



## Legislation Text

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**File #:** 05-2566, **Version:** 1

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Recommendation to adopt resolution of intention to vacate a portion of the public right-of-way south of Sixth Street and west of Roycroft Avenue, and set a public hearing date of May 3, 2005. (District 3)

The owner of a 1,134-square foot vacant lot on Sixth Street near Quincy Avenue has asked the City to vacate the 30-foot wide unimproved public right-of-way adjacent to his property as shown on the attached Exhibit A. The property owner's intention is to acquire the entire width of the vacated right-of-way and construct a single-family house on the assembled property. The owner of the single-family residence to the east has agreed to sell his interest in the east half of the subject right-of-way to the vacation petitioner.

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 existing buildings and vehicular access locations within this block are shown on the attached Exhibit B. No property will have impaired access as a result of the proposed alley vacation.
2. The vacation petitioner has undergone an informal Planning Bureau review for the construction of a single-family house on this site. Certain Zoning Code variances may be required and must be successfully obtained prior to the issuance of a building permit.
3. On October 16, 2003, the City of Long Beach 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. The Planning Department staff report is included as Exhibit C.
4. This alley lies adjacent to the 100-foot wide former rail right-of-way, which is now Park property. The subject strip of land was dedicated for public alley purposes and has never been a part of the Park. Through this action, no portion of the alley, if vacated, would revert to and become a part of the Park. The division of property that the adjoining landowners have agreed to is shown on the attached Exhibit D. The City of Long Beach does not guarantee reversionary rights over the vacated right-of-way.
5. There is a storm drain in the 30-foot wide right of way to be vacated as shown on page 2 of the attached Exhibit E. This storm drain necessitates the reservation of a utility easement with the

resolution vacating. The developer intends to realign the storm drain to better accommodate his proposed development. After that occurs, the City will quitclaim any portion of the easement no longer needed.

6. The interested City Departments have reviewed the proposed right-of-way vacation and development and have no objections to this action, subject to the attached Exhibit E (conditions of approval). The Department of Parks, Recreation and Marine conditioned this vacation with a requirement to build a wall along the northerly side of the 100-foot wide park parcel as shown on page 2 of Exhibit E. The purpose of this wall is to prevent vehicular access onto Park property. The Fire Prevention Bureau conditioned this vacation with a requirement to pave the alley portion shown on page 2 of Exhibit E. The purpose of this paving is to improve Fire Department access within this block.

7. This resolution of intention to vacate states that it is the intent of City Council that the proposed vacation not occur until such time as the Director of Planning and Building and the City Engineer certify that conditions attached by the Planning Commission have been complied with. Posting of a bond adequate to provide for the required improvements will satisfy this intent.

The proposed resolution of intention to vacate was prepared by Deputy City Attorney Lisa Peskay Malmsten on October 26, 2004. In conformance with the California Environmental Quality Act, Categorical Exemption Number CEP 627-03 was issued for this project.

[Timing Considerations]

A vacation processing fee of \$1000 was deposited to the General Fund (GP) in the Department of Public Works (PW).

Approve recommendation.

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[Respectfully Submitted,]