

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

RESOLUTION NO. RES-07-0133

A RESOLUTION ORDERING THE SUMMARY VACATION OF PUBLIC ALLEYS WEST OF SAN FRANCISCO AVENUE AND A PORTION OF DE FOREST AVENUE ALL BETWEEN ANAHEIM AND ESTHER STREETS, 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 public alleys west of San Francisco Avenue and a portion of De Forest Avenue all between Anaheim and Esther Streets described more particularly as follows:

Those certain 15 feet wide East-West Alleys in Blocks 9, 11, 12, and 13 of the Town of Seabright in the City of Long Beach, County of Los Angeles, State of California, as per map recorded in Book 23 Pages 43 through 47 inclusive, and in Book 55 Page 2, both of Miscellaneous Records in the office of the county recorder of said county, EXCEPT those portions of said Blocks lying Westerly of the Easterly Right of Way of the Los Angeles County Flood Control District Channel together with those streets and alleys vacated by the City of Long Beach Ordinance B-666 on October 11, 1919, on file in the office of the City Clerk of said City;

AND that portion of street right-of-way in the City of Long Beach, County of Los Angeles, State of California as described in Parcel 2 of the City of Long Beach Resolution No. 14806 dedicating said street right-of-way adopted on February 16, 1954, on file in the Office of City Clerk of said city more particularly described as follows:

Commencing at the intersection of the southerly line of 14<sup>th</sup> Street (60 feet

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wide) with the easterly right of way line of the Los Angeles County Flood Control Channel as described in the City of Long Beach Ordinance B-666 on October 11, 1919, on file in the office of City Clerk of said city; thence easterly 123.01 feet along said southerly line of 14<sup>th</sup> Street to the northwesterly corner of Lot 8 of the Delta Tract as per map in Book 10 Page 143 of Maps in the office of County Recorder of said county; thence southerly 322.50 feet, more or less along the westerly line of said Lot 8 and also Lot 41 of Block 8 in the Town of Seabright as per map in Book 23 Pages 43 through 47 inclusive of Miscellaneous Records in office of County Recorder of said county to the intersection with a line 142 feet northerly measured at right angles from and parallel to the southerly line of Anaheim Street; thence westerly 124.72 feet along the last said line to the said easterly Right of Way line of the Los Angeles County Flood Channel; thence northerly 322.50 feet along the last said line to the Point of Beginning.

Reserving unto the City of Long Beach, its successors and assigns 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 and remove the existing utility lines, including, but not limited to, sanitary **sewers**, **storm drains** and appurtenant structures, together with all necessary gates, valves, fittings, hydrants and appurtenances for the transportation of **water** and **gas**, with the right of ingress to and egress from the same, over, through, under, along and across that certain property vacated herewith; and pursuant to any existing franchises or renewals thereof, or otherwise, to construct, maintain, operate, replace, remove, renew and enlarge lines of conduits, cables, wires, poles and other convenient structures, equipment and fixtures for the operation of **telephone lines** and other communication lines, and for the transportation or distribution of **electric energy**, and incidental purposes including access and the right to keep the property free from inflammable materials, and wood growth, and otherwise protect the same from all hazards in, upon and over the part vacated. Access for maintenance of the above-mentioned facilities must be maintained at all times. No improvements shall be constructed within the easement which would impede the operation, maintenance or repair of said facilities. Construction of any improvements, including changes of grade, shall be subject to the prior written approval of all the City departments and public utilities responsible for the above said facilities.

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

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

WHEREAS, this property is a portion of a street or highway that lies within

1 property under one ownership and that does not continue through such ownership or end  
2 touching property of another;

3 NOW, THEREFORE, the City Council of the City of Long Beach resolves as  
4 follows:

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

8 A. That the document, Sketch No. 968V, entitled "Sketch  
9 Showing the East-West Alleys West of San Francisco Avenue and a Portion  
10 of Deforest Avenue Between Anaheim and Esther Streets, to be Vacated by  
11 the City of Long Beach," attached hereto as Exhibit "A", accurately depicts  
12 the property to be vacated.

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

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

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

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

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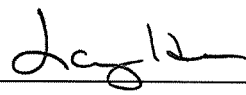
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I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of October 2, 2007, by the following vote:

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

Noes: Councilmembers: None.

Absent: Councilmembers: Schipske, Gabelich.

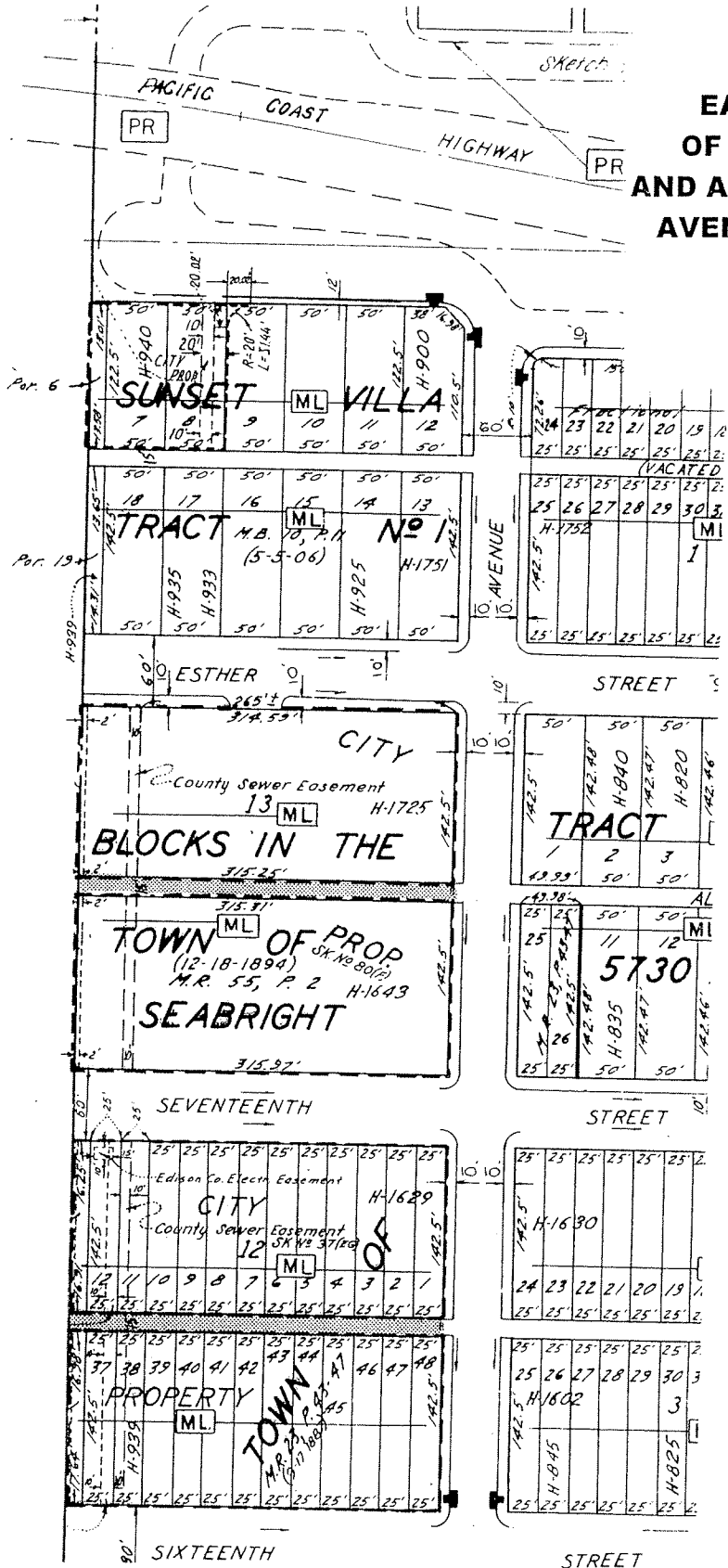
  
\_\_\_\_\_  
City Clerk

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SKETCH SHOWING THE EAST-WEST ALLEYS WEST OF SAN FRANCISCO AVENUE AND A PORTION OF DEFOREST AVENUE BETWEEN ANAHEIM AND ESTHER STREETS, TO BE VACATED BY THE CITY OF LONG BEACH

SHOWS AREA TO BE VACATED

LA RIVER (LACFCD RIGHT-OF-WAY)



968V

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SKETCH SHOWING THE EAST-WEST ALLEYS WEST OF SAN FRANCISCO AVENUE AND A PORTION OF DEFOREST AVENUE BETWEEN ANAHEIM AND ESTHER STREETS, TO BE VACATED BY THE CITY OF LONG BEACH

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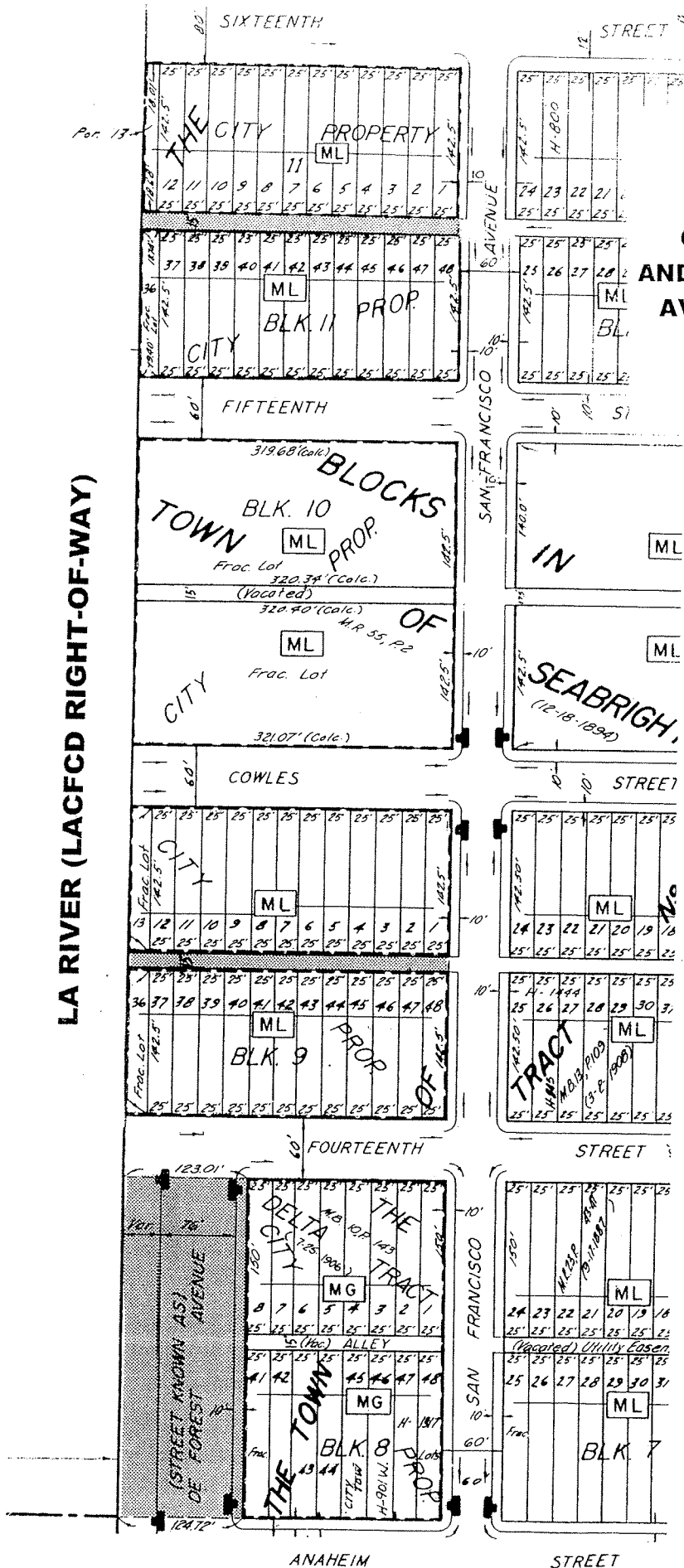


EXHIBIT A  
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## CITY COUNCIL FINDINGS

### VACATION OF THE PUBLIC ALLEYS WEST OF SAN FRANCISCO AVENUE AND A PORTION OF DE FOREST AVENUE ALL BETWEEN ANAHEIM AND ESTHER STREETS Reference Sketch No. 968V

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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) The dedicated alleys and street rights-of-way within the City of Long Beach Public Service Maintenance Facility are not used or improved for public right-of-way purposes. The facility is fully enclosed and there is no through access to any other property.
  - b) On May 3, 2007, the Planning Commission determined that the subject vacation is consistent with the General Plan, as required in Section 8313 of the Public Streets, Highways and Service Easements Vacation Law.
  - c) The interested City departments, including Fire and Police, have reviewed the proposed right-of-way vacation and have no objections to this action. A utility easement will be reserved as a condition of approval
  - d) 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.
- e) In conformance with the California Environmental Quality Act, Categorical Exemption No. CE-111-07 was issued for this project.