



CITY OF LONG BEACH

C-6

DEPARTMENT OF PUBLIC WORKS

333 West Ocean Boulevard 9th Floor • Long Beach, CA 90802 • (562) 570-6383 • Fax (562) 570-6012

November 5, 2013

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Adopt the attached resolution ordering the summary vacation of the portion of 12th Street located west of Jackson Avenue and south of Anaheim Street, and authorize the execution of a quitclaim deed upon the relocation or removal of the existing utility lines within the vacated right-of-way. (District 1)

DISCUSSION

The Long Beach Harbor Department has requested to vacate the remnant portion of the 12th Street right-of-way located west of Jackson Avenue in the Harbor District. Currently, 234 feet of 12th Street located west of Jackson Avenue is not used for vehicular traffic, but for storing cargo containers. This vacation request is intended to bring the designated public right-of-way into conformance with current conditions. The attached Exhibit A sketch shows the area to be vacated.

Proceedings for this vacation are being conducted in accordance with Part 3, Chapter 4, of the States Public Streets, Highways, and Services Easements, Vacation Law; Summary Vacation. Section 8334 of that Chapter states that the legislative body of a local agency may summarily vacate that portion of right-of-way, which is excess right-of-way, not required for street or highway purposes. The Department of Public Works supports this action based on the evidence, facts, and conditions, finding that the dedicated right-of-way to be vacated is unnecessary for present or future public use.

On April 18, 2013, the Planning Commission determined that the subject vacation action is consistent with the General Plan, as required in Section 65402 of the California Government Code, with final action approved on April 29, 2013. In accordance with the guidelines for implementing the California Environmental Quality Act (CEQA), the Board of Harbor Commissioners issued a Notice of Exemption that the proposed project would not have a significant effect on the environment. The Planning Department staff report is included as Exhibit B.

The interested City departments, including Fire and Police, have reviewed the proposed right-of-way vacation and have no objections to this action. An easement for the existing utility line will be reserved over the entire vacated area until the utility line has been removed and a quitclaim of easement has been recorded.

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HONORABLE MAYOR AND CITY COUNCIL

November 5, 2013

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This matter was reviewed and approved by the Long Beach Fire Department on July 2, 2013, Deputy City Attorney Linda Vu on October 11, 2013, and by Budget Management Officer Victoria Bell on October 14, 2013.

TIMING CONSIDERATIONS

City Council action on this matter is not critical.

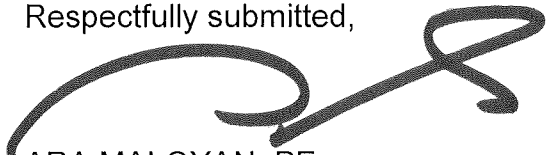
FISCAL IMPACT

A processing fee of \$7,901 was deposited in the General Fund (GP) in the Department of Public Works (PW). There is no local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



ARA MALOYAN, PE
ACTING DIRECTOR OF PUBLIC WORKS

APPROVED:

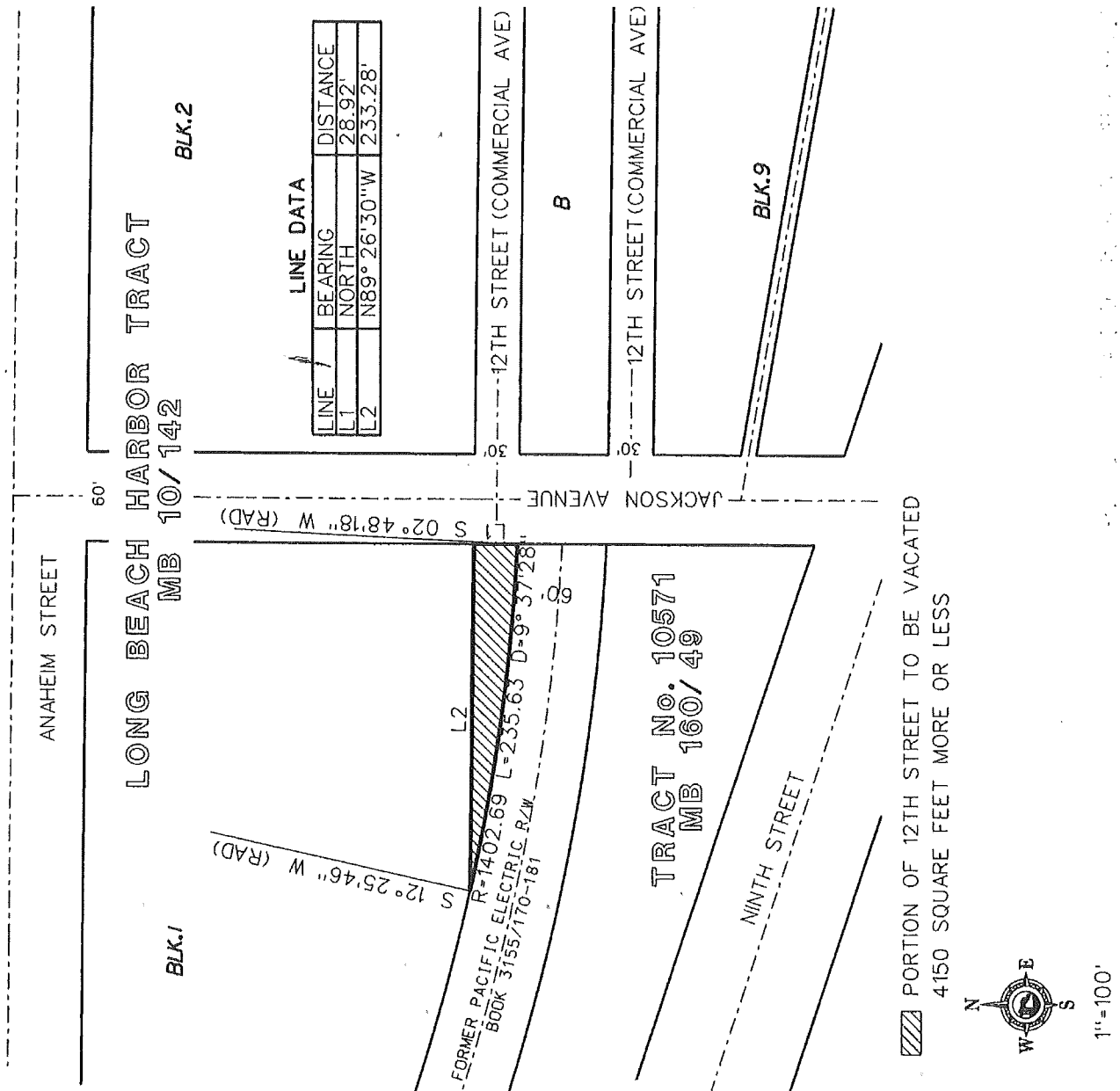


PATRICK H. WEST
CITY MANAGER

AM:GMM:BP:db
P:/CL/ ROW 12th Street Vacation CL.doc

Attachment: Exhibit A - Vacation Sketch No. 1007V
Exhibit B - Conformity finding staff report
Resolution

SKETCH NO. 1007V
SKETCH SHOWING THE WESELY 233.28
FEET OF 12TH STREET, WEST OF
JACKSON AVENUE TO BE VACATED BY
THE CITY OF LONG BEACH





CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Boulevard, 5th Floor • Long Beach, CA 90802 • (562) 570-6194 FAX (562) 570-6068

April 18, 2013

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Find the proposed vacation of a remnant of 12th Street (extended) west of Jackson Avenue in conformance with the adopted goals and policies of the City's General Plan. (District 1)

APPLICANT: Julia Wu
Long Beach Harbor Department
925 Harbor Plaza
Long Beach, CA 90802
(Case No. 1212-07)

DISCUSSION

Pursuant to California Government Code Section 65402, no street, parcel or alley may be vacated until such action has been submitted to, and reported upon by the Planning Commission as to its conformity with the adopted General Plan. The proposed public right-of-way vacation is herein submitted for such review.

The applicant proposes to vacate a remnant portion of 12th Street west of Jackson Avenue within an existing cargo container storage area (Exhibit A- Street Vacation Plan). The portion of the street to be vacated is no longer open to the public (Exhibit B- Photo). The proposed street vacation has been reviewed and approved by the Long Beach Public Works Department after consultation with other interested City departments.

A finding of conformity shall be made when the proposed re-use of the property conforms to the maps and policies of the General Plan. The General Plan consists of eleven elements and each element of the General Plan carries the same authority concerning land use issues. All elements of the General Plan were considered and staff finds this vacation in conformance with all the elements of the General Plan. A review of

CHAIR AND PLANNING COMMISSIONERS

April 18, 2013

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the relevant elements and specific General Plan consistency findings are presented below:

General Plan Consistency Findings

The subject site is located within Land Use District No. 12 (Harbor/Airport District) and the Port of Long Beach Activity Center. The Land Use Element states that "land uses within the boundaries of the Harbor and the Airport should support and promote the primary functions appropriate to each such subdistrict." The land use within the boundaries of the Port of Long Beach are designated and controlled by the Port Master Plan and the Port's Local Coastal Program. On August 20, 2012, the Board of Harbor Commissioners determined that the partial vacation of a remnant of 12th Street west of Jackson Avenue is consistent with the Port Master Plan and issued Harbor Development Permit 12-061. Therefore, the proposed vacation is consistent with the Land Use Element goal of supporting and promoting port related activities.

ENVIRONMENTAL REVIEW

In accordance with the guidelines for implementing the California Environmental Quality Act (CEQA), on August 20, 2012, the Board of Harbor Commissioners issued Notice of Exemption that the proposed project would not have a significant effect on the environment.

Respectfully submitted,

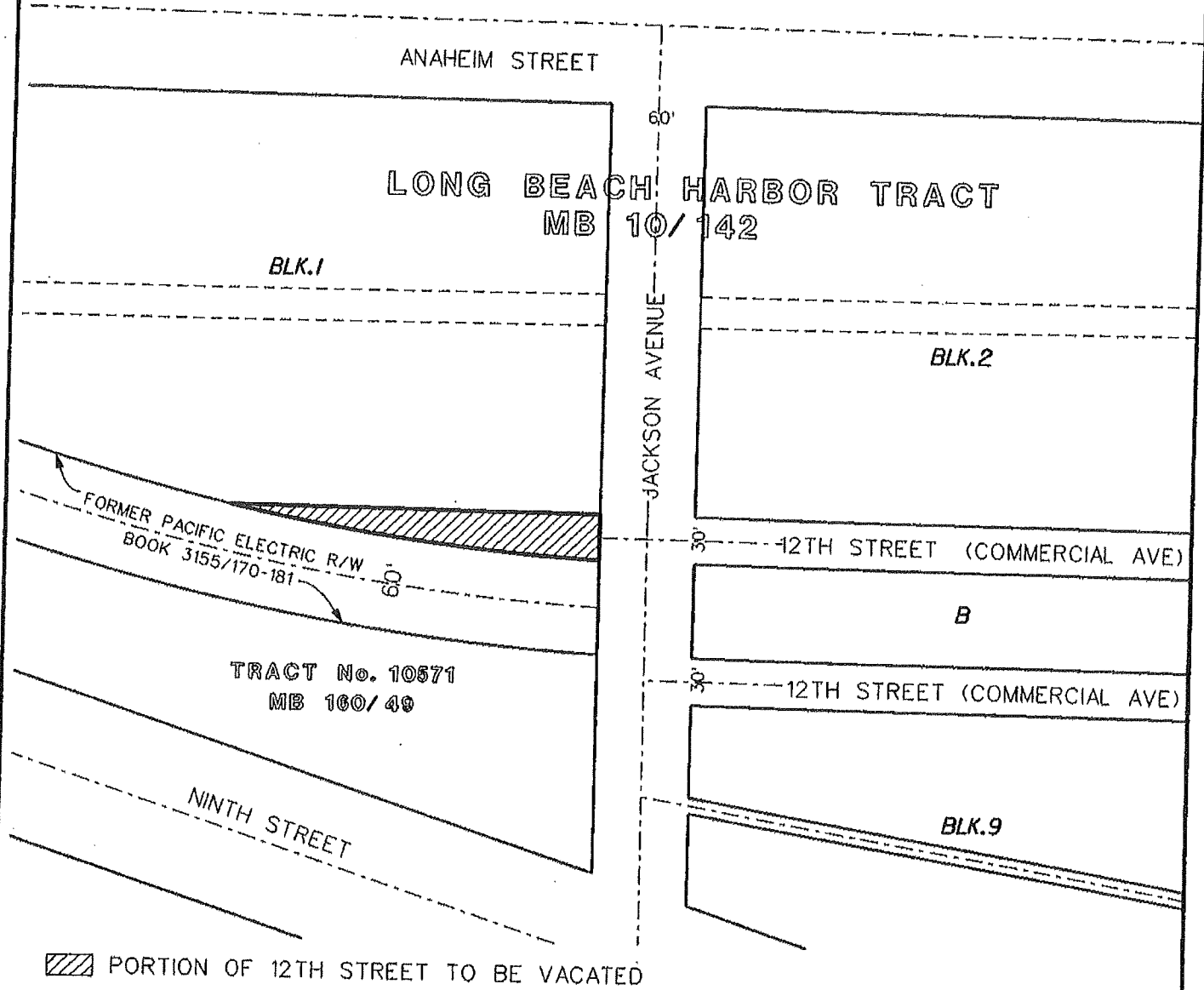

DEREK BURNHAM
PLANNING ADMINISTRATOR


AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

AJB:DB:JW

Attachments: Exhibit A – Street Vacation Plan
Exhibit B – Photo

EXHIBIT A



PREPARED BY ME OR UNDER MY SUPERVISION:

Robert W. Seidel
ROBERT W. SEIDEL, PLS 7836

7-16-2012
DATE

CITY OF LONG BEACH

VACATION OF A PORTION OF 12TH STREET

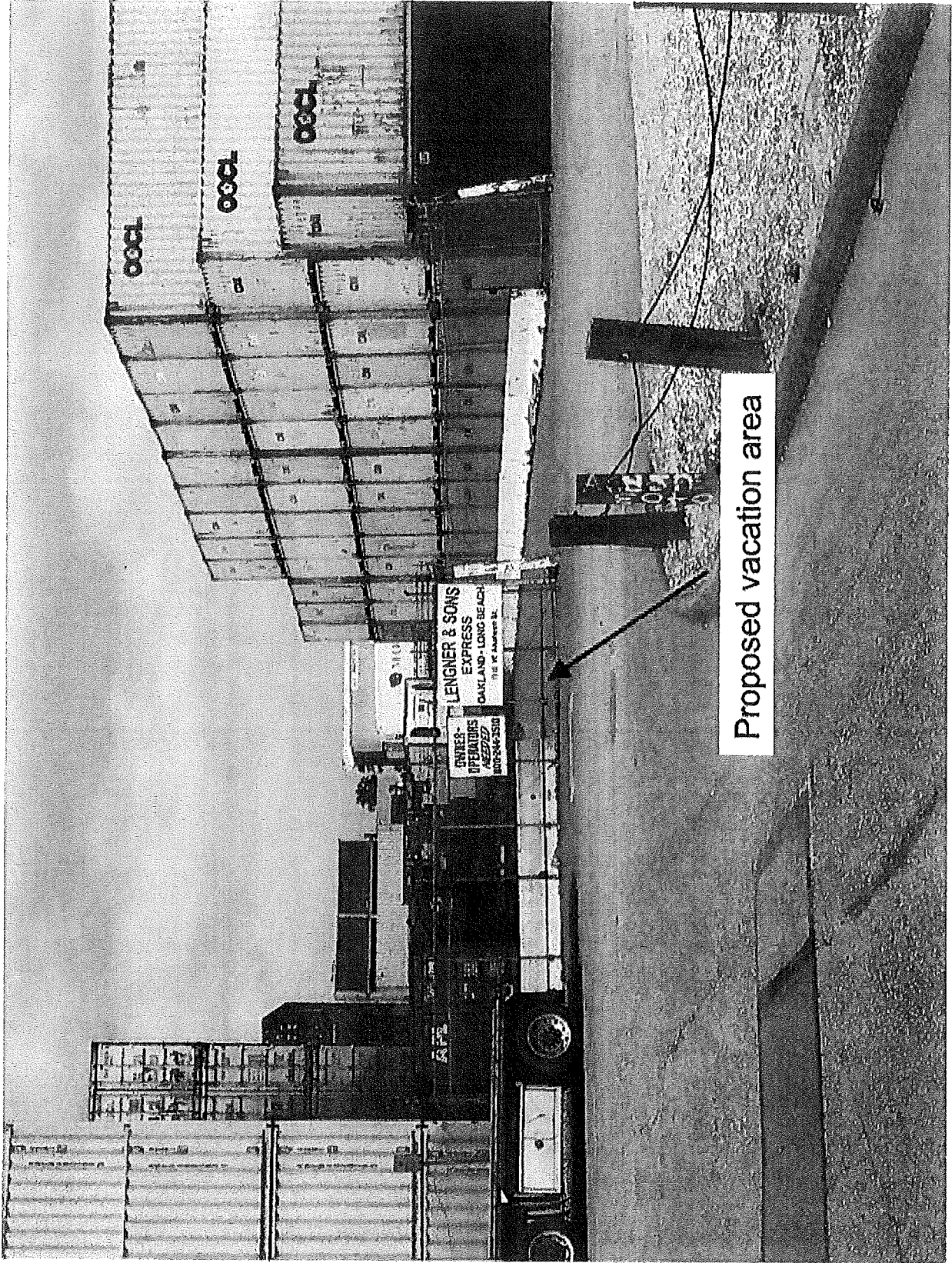


Exhibit B

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

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RESOLUTION NO.

A RESOLUTION ORDERING THE VACATION OF A PORTION OF 12TH STREET, LOCATED WEST OF JACKSON AVENUE AND SOUTH OF ANAHEIM STREET, 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 a portion of 12th Street, located west of Jackson Avenue and south of Anaheim Street described more particularly as follows:

That portion of 12th Street, formerly named Commercial Avenue, located in the Harbor District of the City of Long Beach, County of Los Angeles, State of California, as per map of the Long Beach Harbor Tract, recorded in book 10, page 142 of maps of said County, lying west of the southerly prolongation of the east line of block 1 of said Long Beach Harbor Tract, and lying northerly of the northerly line of the strip of land, 60 feet in width, as described in deed to H. E. Huntington, Trustee, recorded in book 3155, pages 170 through 181, inclusive of deeds, records of said County. All as shown on Exhibit "A" attached hereto and by this reference made a part hereof.

Reserving unto the City of Long Beach, its successors and assigns, the perpetual easement and right-of-way and right at any time or from time to time to lay, construct, maintain, operate, repair, renew, replace, change

1 the size of and remove the existing utility lines, including, but not limited to,
2 water pipes and sanitary sewers, together with all necessary gates, valves,
3 fittings, fire hydrants, and appurtenances for the transportation of water with
4 the right of ingress to and egress from the same, over, through, under,
5 along and across that certain property vacated herewith. Access for
6 maintenance of the above-mentioned facilities must be maintained at all
7 times. No improvements shall be constructed within the easement which
8 would impede the operation, maintenance or repair of said facilities.
9 Construction of any improvements, including changes of grade, shall be
10 subject to the prior written approval of all the City departments and public
11 utilities responsible for the above said facilities.

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

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

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

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

21 A. That the document entitled "Sketch No. 1007V," attached
22 hereto as Exhibit "A", accurately depicts the property to be vacated.

23 B. That the findings of fact made by the City Council for the
24 purposes of this summary vacation of excess right-of-way pursuant to
25 California Streets and Highways Code Section 8334, set forth in the
26 document entitled "City Council Findings" and attached hereto as Exhibit
27 "B", are incorporated herein and made a part of this resolution by this
28 reference.

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

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

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

Section 4. This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify to the vote adopting this resolution.

I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of _____, 2013, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

CITY COUNCIL FINDINGS

SUMMARY VACATION OF THE 12TH STREET REMNANT RIGHT OF WAY WEST OF JACKSON AVENUE Reference Sketch No. 1007V

The subject portion of right-of-way is unnecessary for present or prospective public street or alley purposes, and the vacation of said right-of-way will not have a significantly adverse environmental effect. This finding is based upon the following subfindings:

- a) The subject right-of-way is excess right-of-way and unnecessary for present or prospective public use.
- b) On April 29, 2013, the City of Long Beach 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.
- c) In conformance with the California Environmental Quality Act, Categorical Exemption class 1, "Existing facilities exemption" was declared for this action.
- 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 reservation of a Utility Easement was requested by the Water Department until the existing public utility has been removed or relocated and a Quitclaim of Easement recorded.
- f) The right-of-way would not be useful for exclusive bikeway purposes.

GM:BP

EXHIBIT B