

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

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RESOLUTION NO. RES-08-0151

A RESOLUTION ORDERING THE VACATION OF A PORTION OF EDISON AVENUE IN THE VICINITY OF THE LONG BEACH LEAD LINE RAIL RIGHT-OF-WAY SOUTH OF NINTH STREET 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 14th of October, 2008, by Resolution No. RES-08-0132, declare its intention to order the vacation, pursuant to the provisions of the Public Streets, Highways, and Service Easements Law, a portion of Edison Avenue in the vicinity of the Long Beach Lead Line Rail right-of-way south of Ninth Street, in the City of Long Beach, County of Los Angeles, State of California, described more particularly as follows:

Parcel 1: Dedicated portion of Edison Avenue.

A portion of Parcel 5, in the City of Long Beach, County of Los Angeles, State of California, as shown on a Record of Survey filed in Book 49, Page 43, of Record of Surveys, said portion also being a portion of Parcel I of that certain property granted to the City of Long Beach per document recorded December 31, 1957 in Book 56335, Page 163, Official Records, both in the office of the County Recorder of said Los Angeles County, more particularly described as follows:

The most Northerly 33.00 feet of said Parcel 5, also known as Edison Avenue (58.28 feet wide).

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Parcel 2: Existing traveled way of Edison Avenue.

A portion of Rancho Los Cerritos, in the City of Long Beach, County of Los Angeles, State of California, as shown on a map filed in Book 2, Page 202, of Patents; said portion also being a portion of Parcel III, of that certain document recorded May 31, 1924 in Book 3107, Page 315, Official Records, both in the office of the County Recorder of said Los Angeles County, more particularly described as follows:

The Easterly 50.00 feet of the Northerly 33.00 feet of said Parcel III, the Northerly line of said Parcel III being the Southerly line of the City of Los Angeles/City of Long Beach Right-of-Way (50.00 feet wide) per Instrument No. 94-2282145, Official Records of said Los Angeles County, said Right-of-Way formerly the Southern Pacific Railroad Right-of-Way (50.00 feet wide) per document recorded in Book 539, Page 34, of Deeds, records of said Los Angeles County. The Easterly line of said Parcel III being the Westerly line of Parcel 5 as shown on a Record of Survey filed in Book 49, Page 43, of Records of Surveys, in the office of the County Recorder of said Los Angeles County.

Reserving unto the City of Long Beach, its successors and assigns a perpetual easement and right-of-way for emergency access, and 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

1 and remove the existing utility lines, including, but not limited
2 to, sanitary sewers, storm drains and appurtenant structures,
3 together with all necessary gates, valves, fittings, hydrants
4 and appurtenances for the transportation of water and gas,
5 with the right of ingress to and egress from the same, over,
6 through, under, along and across that certain property
7 vacated herewith; and pursuant to any existing franchises or
8 renewals thereof, or otherwise, to construct, maintain,
9 operate, replace, remove, renew and enlarge lines of
10 conduits, cables, wires, poles and other convenient
11 structures, equipment and fixtures for the operation of
12 telephone lines and other communication lines, and
13 incidental purposes including access and the right to keep
14 the property free from inflammable materials, and wood
15 growth, and otherwise protect the same from all hazards in,
16 upon and over the part vacated. Access for maintenance of
17 the above-mentioned facilities must be maintained at all
18 times. No improvements shall be constructed within the
19 easement which would impede the operation, maintenance
20 or repair of said facilities. Construction of any improvements,
21 including changes of grade, shall be subject to the prior
22 written approval of all the City departments and public
23 utilities responsible for the above said facilities.

24
25 WHEREAS, the City Council did, at said time, fix Tuesday, the 2nd
26 day of December, 2008, at the hour of 5:00 p.m., as the time and the
27 City Council Chamber, Plaza Level of the City Hall, 333 West Ocean Boulevard, in the
28 City of Long Beach, California, as the place for hearing for all persons interested in or

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1 objecting to the proposed vacation to appear and be heard; and

2 WHEREAS, notice of the resolution of the intention to vacate, stating the
3 time and place of said hearing, was duly posted in the manner prescribed by law; and

4 WHEREAS, the hearing date of November 18, 2008 was continued to
5 December 2, 2008, in accordance with law; and

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

10 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
11 follows:

12 Section 1. Pursuant to the foregoing resolution of intention, the
13 proceedings had thereunder, Vacation Sketch No. 987V showing a portion of Edison
14 Avenue in the vicinity of the Long Beach Lead Line Rail right-of-way south of Ninth Street
15 to be vacated by the City of Long Beach attached hereto as Exhibit "A", and the City
16 Council Findings attached hereto as Exhibit "B", said City Council of the City of Long
17 Beach hereby makes its resolution vacating and closing a portion of the street
18 hereinabove described.

19 Section 2. That this resolution shall take effect immediately upon its
20 adoption by the City Council, and the City Clerk is hereby instructed to certify to the
21 adoption thereof, and to cause a certified copy to be recorded in the Office of the County
22 Recorder of the County of Los Angeles, California.

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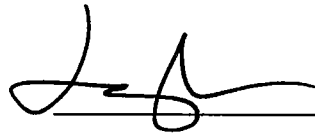
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I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of December 2, 2008 by the following vote:

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

Noes: Councilmembers: None.

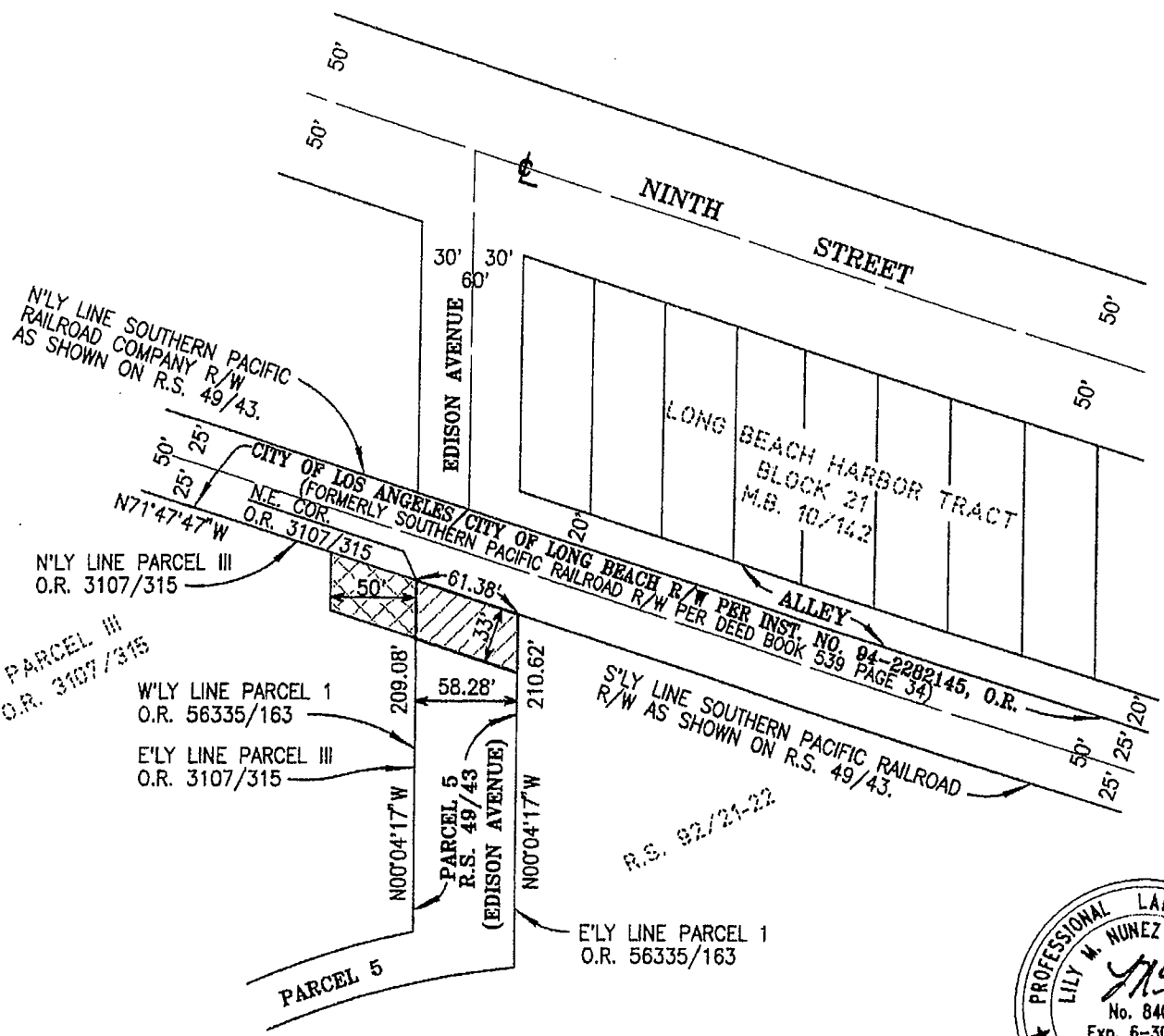
Absent: Councilmembers: None.



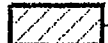
City Clerk

EXHIBIT A


SCALE: 1" = 100'



PARCEL 1

 INDICATES PORTION OF EDISON AVENUE TO BE VACATED.

PARCEL 2

 INDICATES THE PORTION OF THE EXISTING TRAVELED WAY OF EDISON AVENUE TO BE VACATED. (NON-DEDICATED PORTION OF STREET)

PREPARED BY ME OR UNDER MY SUPERVISION:



LILY M. NUNEZ SANDBERG, P.L.S 8402
REGISTRATION EXPIRES: 6-30-08

5-13-08

DATE



Bureau Veritas, N.A., Inc.

1565 MacArthur Boulevard
Costa Mesa, CA 92626
Tel: (714) 431-4100
Fax: (714) 825-1669
www.us.bureauveritas.com

CITY OF LONG BEACH		
VACATION OF A PORTION OF EDISON AVENUE		
DATE: 4-15-08	DRAWN BY: A.B./L.S.	SHEET 1 OF 1

CITY COUNCIL FINDINGS

VACATION OF A PORTION OF EDISON AVENUE IN THE VICINITY OF THE LONG BEACH LEAD LINE SOUTH OF NINTH STREET Reference Sketch No. 987V

The subject right-of-way is unnecessary for present or prospective public use. This finding is based upon the following subfindings:

- a) It is the policy of the California Public Utilities Commission (CPUC), which regulates rail/roadway crossing, to reduce the number of these types of crossings to reduce the hazards to the public. Final approval from CPUC will ultimately be required to close this at-grade crossing.
- b) The Port of Long Beach Traffic Study determined that the level of service of surrounding street intersections will not change significantly due to this street closure.
- c) On August 20, 2007, the Board of Harbor Commissioners adopted a Negative Declaration and Application Summary Report for the vacation and closure of the Edison Avenue Railroad Grade Crossing as Resolution No. HD-2380, based on a finding that there was no substantial evidence that the project will have a significant effect on the environment.
- d) The improvements proposed for this section of Edison Avenue will allow emergency vehicles to continue to use this street when not closed by rail traffic. On November 14, 2007, POLB, in conjunction with affected terminals and emergency service agencies, prepared an Emergency Response Plan as required by Special Condition No. 9 of Harbor Development Permit No. 06-076 as cited in Resolution No. HD-2380.
- e) On February 21, 2008, 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.
- f) 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. A public utility easement will be reserved.
- g) The rights-of-way would not be useful for exclusive bikeway purposes.

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.
- b) In conformance with the California Environmental Quality Act, the Port of Los Angeles adopted a Negative Declaration for this project.