



CITY OF LONG BEACH

DEPARTMENT OF PUBLIC WORKS

C-17

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

November 11, 2008

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION

Adopt a resolution ordering the summary vacation of a portion of an alley east of Termino Avenue and north of Wilton Street adjacent to 4141 – 4145 Wilton Street. (District 4)

DISCUSSION

In January of 2008, the homeowner at 4141 Wilton Street requested that the City vacate the easterly 70 feet of this unimproved, dead-end alley adjacent to his property. The purpose of the vacation is to allow this property owner to obtain a building permit for an addition to the north side of his home. The area proposed to be vacated is shown on the attached Exhibit A.

Proceedings for this vacation are being conducted in accordance with Chapter 4, Summary Vacation, of the Public Streets, Highways and Service Easements Vacation Law of the California Streets and Highways Code. Section 8333 of that Chapter states that the legislative body of a local agency may summarily vacate that portion of right-of-way which has not been used for the purpose for which it was dedicated or acquired, for a period of (at least) 5 consecutive years. The Department of Public Works supports this action based on the following evidence, facts, and conditions, finding that the dedicated right-of-way to be vacated is unnecessary for present or future public use.

1. The subject alley was dedicated as a public alley 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.
2. As the full 10-foot width of the alley was dedicated along the north boundary of the Eastern Heights Tract, it is expected that the alley will revert to the property owners on the south. However, the City of Long Beach does not guarantee reversionary rights over vacated rights-of-way.
3. Exhibit B showing land use in the area of the subject alley vacation is attached.

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PUBLIC SERVICE
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4. On December 10, 1991, the City of Long Beach adopted a resolution of intention to vacate the entire alley east of Termino Avenue and north of Wilton Street. Because the owners of the Tichenor Clinic at the west end of the alley did not come to an agreement for sharing the westerly portion of the alley with Community Hospital, a final resolution adopting the vacation was never adopted. The westerly portion of this dedicated right-of-way is now incorporated into a parking lot, landscaping and driveways for the Tichenor Orthopedic Clinic and the Long Beach Community Hospital.
5. The alley area west of the area proposed to be vacated is improved variously as parking lot, planters and handicap ramp, and provides no through vehicular access. The area proposed to be vacated adjacent to 4141 and 4145 Wilton Street is inaccessible due to a low masonry wall with chain link fence installed on or near the north line of the alley. It appears that this fencing was installed as a part of Long Beach Community Hospital development in order to keep surface water and landscaping debris from flowing into this area. Therefore, the portion to be vacated is not needed nor useable for public alley purposes.
6. 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.
7. 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. The Planning Department staff report is included as Exhibit C.
8. 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. Conditions of approval are shown on Exhibit D.

Deputy City Attorney Linda Trang prepared the attached resolution of summary vacation on October 7, 2008.

This matter was reviewed by Deputy City Attorney Linda Trang on October 7, 2008 and Budget Management Officer Victoria Bell on October 22, 2008.

TIMING CONSIDERATIONS

City Council action is being requested on November 11, 2008 to allow the property owner to obtain a building permit for home improvement purposes.

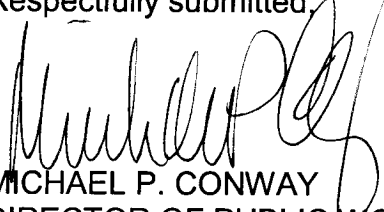
FISCAL IMPACT

A vacation processing fee of \$1350 was deposited to the General Fund (GP) in the Department of Public Works (PW).

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



MICHAEL P. CONWAY
DIRECTOR OF PUBLIC WORKS

APPROVED:

P\CL\4141 Wilton summary vac.doc

GM:SC

Attachments



PATRICK H. WEST
CITY MANAGER

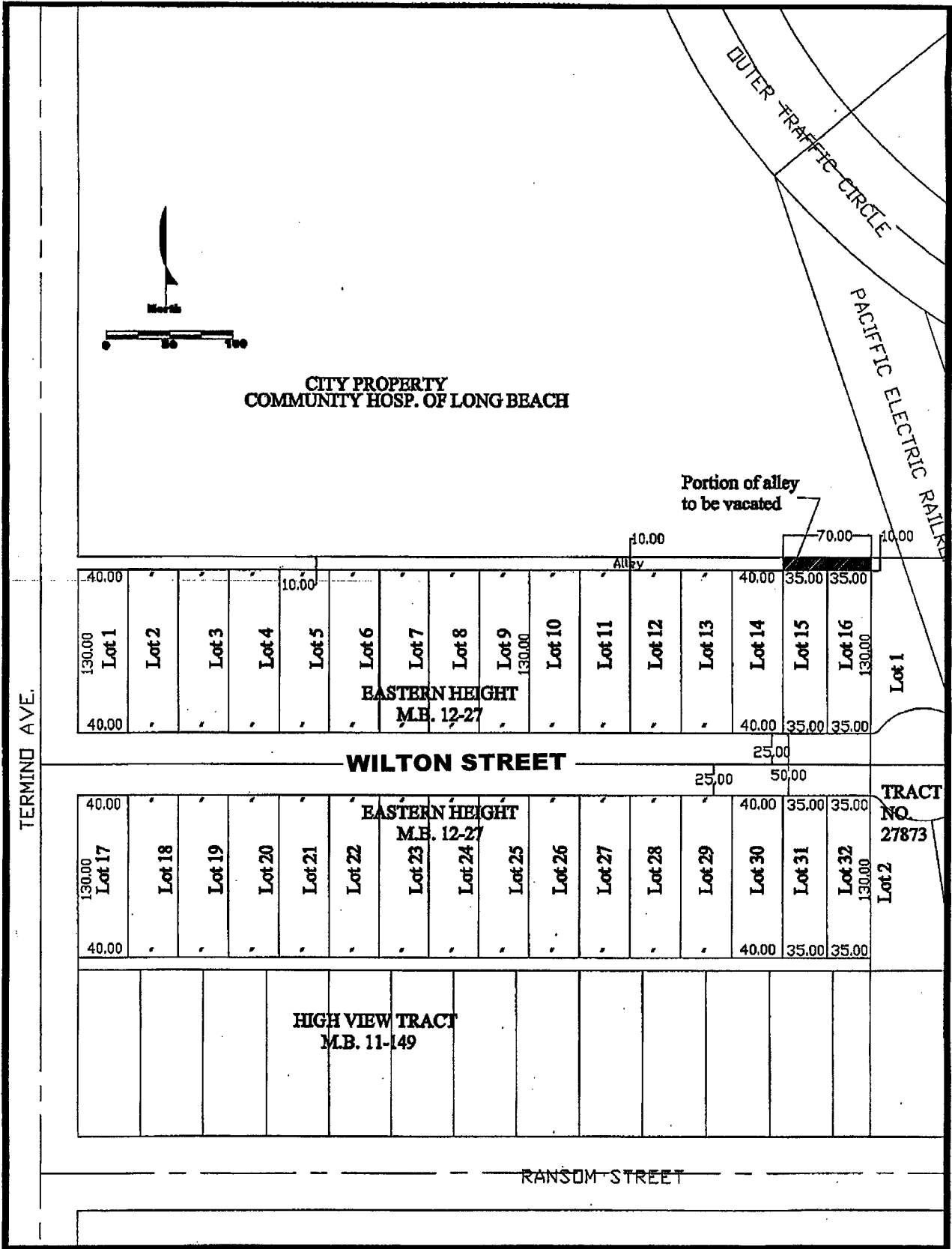
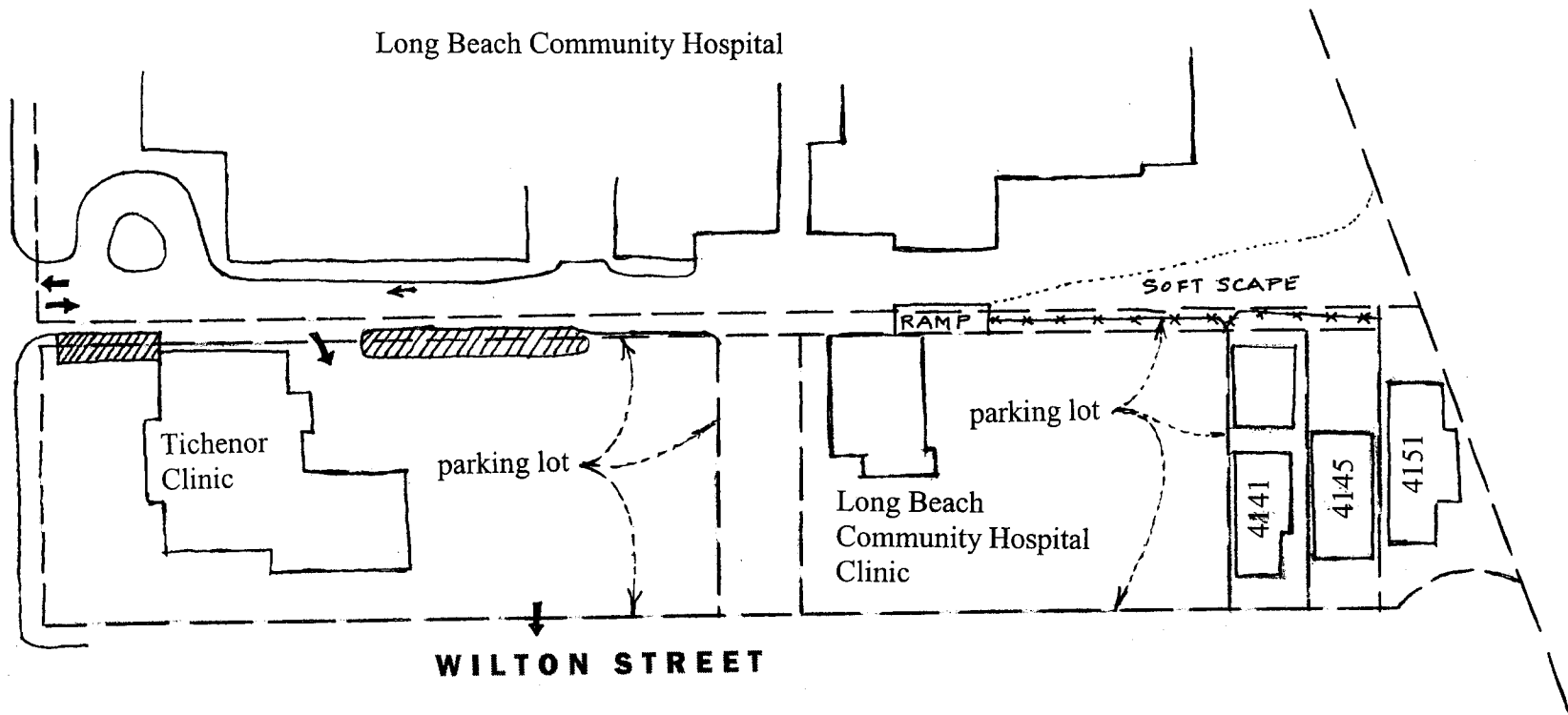


EXHIBIT A

EXHIBIT B
TERMINO AVENUE



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





CITY OF LONG BEACH

#3

LONG BEACH DEVELOPMENT SERVICES

333 West Ocean Boulevard • Long Beach, CA 90802 • (562) 570-6357 FAX (562) 570-6068

June 5, 2008

CHAIRMAN AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION: Approve finding of conformity with the adopted General Plan for an alley vacation at 4141 Wilton Street. (Council District 4)

APPLICANT: Steward Bidwell
4141 Wilton Street

BACKGROUND

Pursuant to California Government Code Section 65402, no street, parcel or alley may be vacated until such action has been submitted to, and reported upon by, the Planning Commission as to its conformity with the adopted General Plan. The proposed public right-of-way vacation is herein submitted for such review.

The applicant is requesting the vacation of the non-existent "paper" alley adjacent to 4141 Wilton Street, as shown in the attached photo-diagram (Exhibit A), to increase the square footage of the property for a room addition. This alley was "privatized" several years ago by the adjacent property owners and is bisected at the pre-determined property line by a concrete block wall. The Department of Public Works has reviewed the alley vacation and has determined that the public right-of-way is not needed for future circulation in the neighborhood.

A finding of conformity shall be made when the proposed re-use of the property conforms to the maps and policies of the *General Plan*. The *General Plan* consists of eleven elements and each element of the *General Plan* carries the same authority concerning land use issues. All elements of the *General Plan* were considered and staff finds this vacation in conformance with all the elements of the *General Plan*. A review of the relevant elements and specific *General Plan* consistency findings are presented below:

General Plan Consistency Findings

The Land Use Element divides the City into 21 land use districts, which provide general guidance as to the type and density of land uses considered appropriate. The subject site

EXHIBIT C**Page 1 of 2**

June 5, 2008

Page 2

is located within Land Use District No. 7 (Mixed Use) and the Traffic Circle Activity Center. This district carefully blends different land uses in an effort to vitalize the City's urban structure. The proposed vacation of this "paper" is consistent with this land use designation as it will allow for the further improvement of adjacent properties.

Environmental Review

In accordance with the guidelines for implementing the California Environmental Quality Act (CEQA), Categorical Exemption number 39-08 was issued (Exhibit B).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. Beck', with a stylized flourish at the end.

CRAIG BECK
DIRECTOR OF DEVELOPMENT SERVICES

CB:GC:JG:IB

Attachment: Exhibit A – Photo / Diagram
 Exhibit B – CE 39-08

CONDITIONS OF APPROVAL

SKETCH NO. 984V

The proposal was reviewed by the interested city departments and public agencies, and there were no objections, provided that the following conditions of approval are included:

1. An easement shall be reserved for storm water drainage over the northerly 5 feet of the alley portion to be vacated.
2. The vacation petitioner shall at its cost resolve any storm water drainage problems resulting from the vacation to the satisfaction of the Director of Public Works.

The above conditions are flexible in that they may be adjusted in consideration of changing conditions or of new evidence which occurs or becomes available prior to the adoption of the resolution vacating by the City Council.

GM:SC

EXHIBIT D

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

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RESOLUTION NO.

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

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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 this resolution by this reference.

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

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

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

I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of _____, 2008, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk