



December 14, 2010

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

## RECOMMENDATION

Adopt a resolution ordering the summary vacation of Cowles, 14<sup>th</sup>, 15<sup>th</sup>, and 16<sup>th</sup> Streets, all located east of San Francisco Avenue. (District 1)

## DISCUSSION

On June 7, 2010, pursuant to a Real Estate Exchange Agreement, the City of Long Beach conveyed 10.7 acres of City Property to LCW Yard, LLC, in exchange for 33.77 acres of land within the Los Cerritos Wetlands. This area was previously utilized as a part of the City's street maintenance operations. Four dedicated streets separate the parcels that comprise the 10.7 acres, all terminating at the east boundary of the Los Angeles River right-of-way. One of the City's obligations under the Real Estate Exchange Agreement was for staff to commence the steps required to request vacation of those streets included within the boundaries of the conveyed property. Consistent with this requirement, staff presents this item for Council consideration. The street areas proposed to be vacated, are 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 8334 of that Chapter states that the legislative body of a local agency may summarily vacate that portion of right-of-way that is excess right-of-way, not required for street or highway purposes. The Department of Public Works supports this action based on the following evidence, facts, and conditions, finding that the dedicated rights-of-way to be vacated are unnecessary for present or future public use.

1. On June 7, 2010, the City of Long Beach conveyed 10.7 acres of City Property to LCW Yard, LLC, as shown on the attached Exhibit B, which encompass the streets proposed to be vacated.
2. On December 2, 2010, 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, Categorical Exemption Number CE 55-10 was issued for this project.

3. There are public utility facilities in the areas proposed to be vacated. Utility easements will, therefore, be reserved and maintained over the entire area being vacated until such time as these utility facilities are properly abandoned or re-routed to facilitate redevelopment of the site, or upon a City determination that limited areas are free and clear of any public utilities.
4. The east edge of the Los Angeles River right-of-way is the westerly limit of the street areas being vacated. Consistent with the May 2008 Long Beach Riverlink plan, the Anaheim Street frontage road will remain in place to accommodate a bicycle connection to the LARIO TRAIL.
5. 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.

The City of Long Beach does not guarantee reversionary rights over the vacated right-of-way.

This matter was reviewed by Deputy City Attorney Linda Trang on November 17, 2010, and by Budget and Performance Management Bureau Manager Lou Palmer on November 19, 2010.

TIMING CONSIDERATIONS

City Council action is being requested on December 14, 2010 to comply with the City's obligation under the Real Estate Exchange Agreement

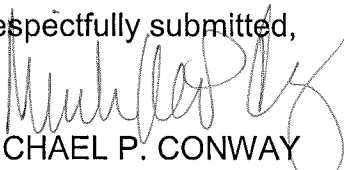
FISCAL IMPACT

A vacation-processing fee of \$9,923 was waived in partial compensation for the post-closing occupancy of the conveyed property, without charge. Development of this site, while undetermined in nature, should provide a positive impact on local jobs.


SUGGESTED ACTION:

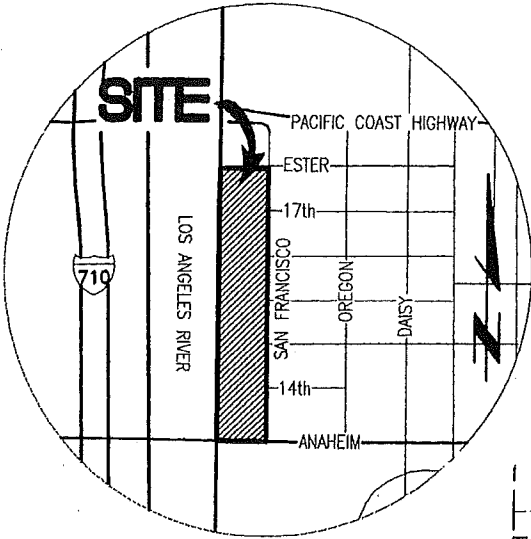
Approve recommendation.

Respectfully submitted,

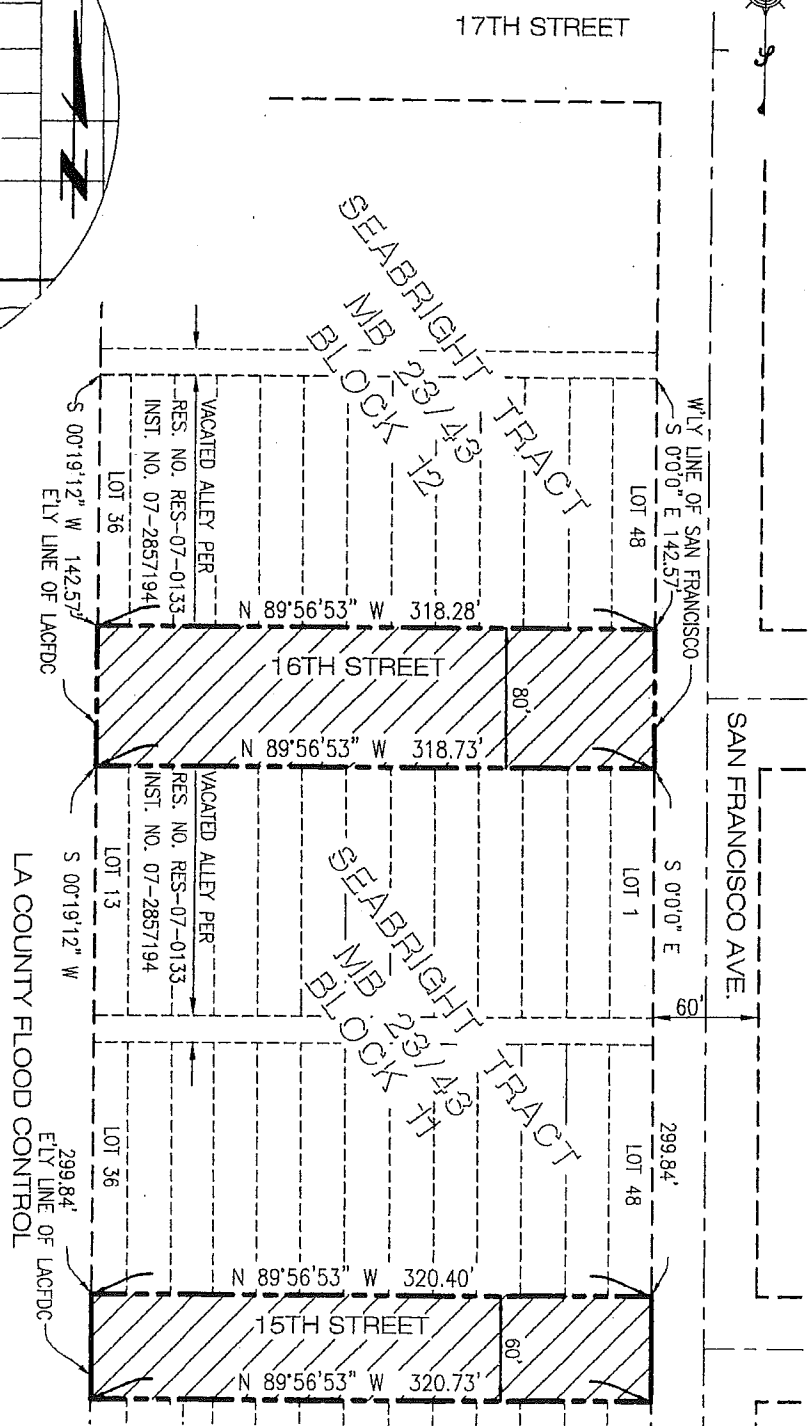
  
MICHAEL P. CONWAY  
DIRECTOR OF PUBLIC WORKS

APPROVED:

  
PATRICK H. WEST  
CITY MANAGER

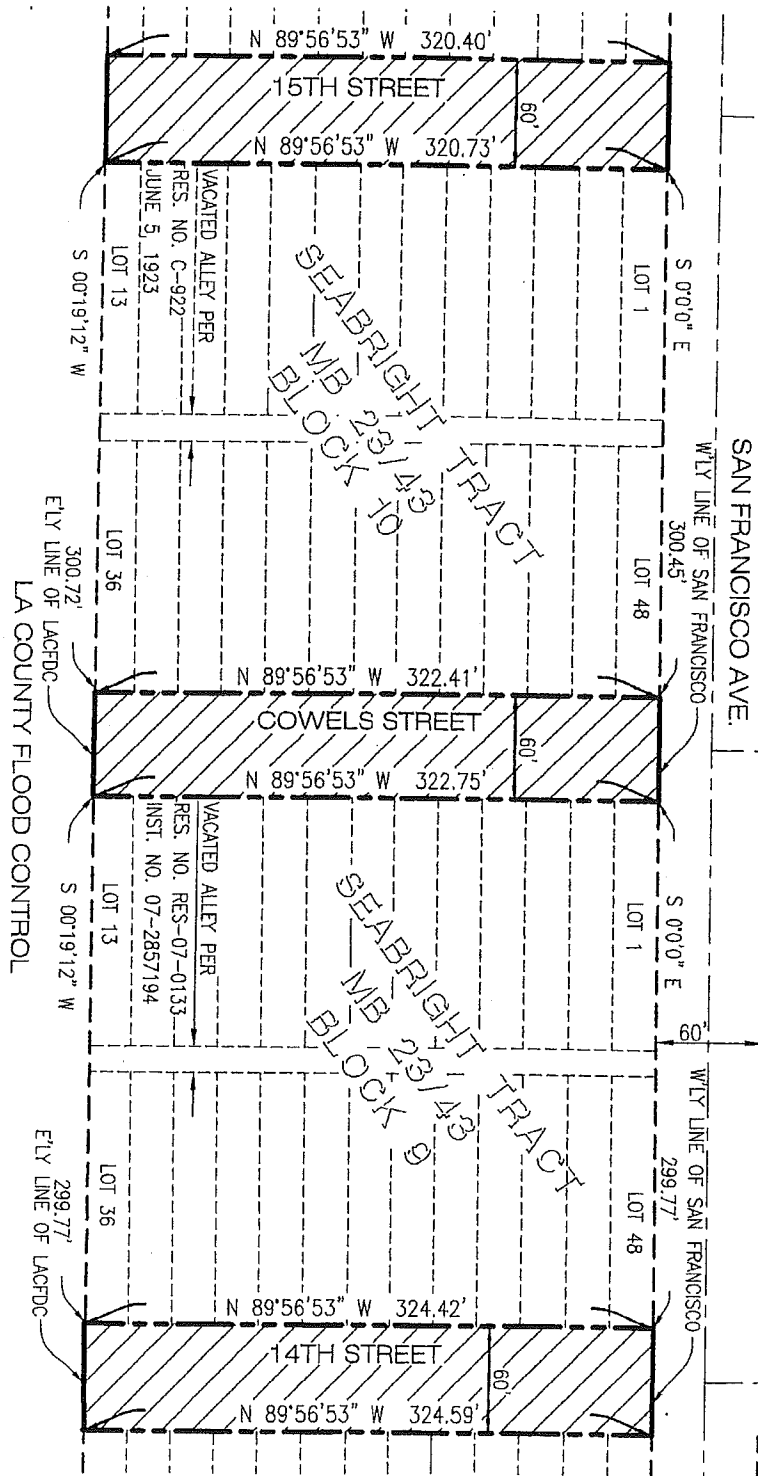


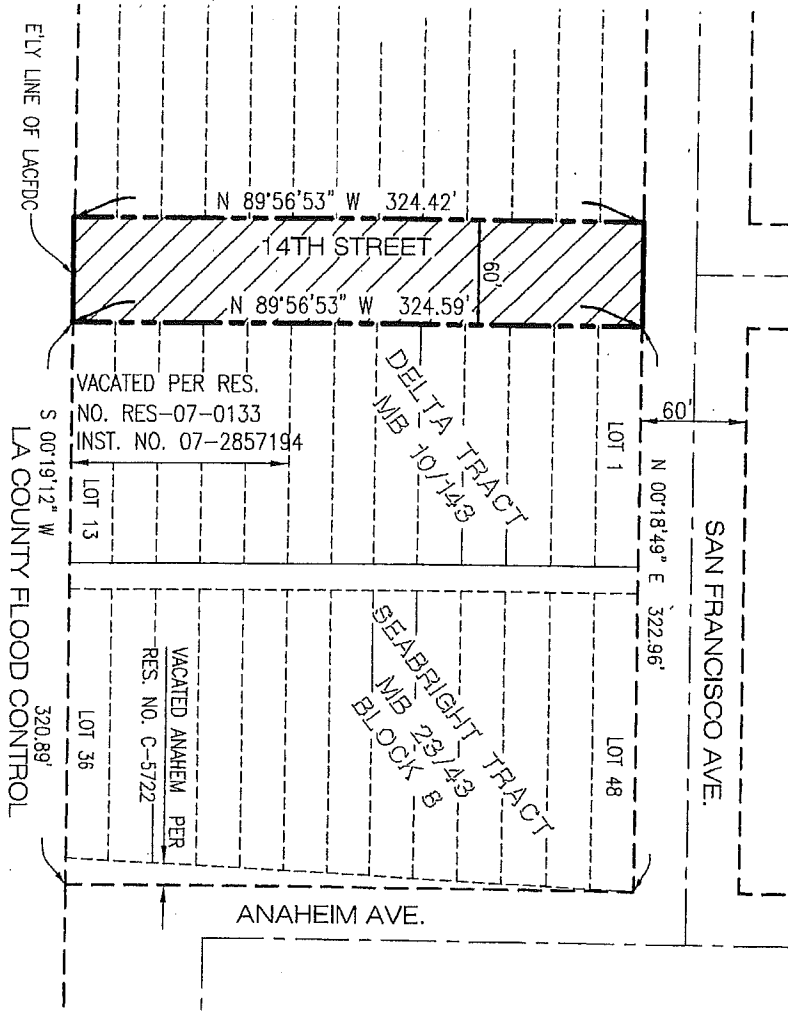
Vicinity Map  
N.T.S.

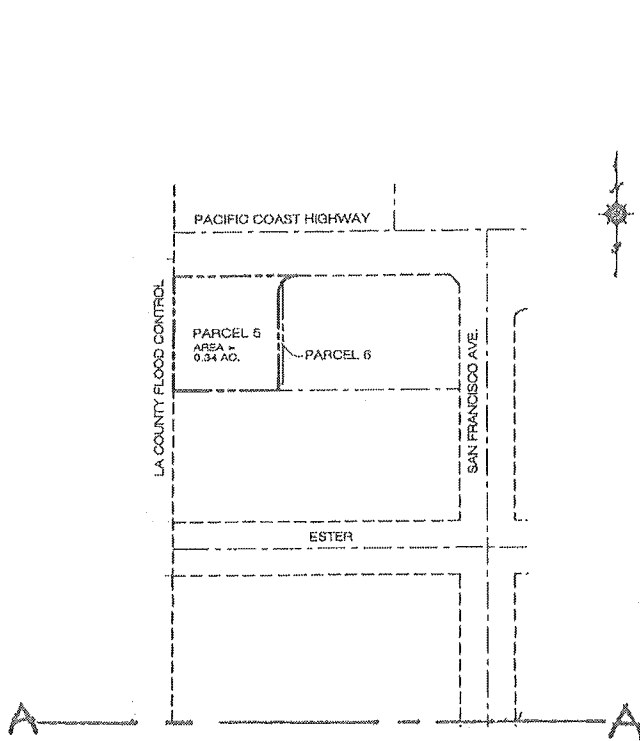


LARRY V. CASE  
LS 5411

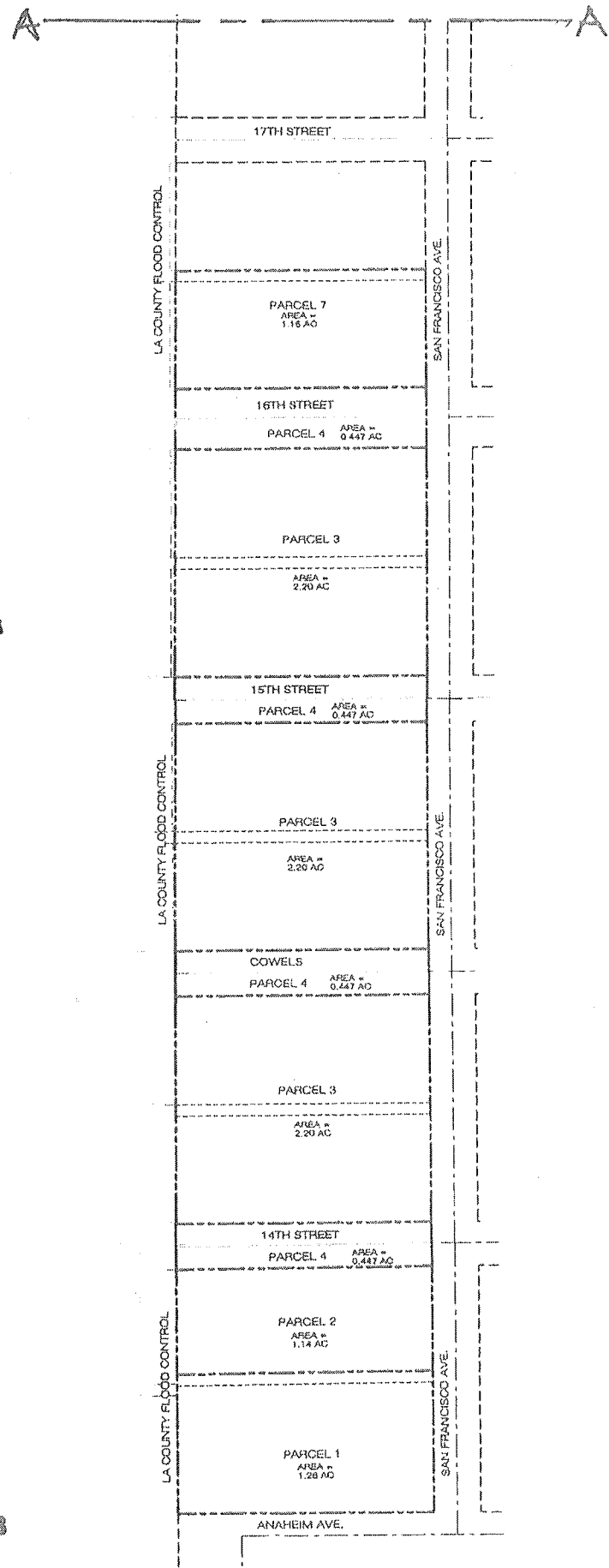
 INDICATES AREA TO BE VACATED







**PARCELS SOLD TO LCW YARD, LLC, a Delaware limited liability Company in June of 2010.**



**EXHIBIT B**

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

RESOLUTION NO.

A RESOLUTION ORDERING THE VACATION OF FOURTEENTH, COWLES, FIFTEENTH, AND SIXTEENTH STREETS, ALL LOCATED WEST OF SAN FRANCISCO 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

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

WHEREAS, this resolution vacates Fourteenth, Cowles, Fifteenth, and Sixteenth Streets, all west of San Francisco Avenue described more particularly as follows:

Those portions of Fourteenth Street (formerly Chicago Avenue), Cowles Street (formerly Kansas Avenue), Fifteenth Street (formerly California Avenue), and Sixteenth Street (formerly Pacific Avenue), as shown on the map titled "Blocks in the Town of Seabright", in the City of Long Beach, County of Los Angeles, State of California, as per map recorded in Book 55, Page 2 of Miscellaneous Records, in the office of the County Recorder of said County;

Said portions lying westerly of the easterly line of Block 8 as shown on said map and the northerly prolongation of said easterly line; and, lying westerly of the westerly line of said Block 8 and the

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

northerly prolongation of said westerly line.

Reserving unto the City of Long Beach, its successors and assigns a perpetual easement and right-of-way, at any time or from time to time, to lay, construct, maintain, operate, repair, renew, replace, change the size of and remove the existing utility lines, including, but not limited to, sanitary sewers, storm drains and appurtenant structures, together with all necessary gates, valves, fittings, hydrants and appurtenances for the transportation of water and gas, with the right of ingress to and egress from the same, over, through, under, along and across that certain property vacated herewith; and pursuant to any existing franchises or renewals thereof, or otherwise, to construct, maintain, operate, replace, remove, renew and enlarge lines of conduits, cables, wires, poles and other convenient structures, equipment and fixtures for the operation of telephone lines and other communication lines, and for the transportation or distribution of electric energy, and incidental purposes including access and the right to keep the property free from inflammable materials, and wood growth, and otherwise protect the same from all hazards in, upon and over the part vacated. Access for maintenance of the above-mentioned facilities must be maintained at all times. No improvements shall be constructed within the easement which would impede the operation, maintenance or repair of said facilities. Construction of any improvements, including changes of grade and excavations of over 2 feet deep, shall be subject to the prior written approval of all the City departments and public utilities responsible for the above said facilities.



1  
2 WHEREAS, the above-described property is excess right-of-way and is not  
3 required for street or highway purposes; and

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

6 WHEREAS, this property is an excess right-of-way of a street or highway  
7 not required for street or highway purposes;

8 NOW, THEREFORE, the City Council of the City of Long Beach resolves as  
9 follows:

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

13 A. That the document attached hereto as Exhibit "A", accurately  
14 depicts the property to be vacated.

15 B. That the findings of fact made by the City Council for the  
16 purposes of this summary vacation of excess right-of-way pursuant to  
17 California Streets and Highways Code Section 8334(a), set forth in the  
18 document entitled "City Council Findings" and attached hereto as Exhibit  
19 "B", are incorporated herein and made a part of this resolution by this  
20 reference.

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

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

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of \_\_\_\_\_, 20\_\_, by the following vote:

Ayes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Noes: Councilmembers: \_\_\_\_\_

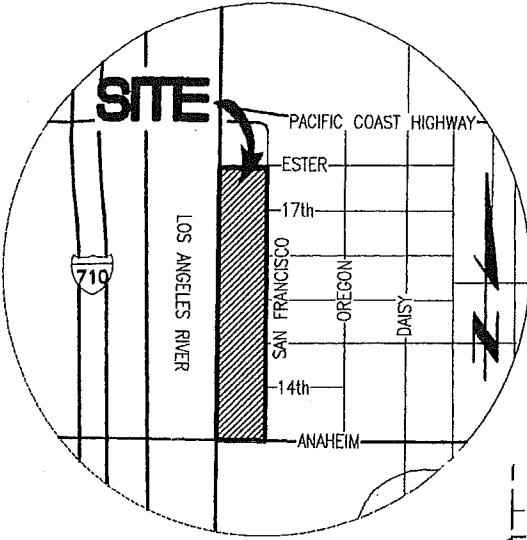
\_\_\_\_\_

Absent: Councilmembers: \_\_\_\_\_

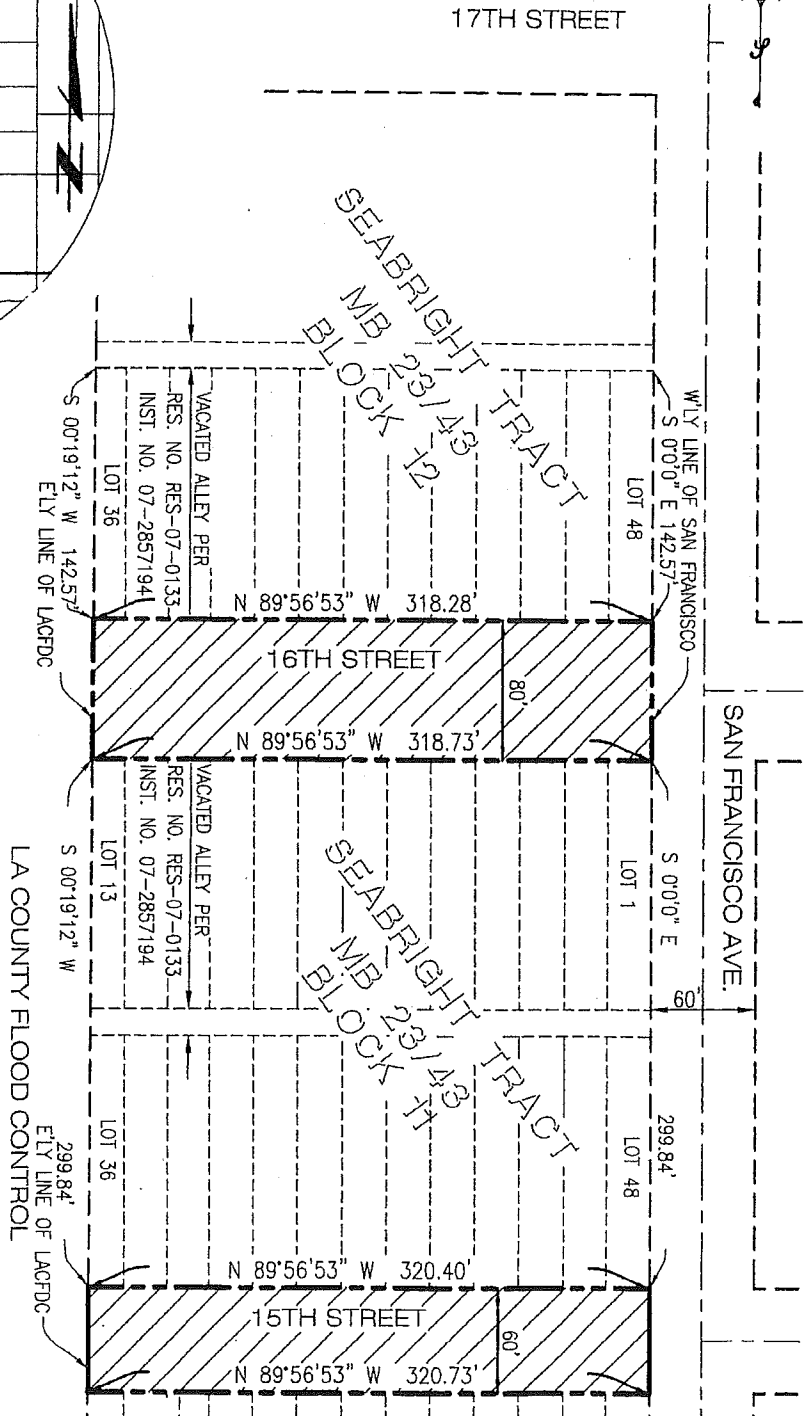
\_\_\_\_\_

\_\_\_\_\_  
City Clerk

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

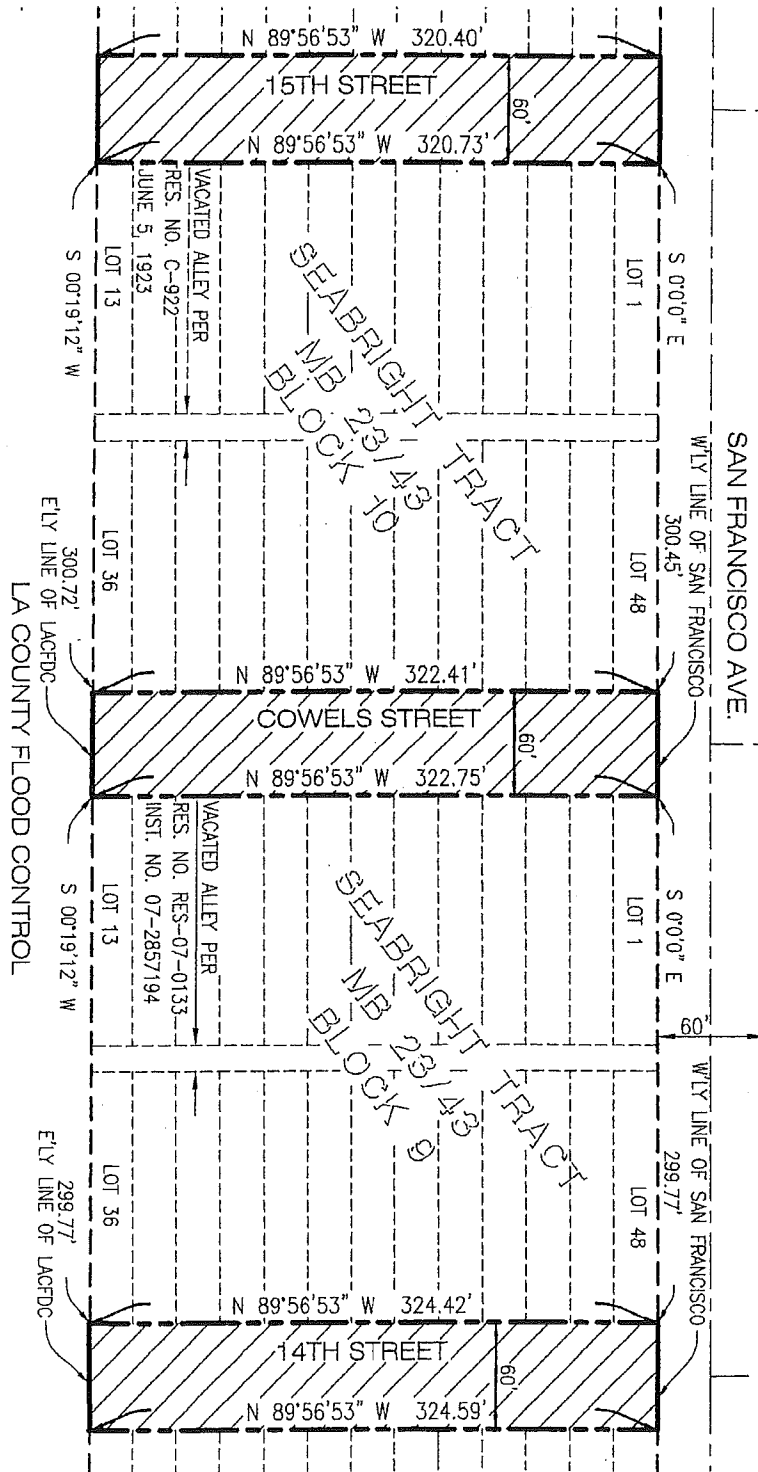


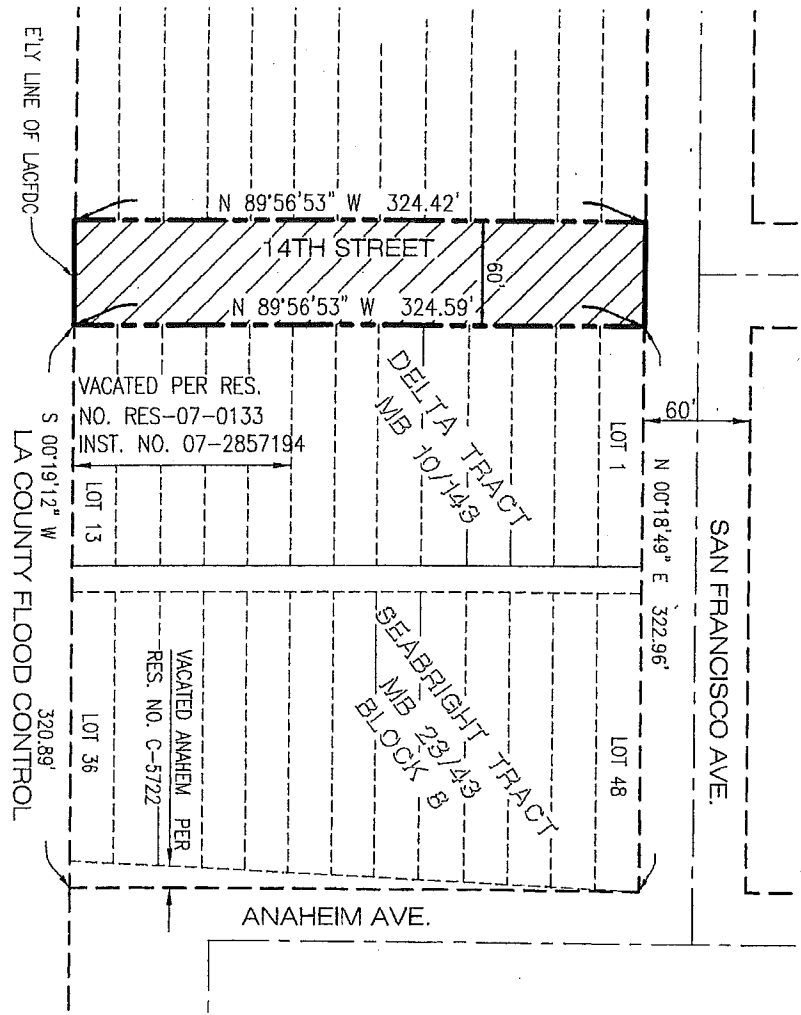
Vicinity Map  
N.T.S.



LARRY V. CASE  
LS 5411

 INDICATES AREA TO BE VACATED





## CITY COUNCIL FINDINGS

### VACATION OF FOURTEENTH, COWLES, FIFTHTEENTH AND SIXTEENTH STREETS, ALL WEST OF SAN FRANCISCO AVENUE Reference Sketch No. 994V

---

1. The subject right-of-way is unnecessary for present or prospective public use.

This finding is based upon the following subfindings:

- a) On June 7, 2010 the City of Long Beach sold a 10.7-acre portion of City Property, previously known as the City of Long Beach Public Service Maintenance Facility, to LCW Yard, LLC, a private land development entity.
  - b) Dedicated street rights-of-way within the Public Service Maintenance Facility had not been used nor improved for public right-of-way purposes for over 30 years. They provide no through access.
  - c) On December 2, 2010, the Planning Commission determined that the subject vacation 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 rights-of-way are not and will not be needed for public use.
- f) In conformance with the California Environmental Quality Act, Categorical Exemption No. CE-55-10 was issued for this project.

**EXHIBIT B**