated to the City by developers.*

### **CEQA REVIEW**

On October 21, 2009, the City Council approved Resolution No. 2009 – 2864 adopting a Mitigated Negative Declaration for Capital Improvement Project No. 8013, stating that there is no substantial evidence that the project will have a significant effect on the environment with the inclusion of mitigation measures identified and incorporated into the project approvals.

City staff has reviewed the previously adopted Mitigated Negative Declaration and has determined, pursuant to the criteria of section 15162 of the State CEQA Guidelines and section 21166 of the Public Resources Code, that the acquisition of the Property is within the scope of that previously adopted Mitigated Negative Declaration for the Capital Improvement Project No. 8013, that no substantial changes have occurred in the Project, no substantial changes have occurred in the circumstances under which the Project is undertaken, and that the City has obtained no new information of substantial importance that would require further environmental analysis.

### **FISCAL IMPACT**

The funding source for the acquisition is the Los Angeles Avenue AOC Fund (2501). The necessary funds needed to purchase and pay escrow fees for the Property are included in the adopted Operating and Capital Improvement Projects Budget for Fiscal Year 2014/2015.

**STAFF RECOMMENDATION**

1. Adopt Resolution No. 2014 - \_\_\_\_\_;
2. Authorize the City Manager to execute all documents necessary to effectuate this transaction; and
3. Authorize the City Clerk to accept and consent to the recordation of any deed.

Attachment "A"      Resolution No. 2014 - \_\_\_\_\_

ATTACHMENT A

RESOLUTION NO. 2014 - \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING ACQUISITION OF THE PROPERTY LOCATED AT 148 LOS ANGELES AVENUE FOR THE WIDENING OF STATE HIGHWAY 118 CAPITAL IMPROVEMENT PROJECT (8013), ACCEPTANCE OF GRANT DEED, AND AUTHORIZE THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION

WHEREAS, the City Council of the City of Moorpark desires to improve traffic circulation by widening State Highway 118; and

WHEREAS, a portion of the property located at 148 Los Angeles Avenue ("Property") is needed for the State Highway 118 widening; and

WHEREAS, on October 21, 2009, the City Council approved Resolution No. 2009 – 2864 adopting a Mitigated Negative Declaration for Capital Improvement Project No. 8013, stating that there is no substantial evidence that the project will have a significant effect on the environment with the inclusion of mitigation measures identified and incorporated into the project approvals; and

WHEREAS, in connection with its review of the documents relating to Capital Improvement Project No. 8013 and the acquisition of the Property, City staff on November 21, 2014 reviewed the environmental documentation prepared in connection with the Project. Pursuant to the criteria of section 15162 of the State CEQA Guidelines and section 21166 of the Public Resources Code, the Community Development Director concluded that the acquisition of the Property was within the scope of the previously adopted Mitigated Negative Declaration for the Capital Improvement Project No. 8013, that no substantial changes have occurred in the Project, no substantial changes have occurred in the circumstances under which the Project is undertaken, and that the City has obtained no new information of substantial importance that would require further environmental analysis; and

WHEREAS, On May 27, 2014, the Planning Commission reviewed the Seven-Year Capital Improvement Program for FY 2013/14- FY 2019/20 ("CIP") and rendered a finding that it is in conformance with the Moorpark General Plan, as required by Section 65401 of the Government Code of the State of California, and rendered a finding that the necessary acquisition of additional street right-of-way for the projects listed in the CIP is in conformance with the Moorpark General Plan, as required by Section 65402 of the Government Code of the State of California; and

WHEREAS, on June 18, 2014, the City Council adopted the Operating and Capital Improvement Projects Budget for Fiscal Year 2014/2015; and

WHEREAS, the owner of the Property is willing to sell the Property to the City of Moorpark for a total purchase price of \$295,000.00, plus closing costs; and

WHEREAS, the funding source for the acquisition is the Los Angeles Avenue AOC Fund (2501); and

WHEREAS, the necessary funds needed to complete the purchase of the Property are included in the adopted the Operating and Capital Improvement Projects Budget for Fiscal Year 2014/2015; and

WHEREAS, pursuant to Government Code Section 27281, the Certificate of Acceptance required for the City to acquire property shall include the resolution number of the City Council's approval of the acquisition.

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

SECTION 1. The City Council concurs with the Community Development Director's determination that pursuant to the criteria of section 15162 of the State CEQA Guidelines and section 21166 of the Public Resources Code, the acquisition of the Property is within the scope of the previously adopted Mitigated Negative Declaration for the Capital Improvement Project No. 8013, that no substantial changes have occurred in the Project, no substantial changes have occurred in the circumstances under which the Project is undertaken, and that the City has obtained no new information of substantial importance that would require further environmental analysis.

SECTION 2. The City Council approves the acquisition of the Property and authorizes the City Clerk to execute a Certificate of Acceptance of the Property.

SECTION 3. The City Clerk shall execute and cause to record the Grant Deed for the Property along with the executed Certificate of Acceptance in connection therewith.

SECTION 4. The City Manager shall execute all other documents necessary to effectuate this transaction.

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 Resolutions.

PASSED AND ADOPTED this 3th day of December, 2014.

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Janice S. Parvin, Mayor

ATTEST:

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Maureen Benson, City Clerk