

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

RESOLUTION NO. RES-10-0006

A RESOLUTION ORDERING THE VACATION OF
THREE ALLEY PORTIONS SOUTH OF SECOND STREET
AND EAST OF ARGONNE AVENUE, IN THE CITY OF
LONG BEACH, COUNTY OF LOS ANGELES, STATE OF
CALIFORNIA PURSUANT TO CHAPTER 4, PART 3 OF
DIVISION 9 OF THE CALIFORNIA STREET AND
HIGHWAYS CODE

WHEREAS, the City Council of the City of Long Beach adopts this
resolution pursuant to Chapter 4 of the Public Streets, Highways and Service Easements
Vacation law (Streets and Highways Code Sections 8330 et seq.); and

WHEREAS, this resolution vacates three alley portions south of Second
Street and east of Argonne Avenue described more particularly as follows:

Parcel 1

The northerly 20.00 feet of that northeasterly-southwesterly alley,
12 feet in width, in Block 21, Tract No. 3885 as per map recorded in Book
42, Pages 56 and 57 of Maps in the Office of the County Recorder of the
County of Los Angeles.

Parcel 2

The northerly 20.00 feet of that northeasterly-southwesterly alley,
12 feet in width, in Block 30, Tract No. 3885 as per map recorded in Book
42, Pages 56 and 57 of Maps in the Office of the County Recorder of the
County of Los Angeles.

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Parcel 3

The northerly 20.00 feet of that northeasterly-southwesterly alley, 12 feet in width, in Block 10, Tract No. 4029 as per map recorded in Book 43, Page 2 of Maps in the Office of the County Recorder of the County of Los Angeles.

Reserving unto the City of Long Beach, its successors and assigns a perpetual easement and right-of-way, at any time or from time to time, to lay, construct, maintain, operate, repair, renew, replace, change the size of and remove the existing utility lines, including, but not limited to, sanitary sewers, storm drains and appurtenant structures, together with all necessary gates, valves, fittings, hydrants and appurtenances for the transportation of water and gas, with the right of ingress to and egress from the same, over, through, under, along and across that certain property vacated herewith; and pursuant to any existing franchises or renewals thereof, or otherwise, to construct, maintain, operate, replace, remove, renew and enlarge lines of conduits, cables, wires, poles and other convenient structures, equipment and fixtures for the operation of telephone lines and other communication lines, and for the transportation or distribution of electric energy, and incidental purposes including access and the right to keep the property free from inflammable materials, and wood growth, and otherwise protect the same from all hazards in, upon and over the part vacated. Access for maintenance of the above-mentioned facilities must be maintained at all times. No improvements shall be constructed within the easement which would impede the operation, maintenance or repair of said facilities. Construction of any improvements, including changes of grade, shall be subject to the prior written approval of all the City departments and public utilities responsible

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1 for the above said facilities.

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3 WHEREAS, the above-described property is excess right-of-way and is not
4 required for street or highway purposes; and

5 WHEREAS, the vacation of this right-of-way will not cut off all access to any
6 adjoining property;

7 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
8 follows:

9 Section 1. Pursuant to Chapter 4, Part 3 of Division 9 of the California
10 Streets and Highways Code (Sections 8330 et seq.), the following findings are made
11 regarding the above-described property:

12 A. That the document entitled "Sketch No. 975V", attached
13 hereto as Exhibit "A", accurately depicts the property to be vacated.

14 B. That the findings of fact made by the City Council for the
15 purposes of this summary vacation of excess right-of-way pursuant to
16 California Streets and Highways Code Section 8334(a), set forth in the
17 document entitled "City Council Findings" and attached hereto as Exhibit
18 "B", are incorporated herein and made a part of this resolution by this
19 reference.

20 Section 2. The above-described portion of the right-of-way is hereby
21 vacated and closed. From and after the date this resolution is recorded, such vacated
22 right-of-way shall no longer constitute a street or highway.

23 Section 3. The City Clerk is hereby instructed to certify to the adoption of
24 this resolution, and to cause a certified copy to be recorded in the Office of the County
25 Recorder of the County of Los Angeles, California.

26 Section 4. This resolution shall take effect immediately upon its adoption
27 by the City Council.

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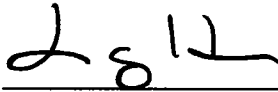
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1 I hereby certify that the foregoing resolution was adopted by the City
2 Council of the City of Long Beach at its meeting of January 5, 2010, by the
3 following vote:

4
5 Ayes: Councilmembers: Garcia, Lowenthal, O'Donnell,
6 Schipske, Andrews, Reyes Uranga,
7 Gabelich, Lerch.
8 _____

9 Noes: Councilmembers: None.
10 _____

11 Absent: Councilmembers: DeLong.
12 _____

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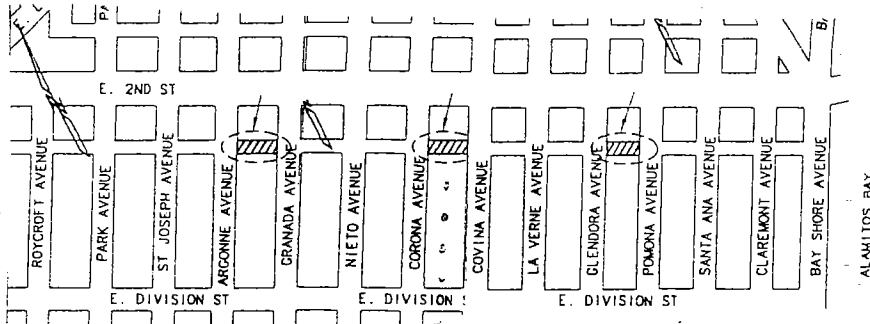
15 _____
16 City Clerk

PARCEL 1
Alley portion between Argonne and Granada Avenues to
be vacated by the City of Long Beach.



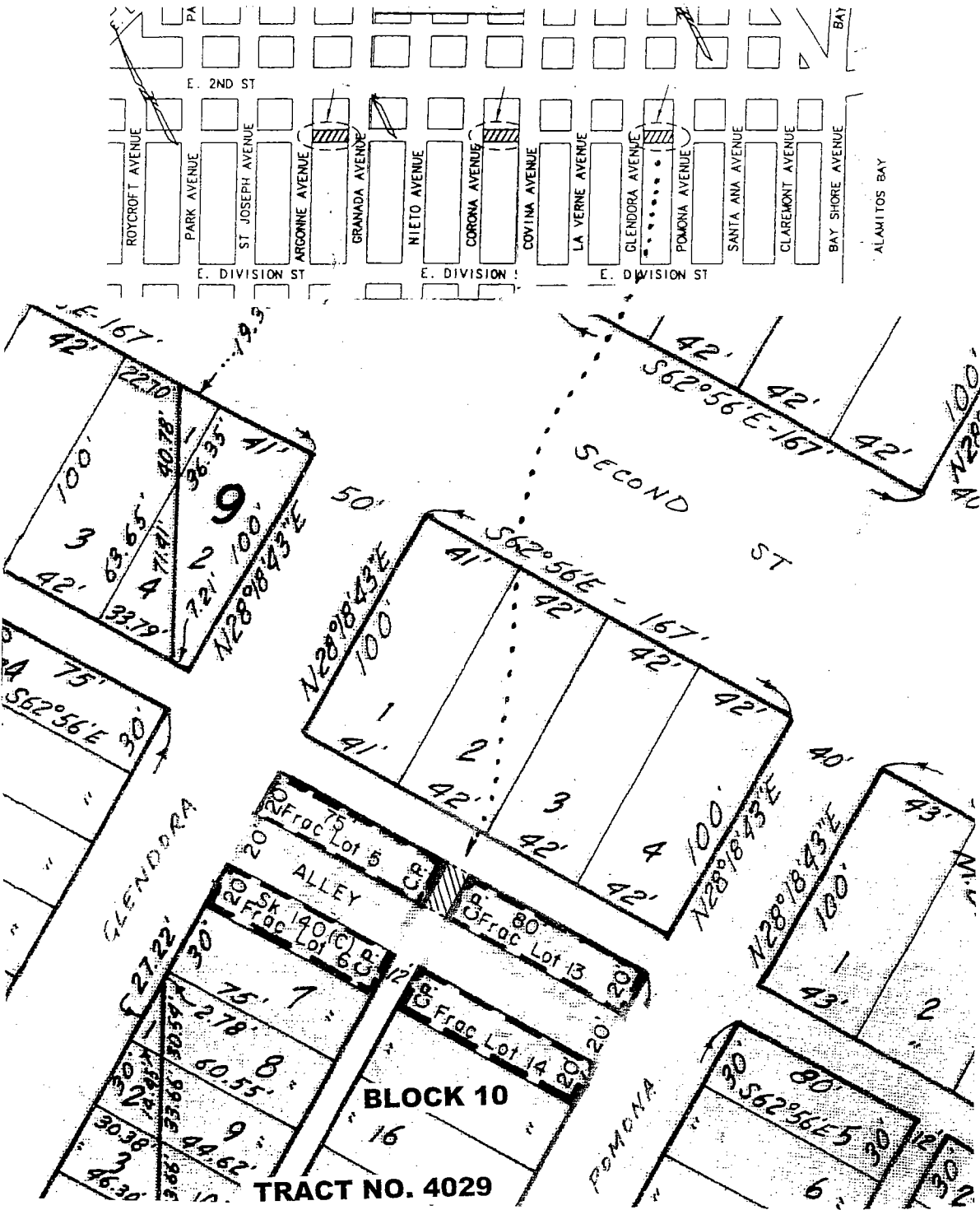
PARCEL 2

Alley portion between Corona and Covina Avenues
to be vacated by the City of Long Beach



PARCEL 3

Alley portion between Glendora and Pomona Avenues
to be vacated by the City of Long Beach



CITY COUNCIL FINDINGS

VACATION OF THREE ALLEY PORTIONS SOUTH OF SECOND STREET AND EAST OF ARGONNE AVENUE

Reference Sketch No. 975V

1. The subject right-of-way is unnecessary for present or prospective public use. This finding is based upon the following subfindings:
 - a) The three alley portions to be vacated each lie between two public alleys that can function independently and without need for interconnection. The vacation of these alley easements will not result in loss of access to any property. Full access to adjacent business, public parking lots and adjacent residential properties will be maintained.
 - b) The portions to be vacated will be used for the proposed trash enclosures. The City owns the lots on either side of the areas to be vacated, and will thus retain ownership of the vacated areas.
 - c) On December 17, 2009, the City of Long Beach Planning Commission determined that the subject alley vacation action is consistent with the General Plan, as required in Section 8313 of the Public Streets, Highways and Service Easements Vacation Law.
 - d) The interested City Departments, including Fire and Police, have reviewed the proposed right-of-way vacation and land development, and have no objections to this action.
 - e) The rights-of-way would not be useful for exclusive bikeway purposes.
2. The vacation of said rights-of-way will not have a significantly adverse environmental effect. This finding is based upon the following subfindings:
 - a) The right-of-way is not and will not be needed for public use.
 - f) In conformance with the California Environmental Quality Act, Categorical Exemption Number CE 73-09 was issued for this project.