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RESOLUTION NO. C-28511

A RESOLUTION ORDERING THE VACATION OF A PORTION OF FIFTY-THIRD STREET BETWEEN PINE AVENUE AND LOCUST AVENUE, 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 Fifty-Third Street between Pine Avenue and Locust Avenue described more particularly as follows:

That portion of Fifty-Third Street, formerly known as Spaulding Street, in the City of Long Beach, County of Los Angeles, State of California, 50 feet wide as shown on the map of Tract No. 5134, recorded in Book 58, Pages 19 and 20 of Maps, in the Office of the County Recorder of said County, bounded on the West by a line 4.00 feet west of, measured at right angles and parallel to, the northerly prolongation of the easterly line of Lot 458 of said Tract No. 5134; and bounded on the east by a line 8.00 feet west of, measured at right angles and parallel to, the northerly prolongation of the easterly line of Lot 459 of said Tract No. 5134.

Reserving unto the City of Long Beach, its successors and assigns, over the entire area vacated herein, a perpetual easement and right-of-way for emergency access, and 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 street lights, telephone lines and other communication lines, and for

1 the transportation or distribution of electric energy, and incidental
2 purposes including access and the right to keep the property free from
3 inflammable materials, and wood growth, and otherwise protect the
4 same from all hazards in, upon and over the part vacated. Access for
5 maintenance of the above-mentioned facilities must be maintained at
6 all times. No improvements shall be constructed within the easement
7 which would impede the operation, maintenance or repair of said
8 facilities. Construction of any improvements, including changes of
9 grade, shall be subject to the prior written approval of all the City
10 departments and public utilities responsible for the above said facilities.

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

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

15 WHEREAS, this street has been impassable for five consecutive years with
16 no public money expended for maintenance during such period; and

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

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

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

25 A. That the document entitled "SKETCH SHOWING A PORTION OF
26 FIFTY-THIRD STREET BETWEEN PINE AVENUE AND LOCUST AVENUE TO BE
27 VACATED BY THE CITY OF LONG BEACH," attached hereto as Exhibit "A," accurately
28 depicts the property to be vacated.

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

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1 this resolution by this reference.

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

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

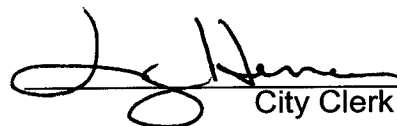
8 Sec. 4. This resolution shall take effect immediately upon its adoption by
9 the City Council.

10 I hereby certify that the foregoing resolution was adopted by the City
11 Council of the City of Long Beach at its meeting of February 1, 2005, by the
12 following votes:

13
14 Ayes: Councilmembers: Lowenthal, Colonna, O'Donnell,
15 Kell, Richardson, Reyes Uranga,
16 Gabelich, Lerch.

17
18 Noes: Councilmembers: None.

19
20 Absent: Councilmembers: Baker.

21
22
23
24 
25 City Clerk

26
27 LPM:ET
28 04-05618
12/16/04

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807 (V)

TRACT		JANE ADDAMS ELEMENTARY SCHOOL										Nb. 5134										
402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	
25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'
STREET																						
FIFTY-THIRD											STREET											
100'											8.00'											
25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'
448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	
NO. 5134																						
TRACT																						
M.B. 58, P 19-20																						
518	519	520	521	522	523	524	525	526	527	528	529	530	531	532	533	534	535	536	537	538	539	
25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'



NO SCALE

LOCUST AVENUE 40'

PINE AVENUE 40'

MOUNTAIN VIEW STREET



SKETCH SHOWING A PORTION OF FIFTY-THIRD STREET BETWEEN PINE AVENUE AND LOCUST AVENUE TO BE VACATED BY THE CITY OF LONG BEACH

EXHIBIT A

RECORDATION DATA
 RESOLUTION OF INTENTION _____
 ADOPTED _____
 RESOLUTION VACATING _____
 ADOPTED _____
 RECORDED _____
 DOCUMENT NO. _____

ENGINEERING BUREAU
 CITY OF LONG BEACH, CALIFORNIA

DDO REV 27SEP94 MAP H32 130303-91

CITY COUNCIL FINDINGS

VACATION OF A PORTION OF FIFTY-THIRD STREET WEST OF LOCUST AVENUE Reference Sketch No. 807V

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 portion of Fifty-Third Street was gated and has been impassable to public street use since 1995.
 - b) This street easement has not been used for the purpose for which it was dedicated or acquired for over five consecutive years immediately preceding the proposed dedication.
 - c) In 1995, the District built a new 20-foot wide alley connection between Fifty-Third and Mountain View Streets.
 - d) On April 10, 2003, the District executed an easement deed in favor of the public for the new connecting alley.
 - e) On August 19, 2004, the City of Long Beach Planning Commission made a finding of General Plan conformity for the proposed vacation, as required in Section 8313 of the Public Streets, Highways and Service Easements Vacation Law.
 - f) 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.
- b) In conformance with the California Environmental Quality Act, Categorical Exemption No. CE-337-04 was issued for this action.

SC