

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 RESOLUTION NO. RES-09-0040

2
3 A RESOLUTION ORDERING THE SUMMARY
4 VACATION OF THE ALLEYS WEST OF ATLANTIC
5 AVENUE AND NORTH OF 15TH STREET ADJACENT TO
6 THE ROOSEVELT ELEMENTARY SCHOOL, IN THE CITY
7 OF LONG BEACH, COUNTY OF LOS ANGELES, STATE
8 OF CALIFORNIA PURSUANT TO CHAPTER 4, PART 3 OF
9 DIVISION 9 OF THE CALIFORNIA STREET AND
10 HIGHWAYS CODE

11
12 WHEREAS, the City Council of the City of Long Beach adopts this
13 resolution pursuant to Chapter 4 of the Public Streets, Highways and Service Easements
14 Vacation law (Streets and Highways Code Sections 8330 et seq.); and

15 WHEREAS, this resolution vacates the alleys west of Atlantic Avenue and
16 north of 15th Street adjacent to the Roosevelt Elementary School described more
17 particularly as follows:

18
19 Those portions of the Holloway, Pike and Torrey Tracts in the City
20 of Long Beach, County of Los Angeles, State of California, as per
21 map recorded in Book 6, Page 175 of Maps, in the office of the
22 County Recorder of said county, described as follows:

23
24 Parcel A

25 The north-south alley ten (10) feet wide beginning at the northerly
26 right-of-way of Fifteenth Street (50 feet wide) to the westerly
27 prolongation of the north line of the south twenty (20) feet of Lot 34
28 of said Holloway, Pike and Torrey Tract, said ten (10) foot wide

1 alley being adjacent to Lots 34 through 37 of said tract, said north-
2 south alley more particularly described in that certain deed
3 recorded on December 4, 1907 in Book 3238, Page 171 of Deeds,
4 in the Office of the County Recorder.

5
6 Parcel B

7 The southerly twenty (20) feet of said Lot 34, said southerly twenty
8 (20) feet more particularly described in that certain deed recorded
9 on June 20, 1963, in Book D-2073, Page 387 of Deeds, as
10 Instrument No. 4539 of Official Records of said county.

11
12 Parcel C

13 That portion of Lot 35 of said Tract more particularly described as
14 follows:

15 Beginning at the northwest corner of said Lot 35; thence south
16 along the westerly boundary of said Lot 35 seven (7) feet; thence
17 northeasterly to a point on the northerly boundary of said Lot 35,
18 said point being seven (7) feet distant east from said northwest
19 corner of said Lot 35; thence west seven (7) feet to the point of
20 beginning, said portion more particularly described in that certain
21 deed recorded on June 20, 1963 in Book D-2073, Page 382 of
22 Deeds as Instrument No. 4537 of Official Records of said county.

23
24 Over all of the above, reserving unto the City of Long Beach, its
25 successors and assigns, a perpetual easement and right-of-way, at
26 any time or from time to time, to lay, construct, maintain, operate,
27 repair, renew, replace, change the size of and remove the existing
28 utility lines, including but not limited to sanitary sewers, with the

1 right of ingress to and egress from the same, over, through, under,
2 along and across that certain property vacated herewith; and
3 pursuant to any existing franchises or renewals thereof, or
4 otherwise, to construct, maintain, operate, replace, remove, renew
5 and enlarge lines of conduits, cables, wires, poles and other
6 convenient structures, equipment and fixtures for the operation of
7 telephone lines and other communication lines, and for the
8 transportation or distribution of electric energy, and incidental
9 purposes including access and the right to keep the property free
10 from inflammable materials, and wood growth, and otherwise
11 protect the same from all hazards in, upon and over the part
12 vacated. Access for maintenance of the above-mentioned facilities
13 must be maintained at all times. No improvements shall be
14 constructed within the easement which would impede the
15 operation, maintenance or repair of said facilities. Construction of
16 any improvements, including changes of grade, shall be subject to
17 the prior written approval of all the City departments and public
18 utilities responsible for the above said facilities.

19
20 WHEREAS, the above-described property is excess right-of-way and is not
21 required for street or highway purposes; and

22 WHEREAS, the vacation of this right-of-way will not cut off all access to any
23 adjoining property; and

24 WHEREAS, this property is a portion of a street or highway that lies within
25 property under one ownership and that does not continue through such ownership or end
26 touching property of another;

27 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
28 follows:

1 Section 1. Pursuant to Chapter 4, Part 3 of Division 9 of the California
2 Streets and Highways Code (Sections 8330 et seq.), the following findings are made
3 regarding the above-described property:

4 A. That the document, Sketch No. 983V, attached hereto as
5 Exhibit "A", accurately depicts the property to be vacated.

6 B. That the findings of fact made by the City Council for the
7 purposes of this summary vacation of excess right-of-way pursuant to
8 California Streets and Highways Code Section 8334(b), set forth in the
9 document entitled "City Council Findings" and attached hereto as Exhibit
10 "B", are incorporated herein and made a part of this resolution by this
11 reference.

12 Section 2. The above-described portion of the right-of-way is hereby
13 vacated and closed. From and after the date this resolution is recorded, such vacated
14 right-of-way shall no longer constitute a street or highway.

15 Section 3. The City Clerk is hereby instructed to certify to the adoption of
16 this resolution, and to cause a certified copy to be recorded in the Office of the County
17 Recorder of the County of Los Angeles, California.

18 Section 4. This resolution shall take effect immediately upon its adoption
19 by the City Council.

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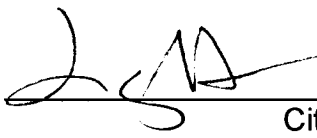
28 ///

1 I hereby certify that the foregoing resolution was adopted by the City
2 Council of the City of Long Beach at its meeting of April 21, 2009,
3 by the following vote:

4
5 Ayes: Councilmembers: S. Lowenthal, DeLong, O'Donnell,
6 Schipske, Andrews, Reyes Uranga,
7 Gabelich, Lerch.

8
9 Noes: Councilmembers: None.

10
11 Absent: Councilmembers: None.

12
13
14
15 
16 _____
17 City Clerk

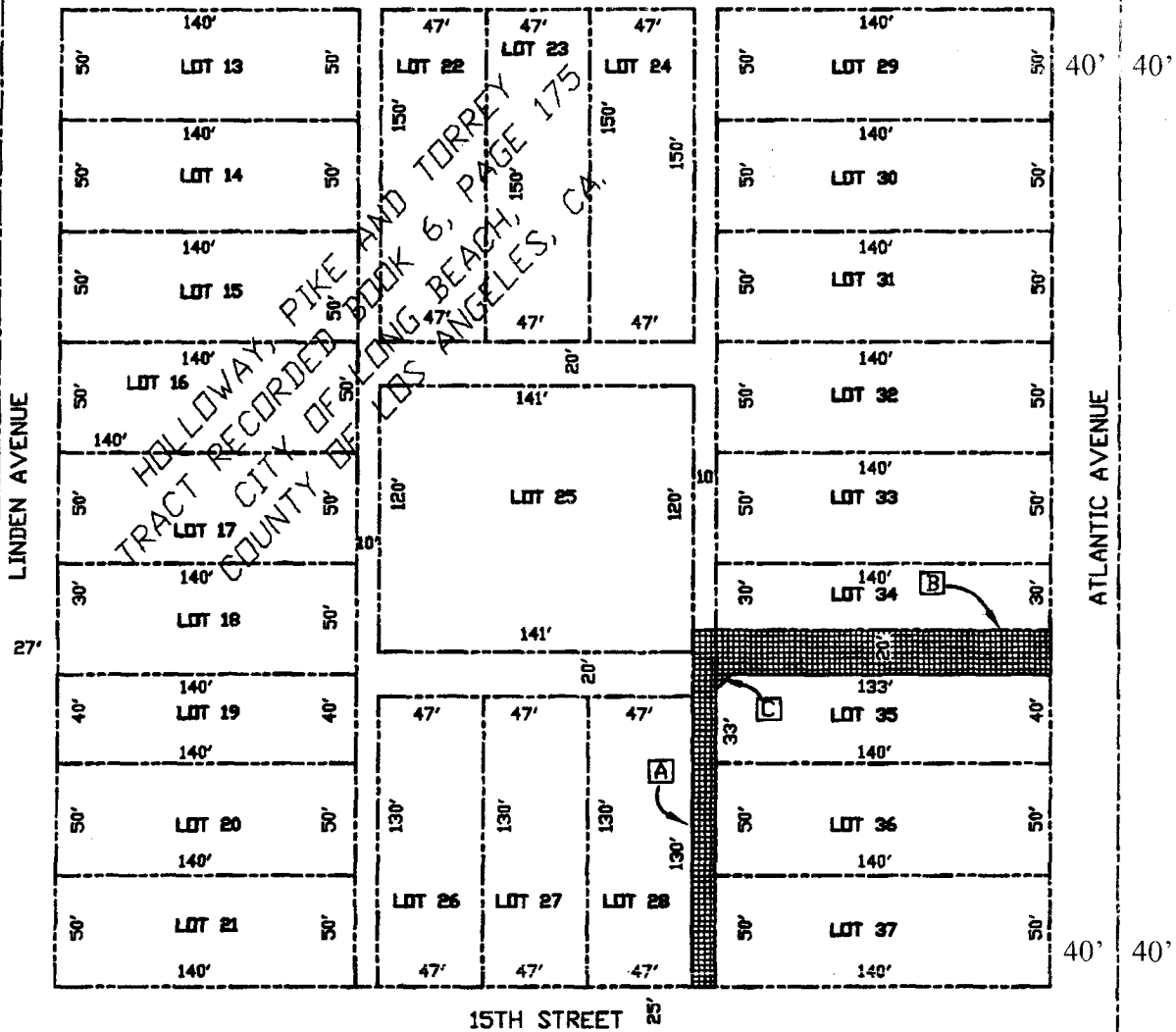
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SKETCH DEPICTING A PORTION OF ALLEY EAST OF ATLANTIC AVE.
AND NORTH OF FIFTEENTH STREET TO BE VACATED BY THE

CITY OF LONG BEACH.

16TH STREET 30'



RECORD DATA:

- [A] = DEED RECORDED IN BOOK 3238/PG 171 OF DEEDS
- [B] = DEED RECORDED JUN 20, 1963 AS INST# 4539 OR
- [C] = DEED RECORDED JUN 20, 1963 AS INST# 4537 OR

LEGEND:

- PORTION OF ALLEY TO BE VACATED
- CENTERLINE OF STREET
- PROPERTY LINE



3-18-08

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DMc Engineering
Civil - Surveying - Planning - Construction
18 Technology Drive, Suite 100
Irvine, CA 92718
(949) 753-0885 FAX (949) 753-0822

SCALE IN FEET
1 inch = 80 ft.

1574 LINDEN AVE. LONG BEACH,
ROOSEVELT SCHOOL

ALLEY VACATION

JN 1004

CITY COUNCIL FINDINGS

VACATION OF THE PUBLIC ALLEYS WEST OF ATLANTIC AVENUE AND NORTH OF 15TH STREET ADJACENT TO THE ROOSEVELT ELEMENTARY SCHOOL Reference Sketch No. 983V

1. The subject right-of-way is unnecessary for present or prospective public use. This finding is based upon the following subfindings:
 - a) The Long Beach Unified School District owns all of the property adjacent to the alleys to be vacated, and there are no other property owners taking access from these alleys.
 - b) The District proposes to build a parking lot to serve the Roosevelt Elementary School on their recently acquired lots and privatize the alley drive aisles.
 - c) On October 16, 2008, 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.
 - d) The interested City departments, including Fire and Police, have reviewed the proposed right-of-way vacation and have no objections to this action. A utility easement will be reserved as a condition of approval.
 - e) The rights-of-way would not be useful for exclusive bikeway purposes.

2. The vacation of said rights-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.

- f) In conformance with the California Environmental Quality Act, Categorical Exemption Number CE 127-08 was issued for this project.

EXHIBIT B