

OFFICE OF THE CITY ATTORNEY
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Long Beach, CA 90802-4664

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RESOLUTION NO. RES-08-0144

A RESOLUTION ORDERING THE SUMMARY VACATION OF A PORTION OF THE ALLEY EAST OF TERMINO AVENUE AND NORTH OF WILTON STREET ADJACENT TO 4141-4145 WILTON 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 the alley east of Termino Avenue and north of Wilton Street adjacent to 4141-4145 Wilton Street described more particularly as follows:

The easterly 70 feet of the northerly 10-foot wide alley shown on the map labeled "Eastern Heights, being the subdivision of a portion of Farm Lot 41 of the Alamitos Tract, M.R. 36-37", in the City of Long Beach, County of Los Angeles, State of California, as shown on the map of said tract filed in Book 12, Page 27 of Maps in the Office of the County Recorder of said county; said alley lying north of Lots 15 and 16 of said tract, and bounded on the west by the northerly prolongation of the westerly line of said Lot 15 of said block and tract.

Reserving unto the City of Long Beach, its successors and assign,

1 over and along the northerly 5.00 feet of the area described above, a
2 perpetual easement and right-of-way for the surface flow of storm
3 waters and the right, at any time or from time to time, to lay, construct,
4 maintain, operate, repair, renew, replace, change the size of and
5 remove storm drain lines and appurtenant structures, with the right of
6 ingress to and egress from the same, over, through, under, along and
7 across that certain property vacated herewith. No improvements shall
8 be constructed within the easement which would impede the operation,
9 maintenance or repair of said facilities. Construction of any
10 improvements, including changes of grade, shall be subject to the prior
11 written approval of all the City departments and public utilities
12 responsible for the above said facilities.

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

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

18 WHEREAS, this property is a public service easement which has not been
19 used for the purpose for which it was dedicated or acquired for five consecutive years
20 immediately preceding this vacation; and

21 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
22 follows:

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

26 A. That the document, Sketch No. 984V, attached hereto as
27 Exhibit "A", accurately depicts the property to be vacated.

28 B. That the findings of fact made by the City Council for the

1 purposes of this summary vacation of excess right-of-way pursuant to
2 California Streets and Highways Code Section 8333(a), set forth in the
3 document entitled "City Council Findings" and attached hereto as Exhibit
4 "B", are incorporated herein and made a part of this resolution by this
5 reference.

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

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

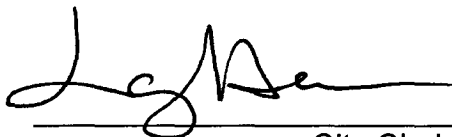
12 Section 4. This resolution shall take effect immediately upon its adoption
13 by the City Council.

14 I hereby certify that the foregoing resolution was adopted by the City
15 Council of the City of Long Beach at its meeting of November 11, 2008, by the
16 following vote:

17
18 Ayes: Councilmembers: S. Lowenthal, DeLong, O'Donnell,
19 Schipske, Andrews, Reyes Uranga,
20 Gabelich, Lerch.

21
22 Noes: Councilmembers: None.

23
24 Absent: Councilmembers: B. Lowenthal.

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City Clerk

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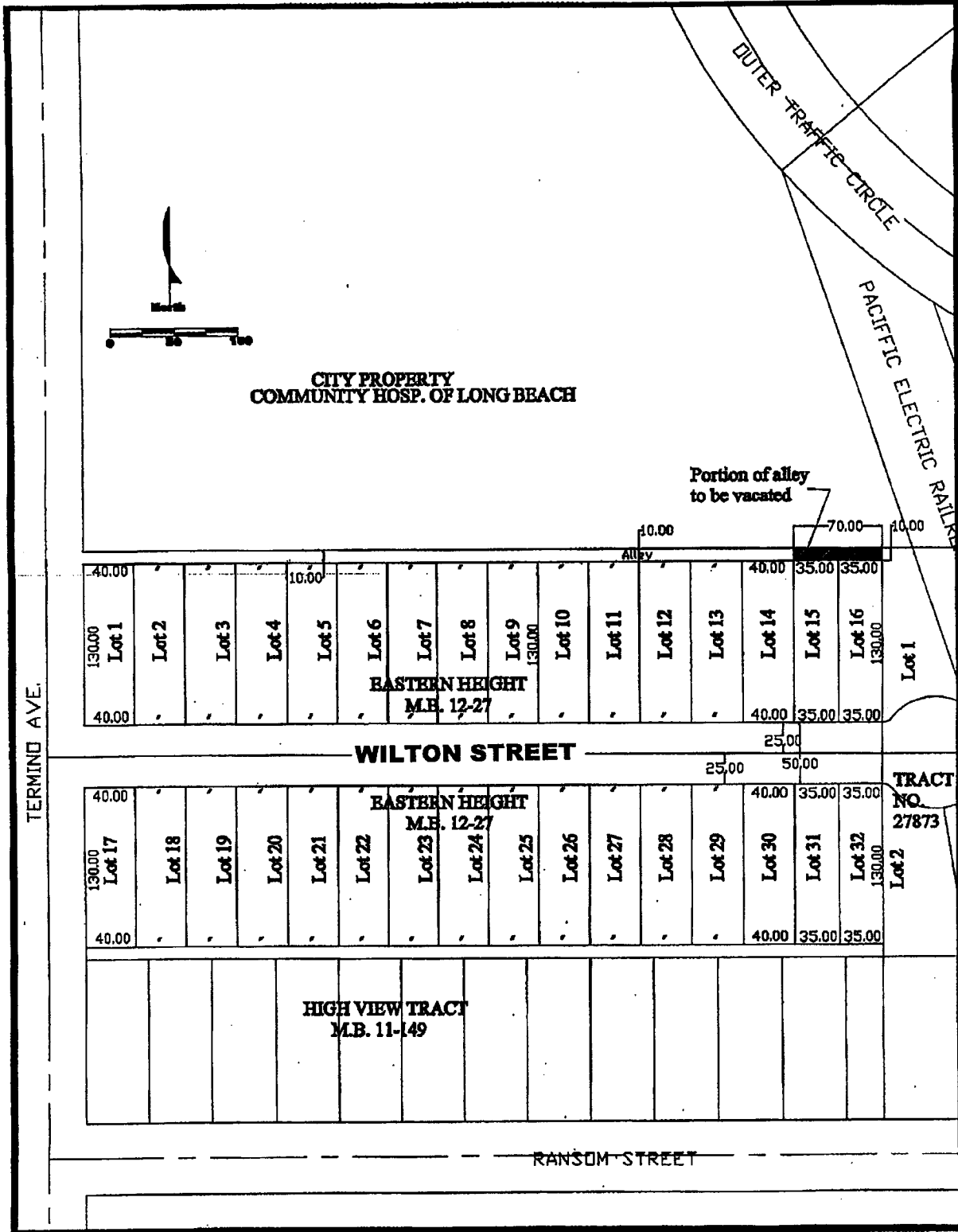


EXHIBIT A

CITY COUNCIL FINDINGS

VACATION OF AN ALLEY PORTION EAST OF TERMINO AVENUE AND NORTH OF WILTON STREET ADJACENT TO 4141 – 4145 WILTON STREET Reference Sketch No. 984V

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

This finding is based upon the following subfindings:

- a) The subject alley was dedicated on the map of the Eastern Heights Tract in 1907. It was never improved for use as an alley, and is not used for access to any property.
- b) A low masonry wall with a chain link fence exists along the north side of the alley adjacent to 4141 and 4145 Wilton Street, effectively privatizing this dedicated alley area.
- c) Public Works staff inspected this site and determined that the dedicated alley area is not needed nor useable for public alley purposes.
- d) Public Works staff determined that storm water run-off may occasionally pass over the subject alley area. A storm water easement is to be reserved.
- e) On June 5, 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. In conformance with the California Environmental Quality Act, Categorical Exemption No. 39-08 was issued for this project.
- 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. No public utilities are known to exist in the portion of the alley to be vacated.
- g) The rights-of-way would not be useful for exclusive bikeway purposes.

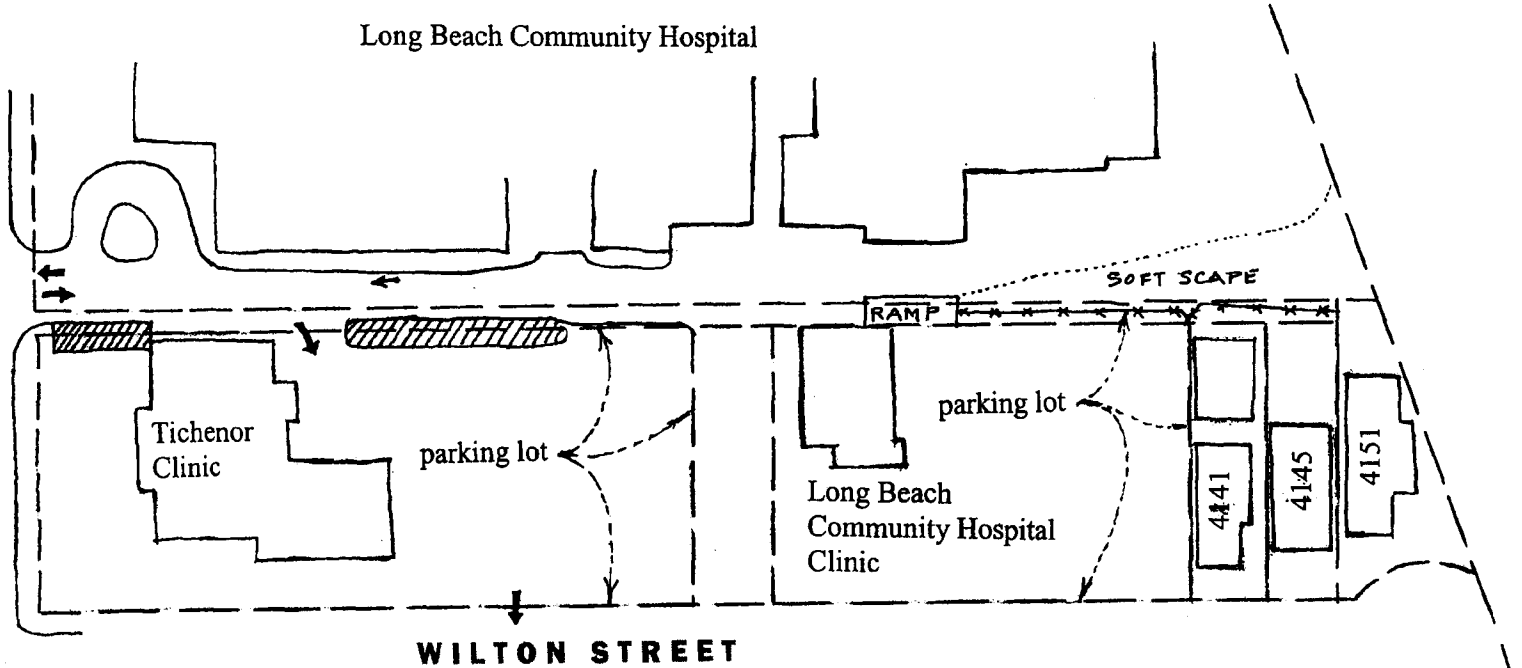
2. The vacation of said rights-of-way will not have a significantly adverse environmental effect.

This finding is based upon the following subfindings:

- a) The right-of-way is not and will not be needed for public use.
- a) In conformance with the California Environmental Quality Act, Categorical Exemption No. CE-39-08 was issued for this project.

EXHIBIT B

EXHIBIT B
TERMINO AVENUE



Long Beach Community Hospital

Tichenor
Clinic

parking lot

Long Beach
Community Hospital
Clinic

4141

4145

4151

RAMP

SOFT SCAPE

WILTON STREET

- — — — — Street or Alley boundary
- * * * * * Fence
- ▨ Planter

