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RESOLUTION NO. C-28476

A RESOLUTION ORDERING THE VACATION OF THE
EAST-WEST ALLEY EAST OF ELM AVENUE AND NORTH
OF BROADWAY, IN THE CITY OF LONG BEACH, COUNTY
OF LOS ANGELES, STATE OF CALIFORNIA

WHEREAS, the City Council of the City of Long Beach, did heretofore, on the 5th day of October, 2004 by Resolution No. C-28463, declare its intention to order the vacation, pursuant to the provisions of the Public Streets, Highways, and Service Easements Law, the east-west alley east of Elm Avenue and north of Broadway in the City of Long Beach, County of Los Angeles, State of California, described more particularly as follows:

The east-west alley, 10 feet wide, in Block 92, shown on the map of the Townsite of Long Beach in the City of Long Beach, County of Los Angeles and State of California, recorded in Book 19, Pages 91 through 96, inclusive, of Miscellaneous Records in the office of the County Recorder of said county, bounded on the west by the east line of Elm Avenue, 80 feet wide as shown on said map, and bounded on the east by the west line of Linden Avenue, 80 feet wide as shown on said map.

Except for the portion lying between a line 2.00 feet west of and parallel with the west line of the north-south alley, 16 feet wide, in said Block 92, and a line 2.00 feet east of and parallel with the east line of said north-south alley.

Reserving unto the City of Long Beach, its successors and assigns, over the entire area vacated herein, 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 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

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1 easement which would impede the operation, maintenance or repair of said
2 facilities. Construction of any improvements, including changes of grade,
3 shall be subject to the prior written approval of all the City departments and
4 public utilities responsible for the above said facilities.

5 WHEREAS, the City Council did, at said time, fix Tuesday, the 9th day of
6 November, 2004 at the hour of 5:00 p.m., as the time at the City Council Chamber,
7 Plaza Level of the City Hall, 333 West Ocean Boulevard, in the City of Long Beach,
8 California, as the place for hearing for all persons interested in or objecting to the proposed
9 vacation to appear and be heard; and

10 WHEREAS, notice of the resolution of the intention to vacate, stating the time
11 and place of said hearing, were duly posted in the manner prescribed by law; and

12 WHEREAS, said hearing was called and held before the City Council at the
13 time and place so fixed and evidence taken and received on the matter of said proposed
14 vacation, and the City Council, upon said evidence, now make those findings of fact set
15 forth in said Exhibit "B", attached hereto and by this reference made a part hereof;

16 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
17 follows:

18 Section 1. Pursuant to the foregoing resolution of intention, the proceedings
19 had thereunder, the "SKETCH SHOWING THE EAST-WEST ALLEY EAST OF ELM
20 AVENUE AND NORTH OF BROADWAY TO BE VACATED BY THE CITY OF LONG
21 BEACH" attached hereto as Exhibit "A", and the City Council Findings attached hereto as
22 Exhibit "B", said City Council of the City of Long Beach hereby makes its resolution
23 vacating and closing a portion of the drive hereinabove described.

24 Sec. 2. That this resolution shall take effect immediately upon its adoption
25 by the City Council, and the City Clerk is hereby instructed to certify to the adoption
26 thereof, and to cause a certified copy to be recorded in the Office of the County Recorder
27 of the County of Los Angeles, California.

28 I hereby certify that the foregoing resolution was adopted by the City Council

///

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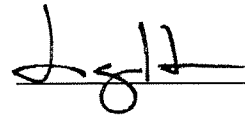
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of the City of Long Beach at its meeting of November 9, 2004 by the following votes:

Ayes: Councilmembers: Lowenthal, Baker, Colonna,
O'Donnell, Kell, Richardson,
Reyes Uranga, Gabelich, Lerch.

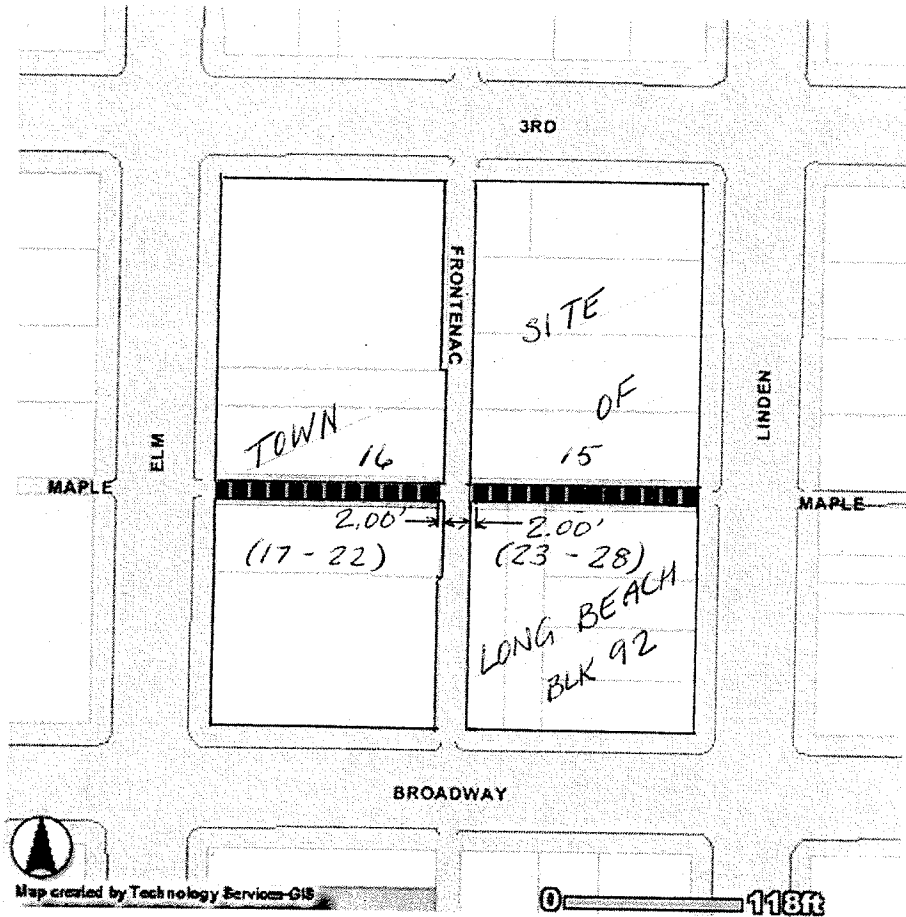
Noes: Councilmembers: None.

Absent: Councilmembers: None.



City Clerk

LPM:ET
10/18/04
04-02316
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**SKETCH SHOWING THE EAST-WEST ALLEY
EAST OF ELM AVENUE AND NORTH OF BROADWAY
TO BE VACATED BY THE CITY OF LONG BEACH**

 **SHOWS PORTION TO BE VACATED**

EXHIBIT A

CITY COUNCIL FINDINGS

VACATION OF THE EAST-WEST ALLEY EAST OF ELM AVENUE AND NORTH OF BROADWAY - Reference Sketch No. 952V

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

This finding is based upon the following subfindings:

- a) Those findings stated in the City Manager's letter submitted for the October 5, 2004 City Council meeting regarding the resolution of intention to vacate the subject right-of-way, adopted as C-28463.
- b) 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.
- c) In conformance with the California Environmental Quality Act, Categorical Exemption No. 73-04 was issued for this project.

SC