



Legislation Details (With Text)

**File #:** 13-0954      **Version:** 1      **Name:** PW - Vacation of 12th St Excess Right-of-Way  
**Type:** Resolution      **Status:** Adopted  
**File created:** 10/15/2013      **In control:** City Council  
**On agenda:** 11/5/2013      **Final action:** 11/5/2013

**Title:** Recommendation to adopt resolution ordering the summary vacation of the portion of 12th Street located west of Jackson Avenue and south of Anaheim Street, and authorize the execution of a quitclaim deed upon the relocation or removal of the existing utility lines within the vacated right-of-way. (District 1)

**Sponsors:** Public Works

**Indexes:** Quitclaim Deed

**Code sections:**

**Attachments:** 1. 110513-C-6sr&att.pdf, 2. RES-13-0106.pdf, 3. RES-13-0106 Recorded.pdf

Date	Ver.	Action By	Action	Result
11/5/2013	1	City Council	approve recommendation and adopt	Pass

Recommendation to adopt resolution ordering the summary vacation of the portion of 12th Street located west of Jackson Avenue and south of Anaheim Street, and authorize the execution of a quitclaim deed upon the relocation or removal of the existing utility lines within the vacated right-of-way. (District 1)

The Long Beach Harbor Department has requested to vacate the remnant portion of the 12<sup>th</sup> Street right-of-way located west of Jackson Avenue in the Harbor District. Currently, 234 feet of 12<sup>th</sup> Street located west of Jackson Avenue is not used for vehicular traffic, but for storing cargo containers. This vacation request is intended to bring the designated public right-of-way into conformance with current conditions. The attached Exhibit A sketch shows the area to be vacated.

Proceedings for this vacation are being conducted in accordance with Part 3, Chapter 4, of the States Public Streets, Highways, and Services Easements, Vacation Law; Summary Vacation. Section 8334 of that Chapter states that the legislative body of a local agency may summarily vacate that portion of right-of-way, which is excess right-of-way, not required for street or highway purposes. The Department of Public Works supports this action based on the evidence, facts, and conditions, finding that the dedicated right-of-way to be vacated is unnecessary for present or future public use.

On April 18, 2013, the Planning Commission determined that the subject vacation action is consistent with the General Plan, as required in Section 65402 of the California Government Code, with final action approved on April 29, 2013. In accordance with the guidelines for implementing the California Environmental Quality Act (CEQA), the Board of Harbor Commissioners issued a Notice of Exemption that the proposed project would not have a significant effect on the environment. The Planning Department staff report is included as Exhibit B.

The interested City departments, including Fire and Police, have reviewed the proposed right-of-way vacation and have no objections to this action. An easement for the existing utility line will be

reserved over the entire vacated area until the utility line has been removed and a quitclaim of easement has been recorded.

This matter was reviewed and approved by the Long Beach Fire Department on July 2, 2013, Deputy City Attorney Linda Vu on October 11, 2013, and by Budget Management Officer Victoria Bell on October 14, 2013.

City Council action on this matter is not critical.

A processing fee of \$7,901 was deposited in the General Fund (GP) in the Department of Public Works (PW). There is no local job impact associated with this recommendation.

Approve recommendation.

A RESOLUTION ORDERING THE VACATION OF A PORTION OF 12TH STREET, LOCATED WEST OF JACKSON AVENUE AND SOUTH OF ANAHEIM 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

ARA MALOYAN, PE  
ACTING DIRECTOR OF PUBLIC WORKS

APPROVED:

PATRICK H. WEST  
CITY MANAGER