ITEM 10.0.

MOORPARK CITY COUNCIL
AGENDA REPORT

TO: **The Honorable City Council**

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

DATE: **October 31, 2007 (CC Meeting of 11-07-07)**

SUBJECT: **Approve Granting of Easement Deeds on Grimes Canyon Road to the County of Ventura and to the Ventura County Waterworks District No. 1**

DISCUSSION

A. Bridge Damage / Repair

Grimes Canyon Road, along the westerly city limit line, is entirely outside the City and is thus a County road. A few years ago, the County-owned bridge, located south of Championship Drive, was damaged by high stormwater flows. There have been past efforts and there are proposed future efforts by County agencies, to restore facilities damaged by these storm waters.

B. Waterworks District

The Ventura County Waterworks District No. 1 ("District") owns and maintains a reclaimed water distribution line serving the area. Prior to the above mentioned storm damage, that water line had been hung from the bridge. Subsequent to the storm damage the District opted to place the water line under the river along the west side of the road and bridge. Using emergency reconstruction methods and procedures, the District constructed the new reclaimed water distribution line along the east side of the County road, on property entirely or partially owned by the City. The City property in question is in the vicinity of the equestrian staging area located at the southwest corner of Moorpark Country Club Estates (Tract 4928). This emergency work proceeded with the understanding that easement documents would be processed at a later date. The District prepared and presented to the City, an easement deed (Attachment 1) for this relocated facility. The processing of that request had been delayed in order to clarify deed language regarding the City's prior rights to the property underlying the requested easement.

C. County of Ventura (Transportation Department)

The County of Ventura ("County") Transportation Department is proceeding with plans for the construction of a new bridge at the site of the above mentioned damaged bridge. The County's plans include the construction of bridge abutment and stream bank improvements required to protect the new bridge. Those improvements are to be situated outside of the County's road right-of-way. The facility protection improvements to be constructed on the east side of the bridge (downstream side) are to be constructed within the above mention city-owned property near the Country Club Estates equestrian staging area. The County has requested that the City grant the County an easement (Attachment 2), for the placement and maintenance of these bridge and stream bank protection improvements.

STAFF RECOMMENDATION

Approve the granting of the subject Easement Deeds to the District and to the County, and authorize the City Manager to execute same.

Attachments:
1 Reclaimed Water Easement Deed
2 Grimes Canyon Road Easement Deed

Recorded at the request of and
Return to Public Works Agency
Real Estate Services Division
A. P. # 502-0-090-035
Instrument # 109.1E

No Fee Required
(Govt. Code Sec. 6103 & 27383)

EASEMENT DEED
(Reclaimed Water Easement)

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

CITY OF MOORPARK, a municipal corporation

do(es) hereby GRANT to

VENTURA COUNTY WATERWORKS DISTRICT NO. 1

an easement and right-of-way for subsurface water pipeline and related purposes, including by not limited to such surface installations and devices that are appurtenant to said water pipeline in, on, over, under, and across the following described real property in the State of California, County of Ventura. This easement shall be subordinate to the rights retained by the City of Moorpark in the event that the City of Moorpark should construct improvements on the property.

[See description attached as Exhibit "A", attached hereto and made a part hereof]
[Exhibit "B", attached hereto and made a part hereof, is attached for informational purposes only]

CITY OF MOORPARK, a municipal corporation

Date: _____ _____

By: Steven Kueny, City Manager
Grantor(s)

APPROVED

_____
Steven R. Williams, Manager
Real Estate Serivices Division
Public Works Agency

_____, 20____

ACKNOWLEDGMENT

STATE OF)
COUNTY OF)

On _____, 20___, before me _____
A Notary Public in and for said County and State, personally appeared _____
_____, personally known to me (or provided 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 signature(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.

_____
NOTARY PUBLIC in and for said County and State

My commission expires on _____, 20 _____.

000255

EXHIBIT "A"
LEGAL DESCRIPTION FOR RECLAIMED WATER EASEMENT

In the City of Moorpark, County of Ventura, State of California, being that portion of Lot Q of Tract No. 4928-2 as per map filed in Book 144, Pages 74 through 82, inclusive, of Miscellaneous Records in the office of the County Recorder of said County, described as follows:

Beginning at a point on the northwesterly boundary of said lot, distant thereon South 38°33'36" West 25.98 feet from the northerly corner of said lot; thence SOUTH 48.13 feet to a line parallel with and 30.00 feet southeasterly, measured at right angles, from said northwesterly boundary; thence along said parallel line South 38°33'36" West 132.51 feet; thence South 83°33'36" West 42.43 feet to said northwesterly boundary; thence along said northwesterly boundary North 38°33'36" East 200.15 feet to the Point of Beginning.

As shown on Exhibit "B" attached hereto and by this reference made a part hereof.

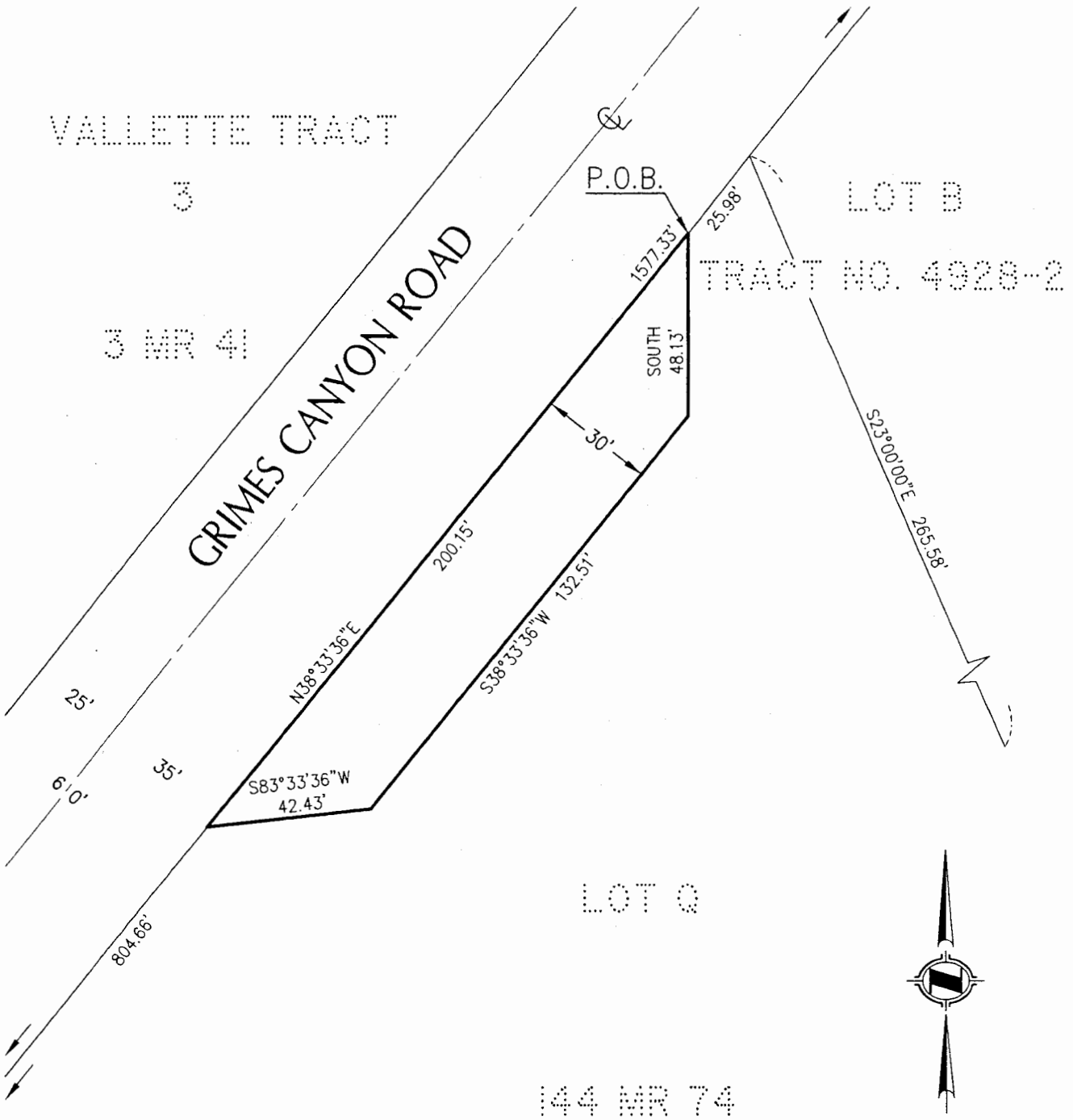
Rory S. Williams, L.S. No. 6654
License Expires: December 31, 2005
Date: 7/27/05

LICENSED LAND SURVEYOR
Rory S. Williams
Exp. 12/31/05
No. 6654
STATE OF CALIFORNIA

July 26, 2005
W.O. 1443-13X
Page 1 of 1
H&A Legal No. 6439
Prepared by J. Lentejas
Checked by J. Stablein/jl

EXHIBIT "B"

Sketch to Accompany Legal Description



HUNSAKER & ASSOCIATES
IRVINE, INC.
PLANNING ▪ ENGINEERING ▪ SURVEYING
Three Hughes ▪ Irvine, CA 92618 ▪ PH: (949) 583-1010 ▪ FX: (949) 583-0759

EASEMENT
RECLAIMED WATER PURPOSES
CITY OF MOORPARK, COUNTY OF VENTURA, STATE OF CALIFORNIA

DATE: 7-26-05	REV. DATE None	DWG By: J. LENTEJAS	CK'd By: T. VO	SCALE: 1"=40'	W.O. 1443-13X
I:\MoorparkCCE\LD\6439\SHT01.dwg				H&A LEGAL No. 6439	SHEET 1 OF 1

Recorded at the request of and
Return to Public Works Agency
Real Estate Services Division
A. P. # 502-0-090-035
Instrument # R071002.21E

No Fee Required
(Govt. Code Sec. 6103 & 27383)

EASEMENT DEED
(GRIMES CANYON ROAD)

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

CITY OF MOORPARK, a municipal corporation

do(es) hereby GRANT to

COUNTY OF VENTURA

an easement and right-of-way for all the purposes of construction and maintenance of constructed slopes, together with appurtenant drainage structures for the preservation thereof, in, on, over, under, and across the following described real property in the State of California, County of Ventura. This easement shall be subordinate to the rights retained by the City of Moorpark in the event that the City of Moorpark should construct improvements on the property.

[See description attached as Exhibit "A", attached hereto and made a part hereof]

ACKNOWLEDGMENT

STATE OF)
COUNTY OF)

On _____, 20___, before me _____,
a Notary Public in and for said County and State, 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 signature(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.

_____
NOTARY PUBLIC in and for said
County and State

My commission expires on _____, 20_____.

Instr. # R071002.21E

City of Moorpark, a municipal corporation

Dated:_____

_____
By:

APPROVED:

_____
Steven R. Williams, Manager Real Estate
Service, County of Ventura

_____, 20_____

EXHIBIT "A"

LEGAL DESCRIPTION

That portion of Lot Q of Tract No. 4928-2 in the City of Moorpark, County of Ventura, State of California as shown on the map recorded in Book 144, Page 74 of Miscellaneous Records (Maps), in the Office of the County Recorder of said County, described as follows:

Beginning at a point on the centerline of Grimes Canyon Road, 50 feet wide, as described in the deed recorded in Book 37, Page 451 of Deeds, in the Office of the County Recorder of said County, distant South 38°33'36" West 582.06 feet from the northeasterly terminus of the 8th course of said deed, recited as "South 38° West 23.75 chains" and shown as "North 38°33'36" East 1566.87 feet" on the map recorded in Book 53, Page 80 of Records of Survey of said County; thence South 51°26'24" East 25.00 feet to the southerly right-of-way of said Road, being the true point of beginning; thence leaving said right-of-way,

1st) South 11°08'26" East 185.48 feet; thence,

2nd) South 78°51'34" West 138.00 feet; thence,

3rd) North 11°08'26" West 68.45 feet to said southerly right-of-way of said Grimes Canyon Road; thence along said southerly right-of-way,

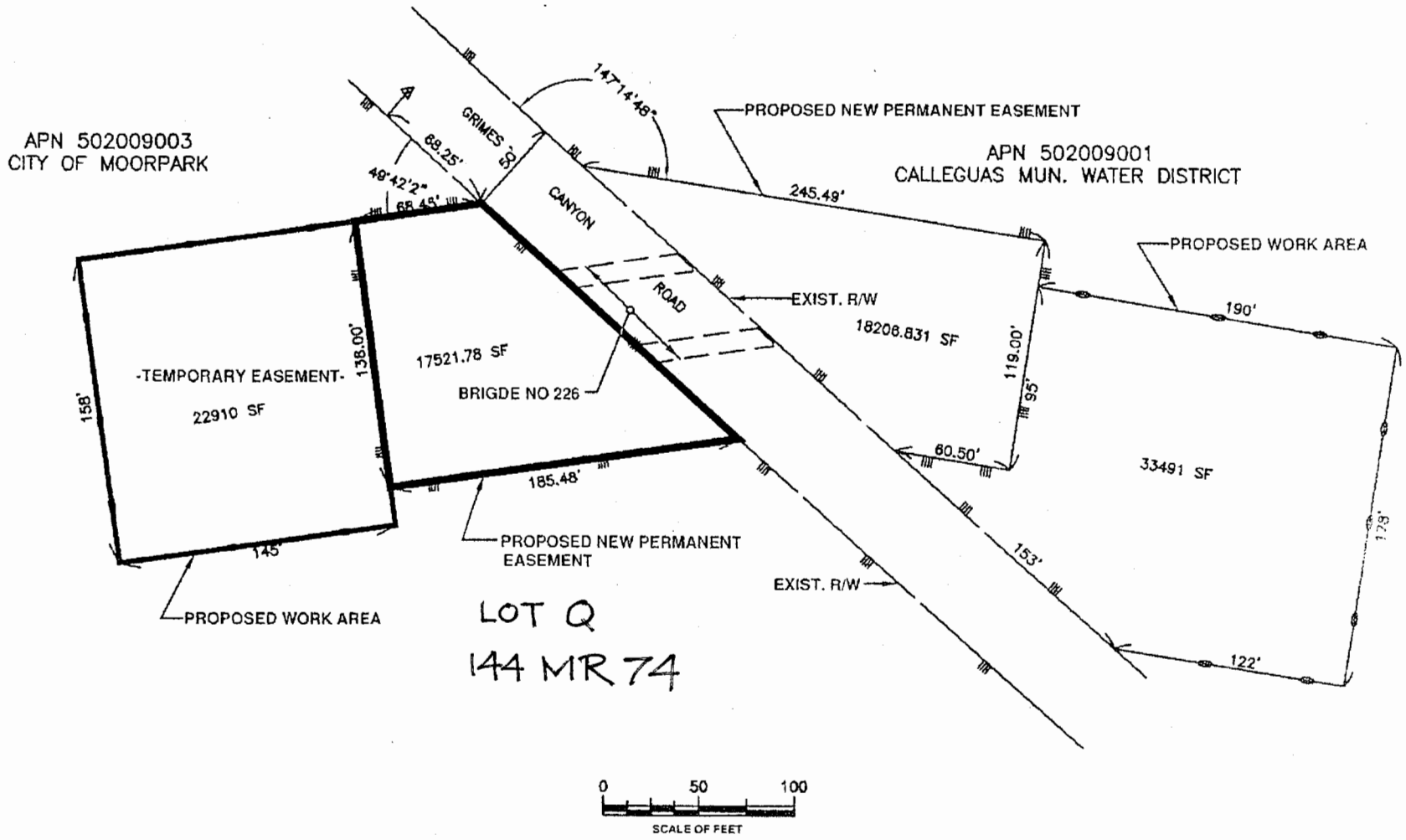
5th) North 38°33'36" East 180.94 feet to the true point of beginning.

TOTAL AREA: 17,521.18 Square Feet (0.40 Acres)

Prepared on May 9, 2007 by:

William L. Meagher
LS 5948 (Expires 12/08)

LICENSED LAND SURVEYOR
WM. L. MEAGHER
Exp. 12/08
No. 5948
STATE OF CALIFORNIA



		COUNTY OF VENTURA PUBLIC WORKS AGENCY TRANSPORTATION DEPARTMENT	GRIMES CANYON BRIDGE #226 GRIMES CANYON ROAD PROPOSED NEW PERMANENT EASEMENT AND WORK AREA

001262