

October 6, 2020

**H-34**

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

**RECOMMENDATION:**

Receive supporting documentation into 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 portion of Elm Avenue, between Spring Street and the unnamed east-west public alley south of 31<sup>st</sup> Street, the unnamed east-west public alley between Elm Avenue and Pasadena Avenue, north of Spring Street and south of 31<sup>st</sup> Street, and the unnamed north-south public alley between Spring Street and 31<sup>st</sup> Street, east of Elm Avenue and west of Pasadena Avenue, based on the findings and conditions of approval included therein. (District 7)

**DISCUSSION**

City Council adoption of the attached Resolution is requested to allow for the construction of a new two-story gymnasium with a fitness center and activity room, a youth soccer field, and a new 70-space parking lot at 3000 Long Beach Boulevard. As part of the final phase of the Salvation Army Citadel Campus (Campus) development project, the property owner(s) requested the vacation of the portion of Elm Avenue, between Spring Street and the unnamed east-west public alley south of 31<sup>st</sup> Street, the unnamed east-west public alley between Elm Avenue and Pasadena Avenue, north of Spring Street and south of 31<sup>st</sup> Street, and the unnamed north-south public alley between Spring Street and 31<sup>st</sup> Street, east of Elm Avenue and west of Pasadena Avenue (Exhibits B1 and B2 to the Resolution). An easement will be reserved over the vacated property to protect the rights to existing utility services and appurtenances in the area.

Consistent with California land reversion practices and Chapter 3, General Vacation Procedure, of the Public Streets, Highways, and Service Easements Vacation Law of the California Streets and Highways Code, the vacated portions of the public right-of-way will revert to the adjacent property owner(s).

If approved, this vacated property would allow the applicant to incorporate the area into the Campus development project. Public Works supports this action based on the findings and conditions of approval, establishing the dedicated right-of-way to be vacated is unnecessary for present or prospective public use (Exhibit D to the Resolution).

On July 14, 2020, the City Council adopted Resolution No. RES-20-0082, declaring its intention to vacate the subject location, and set August 18, 2020 as the date for the public hearing. On August 18, 2020, the City Council continued the public hearing to October 6, 2020.

HONORABLE MAYOR AND CITY COUNCIL

October 6, 2020

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This matter was reviewed by Deputy City Attorney Erin Weesner-McKinley on August 25, 2020 and by Budget Analysis Officer Julissa José-Murray on September 17, 2020.

TIMING CONSIDERATIONS

City Council action is requested on October 6, 2020, as the public hearing was set by the August 18, 2020 City Council action.

FISCAL IMPACT

A final vacation processing fee in the amount of \$5,576 was 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.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



ERIC LOPEZ  
DIRECTOR OF PUBLIC WORKS

APPROVED:



THOMAS B. MODICA  
CITY MANAGER

EL:JH:BP:md:ll

ATTACHMENT: RESOLUTION

RESOLUTION NO.

A RESOLUTION ORDERING THE VACATION OF THE PORTION OF ELM AVENUE BETWEEN SPRING STREET AND THE UNNAMED EAST-WEST PUBLIC ALLEY SOUTH OF 31ST STREET, THE UNNAMED EAST-WEST PUBLIC ALLEY BETWEEN ELM AVENUE AND PASADENA AVENUE, NORTH OF SPRING STREET AND SOUTH OF 31ST STREET, AND THE UNNAMED NORTH-SOUTH PUBLIC ALLEY BETWEEN SPRING STREET AND 31ST STREET EAST OF ELM AVENUE AND WEST OF PASADENA 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 14, 2020, by Resolution No. RES-20- 0082, declare its intention to order the vacation, pursuant to the provisions of the Public Streets, Highways, and Service Easements Law, the portion of Elm Avenue between Spring Street and the unnamed east-west public alley south of 31st Street, the unnamed east-west public alley between Elm Avenue and Pasadena Avenue, north of Spring Street and south of 31st Street, and the unnamed north-south public alley between Spring Street and 31st Street east of Elm Avenue and west of Pasadena Avenue, in the City of Long Beach, County of Los Angeles, State of California, as described on the attached Exhibit "A-1" and "A-2", and as shown on the attached Exhibit "B-1" and "B-2"; and

WHEREAS, the City Council did, at said time, fix Tuesday, August 18, 2020, 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

1 WHEREAS, notice of the resolution of the intention to vacate, stating the  
2 time and place of said hearing, was duly posted in the manner prescribed by law; and

3 WHEREAS, said hearing was called before the City Council at the time and  
4 place so fixed and the City Council continued the public hearing to October 6, 2020; and

5 WHEREAS, said hearing was called and held before the City Council on  
6 October 6, 2020 and evidence taken and received on the matter of said proposed  
7 vacation, and the City Council, upon said evidence, now makes those findings of fact set  
8 forth in said Exhibit "D", attached hereto and by this reference made a part hereof;

9 NOW, THEREFORE, the City Council of the City of Long Beach resolves as  
10 follows:

11 Section 1. Pursuant to the foregoing resolution of intention, the  
12 proceedings had thereunder, Vacation Sketch No. 1025V showing the portion of Elm  
13 Avenue between Spring Street and the unnamed east-west public alley south of 31st  
14 Street, the unnamed east-west public alley between Elm Avenue and Pasadena Avenue,  
15 north of Spring Street and south of 31st Street, and the unnamed north-south public alley  
16 between Spring Street and 31st Street east of Elm Avenue and west of Pasadena  
17 Avenue, to be vacated by the City of Long Beach attached hereto as Exhibit "C", and the  
18 City Council Findings attached hereto as Exhibit "D", said City Council of the City of Long  
19 Beach hereby makes its resolution vacating and closing a portion of the street  
20 hereinabove described.

21 Section 2. Reserving unto the City of Long Beach, its successors and  
22 assigns a perpetual easement and right-of-way, at any time or from time to time, to lay,  
23 construct, maintain, operate, repair, renew, replace, change the size of and remove the  
24 existing utility lines, including, but not limited to, sanitary sewers, storm drains, Franchise  
25 Pipeline, dry gas and appurtenant structures, together with all necessary gates, valves,  
26 fittings, hydrants and appurtenances for the transportation of water, petroleum and dry  
27 gas, with the right of ingress to and egress from the same, over, through, under, along  
28 and across that certain property vacated herewith; and pursuant to any existing

1 franchises or renewals thereof, or otherwise, to construct, maintain, operate, replace,  
2 remove, renew and enlarge lines of conduits, cables, wires, poles and other convenient  
3 structures, equipment and fixtures for the operation of telephone lines and other  
4 communication lines, and for the transportation or distribution of electric energy, and  
5 incidental purposes including access and the right to keep the property free from  
6 inflammable materials, and wood growth, and otherwise protect the same from all  
7 hazards in, upon and over the part vacated. Access for maintenance of the above-  
8 mentioned facilities must be maintained at all times. No improvements shall be  
9 constructed within the easement which would impede the operation, maintenance or  
10 repair of said facilities. Construction of any improvements, including changes of grade,  
11 shall be subject to the prior written approval of all the City departments and public utilities  
12 responsible for the above said facilities.

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

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

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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 \_\_\_\_\_, 2020  
by the following vote:

Ayes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Noes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

Absent: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

Recusal(s): Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

City Clerk

**EXHIBIT "A1"**  
**STREET, ALLEY AND EASEMENT VACATION**  
**(LEGAL DESCRIPTION)**

BEGINNING AT THE SOUTH WEST CORNER OF LOT 12, IN BLOCK B, OF TRACT NO. 3207, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 33, PAGE 7 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE WESTERLY ALONG THE SOUTHERLY LINE OF BLOCK B AND BLOCK A OF SAID TRACT 3207 A DISTANCE OF 60.00 FEET TO THE SOUTH EAST CORNER OF LOT 24, IN BLOCK A, OF SAID TRACT NO. 3207; THENCE NORTHERLY ALONG THE EASTERLY LINE OF BLOCK A, OF SAID TRACT NO. 3207 TO THE INTERSECTION OF THE PROLONGATION OF THE SOUTHERLY LINE OF LOT 8, IN BLOCK B, OF SAID TRACT; THENCE EASTERLY ALONG THE PROLONGATION OF THE SOUTH LINE OF LOT 8, IN BLOCK B, OF SAID TRACT 3207 A DISTANCE OF 60.00 FEET TO THE SOUTH WEST CORNER OF LOT 8, IN BLOCK B, OF SAID TRACT NO. 3207; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF BLOCK B, OF SAID TRACT NO. 3207, TO THE SOUTHWEST CORNER OF LOT 12, IN BLOCK B, OF SAID TRACT NO. 3207 AND THE POINT OF BEGINNING.

TOGETHER WITH A STRIP OF LAND, 10 FEET WIDE, THAT LIES NORTH OF LOTS 9 AND 21 AND SOUTH OF LOTS 8 AND 20, IN BLOCK B, OF SAID TRACT NO. 3207.

AND THE NORTH 10 FEET OF A STRIP OF LAND, 10 FEET WIDE, THAT LIES EAST OF LOT 9 AND WEST OF LOT 21, IN BLOCK B, OF SAID TRACT NO. 3207.

AND THE NORTH 10 FEET OF LOT 9, IN BLOCK B, OF SAID TRACT NO. 3207.

AND THE NORTH 10 FEET OF LOT 21, IN BLOCK B, OF SAID TRACT NO. 3207.

TOGETHER WITH THAT PORTION OF LOT 12, IN BLOCK B, OF SAID TRACT NO. 3207 WITHIN THE FOLLOWING DESCRIBED BOUNDARIES:

BEGINNING AT THE INTERSECTION OF THE NORTHERLY LINE OF THE ABOVE DESCRIBED EXCEPTION WITH THE WESTERLY LINE OF SAID LOT 12; THENCE NORTHERLY ALONG SAID WESTERLY LINE TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 15 FEET, TANGENT TO SAID WESTERLY LINE AND TANGENT TO SAID NORTHERLY LINE; THENCE SOUTHEASTERLY ALONG SAID CURVE 23.56 FEET TO SAID NORTHERLY LINE; THENCE WESTERLY ALONG SAID NORTHERLY LINE TO THE POINT OF BEGINNING.

SAID PORTION OF LOT 12 BEING A PORTION OF THE EASEMENT RECORDED FEBRUARY 8, 2001 AS INSTRUMENT NO. 01-0209983, OF OFFICIAL RECORDS.

DESCRIPTION CONTINUED ON PAGE 2 OF 2.....

**EXHIBIT "A1"**  
STREET, ALLEY AND EASEMENT VACATION  
(LEGAL DESCRIPTION)

DESCRIPTION CONTINUED FROM PAGE 1 OF 2.....

ALSO TOGETHER WITH THAT PORTION OF LOT 24, IN BLOCK A, OF SAID TRACT NO. 3207 WITHIN THE FOLLOWING DESCRIBED BOUNDARIES:

BEGINNING AT THE INTERSECTION OF THE NORTHERLY LINE OF THE ABOVE DESCRIBED EXCEPTION WITH THE WESTERLY LINE OF SAID LOT 24; THENCE NORTHERLY ALONG SAID EASTERLY LINE TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 15 FEET, TANGENT TO SAID EASTERLY LINE AND TANGENT TO SAID NORTHERLY LINE; THENCE SOUTHWESTERLY ALONG SAID CURVE 23.56 FEET TO SAID NORTHERLY LINE; THENCE EASTERLY ALONG SAID NORTHERLY LINE TO THE POINT OF BEGINNING.

SAID PORTION OF LOT 24 BEING A PORTION OF THE EASEMENT RECORDED FEBRUARY 7, 2002 AS INSTRUEMNT NO. 02-0295110, OF OFFICIAL RECORDS.

EXCEPT THAT PORTION OF ELM STREET THAT LIES WITHIN THE RIGHT OF WAY OF SPRING STREET (50 FOOT HALF WIDTH).


THE ABOVE DESCRIBED PARCEL CONTAINS 16,597 SQUARE FEET, MORE OR LESS.

SUBJECT TO COVENANTS, CONDITIONS, RESERVATIONS, RESTRICTIONS, RIGHTS-OF-WAY AND EASEMENTS OF RECORD, IF ANY.

RESERVING THEREFROM AN EASEMENT FOR UNDERGROUND UTILITIES AND ACCESS TO THE EXISTING UNIMPROVED ALLEY AND PRIVATE GARAGE ON THE NORTH SIDE OF THE EXISTING ALLEY.

ALL AS MORE PARTICULARLY SHOWN ON EXHIBIT "B1" ATTACHED HERETO AND MADE PART HEREOF.

THIS DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYOR'S ACT.

  
MICHAEL FURLONG, PLS 8899  
LICENSE EXPIRES: 12-31-19

1-14-19  
DATE





**EXHIBIT "A2"**  
ALLEY VACATION  
(LEGAL DESCRIPTION)


THE 10 FOOT WIDE ALLEY THAT LIES EAST OF LOTS 1 THROUGH 8 AND WEST OF LOTS 13 THROUGH 20, IN BLOCK B, OF TRACT NO. 3207, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 33, PAGE 7 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BOUNDED ON THE NORTH BY THE SOUTH LINE OF 31ST STREET (30.00 FOOT HALF WIDTH) AND ON THE SOUTH BY THE NORTH LINE OF THE 10.00 FOOT WIDE ALLEY RUNNING EAST/WEST LOCATED NORTH OF SPRING STREET.

THE ABOVE DESCRIBED PARCEL CONTAINS 3,950 SQUARE FEET, MORE OR LESS.

SUBJECT TO COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY, IF ANY.

ALL AS MORE PARTICULARLY SHOWN ON EXHIBIT "B2" ATTACHED HERETO AND MADE PART HEREOF.

THIS DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYOR'S ACT.

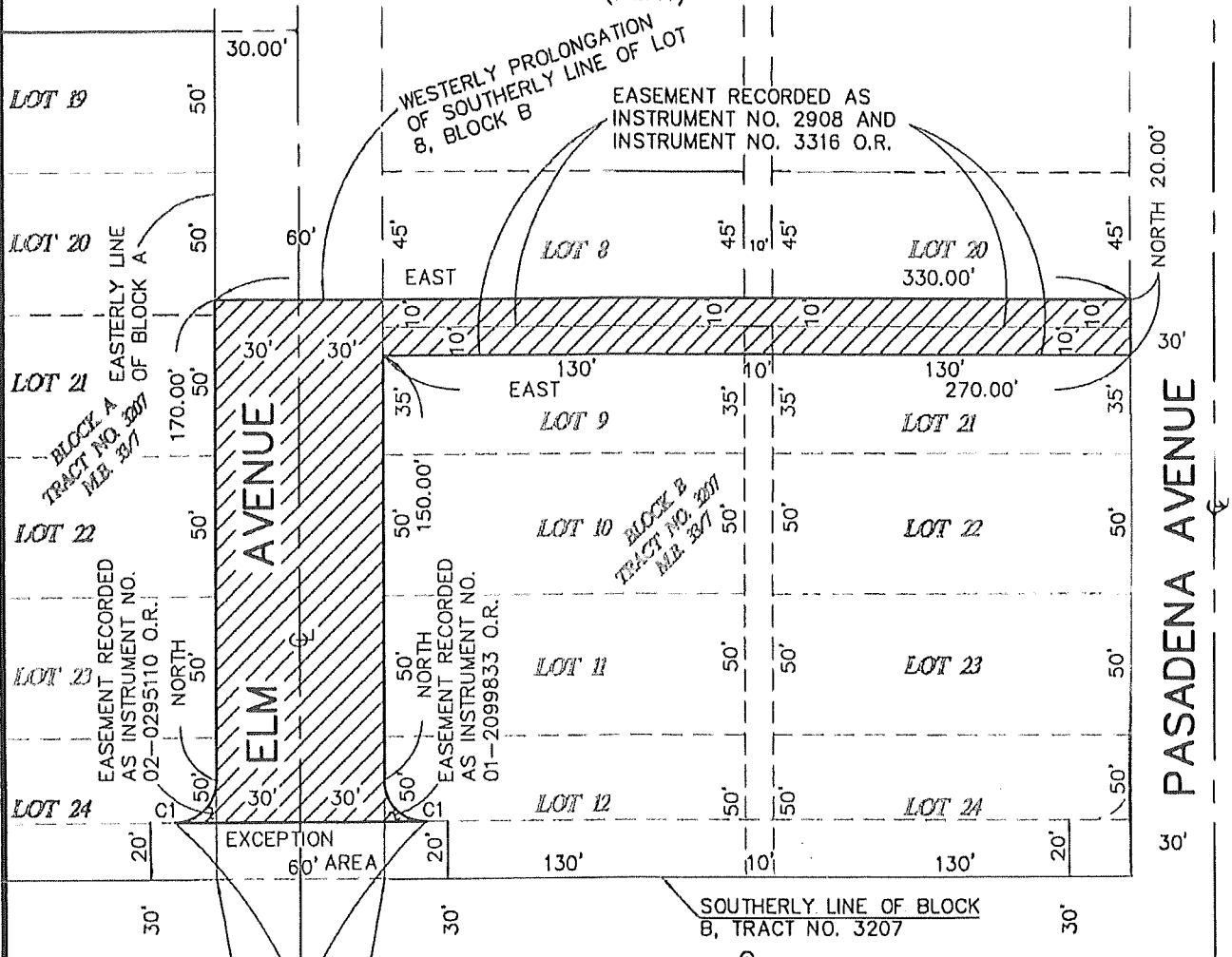
  
MICHAEL FURLONG, PLS 8899  
LICENSE EXPIRES: 12-31-19

1-14-19

DATE

# EXHIBIT "B1"

## STREET, ALLEY AND EASEMENT VACATION (PLAT)



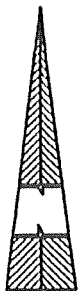
SOUTHEAST CORNER  
OF LOT 24, BLOCK A,  
TRACT NO. 3207

EAST  
90.00'

P.O.B.  
SOUTHWEST CORNER  
OF LOT 12, BLOCK  
B, TRACT NO. 3207

SPRING STREET

C1-  $\Delta=90^{\circ}00'00''$   
R=15.00'  
L=23.56'



SCALE: 1"=60'

### LEGEND:

P.O.B. — POINT OF BEGINNING



— INDICATES STREET,  
ALLEY AND EASEMENT  
TO BE VACATED

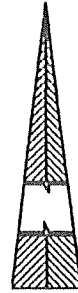
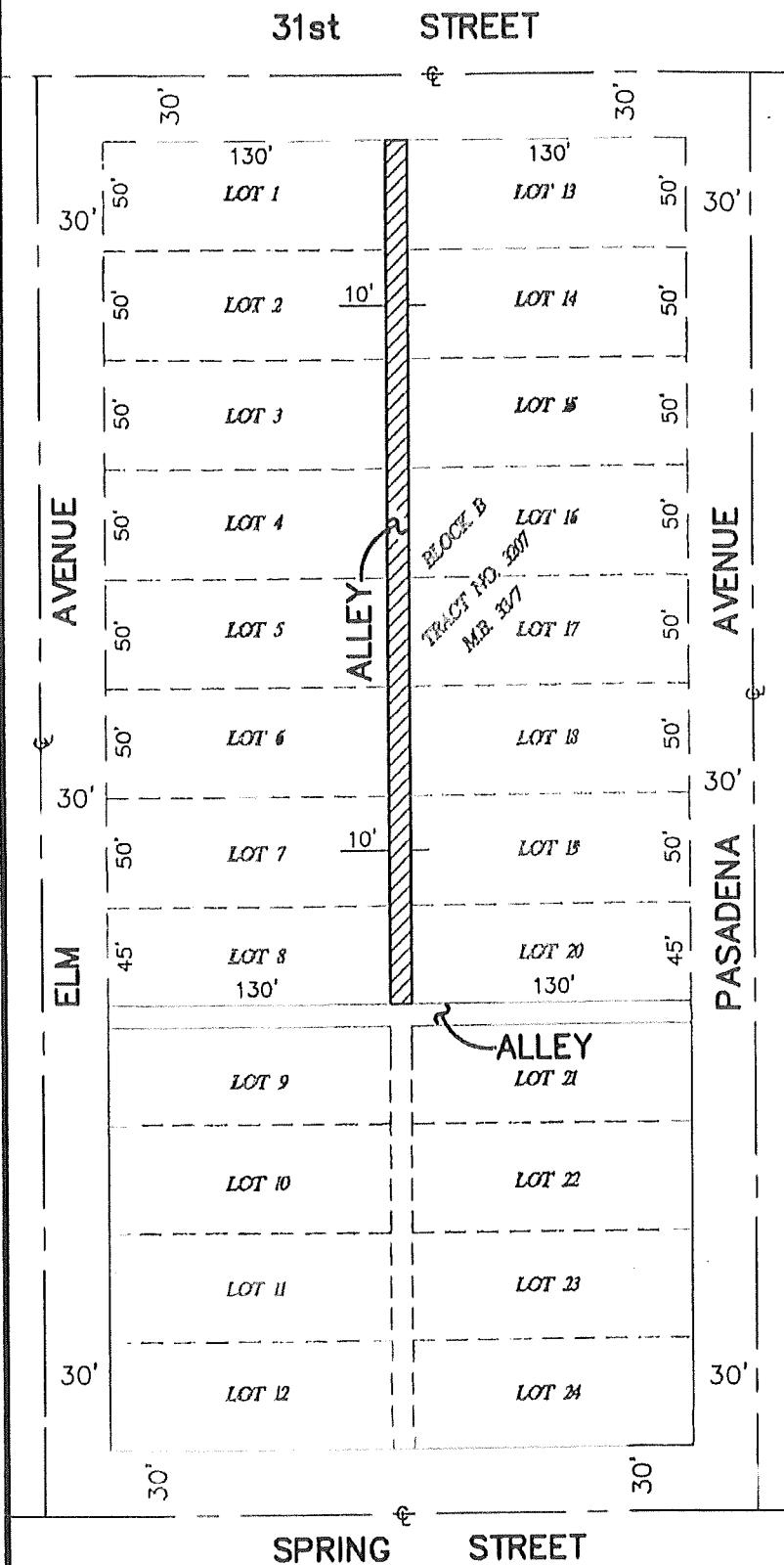
AREA = 16,597 S.F.±



1-14-19

THIS MAP WAS PREPARED BY  
ME OR UNDER MY SUPERVISION.

**EXHIBIT "B2"**  
ALLEY VACATION  
(PLAT)



SCALE: 1"=80'

**LEGEND:**



— INDICATES STREET,  
ALLEY AND EASEMENT  
TO BE VACATED

AREA = 3,950 S.F.±



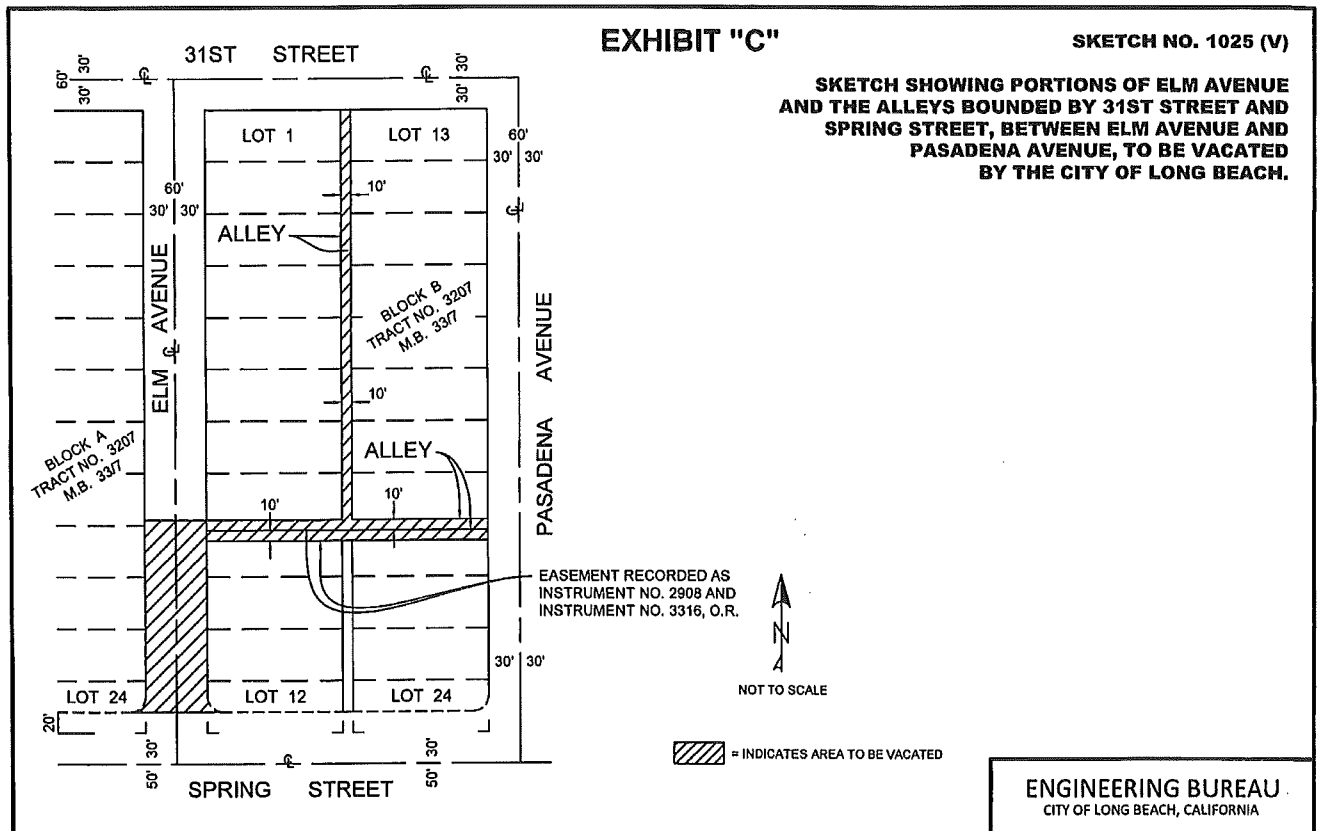
1-14-19

THIS MAP WAS PREPARED BY  
ME OR UNDER MY SUPERVISION.

# EXHIBIT "C"

SKETCH NO. 1025 (V)

SKETCH SHOWING PORTIONS OF ELM AVENUE  
AND THE ALLEYS BOUNDED BY 31ST STREET AND  
SPRING STREET, BETWEEN ELM AVENUE AND  
PASADENA AVENUE, TO BE VACATED  
BY THE CITY OF LONG BEACH.



## **CITY COUNCIL FINDINGS**

### **VACATION OF PORTIONS OF ELM AVENUE AND THE ALLEYS BOUNDED BY 31<sup>ST</sup> STREET AND SPRING STREET, BETWEEN ELM AVENUE AND PASADENA AVENUE Reference Sketch No. 1025 (V)**

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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) On April 19, 2018, 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.
- b) Those findings in the City Council letter dated July 14, 2020 agenda item C-15.
- c) The right-of-way would not be useful for exclusive bicycle pathway purposes.
- d) List of conditions for the right-of-way vacation approval.
  - i. An easement shall be reserved for existing utilities, over the full length and width of the vacated rights-of-way, which may be quitclaimed upon satisfactory relocation, removal or abandonment of all public facilities.
  - ii. The vacation petitioner shall, at their own cost, coordinate and resolve all private encroachment issues that result from the vacated right-of-way. This will include, but may not be limited to:
    - Processing and recording of private agreements
    - Relocation, removal or abandonment of all public facilities
    - Prior to recordation of any private easements and agreements, provide draft copies of the documents to Public Works for review
    - Diligently working with the neighboring homeowners/business owners to resolve their disapproval of the proposed vacation
  - iii. The vacation petitioner shall install a new fire hydrant in front of the property at 3026 Elm Avenue, to the satisfaction of the Long Beach Fire Department and Director of Public Works.
  - iv. Additional right-of-way shall be provided along Elm Avenue, north of the portion of Elm Avenue petitioned to be vacated, for emergency ingress/egress purposes. The additional right-of-way shall be constructed and dedicated to provide a 120-foot

hammerhead turnaround, or acceptable alternative. Right-of-way improvements shall be constructed per the most current City standard.

- v. The vacation petitioner shall maintain vehicular access to the property at 3026 Elm Avenue, to the satisfaction of the Director of Public Works.
  - vi. If additional right-of-way is found to be needed to satisfy Americans with Disabilities Act (ADA) requirements during the construction process, this shall be dedicated and improved.
  - vii. Any required traffic control modifications are the responsibility of the vacation petitioner, and shall be installed in the public right-of-way under a street improvement permit from the Department of Public Works.
  - viii. The vacation petitioner shall, at their own cost, resolve any storm water drainage problems resulting from the vacation to the satisfaction of the Director of Public Works.
2. 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 right-of-way is not and will not be needed for public use.
- b) In conformance with the California Environmental Quality Act, a Mitigated Negative Declaration (MND-04-15) was prepared for this project.