

State of California
Business, Transportation and Housing Agency
Department of Transportation

HIGHWAY RIGHT OF WAY MATTERS
Resolutions of Necessity
Action Item

Prepared By:
Brice Paris
Chief
Division of Right of Way
(916) 654-5075

CTC Meeting: February 28, 2002

Reference No: 2.4a.(2)

____Original Signed By____
ROBERT L. GARCIA
Chief Financial Officer
February 1, 2002

RESOLUTION OF NECESSITY

The Department of Transportation recommends the California Transportation Commission adopt Resolution of Necessary C-18438. The summary below identifies the location of and designates the nature of the property rights covered by the Resolution of Necessity. In accordance with statutory requirements, the owners have been advised that the Department of Transportation is requesting a resolution at this time. Adoption of Resolution of Necessary C-18438 will assist the Department in the continuation of the orderly sequence of events required to meet construction schedules.

C-18438 – EJM Development Company

07-Ven-101-KP 37.5 – Parcel 76739 – EA 060739 (Freeway) Authorizes condemnation of a permanent easement for slope purposes, located in the city of San Buenaventura at Johnson Drive and 101 Freeway.

07-VEN-101
Parcel # 76739
EJM Development Company

SUMMARY OF ISSUES

EJM Development Company has requested an Appearance to oppose a Resolution of Necessity on the proposed acquisition of 1,298 square feet permanent slope easement on parcel 76739. The project involves a widening of Route 101 in both directions in Ventura County between Vineyard Avenue PM 22.0 in the City of Oxnard and Montalvo Spur Overhead at PM 24.0 in the City of San Buenaventura.

PROPERTY OWNER'S CONCERNS

After the redesign, the owner has requested the following: 1. City's approval that Caltrans acquisition will not affect the landscape setback area. 2. Explanation of the authority to relocate a gas line into an existing utility easement on EJM's property. 3. Questions concerning the amount of the offer. 4. Location of Continuous Deflection System (CDS) Unit and effect of CDS Unit on drainage.

DISTRICT RESPONSE

The District responded to property owner's concerns as follows:

1. The Department is acquiring a permanent slope easement of 1,298 S.F. The slope easement does not prohibit landscaping. It is the Department's position that we are not changing any pre-existing landscape buffer that EJM might have on it's own property. Part of the compensation paid to EJM is for landscaping.
2. Resolution No. 86-24 adopted February 24, 1986; Official Records 86-023446, a copy of which was faxed to the owner's attorney during the last week of December 2001, concerns the vacation and abandonment of excess street area by the City. This document reserves the easement rights to the City or successors, for public utility use. The gas line will be relocated to the reserved easement area. The area of the relocated gas line in relation to the EJM property is depicted on the map sent to the owner's attorney and his engineering consultant on December 13, 2001.
3. The Department feels staff has appraised the property as required by statute and has offered the full appraised value.
4. The Continuous Deflection System (CDS)Unit will be placed on the reserved easement area described in paragraph 2. Its location is also shown on the map sent to owner's attorney and his engineering consultant. The Department provided the owner's attorney with hydrology and hydraulic data on December 3, 2001. With the redesign, the cfs rating is increased from 150 to 190 cfs at the downstream end. The hydraulic analysis concluded the system to be adequate.

07-VEN-101
Parcel # 76739
Grantor: EJM Development Co.

RESOLUTION OF NECESSITY REVIEW PANEL REPORT

The Resolution of Necessity Review Panel met on November 9, 2001 at the District 7 Right of Way office in Los Angeles. The Panel was chaired by Carol Hanson and included Panel Members Linda Fong and Alexander DeVorkin. Bill Banks and Arnold Graham represented EJM at the meeting.

This report summarizes the findings of the Panel with regard to the four criteria required for a Resolution of Necessity and makes recommendation to the Chief Engineer.

NEED FOR PROJECT

Route 101 serves as a major north-south link connecting the regions of Southern, Central, and Northern California. Currently, Route 101 does not provide a consistent level of service appropriate to the function it serves. It is characterized by capacity deficiencies at many locations and a higher than expected accident rate. By the year 2020, significant residential and business developments are anticipated adjacent to this corridor.

The freeway widening and interchange improvement project is designed to improve traffic operations and to provide capacity for the projected 2020 traffic volumes. The improvements will also provide for the elimination of left merge into the Route 101 traffic flow; eliminate the bottleneck as the existing northbound Route 101 outside lane drops at the Ventura Road off ramp; eliminate weaving problems associated with the northbound Oxnard Boulevard to northbound Route 101 traffic and Ventura Road on ramp to northbound Route 101 traffic merging into the mainline at the same general location; and eliminate the weaving difficulties at the southbound auxiliary lane from Johnson Drive to Wagon Wheel Road. The project will also improve access to local developments such as the Oxnard River Park, the Wagon Wheel Shopping Center, the Esplanade, and the Ventura Auto Center.

The replacement of the Santa Clara River Bridge will eliminate scour critical conditions at this location. The Santa Clara River Bridge links the City of Oxnard to the City of San Buenaventura. The region's growth and proposed development in the project vicinity will generate future traffic volume increases that will deteriorate the level of service. In order to improve traffic direction flow and to accommodate any potential traffic volume increase, modification of Oxnard Boulevard Interchange, Santa Clara River Bridge Replacement, and roadway widening are required.

PROJECT DESIGN

The project is located on Route 101 in Ventura County from PM 22.0 (KP 35.4) in the City of Oxnard, to PM 38.6 (KP 24.0) in the City of San Buenaventura. The project includes the Santa Clara River Bridge. The project is designed to improve the operational capacity for the projected 2020 traffic volumes in the region.

Studies resulted in a 1995 Project Report that presented seven alternatives to widen the Santa Clara River Bridge, improve Route 101 capacity, and reconstruct the interchanges at Oxnard Boulevard and at Johnson Drive. Since the report approval, both cities worked toward federal environmental clearance, and to evaluate phasing of the project. On April 6, 1999, both cities reached a municipal cooperation agreement to implement a joint program that would facilitate and accelerate regional development and improvement, including as a priority, the construction of a widened Santa Clara River Bridge. Under the agreement, building permits for the Oxnard River Park project cannot be issued until Caltrans awards the construction contract for the bridge. The Agreement further states that occupancy permits for the project would not be issued until the four northbound lanes on the bridge are open to traffic, and the Oxnard Boulevard northbound collector is closed, demolished or no longer in operation.

The Year 2020 Transportation Concept Report recommends that the future plans in this segment of Route 101 require an ultimate width of four mainline lanes in each direction. The project will accommodate the ultimate system goal.

NEED FOR THE PARCEL

The crossing of the Santa Clara River currently consists of two separate bridge structures over 550 meters in length. The northbound structure has three vehicle lanes. The southbound structure has three vehicle lanes, an auxiliary lane, plus a pedestrian/bicycle lane.

The new bridge will have 4 vehicle lanes, and 2 auxiliary lanes in each direction, and a new pedestrian/ bicycle lane in the northbound direction. Overall there will be a total of 12 traffic lanes, plus a pedestrian/ bicycle lane on the new bridge.

There is an existing open channel, owned and maintained by Caltrans. It is aligned along the northbound freeway off-ramp to North Bank Road. The channel is used to collect rainfall runoff from the freeway. The channel also helps collect the runoff from the adjacent undeveloped EJM parcels.

Because of the established commercial development, the residential trailer park, and the railroad adjacent to the existing southbound structure, the alignment of the new bridge will be shifted to the north in order to accommodate a much wider structure. The existing open channel will also be relocated toward the north, resulting in right of way acquisition of a permanent slope easement from EJM Development to construct and maintain the new drainage channel.

The State's original proposed acquisitions consisted of partial takes from two parcels: 76739 and 76740. The original proposed acquisition totaled 26,322 square feet. After a 1st and 2nd level review, a redesign of an open channel drainage to a closed box drainage, the required acquisition changed to a 1,298 square feet permanent slope easement for parcel 76739. Parcel 76740 was no longer required and was decertified. Parcel 76739 is vacant with some vegetation, including trees and ground cover. It is zoned CPD (Commercial Planned

It is zoned CPD (Commercial Planned Development). It is irregular in shape and the topography is level. The access is from Johnson Drive.

There are a total of 11 parcels required for this project. The Department has control of all other parcels on the project. EJM Development is the only property owner on the project to request an Appearance.

STATUTORY OFFER TO PURCHASE

The State has appraised the subject property and has offered the full amount of the appraisal. The full amount of the approved appraisal has been offered to a representative from EJM Development Company and their attorney Arnold Graham. The owners are not satisfied with the offer and negotiations are continuing.

PANEL RECOMMENDATION

The Panel believes that the District's design complies with the Code of Civil Procedure in that:

- The public interest and necessity require the proposed project.
- The proposed project is planned or located in the manner that will be most compatible with the greatest public good and least private injury.
- The property sought to be condemned is necessary for proposed project.
- An offer to purchase in compliance with Government Code Section 7267.2, has been made to the owners of record.

The Panel recommends submitting a Resolution of Necessity to the California Transportation Commission.

Carol L. Hanson

CAROL L. HANSON

Panel Chairperson

I concur with the Panel's recommendation.

Brent Felker

BRENT FELKER

Chief Engineer

PERSONS ATTENDING SECOND LEVEL REVIEW PANEL HEARING
ON NOVEMBER 9, 2001

Carol Hanson, Chairperson
Linda Fong, Panel Member
Alexander Devorkin, Panel Member
Larry Une, Caltrans Right of Way
Bill Banks, EJM Development Company
Tony Velasquez, Caltrans
O. C. Lee, Caltrans
Paul Tran, Caltrans
Teresa Arias, Caltrans Right of Way
Larry Staley, Caltrans Right of Way
Doug Failing, Caltrans
Richard Saretsky, Caltrans Right of Way
Arnold K. Graham, Graham Vaage & Cisneros

Resolution of Necessity Appearance Fact Sheet

PROJECT DATA 07-Ven-101-KP 35.4/38.6
EA 0607UI

Location: Ventura County in cities of Oxnard and San Buenaventura

Limits: From Route 232 to Montalvo Spur Overhead

Cost: R/W cost at \$0.74 million
Construction cost at \$107.4

Funding Source: 2001/02 HE13 STIP @ \$49.3
2002/03 HA21 SHOPP @ \$37.3
City of Oxnard @ \$13.0

Number of Lanes: Existing on Main Line: 6 mixed flow lanes
Proposed on Main Line: 8 mixed flow lanes

Existing on Bridge: 6 mixed flow lanes + 1 aux lane + bike lane
Proposed on Bridge: 8 mixed flow + 4 aux lanes + 1 bike lane

Proposed Major Features: Reconstruct Oxnard Interchange
Replace Bridge Structures
Widen Roadway

Traffic: Existing 1998 ADT = 150,000
Proposed 2020 ADT = 192,000

PARCEL DATA

Property Owner: EJM Development, Santa Monica (310) 278-1830
Attorney: Mr. Arnold Graham (818) 547-4800

Parcel Location: North of Ventura 101 Freeway, East of North Bank Drive
Lot 6 of Tract No. 4137 per 105 MB
City of San Buenaventura, County of Ventura, State of California

Present Use: vacant

Area of Property: 89,243 square feet

Area Required: 1,298 square feet Permanent Slope Easement and Temporary
Construction Easement

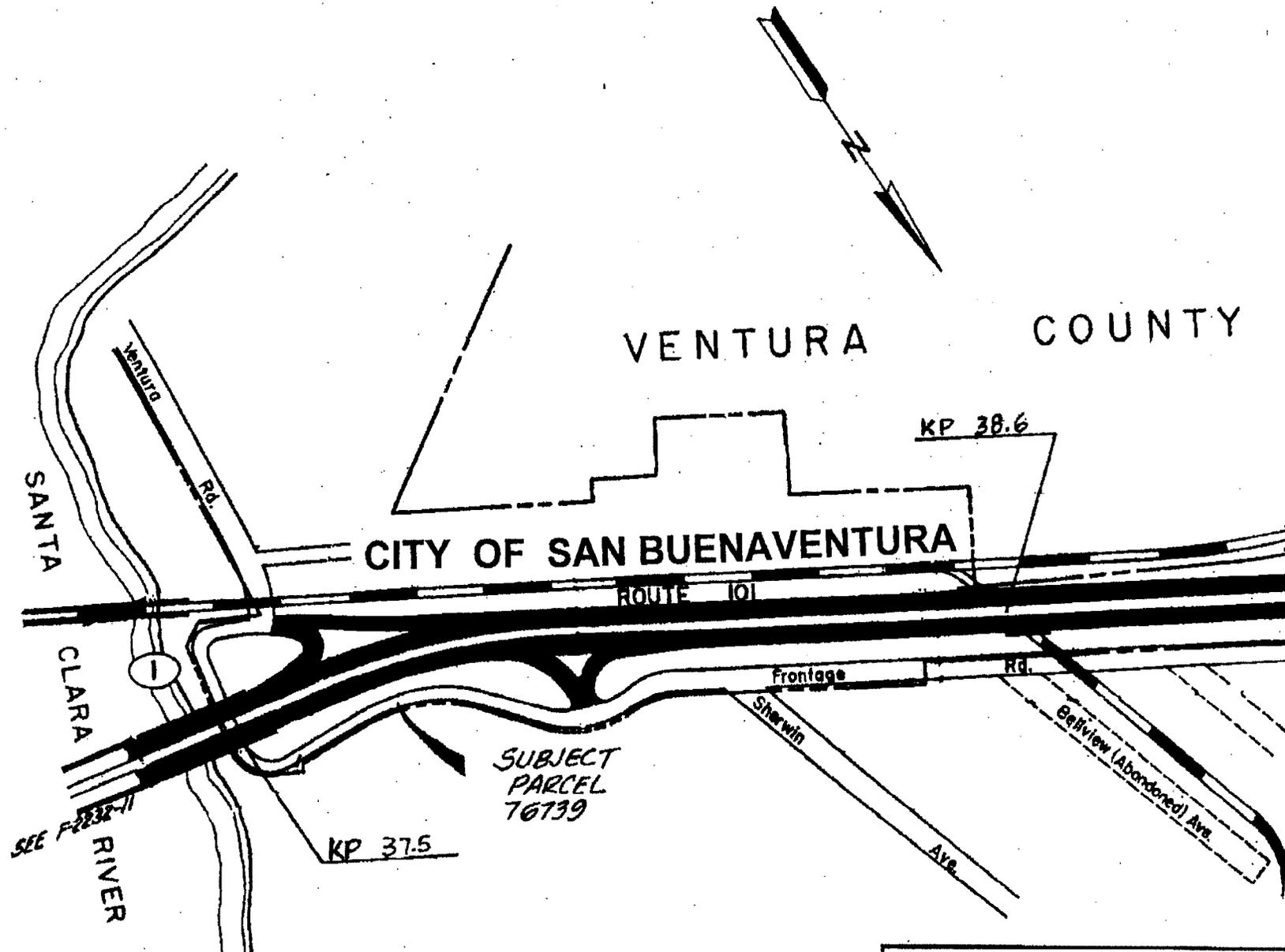


EXHIBIT " A "
(Old VEN 2 - C)
07 - VEN - 101 - KP 35.4 / 38.6

A scale bar is located at the bottom of the caption box, showing a distance of 500 feet. The bar is marked with '0' at the start and '500' at the end, with the word 'FEET' written below it.

7-Ven-101
EJM Development Company

CHRONOLOGY OF CONTACTS

August 6, 2001	Received parcel assignment.
August 30, 2001	First written offer to owner and their attorney.
September 5, 2001	Sent out Notice of Intent
September 25, 2001	Received letter challenging October 2001 CTC Resolution.
October 19, 2001	1 st level review.
November 9, 2001	2 nd level review.
November 28, 2001	Presentation of redesign to grantor and his attorney.
December 6, 2001	Sent out Notice of Intent for January CTC.
December 11, 2001	Mailed revised offer on slope easement to grantor's attorney.
January 23, 2002	Mailed Notice of Intent for February CTC.
January 25, 2002	Written response to owner's concern

FEB 13 2002
el

LAW OFFICES
GRAHAM VAAGE & CISNEROS
SUITE 1030
500 NORTH BRAND BOULEVARD
GLENDALE, CALIFORNIA 91203-1923

TELEPHONE
(818) 547-4800

TELECOPIER
(818) 547-3100

TELECOPY

February 12, 2002

To: California Transportation
Commission

From: Arnold K. Graham

Attention: Carole Peterson,
Assistant to Administrator

Fax No: (916) 653-2134

Pages: 4

File: Caltrans adv. EJM Development
Co. (Ventura)

Message: Enclosed please find correspondence of this date.

IF THERE ARE ANY TRANSMISSION PROBLEMS
WITH THIS DOCUMENT, PLEASE CALL THIS
OFFICE IMMEDIATELY AT (818) 547-4800.

THIS FACSIMILE CONTAINS CONFIDENTIAL INFORMATION FROM GRAHAM VAAGE & CISNEROS, AND IS
INTENDED SOLELY FOR USE BY THE INDIVIDUAL OR ENTITY NAMED AS THE RECIPIENT. IF YOU ARE NOT THE
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US BY TELEPHONE IMMEDIATELY SO WE MAY ARRANGE TO RETRIEVE THIS TRANSMISSION AT NO COST TO YOU.

LAW OFFICES
GRAHAM VAAGE & CISNEROSSuite 1030
500 NORTH BRAND BOULEVARD
GLENDALE CALIFORNIA 91203TELEPHONE
(818) 547-4800PLEASE REPLY TO:
ARNOLD K. GRAHAMFILE NO:
EJM/VenturaFacsimile
(818) 547-3100**VIA FACSIMILE (916) 653-2134
AND BY U.S. MAIL**

February 11, 2002

Executive Director
CALIFORNIA TRANSPORTATION
COMMISSION
P.O. Box 942873
Sacramento, CA 94273-0001**Re: Parcel Nos: 76739 and 76740
Owner: EJM Development Co.
Your File No.: 07-VEN-101-37.5 KP**

Dear Sir/Madam:

Please be advised that on behalf of the Owner of the parcels proposed to be taken by condemnation herein, notice is hereby given of the desire to appear at and object to the adoption of a Resolution of Necessity regarding the above-referenced project and proposed taking, or, alternatively, that this correspondence be included in the official record so as to serve as the official objection to the Resolution of Necessity without the requirement of a formal appearance.

In addition to the substantive bases for objecting to the Resolution of Necessity, an objection is further made to the setting of the hearing on the Resolution of Necessity in Sacramento, California, inasmuch as the subject property proposed to be acquired is located in Ventura County, California, and the property Owner is located in Los Angeles, California. Further, said Notice of Intent is legally deficient in that it does not specify the precise date, time and location of the Resolution of Necessity hearing, as required by law.

The substantive grounds for objection to the adoption of the proposed Resolution include, but are not limited to, the fact that the public interest and necessity do not require the project in the manner as proposed; the project and its design are not planned or located in the manner that will be the most compatible with the greatest public good and the least private injury; and the property sought to be acquired is not necessary for

LAW OFFICES

GRAHAM VAAGE & CISNEROS

Executive Director,
CALIFORNIA TRANSPORTATION
COMMISSION

February 11, 2002

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the proposed project in that the project, if properly designed, could be accomplished entirely on public right of way without taking or damaging private property.

The facts underlying and supporting these objections include, but are not limited to, the following:

1. The proposed design for the project which Caltrans has submitted to the Owner and our office for review leaves vital questions unresolved, including the location of the CDS unit and its effect on the Owner's parking lot surface drainage which flows into the location of the proposed CDS unit. The Owner has repeatedly requested but has not received written confirmation from Caltrans that the surface drainage from the Owner's property will not be impaired by the project.
2. A portion of the property which Caltrans seeks to acquire is governed by a Master Plan of development of the City of Ventura, as well as by CC&R's which incorporate and enforce the terms of the Master Plan. Any proposed development or alteration to the affected property, including that associated with Caltrans' project, and the encroachment into the protected landscape set-aside area which area is an express condition both of the CC&R's and the Master Plan, requires written approval by the City of Ventura so as to protect the loss of the Owner's commercial subdivision entitlements. Failure to obtain the City's approval will subject the Owner to loss of previously approved entitlements, thus resulting in years of effort and tens of thousands of dollars in past and future costs and expenses. Even though repeatedly requested by the Owner to do so, Caltrans has not sought or obtained written confirmation from the City of Ventura that the subject project, as designed, will not interfere with, harm, damage or eliminate the Owner's previously approved subdivision entitlements.

The failure of Caltrans to satisfy this issue directly relates to the issue of the defective Resolution of Necessity in that it fails to satisfy the issue of eliminating the private injury from the project, when it has the power to do so by obtaining the approval of the City of Ventura, so that the proposed project will not cause loss, harm, or damage to the Owner's preexisting commercial subdivision entitlements.

LAW OFFICES

GRAHAM VAAGE & CISNEROS

Executive Director,
CALIFORNIA TRANSPORTATION
COMMISSION

February 11, 2002

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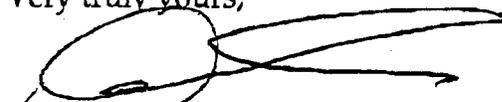
One function of a properly-designed public project is to ensure that both onsite and offsite damages to private property are minimized. Caltrans has both the power and the authority to obtain confirmation from the City that the project will not result in damage or harm or loss of preexisting commercial subdivision entitlements of the Owner, but it refuses to so act, which refusal is contrary to the interests of the State and exposes both the State and the Owner to needless damages which could be easily prevented by appropriate action by Caltrans in advance of construction of the project.

3. A further objection to the Resolution of Necessity is the planned location of a large gas utility line on the subject property, whereas the proper design and construction of the proposed project could confine the location of the gas line to public property, obviating any necessity of taking private property. In addition, the proposed taking of the subject property has not been identified as a necessary public use, which is contemplated by this project or by the proposed Resolution of Necessity.

Without solving these and other issues related to the proposed project prior to the Resolution of Necessity hearing, the Commission does not have the complete facts and information necessary to enable it to make the findings required for a valid Resolution of Necessity under CCP §1240.030, which would result in a gross abuse of discretion for the Commission to proceed with the hearing and adoption of a Resolution of Necessity without having those necessary facts necessary to support its action.

Accordingly, we urge the Commission to postpone adopting any Resolution until the above issues are completely resolved, and the Commission can then validly consider all of the essential facts necessary to make the required findings relating to the adoption of a Resolution of Necessity.

Very truly yours,


ARNOLD K. GRAHAM

AKG:eal

Memorandum

To: CHAIR AND MEMBERS
California Transportation Commission

DIANE C. EIDAM
Executive Director
California Transportation Commission

Date: February 15, 2002

File: 7-VEN-101
EA: 060739
Parcel: 76739
Grantor: EJM

From: DEPARTMENT OF TRANSPORTATION

Subject: Department Response to EJM Development Submission to the Commission

The Department has received a copy of the letter from Graham Vaage & Cisneros regarding the EJM Development Co. Resolution of Necessity dated February 11, 2002.

The Resolution of Necessity (RON) for this property includes a 1,298 square feet slope easement of the 89,243 square feet Parcel 76739 or approximately 1.4 percent of the overall property.

The Department would like to take this opportunity to address the issues raised by the property owner's representatives. The property owner's issues have been restated in italics with the Department's response following.

- 1. The proposed design for the project which the Department has submitted to the Owner and our office for review leaves vital questions unresolved, including the location of the Continuous Deflection System (CDS) unit and its effect on the Owner's parking lot surface drainage which flows into the location of the proposed CDS unit. The Owner has repeatedly requested but has not received written confirmation from the Department that the surface drainage from the Owner's property will not be impaired by the project.*

Department's response: The Department has designed the CDS in accordance with the stormwater mitigation plan agreed to by the California Regional Water Quality Control Board. The CDS unit is used to clean stormwater runoff prior to discharge into the river. The CDS unit was originally designed with a rating of 150 cfs to handle all anticipated stormwater volumes but was redesigned to accommodate 190 cfs at the request of EJM Development. The Department provided the Owner's attorney with hydrology and hydraulic data on December 3, 2001.

2. *A portion of the property which the Department seeks to acquire is governed by a Master Plan of development of the City of Ventura, as well as by CC&R's which incorporate and enforce the terms of the Master Plan. Any proposed development or alteration to the affected property, including that associated with the Department's project, and the encroachment into the protected landscape set-aside area which area is an express condition both of the CC&R's and the Master Plan, requires written approval by the City of Ventura so as to protect the loss of the Owner's commercial subdivision entitlements. Failure to obtain the City's approval will subject the Owner to loss of previously approved entitlements, thus resulting in years of effort and tens of thousands of dollars in past and future costs and expenses. Even though repeatedly requested by the Owner to do so, the Department has not sought or obtained written confirmation from the City of Ventura that the subject project, as designed, will not interfere with, harm, damage or eliminate the Owner's previously approved subdivision entitlements.*

The Failure of the Department to satisfy this issue directly relates to the issue of the defective RON in that it fails to satisfy the issue of eliminating the private injury from the project, when it has the power to do so by obtaining the approval of the City of Ventura, so that the proposed project will not cause loss, harm, or damage to the Owner's preexisting commercial subdivision entitlements.

One function of a properly-designed public project is to ensure that both onsite and offsite damages to private property are minimized. The Department has both the power and the authority to obtain confirmation from the City that the project will not result in damage or harm or loss of preexisting commercial subdivision entitlements of the Owner, but it refuses to so act, which refusal is contrary to the interests of the State and exposes both the State and the Owner to needless damages which could be easily prevented by appropriate action by the Department in advance of construction of the project.

Department's response: The Department has designed the project with the most public good and the least private harm. The original project proposed the relocation of an existing open culvert onto the EJM Development property. As the Owner brought forward issues regarding development of the property and the need to provide a landscape buffer in accordance with the property CC&R's, the Department redesigned the drainage as a closed box culvert under the new off-ramp to eliminate the fee acquisition. The redesign requires only a 1,298 square feet slope easement which does not preclude the Owner's requirement to landscape in accordance with the

CHIEF DEPUTY DIRECTOR, et al

February 15, 2002

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CC&R's. In addition, it is not the role of the Department nor it's responsibility to pursue permits on behalf of private entities. The City of Ventura supports this project and has partnered with the Department to provide additional improvements on the local streets beyond the interchanges.

3. *A further objection to the RON is the planned location of a large gas utility line on the subject property, whereas the proper design and construction of the proposed project could confine the location of the gas line to public property, obviating any necessity of taking private property. In addition, the proposed taking of the subject property has not been identified as a necessary public use, which is contemplated by this project or by the proposed RON.*

Department's response: The gas utility line is being relocated from the State's right of way to an easement that has been reserved by the City of Ventura for all such utility relocations. The Resolution from the City of San Buenaventura transferring the easement rights to the State is attached for reference.

BRENT FELKER
Chief Engineer

c: AGraham, BParis, WLewis, LFong, VRhinehart, LStaley
bc: CHanson, LUne, ELewis, KGayle

86-023446

VERIFIED-5

*Received
11-14-86
(K)*

RECORDED IN OFFICIAL RECORDS
OF VENTURA COUNTY, CALIFORNIA
FEB 28 1986 AT 8 A.M.
RICHARD D. DEAN, COUNTY RECORDER

CHECKED
COMPARED

RECORDED AT REQUEST OF

FIRST AMERICAN TITLE INS. CO.-73

FREE- 9 A

RECORDING REQUESTED BY & PLEASE RETURN TO:

City Clerk
City of San Buenaventura
P.O. Box 99
Ventura, CA 93002

RESOLUTION NO. 86-24

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN BUENAVENTURA ORDERING THE VACATION AND
ABANDONMENT OF EXCESS STREET
RIGHT-OF-WAY PURSUANT TO SECTION 8330 ET SEQ
OF THE STREETS AND HIGHWAYS CODE

BE IT RESOLVED by the Council of the City of San Buenaventura as follows:

SECTION 1: This vacation of excess street right-of-way is made pursuant to the provisions of Chapter 4, Part 3, Division 9 of the California Streets and Highways Code, Section 8330 et seq.

SECTION 2: The excess street right-of-way described in Exhibits "A" and "B" and depicted in Exhibits "C" and "D" attached hereto and incorporated herein by this reference, is hereby vacated for street purposes, except that the easement and right is hereby reserved, over the entire area being vacated, for the City of San Buenaventura, its successors and assigns, and for any public utility or other entity currently having any storm drain, line, pipe, conduit, cable, wire, or other structure or facility in place on the described property, to maintain, operate, replace, expand, remove or renew the same, and any structure or facility appurtenant thereto. Moreover, there is further reserved to the City, its successors or assigns, and for any public utility, an easement and right over that portion of the property described and depicted on Exhibits "E" and F attached hereto and incorporated herein by this reference, to, at any time or from time to time, construct, maintain, operate, replace, remove, renew and enlarge lines of pipe, conduits, cables, wires, and other convenient structures, equipment and fixtures for carrying or transporting storm drain run-off water, or water, for the operation of gas pipe lines, telegraphic and telephone lines, and for the transportation or distribution of electric energy, including the right of access to protect such works from all hazards in, upon, and over said easement.

SECTION 4: This summary vacation is being made because the right-of-way being vacated hereby has been superseded by relocation of a street and the right-of-way is not required for street purposes.

SECTION 5: From and after the date this Resolution is recorded, the right-of-way hereby vacated shall no longer constitute a public street.

SECTION 6: The City Clerk shall cause a certified copy of this Resolution, attested by the City Clerk under seal, to be recorded in the Office of the County Recorder of the County of Ventura pursuant to Section 8336 of the Streets and Highways Code.

PASSED AND ADOPTED this 24th day of February, 1986.

Barbara J. Kern
City Clerk

JH/lm/205

86-24/20

STATE OF CALIFORNIA)
COUNTY OF VENTURA) SS
CITY OF SAN BUENAVENTURA)

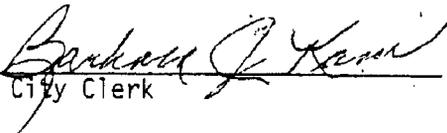
I, BARBARA J. KAM, City Clerk of the City of San Buenaventura, do hereby certify that the above and foregoing Resolution was duly passed and adopted by the City Council of said City at a regular meeting held on the 24th day of February, 1986, by the following vote:

AYES: Councilmembers Drake, Crew, Orrock,
Burns, McWherter, Monahan, and Sullard.

NOES: None.

ABSENT: None.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 25th day of February, 1986.


City Clerk

86-023446

EXHIBIT "A"

That portion of Lot 102 of the Rancho Santa Paula y Saticoy as shown on map recorded in Book A, Page 290 of Miscellaneous Records (Transcribed Records from Santa Barbara County) in the office of the County Recorder of said County described as follows:

Beginning at a point in the line common to Rancho Santa Clara del Norte and said Rancho Santa Paula y Saticoy distant along said line N 63°17'44"E 193.69 feet from its intersection with that certain course described in the deed to the State of California recorded in Book 1034, Page 22 of Official Records of said County, as having a bearing of N 58°14'00"W and a length of 519.11 feet; thence from said point of beginning:

- 1st South 63°17'44" West 107.36 feet thence leaving said common line of Ranchos.
- 2nd North 85°17'54" West 27.45 feet to the beginning of a tangent curve concave northerly and having a radius of 618.00 feet; thence,
- 3rd Along said curve through a central angle of 26°56'08", an arc distance of 290.53 feet, thence tangent to said curve.
- 4th North 58°21'46" West 212.51 feet to the beginning of a tangent curve concave northeasterly and having a radius of 418.00 feet; thence,
- 5th Along said curve through a central angle of 21°05'09", an arc distance of 153.83 feet; thence tangent to said curve.
- 6th North 37°16'37" West 43.54 feet to the beginning of a tangent curve concave southwesterly and having a radius of 532.00 feet; thence,
- 7th Along said curve through a central angle of 7°03'21" an arc distance of 65.51 feet to a point, a radial line to said point bears North 45°40'02" East; thence,
- 8th North 57°21'32" West 78.03 feet; thence,

86-023446

(Exhibit A continued)

- 9th North 37°16'19" East 61.74 feet to a point in the northerly line of that certain parcel of land as conveyed to the State of California by deed dated February 18, 1964 and recorded in Book 2483, Page 53 Official Records of said County distant North 59°14'11" West 26.65 feet from the northwesterly terminus of the certain course recited as "N 43°04'09" W 321.52 feet in said deed to the State of California; thence along said northerly line of said deed by the following six courses.
- 10th South 59°14'11" East 26.65 feet; thence,
- 11th South 43°50'30" East 321.52 feet; thence,
- 12th South 58°21'46" East 200.00 feet to the beginning of a tangent curve concave northerly and having a radius of 572.00 feet; thence,
- 13th Along said curve through a central angle of 26°56'08", an arc distance of 268.91 feet; a radial line to said point bears South 4°42'06" West, thence,
- 14th North 31°38'14" East 62.81 feet; thence,
- 15th South 58°21'46" East 101.66 feet to a point in said common line of Ranchos and to said point of beginning.
- Containing 1.11 acres of land

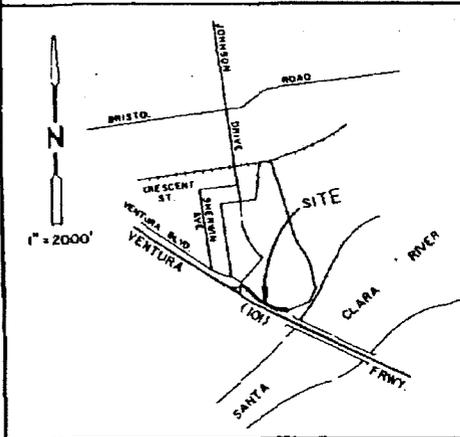
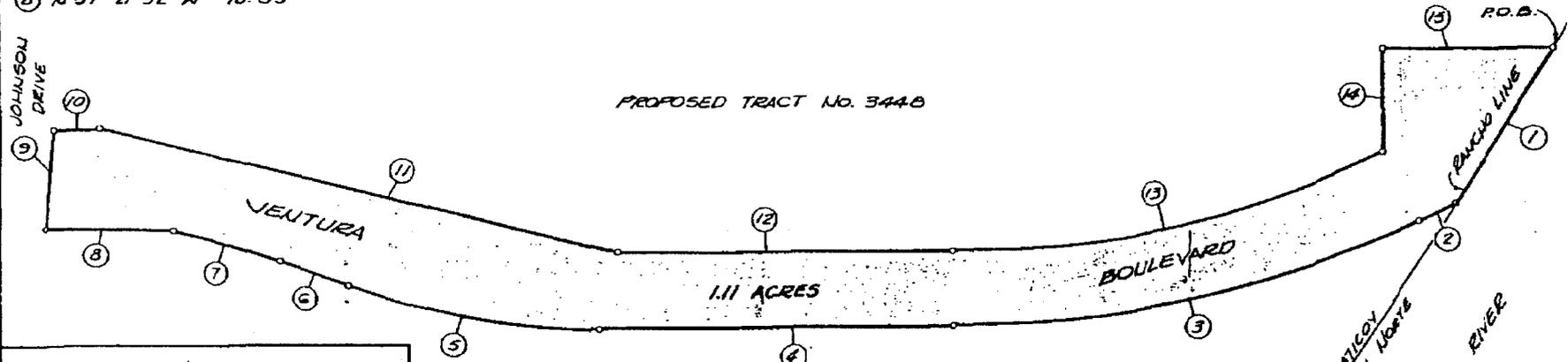
(City File No. 86-B-16)

DSK4:RCL103.DOC[16,5] 06/05/84 79-09-30 HIJ1

86-023446

- ① S 63° 17' 44" W 107.36'
- ② N 85° 17' 54" W 27.45'
- ③ Δ = 26° 56' 08" R = 618.00' T = 148.00' L = 290.53'
- ④ N 58° 21' 46" W 212.51'
- ⑤ Δ = 21° 05' 09" R = 418.00' T = 77.80' L = 153.83'
- ⑥ N 37° 16' 37" W 43.54'
- ⑦ Δ = 7° 03' 21" R = 532.00' T = 32.80' L = 65.51'
- ⑧ N 57° 21' 32" W 78.03'
- ⑨ N 37° 16' 19" E 61.74'
- ⑩ S 59° 14' 11" E 26.65'
- ⑪ S 43° 50' 30" E 321.52'
- ⑫ S 58° 21' 46" E 200.00'
- ⑬ Δ = 26° 56' 08" R = 572.00' T = 136.99' L = 268.91'
- ⑭ N 31° 38' 14" E 62.81'
- ⑮ S 58° 21' 46" E 101.66'

SCALE: 1" = 60'



STATE OF CALIFORNIA - VENTURA FREEWAY (HWY 101)

RECORDING DATE _____
 AB. O.R. DOC. NO. _____
 CITY CLERK'S FILE NO. _____

RANCHO SANTA CLARA DEL NORTE
 RANCHO SANTA CLARA DEL NORTE
 SANTA CLARA RIVER

EXHIBIT "B"

CITY OF SAN BUENAVENTURA		DEPARTMENT OF PUBLIC WORKS ENGINEERING DIVISION
DESIGNED BY _____	PROPOSED ABANDONMENT OF VENTURA BOULEVARD	PROJECT NO. TRACT NS 344.
DRAWN BY O'CONNELL	FROM JOHNSON DRIVE SOUTHEASTERLY TO RANCHO LINE	
CHECKED BY [Signature] 1/28/86	APPROVED BY [Signature]	DATE 1-21-86
APPROVED BY PUBLIC WORKS DIRECTOR	CITY ENGINEER R.C.E. 5374	56-B-16

EXHIBIT "C"

That portion of the Rancho Santa Clara del Norte in the County of Ventura, State of California, as per map recorded in Book A, Page 301 of Patents, in the Office of the County Recorder of said County, described as follows:

Beginning at a point in the line common to said Rancho Santa Clara del Norte and Rancho Santa Paula y Saticoy distant along said line North $63^{\circ}17'44''$ East 193.69 feet from its intersection with that certain course described in the deed to the State of California recorded in Book 1034, Page 22 of Official Records of said County, as having a bearing of North $58^{\circ}14'00''$ West and a length of 519.11 feet; thence, from said point of beginning,

- 1st South $58^{\circ}21'46''$ East 96.46 feet to the beginning of a tangent curve concave southwesterly and having a radius of 175.00 feet; thence,
- 2nd Southeasterly along said curve through a central angle of $6^{\circ}39'01''$, an arc distance of 20.31 feet to a point on a curve concave westerly and having a radius of 663.23 feet, a radial line to said point bears South $80^{\circ}54'20''$ East; thence,
- 3rd Southerly along said curve through a central angle of $7^{\circ}34'18''$, an arc distance of 87.65 feet to a point on a curve concave southwesterly and having a radius of 100.00 feet, a radial line to said point bears North $85^{\circ}52'56''$ East; thence,
- 4th Northeasterly along said curve through a central angle of $81^{\circ}10'41''$, an arc distance of 141.68 feet; thence, tangent to said curve,
- 5th North $85^{\circ}17'45''$ West 83.89 feet to a point in said Ranch line; thence, along said line,
- 6th North $63^{\circ}17'44''$ East 107.36 feet to the point of beginning.

Containing 0.19 acres.

(City File No. 86-A-17)

DSK0:RCL148.DOC[16,5] 06/07/84 79-09-30 HIJI

86-023446

EXHIBIT "E"

That Portion of the Rancho Santa Paula y Saticoy, as described in the Patent recorded in Book A, Page 290 of Miscellaneous Patents, in the Office of the County Recorder of the County of Ventura, State of California, described as follows:

Beginning at the intersection of that certain course described in the deed to the State of California, recorded in Book 2483, Page 53 of Official Records, as having a bearing of North 57 degrees 35' 25" West and a length of 101.66 feet, with a line common to Rancho Santa Clara del Norte and said Rancho Santa Paula y Saticoy; thence from said Point of Beginning;

Course No.

- 1) South 63 degrees 17' 44" West, along said line common to Rancho Santa Clara del Norte and Rancho Santa Paula y Saticoy a distance of 107.36 feet; thence,
- 2) North 85 degrees 17' 54" West a distance of 27.45 feet to the beginning of a tangent curve, concave Northerly, having a radius of 618.00 feet; thence,
- 16) Westerly along said curve, through a central angle of 11 degrees 57' 24" an arc distance of 128.97 feet, to a non-tangent line, a radial line to said point bears South 16 degrees 39' 30" West; thence,
- 17) North 58 degrees 21' 46" West a distance of 362.92 feet, along said non-tangent line; thence,
- 18) North 43 degrees 50' 30" West a distance of 321.33 feet; thence,
- 19) North 59 degrees 14' 11" West a distance of 26.12 feet; thence,
- 20) North 37 degrees 16' 19" East a distance of 25.16 feet to a point on the southwesterly line of Lot 3 of Tract No. 3448 as per map recorded in Book 101, Page 14 of Miscellaneous Records of said County of Ventura; thence, along said southwesterly line, the following six courses;
- 10) South 59 degrees 14' 11" East a distance of 26.65 feet; thence,
- 11) South 43 degrees 50' 30" East a distance of 321.52 feet; thence,
- 12) South 58 degrees 21' 46" East a distance of 200.00 feet to a tangent curve, concave Northerly, having a radius of 572.00 feet; thence,
- 13) Easterly along said curve, through a central angle of 26 degrees 56' 08" an arc distance of 268.91 feet to a non-tangent line, a radial line to said point bears South 4 degrees 42' 06" West; thence,
- 14) North 31 degrees 38' 14" East a distance of 62.81 feet; thence,
- 15) South 58 degrees 21' 46" East a distance of 101.66 feet to the Point of Beginning.

The area of the described parcel is 0.7130 acre.

(City File No. 85-B-98)

file name: VENTURABLVD
KARCHER, VENTURA - 84126
JGT 11-11-85

85-023446