

RESOLUTION NO. RES-20-0130

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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I hereby certify that the foregoing resolution was adopted by the City
Council of the City of Long Beach at its meeting of October 6, 2020
by the following vote:

Ayes: Councilmembers: Zendejas, Price, Supernaw, Mungo,
Uranga, Austin, Richardson, Andrews.

Noes: Councilmembers: None.

Absent: Councilmembers: Pearce.

Recusal(s): Councilmembers: None.



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 8889
LICENSE EXPIRES: 12-31-19

1-14-19

DATE

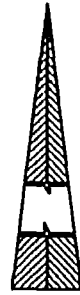
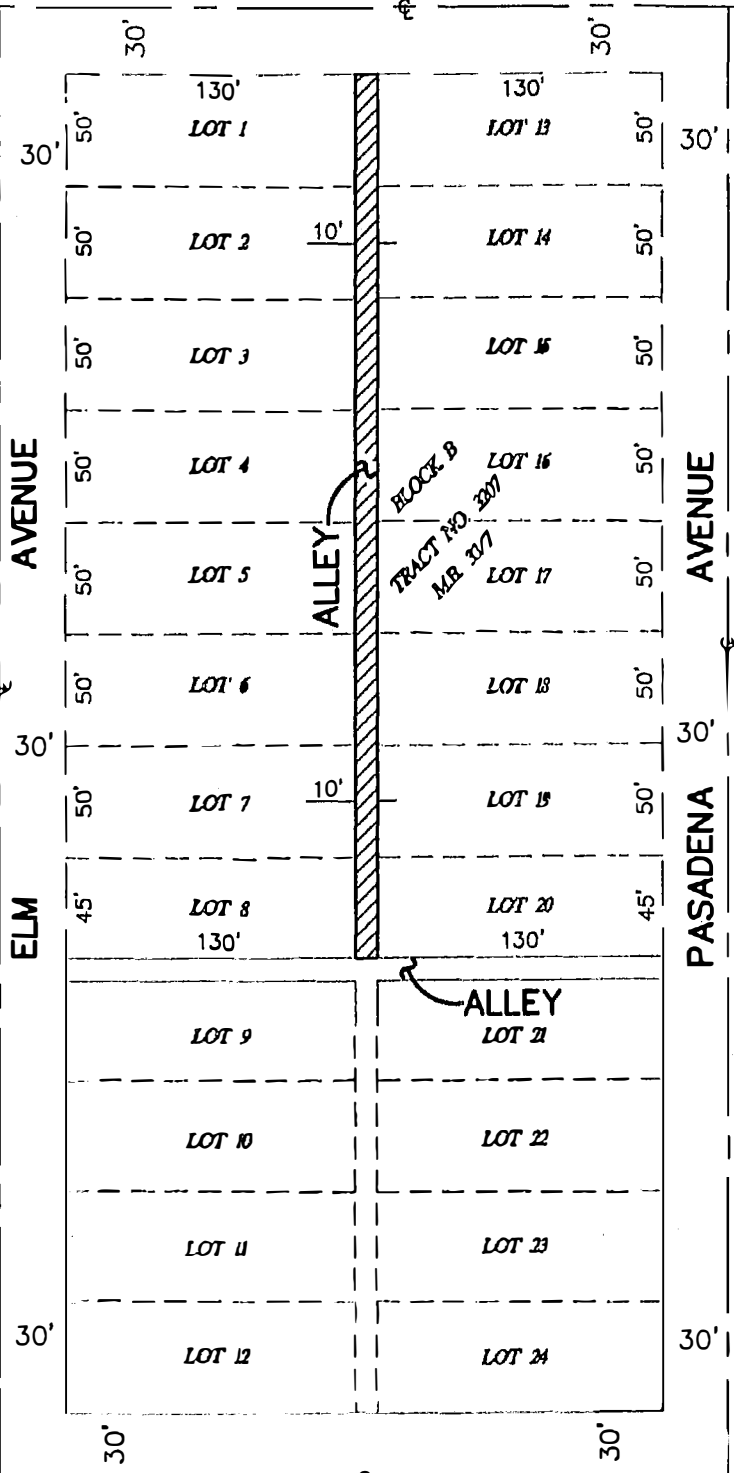
STREET, ALLEY AND EASEMENT VACATION
(PLAT)



EXHIBIT "B2"

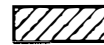
ALLEY VACATION
(PLAT)

31st STREET



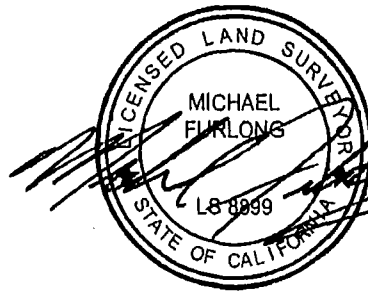
SCALE: 1"=80'

LEGEND:



— INDICATES STREET,
ALLEY AND EASEMENT
TO BE VACATED

AREA = 3,950 S.F.±



1-14-19

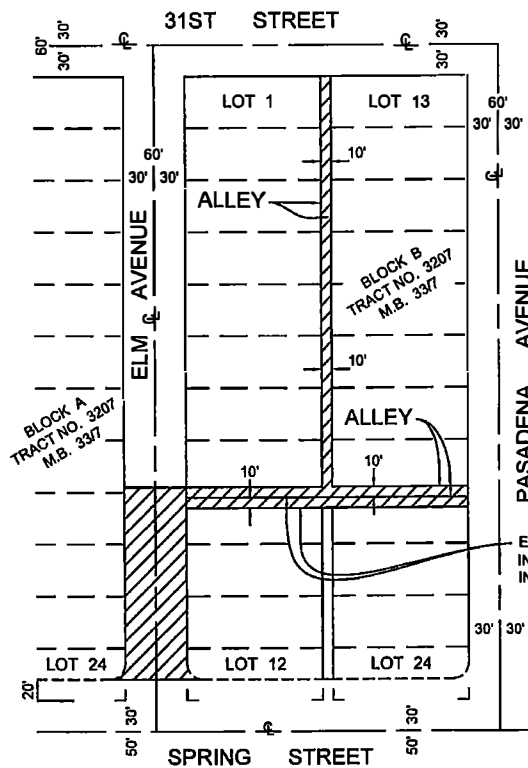
THIS MAP WAS PREPARED BY
ME OR UNDER MY SUPERVISION.

SPRING STREET

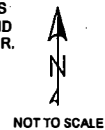
EXHIBIT "C"

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.**



= INDICATES AREA TO BE VACATED



NOT TO SCALE

ENGINEERING BUREAU
CITY OF LONG BEACH, CALIFORNIA

CITY COUNCIL FINDINGS

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

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.