



Legislation Details (With Text)

**File #:** 09-1157      **Version:** 1      **Name:** PW - RES vacate alley  
**Type:** Resolution      **Status:** Adopted  
**File created:** 10/15/2009      **In control:** City Council  
**On agenda:** 11/3/2009      **Final action:** 11/3/2009

**Title:** Recommendation to adopt Resolution of Intention to vacate a portion of the alley west of Long Beach Boulevard and south of Anaheim Street; request City Manager, or designee, to accept easement deeds for the dedication of a new branch alley and additional street right-of-way along Anaheim Street; authorize a quitclaim of the reserved utility easement upon satisfactory relocation of all public utilities; and set a date for a public hearing on the vacation for Tuesday, December 1, 2009 at 5:00 p.m. (District 1)

**Sponsors:** Public Works

**Indexes:** Alleys, Easement Deeds, Easements

**Code sections:**

**Attachments:** 1. 110309-C-16sr&att.pdf, 2. RES-09-0130.pdf

Date	Ver.	Action By	Action	Result
11/3/2009	1	City Council	approve recommendation and adopt	Pass

Recommendation to adopt Resolution of Intention to vacate a portion of the alley west of Long Beach Boulevard and south of Anaheim Street; request City Manager, or designee, to accept easement deeds for the dedication of a new branch alley and additional street right-of-way along Anaheim Street; authorize a quitclaim of the reserved utility easement upon satisfactory relocation of all public utilities; and set a date for a public hearing on the vacation for Tuesday, December 1, 2009 at 5:00 p.m. (District 1)

The META Housing Group, developers of a mixed-use housing and retail project addressed as 1235 Long Beach Boulevard, request the vacation of a portion of the alley that crosses their project site. A diagram showing the alley to be vacated, the location of a proposed new branch alley, and the area to be dedicated as additional right-of-way along Anaheim Street is shown on Exhibit A. Note that the 20-foot by 25-foot alley portion at the intersection of the new branch alley is vacated below an elevation of 36.50 feet only, below the alley surface, as shown. Below the alley surface, a subterranean parking garage is to be constructed.

Proceedings for this vacation are being conducted in accordance with Chapter 3, General Vacation Procedure, of the Public Streets, Highways and Service Easements Vacation Law of the California Streets and Highways Code. Findings must establish that the subject right-of-way is unnecessary for present or prospective public use. The Department of Public Works supports this action based on the following evidence, facts, conditions and findings, establishing that the dedicated right-of-way to be vacated is unnecessary for present or prospective public use.

1. The project summary and site development plan is shown on Exhibit B.
2. The property comprising the project site is under the ownership of 4 entities, as shown on Exhibit C. The vacation of this alley will not result in any "landlocked" lots.

3. The only portion of the alley in use is adjacent to the five parcels that are not a part of this project, addressed as 1232 Locust Avenue and 153 - 209 East 12th Street. Through alley access to these properties will be maintained by the construction and dedication of the new branch alley as shown on Exhibit A.
4. A subterranean parking garage is to be built within the project area. While a public utility easement must be reserved for existing public utilities with the resolution vacating, this easement must be quitclaimed once the utility facilities have been removed at the beginning of project construction. Council pre-approval of the quitclaim of this easement is requested to be executed and recorded when the City Engineer is satisfied that this work is complete.
5. On January 15, 2009, the City of Long Beach Planning Commission approved META Housing's plans for a three-building, mixed-used development, including 42,000 square feet of retail, 186 senior rental housing units, and 170 condominiums, and made a General Plan Conformity Finding for the required alley vacation as required in Section 8313 of the Public Streets, Highways and Service Easements Vacation Law. In conformance with the California Environmental Quality Act, an addendum to the City of Long Beach Central Redevelopment Environmental Impact Report was prepared for this project. The Development Services Department staff report is included as Exhibit D.
6. The interested City Departments, including Fire and Police, have reviewed the proposed land development and right-of-way vacation and dedications, and have no objections to this action. Conditions of approval, satisfying the concerns of the public utility companies, are shown on Exhibit E.

The public hearing on this matter to be held on December 1, 2009 will allow all persons interested in, or objecting to, the proposed vacation to appear and be heard. The proposed resolution of intention to vacate was prepared by Deputy City Attorney Linda Trang on October 6, 2009.

This matter was reviewed by Deputy City Attorney Linda Trang on October 6, 2009 and by Budget and Performance Management Bureau Manager David Wodynski on October 9, 2009.

City Council action is requested on November 3, 2009 to set the December 1, 2009 public hearing date for this matter.

A vacation processing fee of \$3,693 was deposited to the General Fund (GP) in the Department of Public Works (PW).

Approve recommendation.

A RESOLUTION OF INTENTION TO VACATE A PORTION OF THE ALLEY WEST OF LONG BEACH BOULEVARD AND SOUTH OF ANAHEIM STREET, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, PURSUANT TO THE PUBLIC STREET, HIGHWAYS AND SERVICE EASEMENTS LAW (DIVISION 9, PART 3, CALIFORNIA STREETS AND HIGHWAYS CODE); FIXING A TIME AND PLACE FOR HEARING ALL PERSONS INTERESTED IN OR OBJECTING TO THE PROPOSED VACATION

MICHAEL P. CONWAY  
DIRECTOR OF PUBLIC WORKS

NAME  
TITLE

APPROVED:

---

PATRICK H. WEST  
CITY MANAGER