



CITY OF LONG BEACH

DEPARTMENT OF PUBLIC WORKS

H-3

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

August 19, 2008

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive supporting documentation into the record, conclude the public hearing, find that the area to be vacated is not needed for present or prospective public use and adopt the attached resolution ordering the vacation of the east-west alley north of Seventh Street and west of Dawson Avenue. (District 2)

DISCUSSION

The owners of the four properties adjacent to an unpaved, 10-foot wide alley right-of-way have requested that the City vacate it due to crime and other nuisance activities occurring within this right-of-way. These are all residential properties, which have vehicular access to on-site parking from Seventh Street, Dawson Avenue, or the north-south alley in this block. The alley portion to be vacated is shown on the attached Exhibit A.

On July 22, 2008, the City Council adopted Resolution No. RES-08-0078, declaring its intention to vacate the subject right-of-way, and set August 19, 2008, as the date for the public hearing. A copy of the July 22, 2008, City Council letter is attached as Exhibit B.

This matter was reviewed by Budget Management Officer Victoria Bell on July 3, 2008. The proposed resolution was prepared by Deputy City Attorney Linda Trang on June 24, 2008.

TIMING CONSIDERATIONS

The date of this public hearing was set by City Council action.

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FLEET SERVICES
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PUBLIC SERVICE
1601 San Francisco Avenue
Long Beach, CA 90813
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SKETCH NO. 986V
PROPOSED VACATION OF THE EAST-WEST ALLEY IN THE BLOCK
NORTH OF SEVENTH STREET AND WEST OF DAWSON AVENUE

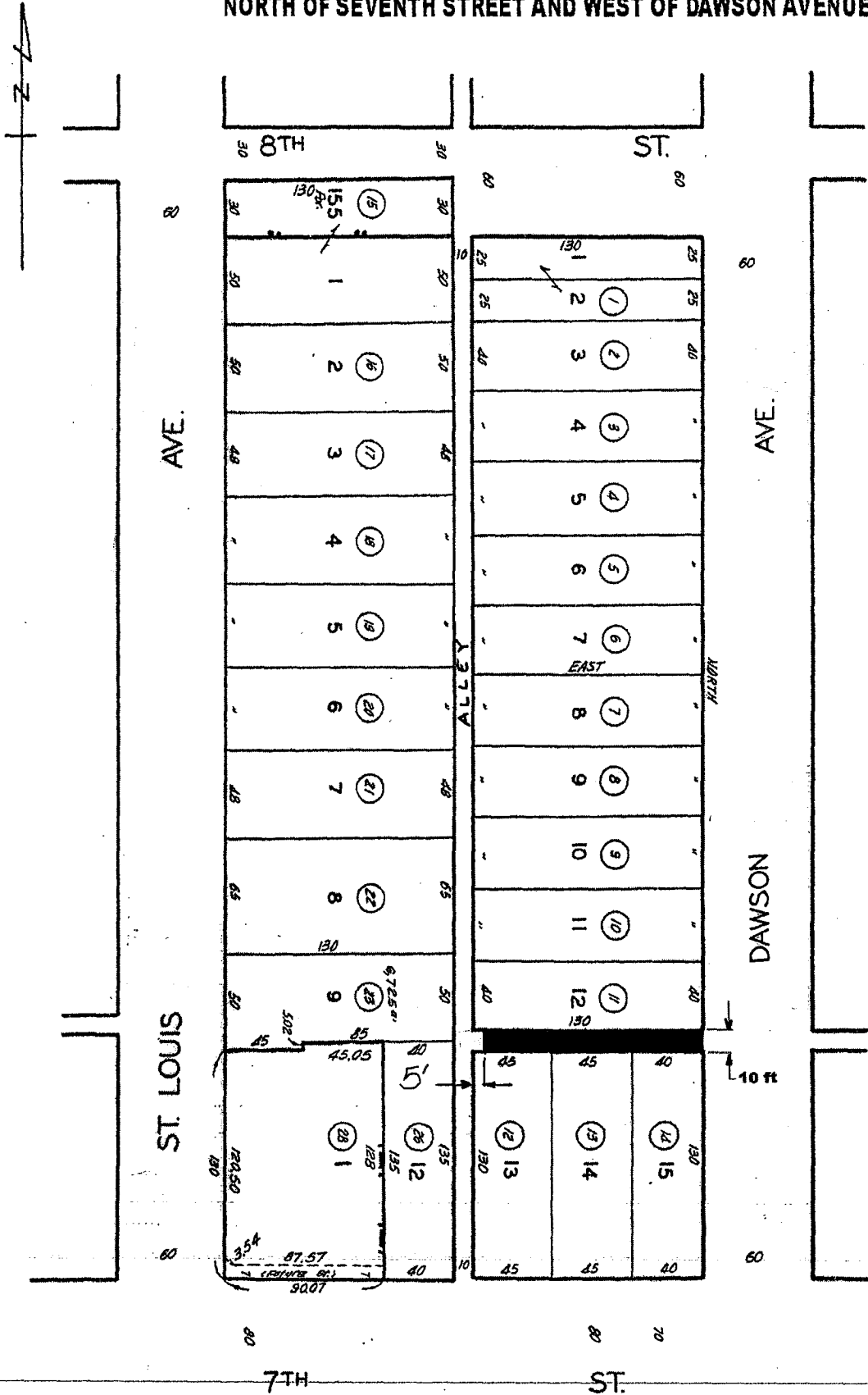


EXHIBIT A



CITY OF LONG BEACH

DEPARTMENT OF PUBLIC WORKS

~~C-12~~

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

July 22, 2008

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Adopt a resolution of intention to vacate the east-west alley north of Seventh Street and west of Dawson Avenue, and set a date for a public hearing on the vacation for August 19, 2008. (District 2)

DISCUSSION

The owners of the four properties adjacent to an unpaved, 10-foot wide alley right-of-way have requested that the City vacate it due to crime and other nuisance activities occurring within this right-of-way. These are all residential properties which have vehicular access to on-site parking from either Seventh Street, Dawson Avenue, or the north-south alley in this block. The alley portion to be vacated is shown on the attached Exhibit A.

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 alley lies adjacent to the four residential properties along East Seventh Street and Dawson Avenue as shown on Exhibit B.
2. Signed statements were submitted from the owners of the four properties confirming that they do not need the east-west alley for access, and all are in agreement as to vacating the alley.
3. On June 5, 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 08-08 was issued for this project. The Planning Department staff report is included as Exhibit C.

EXHIBIT B

Page 1 of 6

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 public hearing on this matter to be held on August 19, 2008, will allow all persons interested in, or objecting to, the proposed vacation to appear and be heard. This matter was reviewed by Budget Management Officer Victoria Bell on July 3, 2008. The proposed resolution of intention to vacate was prepared by Deputy City Attorney Linda Trang on June 24, 2008.

TIMING CONSIDERATIONS

City Council action on this matter is not time critical.

FISCAL IMPACT

A vacation processing fee of \$2,000 was deposited to the General Fund (GP) in the Department of Public Works (PW).

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

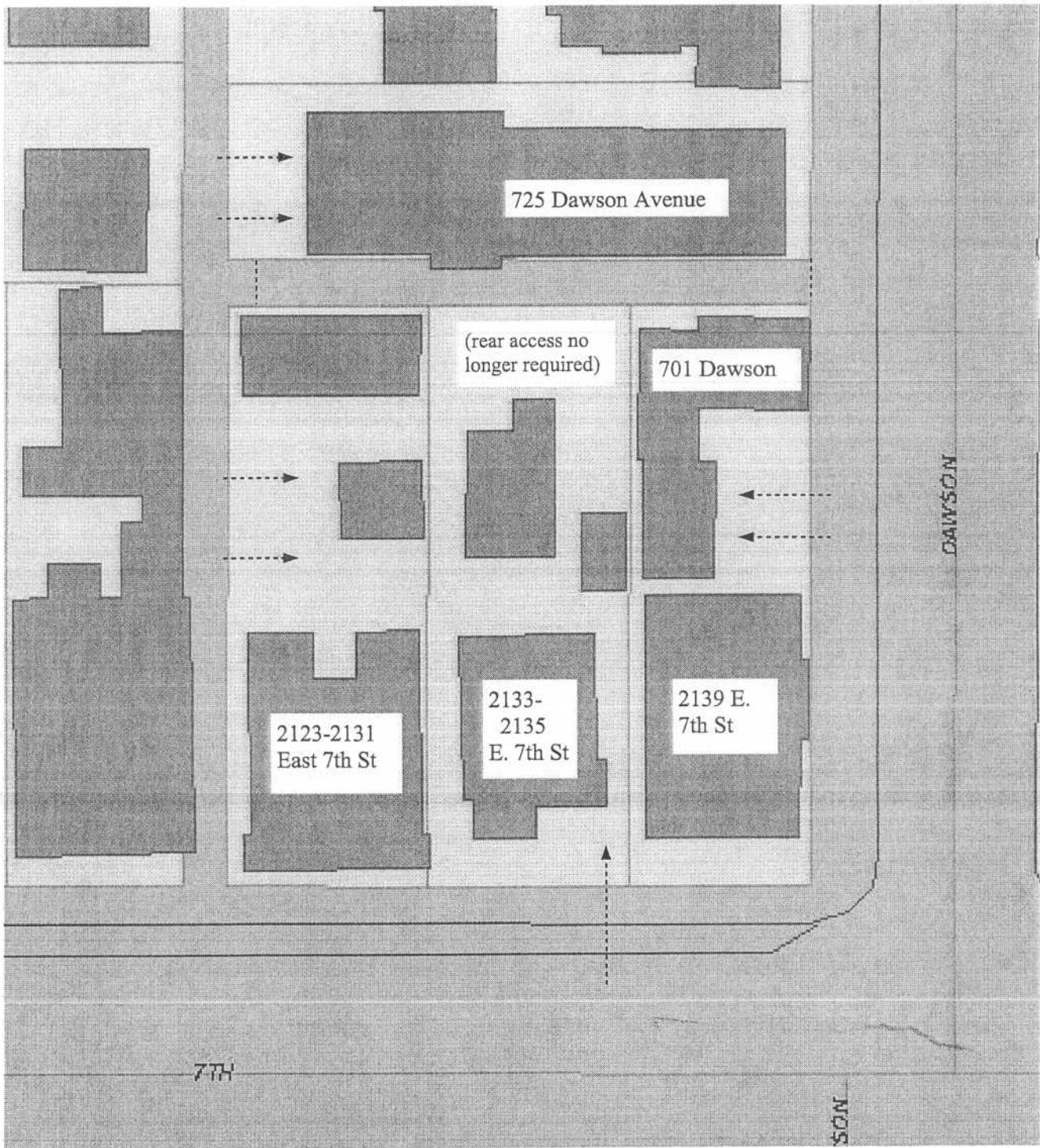

MICHAEL P. CONWAY
DIRECTOR OF PUBLIC WORKS

APPROVED:


PATRICK H. WEST
CITY MANAGER

GMM:SC:db
PIROW Vac Dawson.doc

Attachments



-----> SHOWS VEHICULAR ACCESS

EXHIBIT B
Page 3 of 6

(Note: Exhibit A of July 22 2008 council letter same as Exhibit A of August 19, 2008 council letter-not repeated)



CITY OF LONG BEACH

LONG BEACH DEVELOPMENT SERVICES

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

June 5, 2008

CHAIRMAN AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION: Approve finding of conformity with the adopted General Plan for an alley vacation at 725 Dawson Street. (Council District 2)

APPLICANT: Fernando Soriano
725 Dawson Street

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 public right-of-way vacation is herein submitted for such review.

The applicant proposes to vacate an unpaved alley adjacent to 725 Dawson Street, as depicted in Exhibit A, in order to prevent nuisance behavior and illegal dumping. The alley is currently closed to through traffic and is not needed for traffic circulation. The proposed alley vacation has been reviewed and approved by the Long Beach Public Works Department after consultation with other interested City departments.

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. The General Plan consists of eleven elements and each element of the General Plan carries the same authority concerning land use issues. All elements of the General Plan were considered and staff finds this vacation in conformance with all the elements of the General Plan. A review of the relevant elements and specific General Plan consistency findings are presented below:

General Plan Consistency Findings

The Land Use Element divides the City into 21 land use districts which provide general guidance as to the type and density of land uses considered appropriate. The subject site is located within Land Use District No. 1 (Single Family). The intent of LUD No. 1 is to set

EXHIBIT B

Page 4 of 6

(Exhibit C, page 1, of July 22, 2008 council letter)

CHAIR AND PLANNING COMMISSIONERS

June 5, 2008

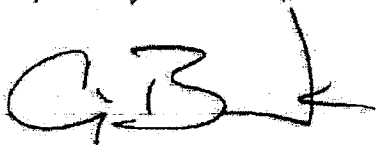
Page 2

aside an area for single-family housing. The Land Use Element further recognizes the need for neighborhood revitalization and preservation. The proposed alley vacation may ameliorate some of the external forces that are negatively affecting neighborhood stability. Therefore, the proposed vacation is consistent with Land Use Element.

Environmental Review

In accordance with the guidelines for implementing the California Environmental Quality Act (CEQA), Categorical Exemption number 08-08 was issued (Exhibit B).

Respectfully submitted,

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

CRAIG BECK
DIRECTOR OF DEVELOPMENT SERVICES

CB:GC:JG:IB

Attachment: Exhibit A – Photo / Diagram
Exhibit B – CE 08-08

EXHIBIT B

Page 5 of 6

(Exhibit C, page 2, of July 22, 2008 council letter)

CONDITIONS OF APPROVAL

SKETCH NO. 986V

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 water and sewer lines. No structures may be constructed or installed over the easement area.
2. The property owners to whom this alley reverts shall be responsible for maintaining the vacated alley as private property, and it shall be closed to public access to prevent dumping, loitering and other nuisance activities.
3. The vacation petitioner shall 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 B

Page 6 of 6

(Exhibit D of July 22, 2008 council letter)

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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RESOLUTION NO.

A RESOLUTION ORDERING THE VACATION OF
THE EAST-WEST ALLEY NORTH OF SEVENTH STREET
AND WEST OF DAWSON AVENUE IN THE CITY OF
LONG BEACH, COUNTY OF LOS ANGELES, STATE OF
CALIFORNIA

WHEREAS, the City Council of the City of Long Beach, did heretofore, on
the _____ of _____, 2008, by Resolution No. _____, declare its
intention to order the vacation, pursuant to the provisions of the Public Streets, Highways,
and Service Easements Law, the east-west alley north of Seventh Street and west of
Dawson Avenue, in the City of Long Beach, County of Los Angeles, State of California,
described more particularly as follows:

That 10-foot wide east-west alley shown within the
Schlobohm Tract in the City of Long Beach, County of Los
Angeles, State of California, as shown on the map of said
Tract filed in Book 6, Page 179 of Maps in the Office of the
County Recorder of said county, bounded on the east by the
southerly prolongation of the easterly line of Lot 12 of said
tract, and bounded on the west by the southerly prolongation
of a line distant 5.00 feet easterly of, measured at right
angles and parallel with, the westerly line of said Lot 12.

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,

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repair, renew, replace, change the size of and remove the existing utility lines, including, but not limited to, sanitary sewers together with all necessary gates, valves, fittings, hydrants and appurtenances for the transportation of water, 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, shall be subject to the prior written approval of all the City departments and public utilities responsible for the above said facilities.

WHEREAS, the City Council did, at said time, fix Tuesday, the _____ day of _____, 2008, at the hour of _____ p.m., as the time and the City Council Chamber, Plaza Level of the City Hall, 333 West Ocean Boulevard, in the

1 City of Long Beach, California, as the place for hearing for all persons interested in or
2 objecting to the proposed vacation to appear and be heard; and

3 WHEREAS, notice of the resolution of the intention to vacate, stating the
4 time and place of said hearing, was duly posted in the manner prescribed by law; and

5 WHEREAS, said hearing was called and held before the City Council at the
6 time and place so fixed and evidence taken and received on the matter of said proposed
7 vacation, and the City Council, upon said evidence, now makes those findings of fact set
8 forth in said Exhibit "B", attached hereto and by this reference made a part hereof;

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

11 Section 1. Pursuant to the foregoing resolution of intention, the
12 proceedings had thereunder, Sketch No. 986V showing the east-west alley north of
13 Seventh Street and west of Dawson Avenue to be vacated by the City of Long Beach
14 attached hereto as Exhibit "A", and the City Council Findings attached hereto as Exhibit
15 "B", said City Council of the City of Long Beach hereby makes its resolution vacating and
16 closing a portion of the street hereinabove described.

17 Section 2. That this resolution shall take effect immediately upon its
18 adoption by the City Council, and the City Clerk is hereby instructed to certify to the
19 adoption thereof, and to cause a certified copy to be recorded in the Office of the County
20 Recorder of the County of Los Angeles, California.

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OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
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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 _____, 20__ by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

SKETCH NO. 986V
PROPOSED VACATION OF THE EAST-WEST ALLEY IN THE BLOCK
NORTH OF SEVENTH STREET AND WEST OF DAWSON AVENUE

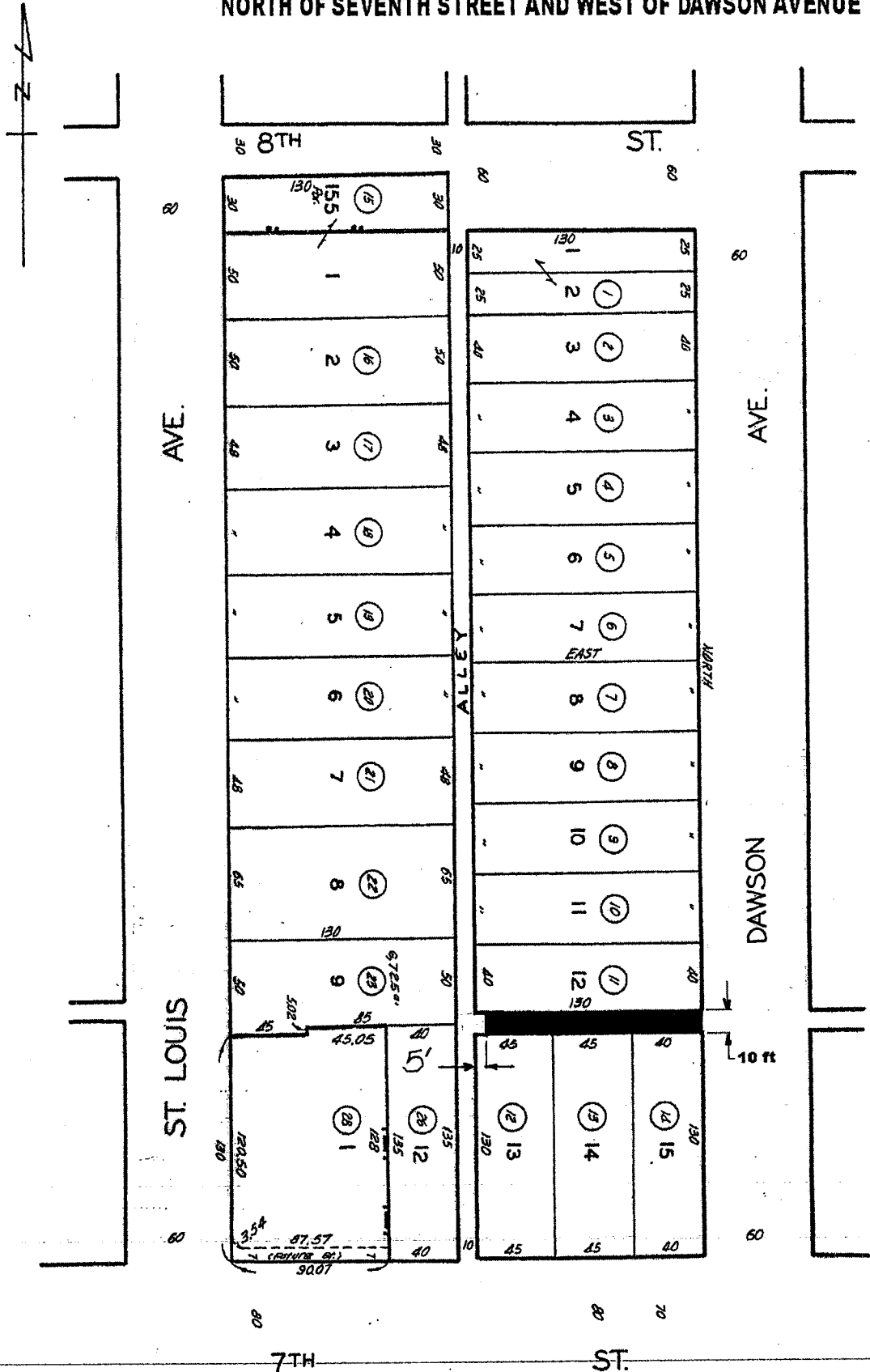


EXHIBIT A

CITY COUNCIL FINDINGS

VACATION OF THE EAST-WEST ALLEY NORTH OF SEVENTH STREET AND WEST OF DAWSON AVENUE Reference Sketch No. 986V

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

This finding is based upon the following subfindings:

- a) Signed statements were submitted from the owners of the four properties adjacent to the subject alley confirming that they do not need the alley for access and that all are in agreement as to vacating the alley.
- b) On June 5, 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.
- c) The property owners to whom this alley reverts shall be responsible for maintaining the vacated alley as private property, and it shall be closed to public access to prevent dumping, loitering and other nuisance activities.
- d) An easement will be reserved for all existing public utility facilities.
- 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 08-08 was issued for this project.