



CITY OF LONG BEACH

C-13

DEPARTMENT OF PUBLIC WORKS

333 WEST OCEAN BOULEVARD • LONG BEACH, CA 90802 • (562) 570-6383 • FAX (562) 570-6012

April 21, 2009

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Adopt a resolution ordering the summary vacation of those certain alleys west of Atlantic Avenue and north of 15th Street adjacent to the Roosevelt Elementary School. (District 1)

DISCUSSION

The Roosevelt Elementary School occupies most of the block bounded by Atlantic Avenue, 15th Street, Linden Avenue, and 16th Street. Recently, the Long Beach Unified School District (District) acquired the last three lots on this block (lots 35, 36, and 37), which were separated from the rest of the block by public alleys. The District intends to build a school parking lot on these lots incorporating the adjacent alleys, and has asked the City to vacate the alleys 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 8334 of that Chapter states that the legislative body of a local agency may summarily vacate excess right-of-ways not required for street or highway purposes, which lie within property under one ownership and does not continue through such ownership or terminate touching property of another.

The Department of Public Works supports the vacation of these alleys 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. 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.
2. The District proposes to build a parking lot to serve the Roosevelt Elementary School on their recently acquired lots, privatizing the alley drive aisles as shown on the attached Exhibit B.

**DIRECTOR'S OFFICE
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1601 San Francisco Avenue
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Fax (562) 570-2729

3. 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. In conformance with the California Environmental Quality Act, Categorical Exemption Number CE 127-08 was issued for this project. The Planning Department staff report is included as Exhibit C.
4. The interested City departments, including Fire and Police, have reviewed the proposed right-of-way vacation and have no objections to this action. Conditions of approval satisfying the concerns of the public utility companies are shown on Exhibit D. The alley portions to be vacated contain sewer, electrical and other communication lines; therefore, a public utility easement will be reserved.

Deputy City Attorney Linda Trang prepared the attached resolution of summary vacation on March 23, 2009. 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 March 23, 2009, and by Budget and Performance Management Bureau Manager David Wodynski on March 31, 2009.

TIMING CONSIDERATIONS

City Council action is not time sensitive.

FISCAL IMPACT

A vacation processing fee of \$3,000 was deposited to the General Fund (GP) in the Department of Public Works (PW).

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,


MICHAEL P. CONWAY
DIRECTOR OF PUBLIC WORKS

APPROVED:

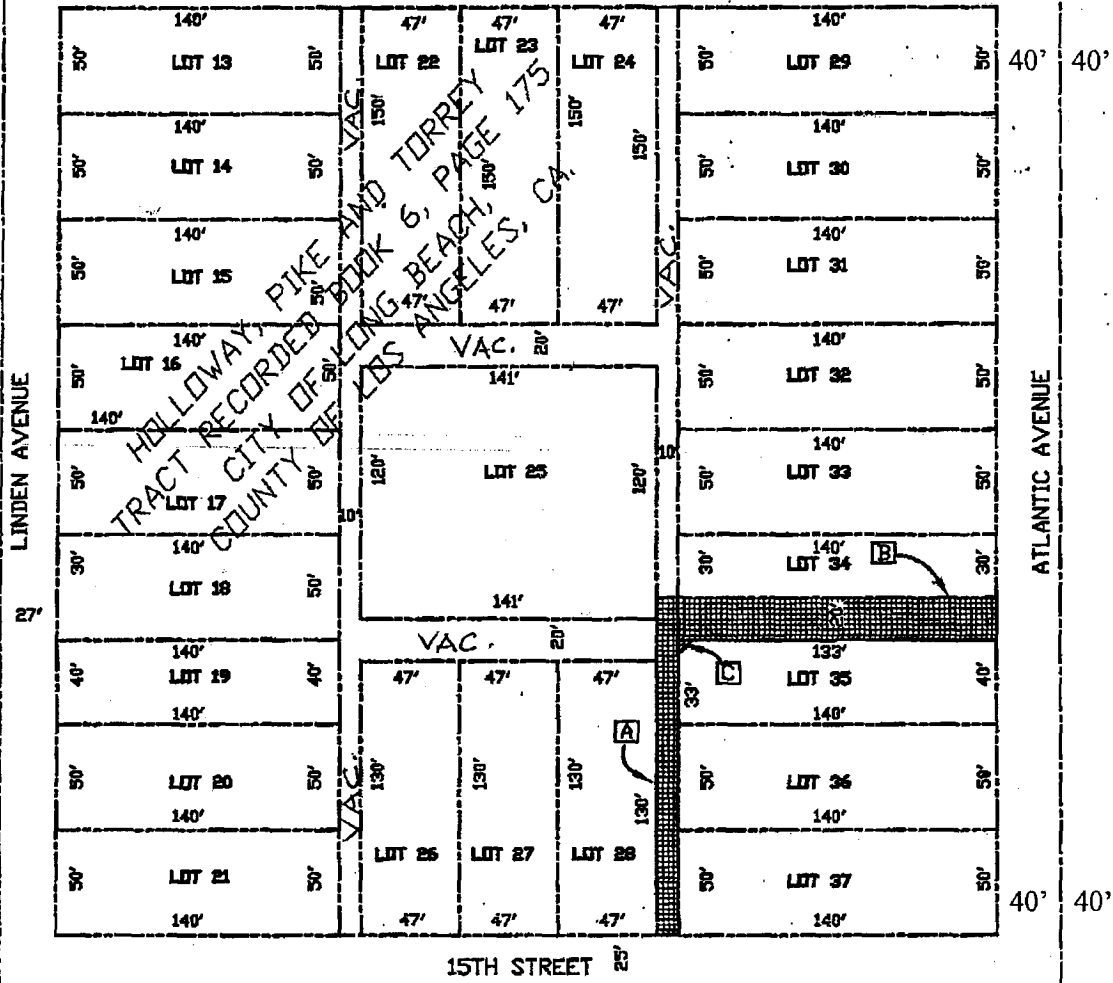

PATRICK H. WEST
CITY MANAGER

MPC:MAC:GMM:SC
P\CL\ROW Roosevelt School alley vacation.doc

- Attachments – Exhibit A – Vacation of alley map
Exhibit B – Parking lot maps
Exhibit C – October 16, 2008 Planning Commission letter
Exhibit D – Conditions of Approval
Resolution

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

CITY OF LONG BEACH.



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:

- [Shaded Area] PORTION OF ALLEY TO BE VACATED
- [Dashed Line] CENTERLINE OF STREET
- [Solid Line] PROPERTY LINE



DMc Engineering
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SCALE IN FEET
1 inch = 80 ft.

**1574 LINDEN AVE. LONG BEACH,
ROOSEVELT SCHOOL
ALLEY VACATION**

3-15-08

JN 1004

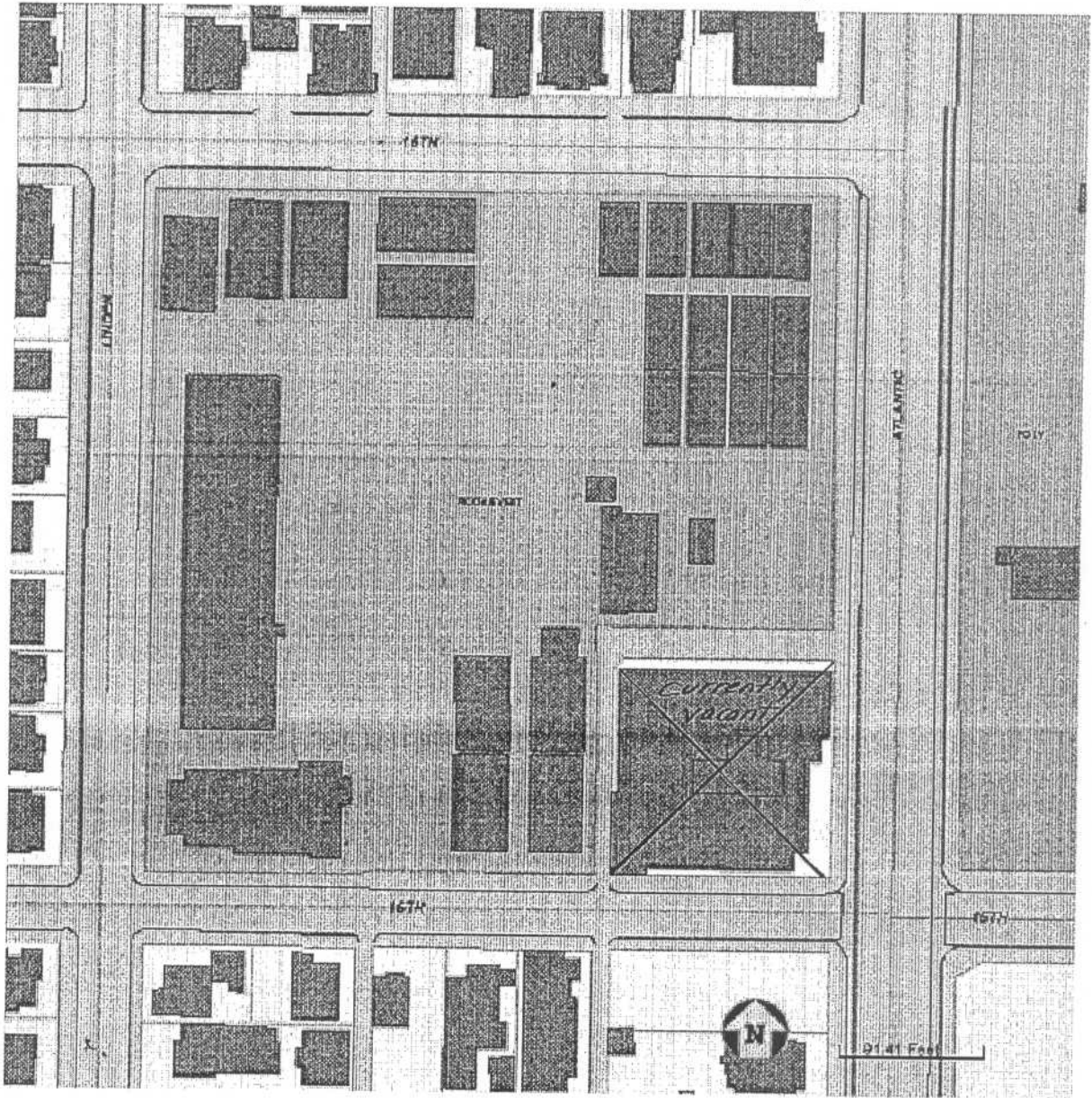
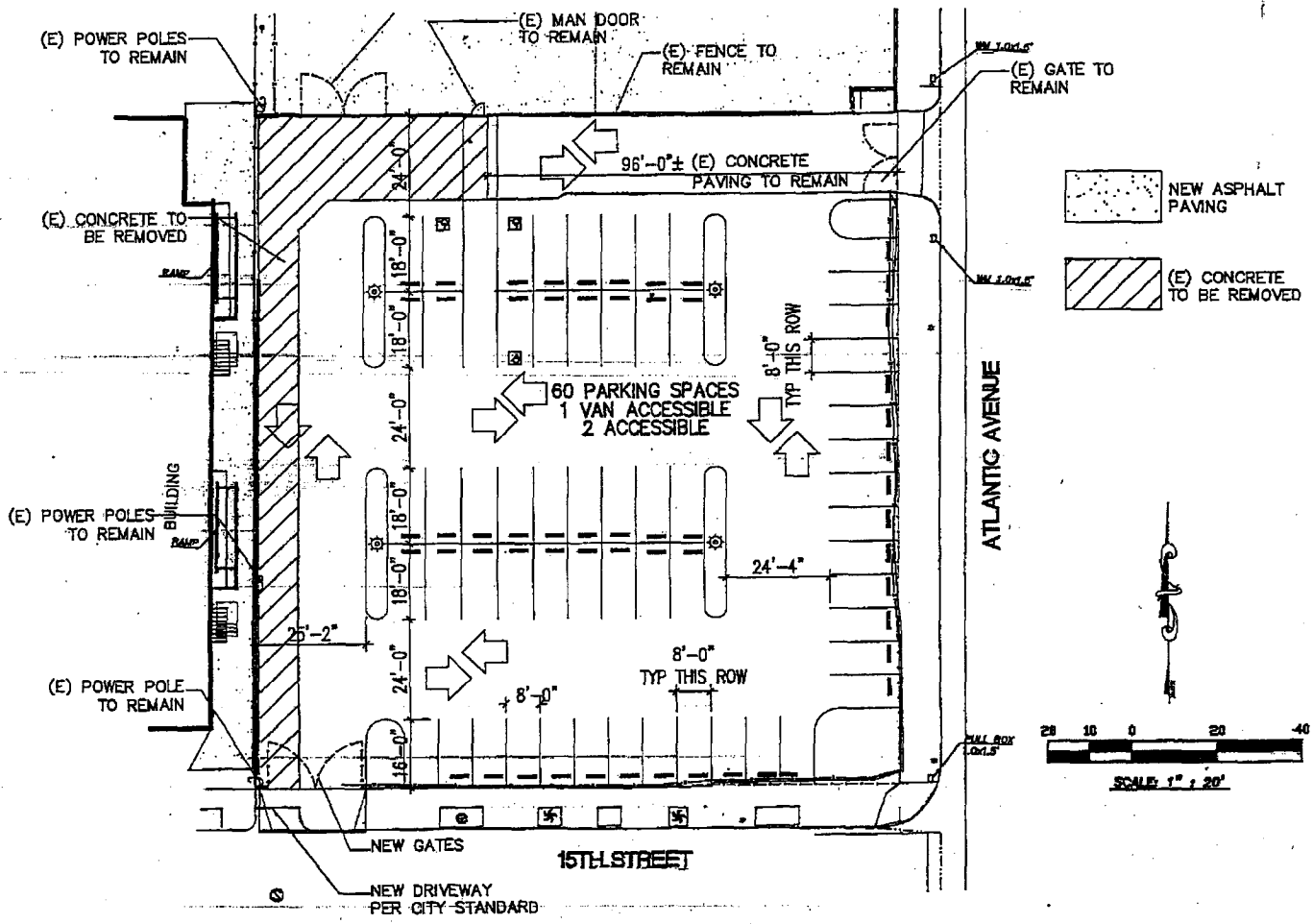


EXHIBIT B
Page 1 of 2



NEW PARKING LOT AT THE NORTHWEST CORNER OF ATLANTIC AVENUE AND 15TH STREET



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Boulevard • Long Beach, CA 90802 • (562) 570-6357 FAX (562) 570-6068

October 16, 2008

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION: Finding of Conformity with the General Plan for a Alley
Vacation Relating to Roosevelt Elementary School. (District 1)

LOCATION: 1574 Linden Avenue

APPLICANT: Carri Matsumoto,
Long Beach Unified School District
2425 Webster Avenue

BACKGROUND

Pursuant to California Government Code Section 65402, no street, parcel or alley may be vacated until such action has been submitted to and reported upon by the Planning Commission as to its conformity with the adopted General Plan. The proposed street vacation is herein submitted for such review.

The applicant proposes to vacate the north-south and east-west alleys at 15th Street and Atlantic Avenue, as indicated in Exhibit A. The Long Beach Unified School District is requesting formal vacation of this street to allow for a contiguous school site and facilitate further upgrades to this facility including an employee parking lot.

A finding of conformity shall be made when the proposed re-use of the property conforms to the maps and policies of the General Plan. A review of the relevant elements was done and staff finds this transfer in conformance, see findings below:

General Plan Consistency Findings

Land Use Element: The subject site is located within Land Use District Number Ten (Institution), where such uses are allowed as a core principle use.

EXHIBIT C

Page 1 of 2

CHAIR AND PLANNING COMMISSIONERS

October 16, 2008

Page 2

Transportation Element: The existing alleys are not identified by the Transportation Element and has been used exclusively by the Long Beach School District since the School District purchased the property. The existing alleys are not necessary to provide access to other properties and Traffic Engineering has determined the vacations will not adversely impact traffic circulation.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. Beck', with a horizontal line extending to the right.

CRAIG BECK

DIRECTOR OF DEVELOPMENT SERVICES

CB:GC:JG:IB

Attachment: Exhibit A – Parcel Map

EXHIBIT C

Page 2 of 2

CONDITIONS OF APPROVAL

SKETCH NO. 983V

The proposal was reviewed by the interested city departments and public agencies, and there were no objections, provided that the following conditions of approval are included:

1. An easement shall be reserved for any existing utilities, which are known to include sewer, electrical and telephone lines. No structures may be constructed or installed over the easement area.
2. All publicly-owned street light standards within Long Beach Unified School District and the alley to be vacated must be returned to City Light and Power, and the power supply circuits to these street light standards must be modified as necessary to the satisfaction of the Director of Public Works.
3. The vacation petitioner shall at its cost resolve any storm water drainage problems resulting from the vacation to the satisfaction of the Director of Public Works.

The above conditions are flexible in that they may be adjusted in consideration of changing conditions or of new evidence which occurs or becomes available prior to the adoption of the resolution vacating by the City Council.

GM:SC/ D71

EXHIBIT D

1 RESOLUTION NO.

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.

20 ///

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

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I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of _____, 2009, by the following vote:

Ayes: Councilmembers: _____

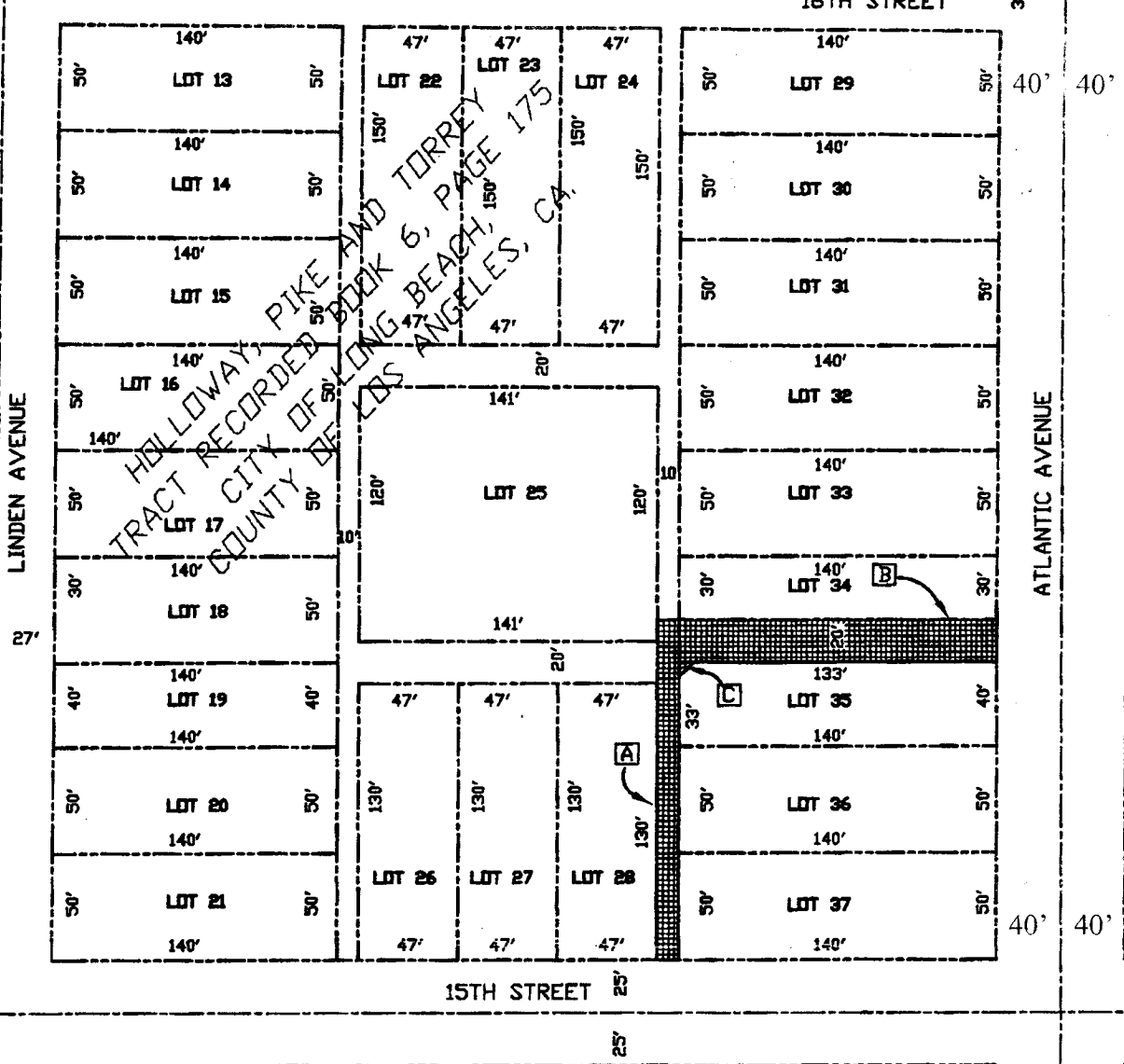
Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

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

CITY OF LONG BEACH.



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LEGEND:

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



3-18-08



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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.