

REPORT TO CITY COUNCIL

DATE: MARCH 11, 2009

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER

BY: RAMIRO ADEVA, CITY ENGINEER

SUBJECT: APPROVE RESOLUTION NO. 09-1519; VACATING A PORTION OF THE ROADWAY EASEMENT LOCATED WITHIN THE PROPERTY AT 5952 LAPWORTH DRIVE (APN 2055-022-073)

In December 2006, staff received a request from the property owner of 5952 Lapworth Drive, Mr. Steve Edwards, requesting that the City vacate seven (7) feet of an existing 32-foot-wide roadway easement for Lapworth Drive (private street) located within his property in order to accommodate a new residence. As shown on the attached exhibit, the 32-foot-wide easement is located adjacent to the westerly property line. The original roadway easement was established before incorporation and was based on the County General Plan. Given the fact the amount of roadway is in excess of the current General Plan of the City, the portion of the easement in question is no longer needed. In order to proceed with this request, a condition of approval for planning case number 06-CUP-008 (Steve and Marguerite Edwards) required the applicants to prepare the documents necessary to vacate the portion of the roadway, subject to the City Engineer's approval (see attached Resolution, Exhibits "A" & "B").

Section 8300 et sec. of the California Streets and Highways Code allows for a summary vacation of the seven foot-wide portion of the roadway easement since the easement is not in use nor maintained by the City. However, there are utility easements within the same area of the roadway easement. Therefore, the underlying easements for the utilities shall be preserved.

RECOMMENDATION:

Staff respectfully recommends that the City Council:

1. Adopt Resolution No. 09-1519, which makes the findings required by the Streets and Highways Code and orders the vacation of the 7-foot-wide portion of roadway easement on the property located at 5952 Lapworth Drive; and
2. Authorize the City Clerk to record the resolution with the Los Angeles County Recorder.

Attachments: Resolution No. 09-1519
Exhibits "A" and "B" – Portion of Lapworth Drive Easement to be Abandoned

RECORDING REQUESTED BY
COUNTY OF LOS ANGELES

WHEN RECORDED, MAIL TO:
CITY CLERK
CITY OF AGOURA HILLS
30001 LADYFACE COURT
AGOURA HILLS, CA 91301

NO RECORDING FEE/PUBLIC ENTITY (GOV'T CODE 6103)

Space Above this Line for Recorder's Use

RESOLUTION NO. 09-1519

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
AGOURA HILLS, CALIFORNIA SUMMARILY VACATING A
SEVEN FOOT PORTION OF THE EASEMENT FOR ROAD
PURPOSES, LOCATED WITHIN THE PROPERTY AT 5952
LAPWORTH DRIVE IN AGOURA HILLS**

THE CITY COUNCIL OF THE CITY OF AGOURA HILLS HEREBY FINDS,
RESOLVES AND ORDERS AS FOLLOWS:

Section 1. That portion of Lot 2 on a licensed surveyors map filed in Book 98, Pages 22 and 23 of Record Surveys in the office of the County Recorder of Los Angeles County, located at the southern boundary of said property, in the City of Agoura Hills, County of Los Angeles, State of California, as described in the attached Exhibits A and B, shall be, and is hereby, vacated. Such vacation is made pursuant to Chapter 4, Section 8330 of the California Streets and Highway Code which provides the authority and the procedure for vacating easements which exceed the needs of the City as established by the City General Plan.

Section 2. The City Council finds the dedication of said easement no longer necessary.

Section 3. The City Council finds that any and all easements for utilities, public and private, in place on the vacated portion of said easement that are in use or that will be affected by the vacation shall remain until so vacated by said utilities.

Section 4. Pursuant to Section 2381 of the Streets and Highways Code of the State of California, the City Council finds and determines the right-of-way proposed for vacation is not useful as non-motorized transportation facilities.

Section 5. That portion of land, as described in Section 1 and in attached Exhibits A and B, shall be recorded as vacated from this date forward as it no longer serves the needs of the City as established by the City General Plan.

PASSED, APPROVED, AND ADOPTED this 11th day of March, 2009, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Denis Weber, Mayor

ATTEST:

Kimberly M. Rodrigues, City Clerk

EXHIBIT "A"

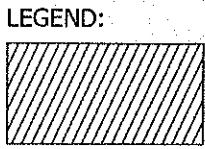
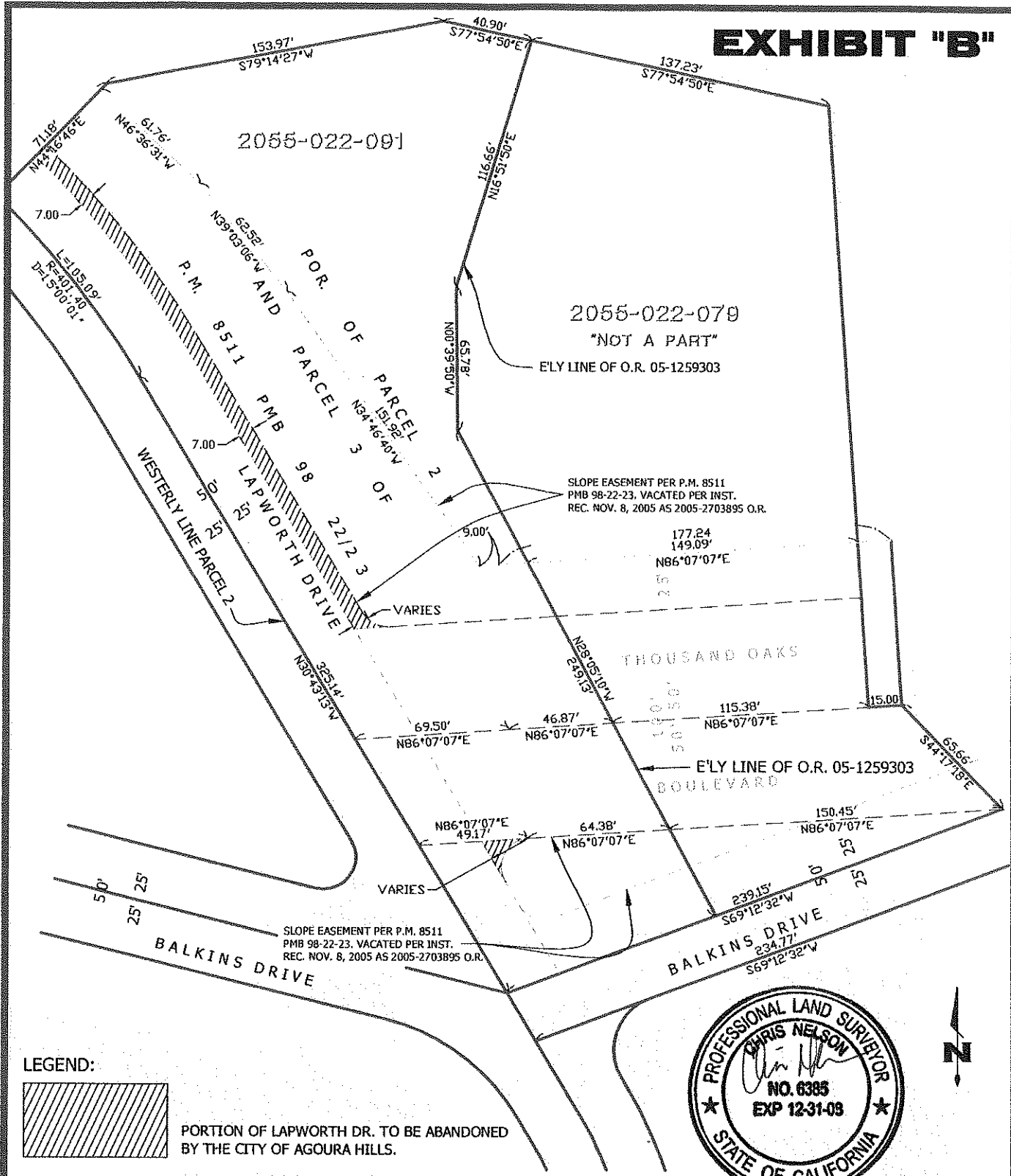
LEGAL DESCRIPTION OF LAPWORTH DRIVE TO BE VACATED

THAT PORTION OF LAPWORTH DRIVE IN THE CITY OF AGOURA HILLS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA LYING EASTERLY AND NORTHEASTERLY OF THE WESTERLY 25.00' OF PARCEL 2 OF PARCEL MAP NO. 8511, AS FILED IN BOOK 98 PAGE(S) 22 AND 23 OF PARCEL MAPS IN THE OFFICE OF THE LOS ANGELES COUNTY RECORDER.

AS SHOWN ON EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF.



EXHIBIT "B"



PORTION OF LAPWORTH DR. TO BE ABANDONED BY THE CITY OF AGOURA HILLS.



PREPARED BY:
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CHRIS NELSON P.L.S. 6385 EXP 12-31-06

SCALE: HORIZ. 1" = 60'
VERT. -
DRAWN BY: KINSLER
CHECKED BY:

SHEET No. 1 OF 1
DRAWING NUMBER 05-1192 B