



Legislation Details (With Text)

File #: 07-0885 **Version:** 1 **Name:** PW - Reso ordering summary vacation 835 Locust Avenue

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Title: Recommendation to adopt resolution ordering the summary vacation of subterranean and aerial portions of the north-south alley north of Eighth Street and west of Locust Avenue adjacent to 835 Locust Avenue. (District 1)

Sponsors: Public Works

Indexes:

Code sections:

Attachments: 1. 080707-C-13sr&att.pdf, 2. RES-07-0106.pdf, 3. RES-07-0106 Recorded.pdf

| Date | Ver. | Action By | Action | Result |
|----------|------|--------------|----------------------------------|--------|
| 8/7/2007 | 1 | City Council | approve recommendation and adopt | Pass |

Recommendation to adopt resolution ordering the summary vacation of subterranean and aerial portions of the north-south alley north of Eighth Street and west of Locust Avenue adjacent to 835 Locust Avenue. (District 1)

In 2004, the Temple Lofts building was subdivided by Tract Map No. 53748 into residential condominiums. The adjacent 16-foot wide alley was widened to 18 feet on that map. It was intended that the dedication would be limited to surface use (the space between a level 6 inches below the pavement and a level 10 feet above it), in order to allow the subterranean parking garage to be built up to the original alley boundary and to allow 1-foot deep balcony projections 10 feet above the alley surface. However, the map incorporated an error in the language widening the alley and did not exclude these basement and balcony spaces. This vacation action is intended to reverse the portions of the dedication made on Tract Map No. 53748 as 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 vacate a street or easement that was acquired less than 5 years ago and has not been used for the purpose for which it was dedicated. The Department of Public Works supports this action based on the following evidence, facts, conditions and findings, establishing that the right-of-way to be vacated is unnecessary for present or prospective public use:

1. This action corrects an error made on Tract Map No. 53748. The basement and balcony projections were approved by the Public Works and Planning and Building Departments prior to the spaces being dedicated.
2. On May 3, 2007, 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, Negative Declaration Number NO 45-01 was issued for this project. The Planning

Department staff report is included as Exhibit B.

3. 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. As the spaces to be vacated are fully improved as a part of the building, no utilities are present and no utility easement will be reserved. There are no Conditions of Approval for this action.

Deputy City Attorney Lori A. Conway prepared the attached resolution of summary vacation on July 18, 2007. The City of Long Beach does not guarantee reversionary rights over the vacated right-of-way.

City Council action is not time critical.

A vacation processing fee of \$675 was deposited to the General Fund (GP) in the Department of Public Works (PW).

Approve recommendation.

A RESOLUTION ORDERING THE SUMMARY VACATION OF SUBTERRANEAN AND AERIAL PORTIONS OF THE NORTH-SOUTH ALLEY NORTH OF EIGHTH STREET AND WEST OF LOCUST AVENUE ADJACENT TO 835 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

CHRISTINE F. ANDERSEN
DIRECTOR OF PUBLIC WORKS

APPROVED:

ANTHONY W. BATTS
CITY MANAGER