

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

RESOLUTION NO. RES-07-0106

A RESOLUTION ORDERING THE SUMMARY VACATION OF SUBTERRANEAN AND AERIAL PORTIONS OF THE NORTH-SOUTH ALLEY NORTH OF EIGHTH STREET AND WEST OF LOCUST AVENUE ADJACENT TO 835 LOCUST 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 subterranean and aerial portions of the north-south alley north of Eighth Street and west of Locust Avenue adjacent to 835 Locust Avenue described more particularly as follows:

UNDERGROUND PARKING GARAGE PARCEL

That portion of Tribune Court dedicated on map of Tract No. 53748 in the City of Long Beach, County of Los Angeles, State of California, as per map recorded in Book 1288, pages 35 through 37 of maps, in the Office of the County Recorder of said County, described as follows:

That portion of said Tribune Court lying below elevation 35.50 feet (based on Long Beach City Benchmark No. 216-A, elevation 35.672 feet) within the following described boundaries:

Beginning at a point in the westerly line of said Tract No. 53748 that is north 0°00'05" west 19.00 feet from the southwest corner of said Tract; thence continuing along said

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westerly line, north 0°00'05" west 91.00 feet; thence south 89°59'55" west 2.00 feet; thence south 0°00'05" east 91.00 feet; thence north 89°59'55" east 2.00 feet to the Point of Beginning.

NORTHERLY AERIAL PROJECTION PARCEL

That portion of said Tribune Court lying between elevation 46.78 feet and elevation 105.78 feet (based on said Long Beach City Benchmark 216-A), within the following described boundaries:

Beginning at a point in the westerly line of said Tract No. 53748 that is south 0°00'05" east 70.00 feet from the northwest corner of said Tract; thence continuing along said westerly line south 0°00'05" east 5.00 feet; thence south 89°59'55" west 1.00 foot; thence north 0°00'05" west 5.00 feet; thence north 89°59'55" east 1.00 foot to the Point of Beginning.

SOUTHERLY AERIAL PROJECTION PARCEL

That portion of said Tribune Court lying between elevation 46.78 feet and elevation 105.78 feet (based on said Long Beach City Benchmark 216-A), within the following described boundaries:

Beginning at a point in the westerly line of said Tract No. 53748 that is north 0°00'05" west 105.00 feet from the southwest corner of said Tract; thence continuing along said westerly line north 0°00'05" west 5.00 feet; thence south 89°59'55" west 1.00 foot; thence south 0°00'05" west 5.00 feet; thence north 89°59'55" east 1.00 foot to the Point of Beginning.

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

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

WHEREAS, this property is a public service easement that was acquired less than five years before this vacation and has not been used for the purpose for which it was dedicated or acquired;

1 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
2 follows:

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

6 A. That the document, attached hereto as Exhibit "A", accurately
7 depicts the property to be vacated.

8 B. That the findings of fact made by the City Council for the
9 purposes of this summary vacation of excess right-of-way pursuant to
10 California Streets and Highways Code Section 8333(a), set forth in the
11 document entitled "City Council Findings" and attached hereto as Exhibit
12 "B", are incorporated herein and made a part of this resolution by this
13 reference.

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

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

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

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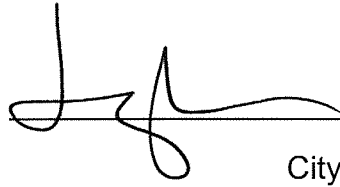
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I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of August 7, 2007, by the following vote:

Ayes: Councilmembers: S. Lowenthal, DeLong, O'Donnell,
Andrews, Reyes Uranga, Gabelich,
Lerch.

Noes: Councilmembers: None.

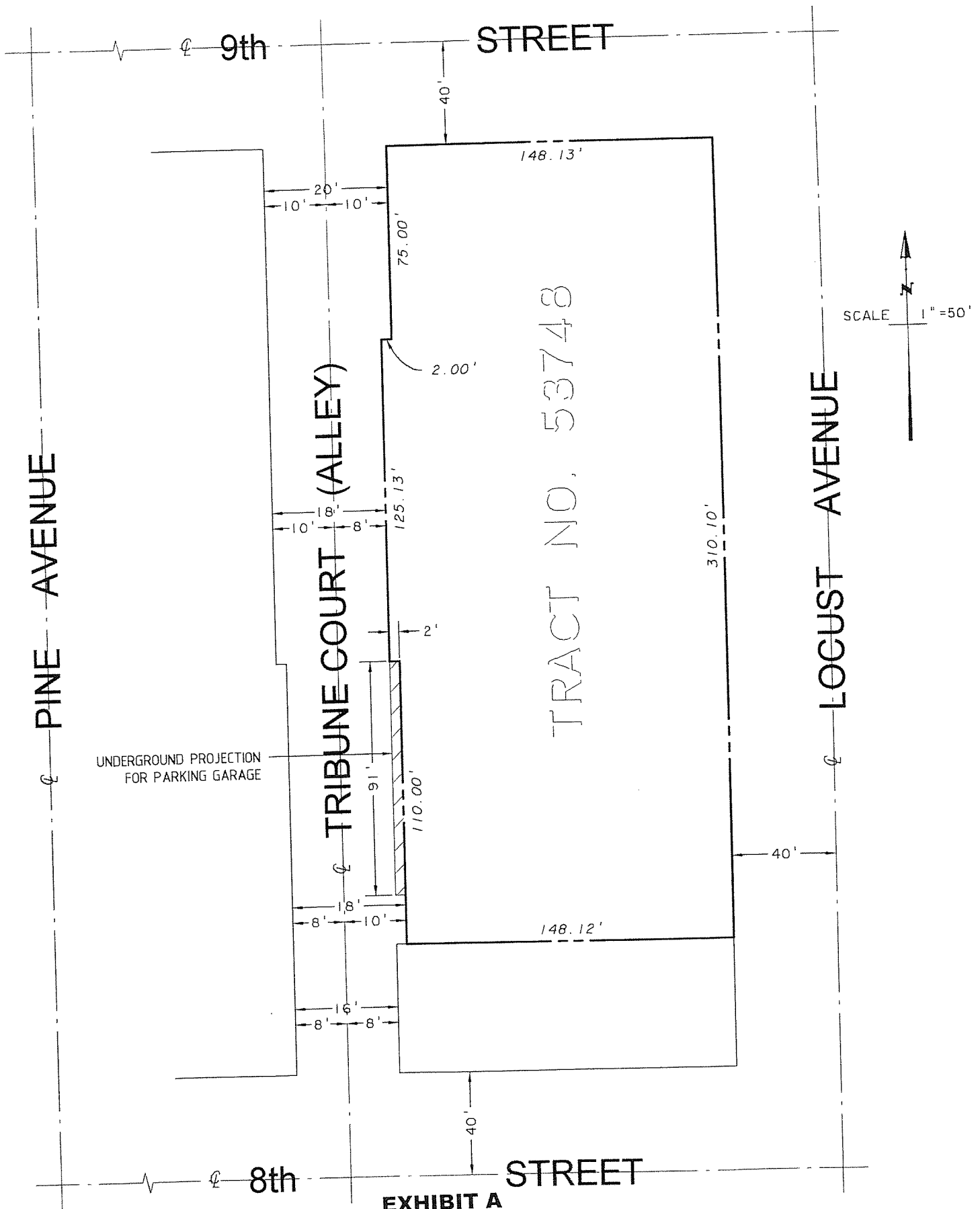
Absent: Councilmembers: B. Lowenthal, Schipske.



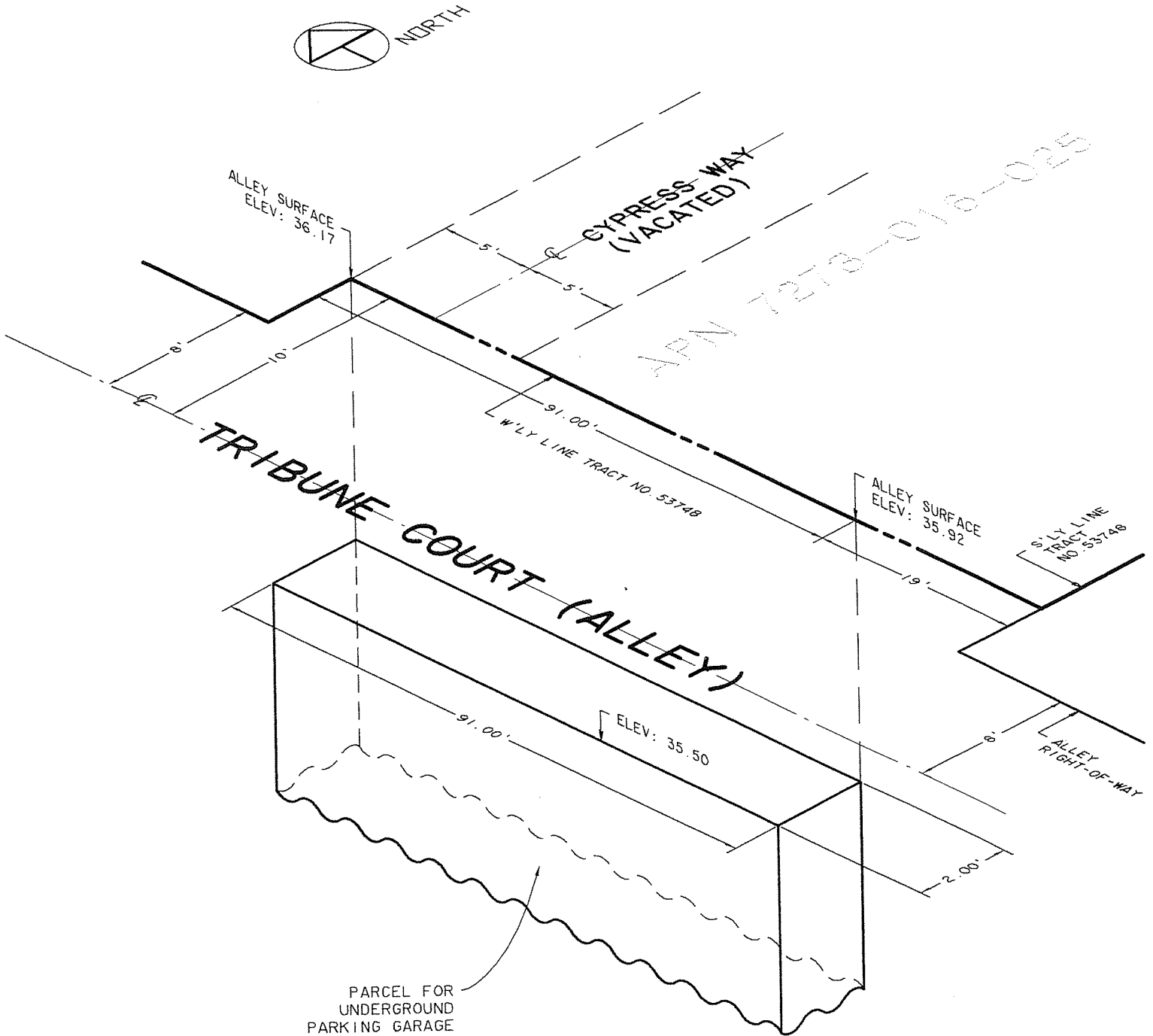
City Clerk

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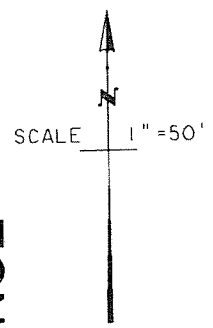
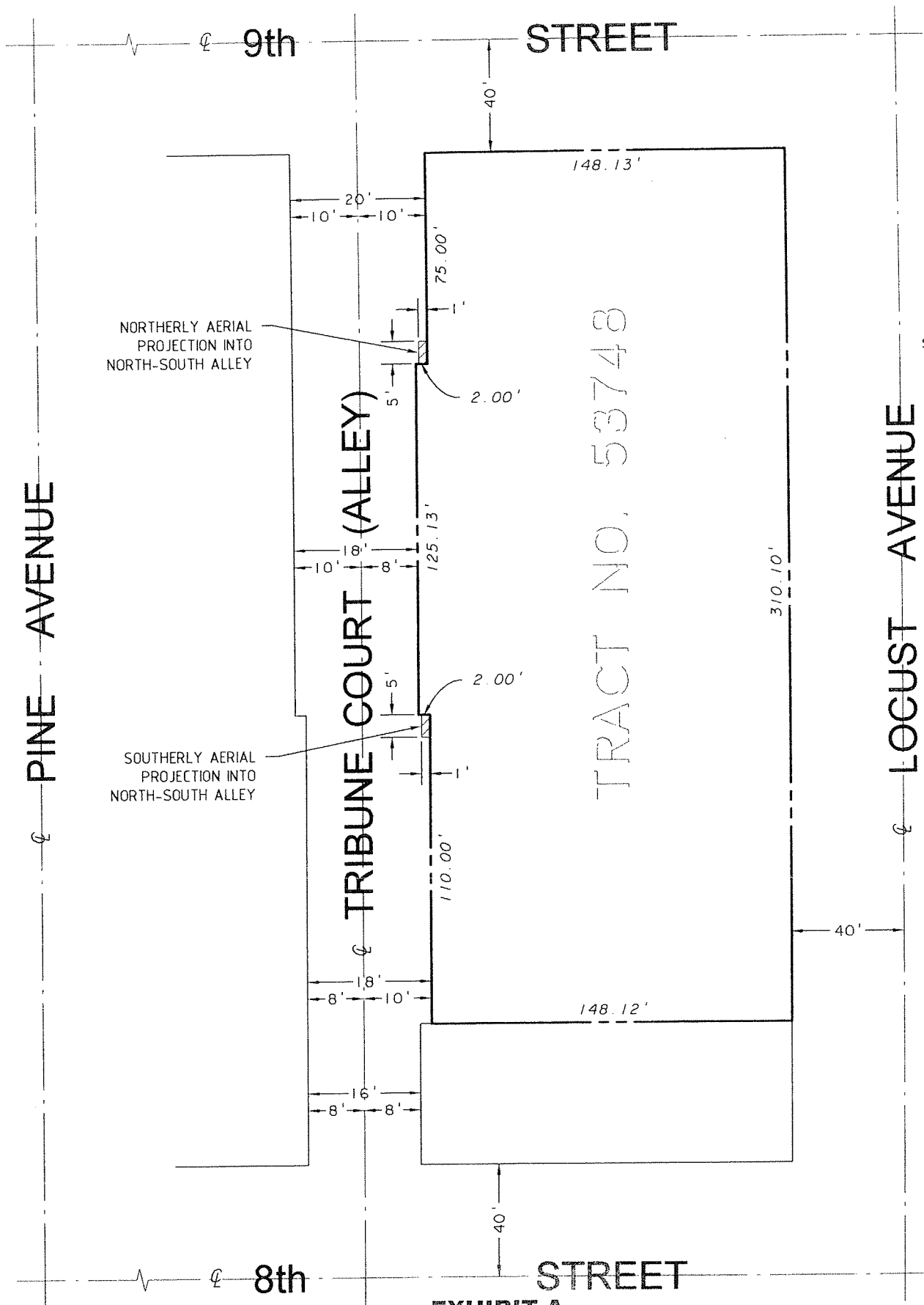
VICINITY SKETCH
FOR UNDERGROUND PARKING GARAGE



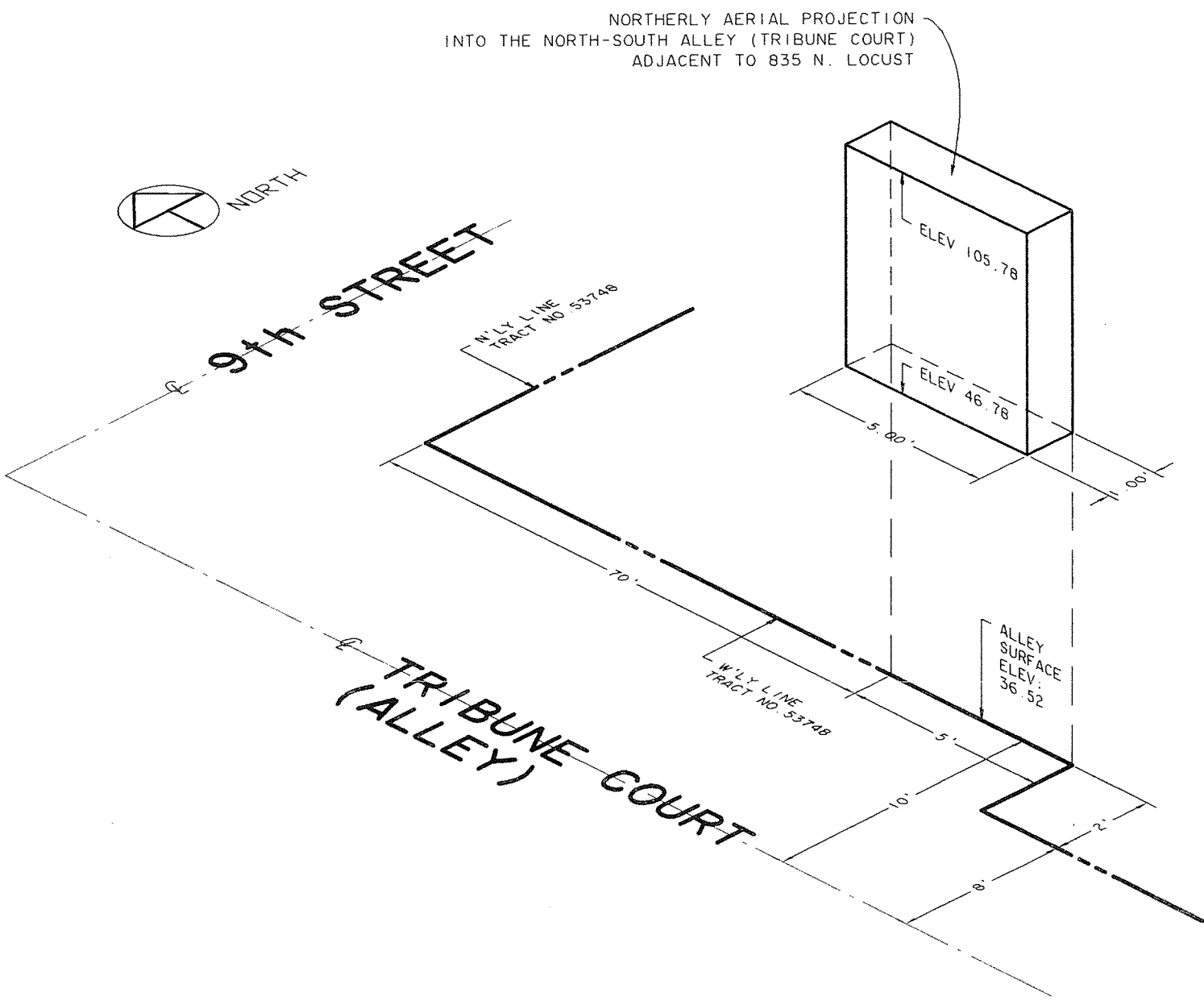
SKETCH OF PARCEL
FOR UNDERGROUND PARKING GARAGE



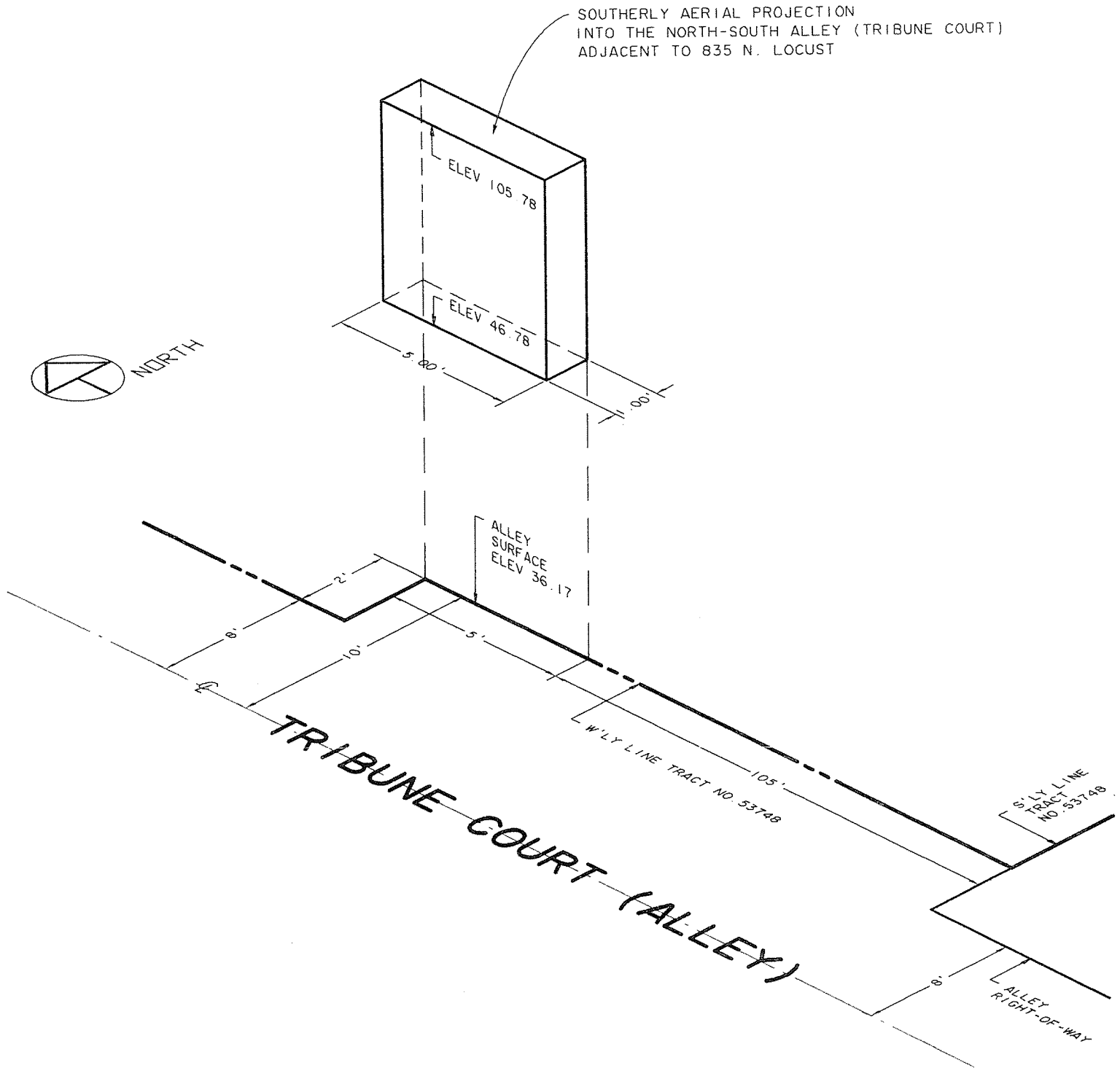
VICINITY SKETCH
 FOR AERIAL PROJECTIONS
 INTO NORTH-SOUTH ALLEY (TRIBUNE COURT)



SKETCH OF PARCEL
FOR NORTHERLY AERIAL PROJECTION
INTO THE NORTH-SOUTH ALLEY (TRIBUNE COURT)
ADJACENT TO 835 N. LOCUST



SKETCH OF PARCEL
FOR SOUTHERLY AERIAL PROJECTION
INTO THE NORTH-SOUTH ALLEY (TRIBUNE COURT)
ADJACENT TO 835 N. LOCUST



CITY COUNCIL FINDINGS

VACATION OF SUBTERRANEAN AND AERIAL PORTIONS OF THE NORTH-SOUTH ALLEY NORTH OF EIGHTH STREET AND WEST OF LOCUST AVENUE ADJACENT TO 835 LOCUST AVENUE

1. The subject right-of-way is unnecessary for present or prospective public use.

This finding is based upon the following subfindings:

- a) This right-of-way vacation corrects an error made on Tract Map 53748. The basement and balcony projections were approved by the Public Works and Planning and Building Departments prior to the spaces being dedicated.
 - b) On May 3, 2007, the Planning Commission determined that the subject vacation action is consistent with the General Plan, as required in Section 8313 of the Public Streets, Highways and Service Easements Vacation Law. In conformance with the California Environmental Quality Act, Negative Declaration Number ND 45-01 was issued for this project.
 - c) 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. As the spaces to be vacated are fully improved as a part of the building, no utilities are present and no utility easement will be reserved.
 - d) The rights-of-way would not be useful for exclusive bikeway purposes, and is not required for street or highway 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.
- e) In conformance with the California Environmental Quality Act, Negative Declaration Number ND 45-01 was issued for this project.

EXHIBIT B