



CITY OF LONG BEACH

H-4

DEPARTMENT OF PUBLIC WORKS

411 WEST OCEAN BOULEVARD • LONG BEACH, CA 90802 • (562) 570-6383 • FAX (562) 570-6012

August 13, 2019

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive supporting documentation into the record, conclude the public hearing, find that the area to be vacated is not needed for present or prospective public use; and, adopt a Resolution ordering the vacation of the north-south alley, west of Long Beach Boulevard, between East Wardlow Road and 35th Street, and a portion of sidewalk right-of-way along Locust Avenue. (District 7)

DISCUSSION

To eliminate the public alley separating the Laserfiche development parcels at 3435-3459 Long Beach Boulevard, the property owner(s) requested the vacation of the north-south alley, west of Long Beach Boulevard, between East Wardlow Road and 35th Street. In addition, to provide for building setback needs, portions of the adjacent sidewalk along Locust Avenue is also requested to be vacated (Exhibit B to the Resolution). Consistent with California land reversion practices and Chapter 3, General Vacation Procedures, of the Public Streets and Highways Code, the vacated portions of the public rights-of-way will revert to the adjacent property owner(s).

On July 16, 2019, the City Council adopted Resolution No.19-0105, declaring its intention to vacate the subject location, and set August 13, 2019, as the date for the public hearing.

This matter was reviewed by Deputy City Attorney Amy R. Webber on July 22, 2019 and by Budget Analysis Officer Julissa Jose-Murray on July 30, 2019.

TIMING CONSIDERATIONS

The date of this public hearing was set by the July 16, 2019 City Council action.

FISCAL IMPACT

A final vacation processing fee of \$5,376 was paid and deposited in the General Fund Group in the Public Works Department. This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities. There is no local job impact associated with this recommendation.

HONORABLE MAYOR AND CITY COUNCIL

August 13, 2019

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SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



CRAIG A. BECK
DIRECTOR OF PUBLIC WORKS

SC:EL;BP/

APPROVED:



PATRICK H. WEST
CITY MANAGER

ATTACHMENTS: RESOLUTION

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802-4664

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RESOLUTION NO.

A RESOLUTION ORDERING THE VACATION OF THE NORTH-SOUTH ALLEY, WEST OF LONG BEACH BOULEVARD, BETWEEN EAST WARDLOW ROAD AND 35TH STREET, AND A PORTION OF SIDEWALK RIGHT-OF-WAY ADJACENT TO THE DEVELOPMENT SITE ALONG LOCUST 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 July 16, 2019, by Resolution No. RES-19-0105, declare its intention to order the vacation, pursuant to the provisions of the Public Streets, Highways, and Service Easements Law, the north-south alley, west of Long Beach Boulevard, between East Wardlow Road and 35th Street, and a portion of sidewalk right-of-way adjacent to the development site along Locust Avenue, in the City of Long Beach, County of Los Angeles, State of California, as described on the attached Exhibit "A", and as shown on the attached Exhibit "B"; and

WHEREAS, the City Council did, at said time, fix Tuesday, August 13, 2019, at the hour of 5:00 p.m., as the time and the Civic Chamber, 411 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 and place of said hearing, was duly posted in the manner prescribed by law; and

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

NOW, THEREFORE, the City Council of the City of Long Beach resolves as

1 follows:

2 Section 1. Pursuant to the foregoing resolution of intention, the
3 proceedings had thereunder, Vacation Sketch No. 1020V showing the north-south alley,
4 west of Long Beach Boulevard, between East Wardlow Road and 35th Street, and a
5 portion of sidewalk right-of-way adjacent to the development site along Locust Avenue to
6 be vacated by the City of Long Beach attached hereto as Exhibit "C", and the City
7 Council Findings attached hereto as Exhibit "D", said City Council of the City of Long
8 Beach hereby makes its resolution vacating and closing a portion of the street
9 hereinabove described.

10 Section 2. Easement Reservations. Reserving unto the City of Long
11 Beach, its successors and assigns a perpetual easement and right-of-way, at any time or
12 from time to time, to lay, construct, maintain, operate, repair, renew, replace, change the
13 size of and remove the existing utility lines, including, but not limited to, water mains and
14 appurtenant structures, together with all necessary gates, valves, fittings, hydrants and
15 appurtenances for the transportation of water with the right of ingress to and egress from
16 the same, over, through, under, along and across that certain property vacated herewith;
17 and pursuant to any existing franchises or renewals thereof, or otherwise, to construct,
18 maintain, operate, replace, remove, renew and enlarge lines of conduits, cables, wires,
19 poles and other convenient structures, equipment and fixtures for the operation of
20 telephone lines and other communication lines, and for the transportation or distribution
21 of electric energy, and incidental purposes including access and the right to keep the
22 property free from inflammable materials, and wood growth, and otherwise protect the
23 same from all hazards in, upon and over the part vacated. Access for maintenance of the
24 above-mentioned facilities must be maintained at all times. No improvements shall be
25 constructed within the easement which would impede the operation, maintenance or
26 repair of said facilities. Construction of any improvements, including changes of grade,
27 shall be subject to the prior written approval of all the City departments and public utilities
28 responsible for the above said facilities.

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 West Ocean Boulevard, 9th Floor
Lana Beach, CA 90802-4664

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Section 3. That this resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk is hereby instructed to certify to the adoption thereof, and to cause a certified copy to be recorded in the Office of the County Recorder of the County of Los Angeles, California.

I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of _____, 2019 by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

EXHIBIT "A"
LEGAL DESCRIPTION FOR STREET AND ALLEY VACATION
IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES,
STATE OF CALIFORNIA

PARCEL "A":

BEING THAT PORTION OF LOCUST AVENUE (60 FEET IN WIDTH) LYING IN BLOCK "F", OF THE MAP OF LOS CERRITOS, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS FILED IN BOOK 12, PAGES 198 AND 199 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 37 OF SAID MAP, SAID POINT ALSO BEING ON THE EAST LINE OF SAID LOCUST AVENUE; THENCE SOUTHERLY ALONG THE WEST LINES OF LOTS 37, 36, 35, AND 34 OF SAID MAP, 200.11 FEET TO THE SOUTHWEST CORNER OF SAID LOT 34; THENCE WESTERLY 2.00 FEET ALONG THE WEST PROLONGATION OF THE SOUTH LINE OF SAID LOT 34 TO A POINT ON A LINE PARALLEL WITH AND 2.00 FEET WESTERLY OF SAID WEST LINES; THENCE NORTHERLY ALONG SAID PARALLEL LINE, 200.11 FEET TO ITS INTERSECTION WITH THE WEST PROLONGATION OF THE NORTH LINE OF SAID LOT 37; THENCE EASTERLY ALONG SAID PROLONGATION LINE, 2.00 FEET TO THE POINT OF BEGINNING.

CONTAINS: 400 SQ. FT. MORE OR LESS

PARCEL "B":

BEING ALL OF THE 16.00 FOOT ALLEY LYING WESTERLY OF LOTS 20 THROUGH 28 INCLUSIVE AND EASTERLY OF LOTS 29 THROUGH 37 INCLUSIVE, IN BLOCK "F", OF THE MAP OF LOS CERRITOS, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS FILED IN BOOK 12, PAGES 198 AND 199 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

TOGETHER WITH THE WESTERLY 2.00 FEET OF SAID LOTS 24 THROUGH 28 INCLUSIVE, DESCRIBED AS PARCEL C OF EASEMENT DEED RECORDED OCTOBER 19, 1999 AS INSTRUMENT NO. 99-1971944, OFFICIAL RECORDS.


EXCEPTING THEREFROM THAT PORTION WITHIN EAST WARDLOW ROAD AS NOW ESTABLISHED PER PARCEL A OF EASEMENT DEED RECORDED OCTOBER 19, 1999 AS INSTRUMENT NO. 99-1971944, OFFICIAL RECORDS AND PER PARCEL 13 OF RELINQUISHMENT NO. 359 AS DESCRIBED IN THE DOCUMENT RECORDED AUGUST 30, 1965 IN BOOK D 3032, PAGE 494, OF OFFICIAL RECORDS AND SHOWN ON THE STATE OF CALIFORNIA DIVISION OF HIGHWAYS RIGHT OF WAY MAP RECORDED IN BOOK 01, PAGES 46 THROUGH 54 INCLUSIVE, OF STATE HIGHWAY MAPS, IN THE OFFICE OF THE COUNTY RECORDER, LOS ANGELES COUNTY, CALIFORNIA

CONTAINS: 7,434 SQ. FT. MORE OR LESS

AS SHOWN ON EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF.



PREPARED BY ME OR UNDER MY DIRECTION.


 JEFFREY A. WALDEN, P.L.S. 7914

01-28-19
 DATE

SHEET 1 OF 2
 BY: B.J.W.
 DATE: 01-28-2019
 SCALE: NA

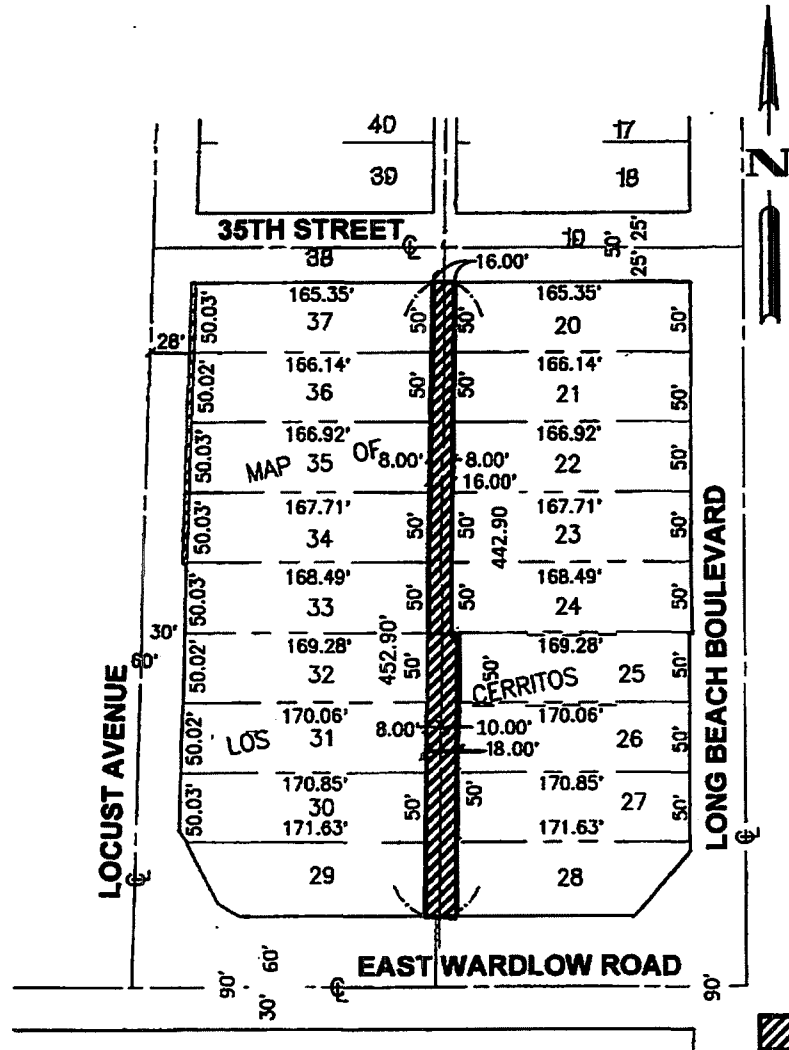

**WALDEN &
 ASSOCIATES**
 CIVIL ENGINEERS - LAND SURVEYORS - PLANNERS
 2552 WHITE ROAD, SUITE B • IRVINE, CA 92614-6236
 (949) 660-0110 FAX: 660-0418

STREET AND ALLEY VACATION
CITY OF LONG BEACH
EXHIBIT "A" - SHEET 1 OF 1

EXHIBIT “C”

SKETCH NO 1029V

SKETCH SHOWING ENTIRE ALLEY FROM
35TH STREET TO EAST WARDLOW ROAD
AND PORTIONS OF LOCUST AVENUE
RIGHT-OF-WAY TO BE VACATED BY THE
CITY OF LONG BEACH



 Shows area to be vacated

**ENGINEERING BUREAU
CITY OF LONG BEACH, CALIFORNIA**

EXHIBIT “D”

CITY COUNCIL FINDINGS

RIGHT OF WAY VACATION - THE NORTH-SOUTH ALLEY WEST OF LONG BEACH BOULEVARD, BETWEEN EAST WARDLOW ROAD AND 35TH STREET AND PORTIONS OF SIDEWALK ALONG LOCUST AVENUE

Reference Sketch No. 1029V

The subject rights-of-way are 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 vacation petitioner owns approximately half of the private property parcels adjacent to the subject alley and the other private property owners has agreed to accept the vacation of the alley portions adjacent to their property.
- b) Private vehicular and pedestrian agreements will be recorded to ensure that that the adjacent property owners will have access rights to cross over the vacated alley parcels.
- c) Easements will be reserved along the full width of the vacated alley for the undergrounded public utilities.
- d) On January 17, 2019, 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.
- e) The vacation of said rights-of-way will not have a significantly adverse environmental effect. In compliance with the California Environmental Quality Act, Negative Declaration 05-02 was prepared and certified by the Planning Commission regarding the proposed development in conjunction with the alley vacation.
- 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 utility easement will be reserved in the portion of the alley vacated.
- g) The right-of-way would not be useful for exclusive bikeway purposes.