

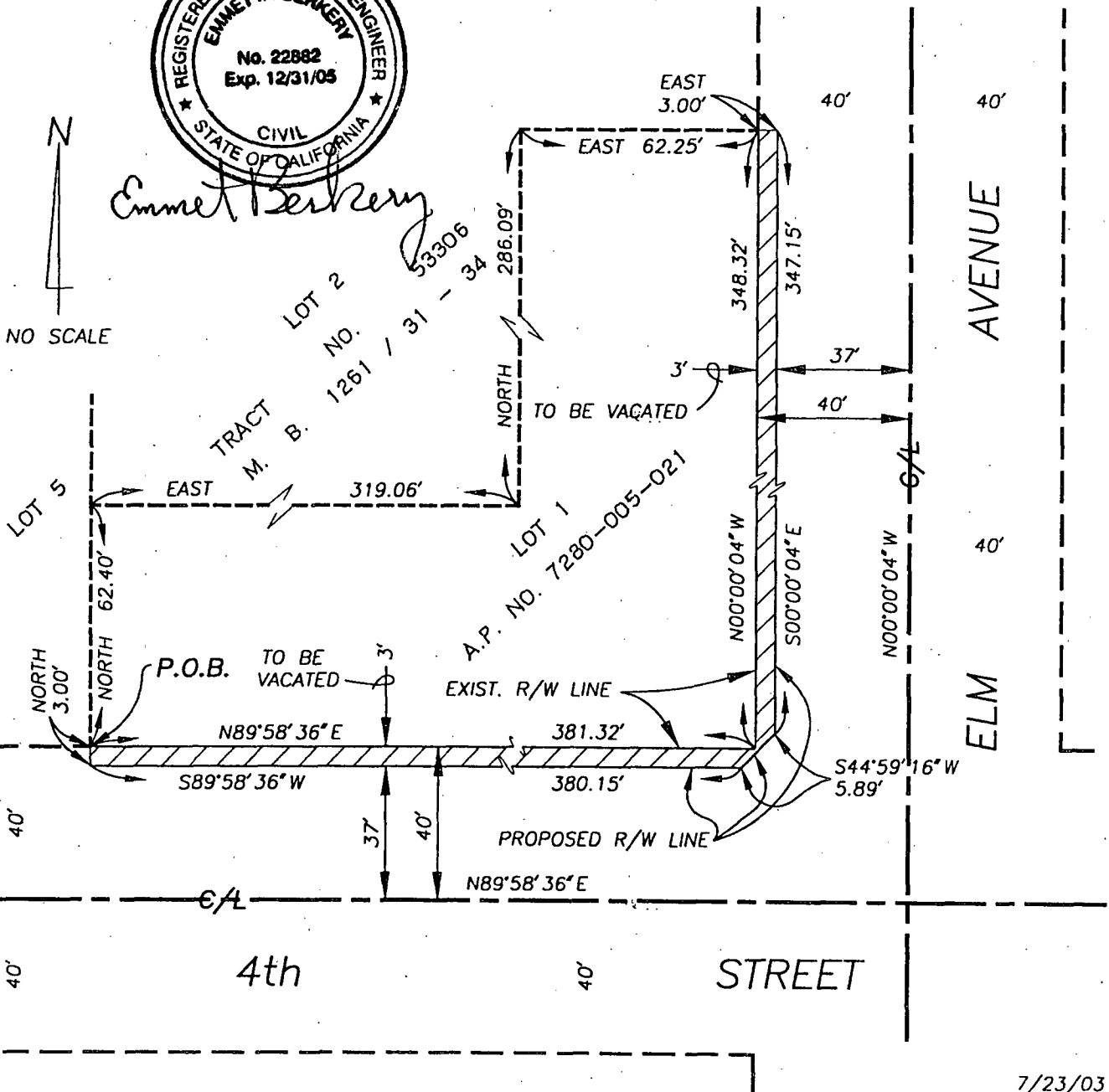
# EXHIBIT 'A' STREET VACATION - 4th STREET/ELM AVENUE

THOSE PORTIONS OF 4th STREET AND ELM AVENUE, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, LYING ADJACENT TO AND ABUTTING THE SOUTHERLY AND EASTERLY LINES OF LOT 1 OF TRACT NO. 53306, AS SHOWN ON THE MAP FILED IN BOOK 1261, PAGES 31 THROUGH 34, INCLUSIVE, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH 89°58'36" EAST 381.32 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE NORTH 00°00'04" WEST 348.32 FEET TO THE NORTHEAST CORNER THEREOF; THENCE EAST 3.00 FEET; THENCE PARALLEL TO THE EAST LINE OF LOT 1, SOUTH 00°00'04" EAST 347.15 FEET; THENCE SOUTH 44°59'16" WEST 5.89 FEET TO A LINE PARALLEL WITH AND SOUTHERLY OF LOT 1; THENCE SOUTH 89°58'36" WEST 380.15 FEET; THENCE NORTH 3.00 FEET TO THE POINT OF BEGINNING.



*Emmet Berkery*



7/23/03



# CITY OF LONG BEACH

## DEPARTMENT OF PUBLIC WORKS

333 West Ocean Boulevard • Long Beach, CA 90802

November 15, 2005

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

### RECOMMENDATION:

Adopt a resolution of intention to vacate portions of Fourth Street and Elm Avenue adjacent to 395 East Fourth Street and set a date for a public hearing on the vacation for December 13, 2005. (District 1)

### DISCUSSION

The Fourth Street Loft Partners, LLC, developers of the residential project currently being constructed on the block north of Fourth Street and west of Elm Avenue, propose to construct certain architectural features including a veneer façade and porch steps beyond their existing property line. Because these design features, desired by the Redevelopment Agency, would have been difficult to accommodate on this 62-foot deep building site, it is recommended that the property line along Fourth Street and Elm Avenue be relocated three feet nearer to the curblin. The porch steps will extend to the current edge of the sidewalk, which will remain 12 feet wide. The proposed vacation is shown on Exhibit A.

Proceedings for this vacation are being conducted in accordance with Chapter 3, General Vacation Procedure, of the Public Streets, Highways and Service Easements Vacation Law of the California Streets and Highways Code. Findings must establish that the subject right-of-way is unnecessary for present or prospective use by the public. The Department of Public Works supports this action based on the following evidence, facts, conditions and findings, establishing that the dedicated right-of-way to be vacated is unnecessary for present or prospective use by the public:

1. The building design with projecting porch steps is shown on Exhibit B.
2. On August 21, 2003, 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. In conformance with the California Environmental Quality Act, an EIR for the entire CityPlace development (of which this is a part) was certified and filed under the State

ADMINISTRATION,  
PLANNING & FACILITIES  
333 W. Ocean Blvd., 9<sup>th</sup> Floor  
Long Beach, CA 90802  
Ph. (562) 570-6383  
Fax (562) 570-6312

AIRPORT  
4100 Donald Douglas Dr.  
Long Beach, CA 90806  
Ph. (562) 570-2600  
Fax (562) 570-2601

Exhibit B  
Page 1 of 2

ENVIRONMENTAL  
SERVICES  
2929 E. Willow Street  
Long Beach, CA 90806  
Ph. (562) 570-2850  
Fax (562) 570-2854

FLEET SERVICES  
2600 Temple Avenue  
Long Beach, CA 90806  
Ph. (562) 570-5400  
Fax (562) 570-5414

TRAFFIC &  
TRANSPORTATION  
333 W. Ocean Blvd., 10<sup>th</sup>  
Long Beach, CA 90802  
Ph. (562) 570-6331  
Fax (562) 570-6331

HONORABLE MAYOR AND CITY COUNCIL

November 15, 2005

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Clearinghouse reference number 2000011097. The Planning Department staff report is included as Exhibit C.

3. 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. There are no conditions of approval attached to this vacation action.

The proposed resolution of intention to vacate was prepared by Deputy City Attorney Lisa Peskay Malmsten on October 10, 2005. The City of Long Beach does not guarantee reversionary rights over the vacated right-of-way.

TIMING CONSIDERATIONS

City Council action on this matter is not time critical.

FISCAL IMPACT

A vacation processing fee of \$1000 was deposited to the General Fund (GP) in the Department of Public Works (PW).

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



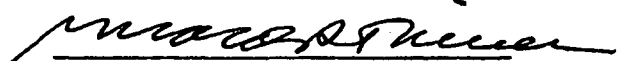
CHRISTINE F. ANDERSEN  
DIRECTOR OF PUBLIC WORKS

GM:SC:km

Attachments

PCLRW Fourth St Loft vac CL 1.doc

APPROVED:



GERALD R. MILLER  
CITY MANAGER

RESOLUTION NO.

A RESOLUTION ORDERING THE VACATION OF PORTIONS OF FOURTH STREET AND ELM AVENUE 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 \_\_\_\_ day of, \_\_\_\_\_, 200\_\_, by Resolution No. \_\_\_\_\_, declare its intention to order the vacation, pursuant to the provisions of the Public Streets, Highways, and Service Easements Law, portions of Fourth Street and Elm Avenue in the City of Long Beach, County of Los Angeles, State of California, described more particularly as follows:

Those portions of Fourth Street and Elm Avenue, in the City of Long Beach, County of Los Angeles, State of California, lying adjacent to and abutting the southerly and easterly lines of Lot 1 of Tract No. 53306, as shown on the map filed in Book 1261, Page 31 through 34, inclusive, of maps, in the office of the county recorder of said county, more particularly described as follows:

Beginning at the Southwest corner of said Lot 1; thence North 89°58'36" East 381.32 feet to the Southeast corner thereof; thence North 00°00'04" West 348.32 feet to the Northeast corner thereof; thence East 3.00 feet; thence parallel to the East line of Lot 1, South 00°00'04" East 347.15; thence South 44°59'16" West 5.89 feet to a line parallel with and Southerly of Lot 1; thence South 89°58'36" West 380.15 feet; thence North 3.00 feet to the Point of Beginning.

WHEREAS, the City Council did, at said time, fix Tuesday, the \_\_\_\_ day of \_\_\_\_\_, 200\_\_, at the hour of \_\_\_\_\_.m., as the time at the City Council Chamber, Plaza Level of the City Hall, 333 West Ocean Boulevard, in the City of Long Beach, California, as the place for hearing for all persons interested in or objecting to the proposed vacation to appear and be heard; and

WHEREAS, notice of the resolution of the intention to vacate, stating the time

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Robert E. Shannon  
City Attorney of Long Beach  
333 West Ocean Boulevard  
Long Beach, California 90802-4664  
Telephone (562) 570-2200

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Long Beach, California 90802-4664  
Telephone (562) 570-2200

1 and place of said hearing, were duly posted in the manner prescribed by law; and

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

6 NOW, THEREFORE, the City Council of the City of Long Beach resolves as  
7 follows:

8 Section 1. Pursuant to the foregoing resolution of intention, the proceedings  
9 had thereunder, the SKETCH 946V showing portions of Fourth Street and Elm Avenue  
10 to be vacated by the City of Long Beach attached hereto as Exhibit "A", and the City  
11 Council Findings attached hereto as Exhibit "B", said City Council of the City of Long  
12 Beach hereby makes its resolution vacating and closing a portion of the drive hereinabove  
13 described.

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

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

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Robert E. Shannon  
City Attorney of Long Beach  
333 West Ocean Boulevard  
Long Beach, California 90802-4664  
Telephone (562) 570-2200

1 of the City of Long Beach at its meeting of \_\_\_\_\_, 200\_\_, by the following votes:

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Ayes: Councilmembers:

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Noes: Councilmembers:

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Absent: Councilmembers:

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\_\_\_\_\_  
City Clerk

LPM:ET  
10/10/05  
05-04810;

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## **CITY COUNCIL FINDINGS**

### **VACATION OF PORTIONS OF FOURTH STREET AND ELM AVENUE ADJACENT TO 395 EAST FOURTH STREET - Reference Sketch No. 946V**

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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 November 15, 2005, City Council meeting regarding the resolution of intention to vacate the subject right-of-way, adopted as Resolution No. RES-05-0133.
- 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, an Environmental Impact Report was completed for this project, filed as report number 20000011097.