

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. RES-11-0046

A RESOLUTION ORDERING THE VACATION OF PORTIONS OF SECOND STREET AND NAPLES PLAZA ADJACENT TO 5855 NAPLES PLAZA 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 portions of Second Street and Naples Plaza adjacent to 5855 Naples Plaza described more particularly as follows:

Those portions of Lots 1, 2, 7, 8, 9 and the alley of Block 9 of Tract No. 7118, in the City of Long Beach, County of Los Angeles, State of California, as per map recorded in Book 88, Pages 76 and 77 of Maps, in the Office of the County Recorder of said County, described as follows:

Beginning at the most westerly corner of Lot 8 of said Block 9, Tract No. 7118, said point also being on the northeasterly line of Second Street as shown on said map (now Naples Plaza); thence, North 44° 51' 47" East 30.00 feet along the northwesterly line of said Lot 8, to the southerly right-of-way line of Second Street as presently exists (138.00-foot wide right-of-way); thence, South 82° 28' 03" East, 224.90 feet, along the southerly line of Second Street to the southwesterly line of Appian Way (a public street) as shown on the map of said Tract No. 7118; thence, North 42° 25' 30" West, 36.16 feet, to the beginning of a non-

1 tangent curve, concave northerly, having a radius of 1,583.24 feet, a radial
2 line to said point bears North 00° 41' 26" East; thence, along said curve
3 through a central angle of 1° 21' 27", an arc distance of 37.51 feet, a radial
4 line to said point bears South 02° 02' 53" West; thence, North 88° 10' 25"
5 West, 173.03 feet, to the beginning of a non-tangent curve concave
6 southeasterly having a radius of 21.90 feet, a radial line to said point bears
7 South 6° 31' 12" East; thence, along said curve through a central angle of
8 112° 20' 04", an arc distance of 42.94 feet to the beginning of a non-
9 tangent curve concave southwesterly having a radius of 732.00 feet, a
10 radial line to said point bears South 44° 52' 28" West; thence, along said
11 curve through a central angle of 18° 30' 02", an arc distance of 236.36 feet
12 to a point, said point being on the southeasterly prolongation of Lot 13 of
13 said Tract No. 7118, a radial line to said point bears South 63° 22' 30"
14 West; thence, North 64° 44' 00" East, 3.50 feet along said prolongation of
15 said Lot 13, to the beginning of a non-tangent curve having a radius of
16 735.50 feet, a radial line to said point bears South 63° 22' 53" West;
17 thence, northwesterly along said curve, concave southwesterly, through a
18 central angle of 18° 30' 25", an arc distance of 237.57 feet to a point, a
19 radial line to said point bears South 44° 52' 28" West, said point also being
20 on the southwesterly prolongation of said Lot 8 of said Tract No. 7118;
21 thence, along said southwesterly prolongation of said Lot 8, North 44° 51'
22 47" East, 7.00 feet, to the point of beginning.

23 Reserving unto the City of Long Beach, its successors and
24 assigns, a perpetual easement and right-of-way, at any time or from time
25 to time, to lay, construct, maintain, operate, repair, renew, replace, change
26 the size of and remove the existing utility lines, including but not limited to
27 sanitary sewers, together with all necessary gates, valves, fittings,
28 hydrants and appurtenances for the transportation of water and gas, with

1 the right of ingress to and egress from the same, over, through, under,
2 along and across that certain property vacated herewith; and pursuant to
3 any existing franchises or renewals thereof, or otherwise, to construct,
4 maintain, operate, replace, remove, renew and enlarge lines of conduits,
5 cables, wires, poles and other convenient structures, equipment and
6 fixtures for the operation of telephone lines and other communication
7 lines, and for the transportation or distribution of electric energy, and
8 incidental purposes including access and the right to keep the property
9 free from inflammable materials, and wood growth, and otherwise protect
10 the same from all hazards in, upon and over the part vacated.

11 Said utility easement reservation shall apply only to two
12 portions described as follows:

13 Portion 1: The northerly 3.00 feet of the above described
14 parcel herein vacated.

15 Portion 2: That portion of the 15-foot wide alley in said Block
16 9, Tract No. 7118, as shown on the map of said Tract, which lies within the
17 above described parcel herein vacated.

18 Also reserving unto the City of Long Beach, its successors
19 and assigns, a perpetual easement and right-of-way for slope
20 maintenance purposes over that portion of the above described parcel
21 herein vacated which lies easterly of the easterly line of said 15-foot wide
22 alley in Block 9, Tract No. 7118.

23 Access for maintenance of the above-mentioned facilities
24 must be maintained at all times. No improvements shall be constructed
25 within the easement which would impede the operation, function,
26 maintenance or repair of said facilities. Construction of any improvements,
27 including changes of grade, shall be subject to the prior written approval of
28 all the City departments and public utilities responsible for the above said

1 facilities.

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;

6 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
7 follows:

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

11 A. That the document entitled "Sketch No. 999V," attached
12 hereto as Exhibit "A", accurately depicts the property to be vacated.

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

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

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

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

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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 April 12, 2011, by the following vote:

Ayes: Councilmembers: Garcia, DeLong, O'Donnell, Andrews,
Johnson, Lowenthal.

Noes: Councilmembers: None.

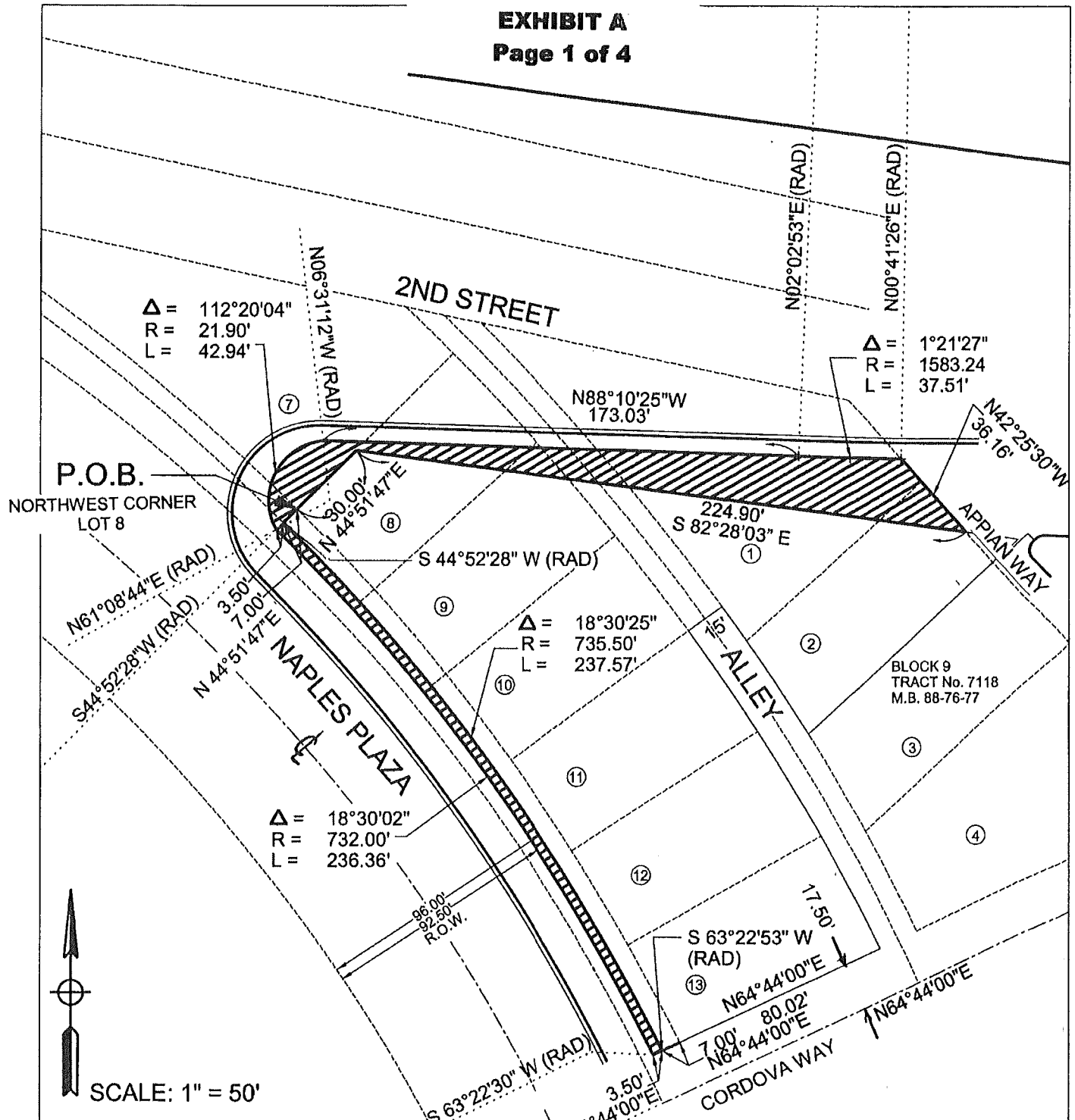
Absent: Councilmembers: Schipske, Gabelich, Neal.



City Clerk

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EXHIBIT A
Page 1 of 4



P.O.B.

NORTHWEST CORNER LOT 8



SCALE: 1" = 50'

TITLE:
VACATION OF PORTIONS OF SECOND STREET AND NAPLES PLAZA, LONG BEACH, CA

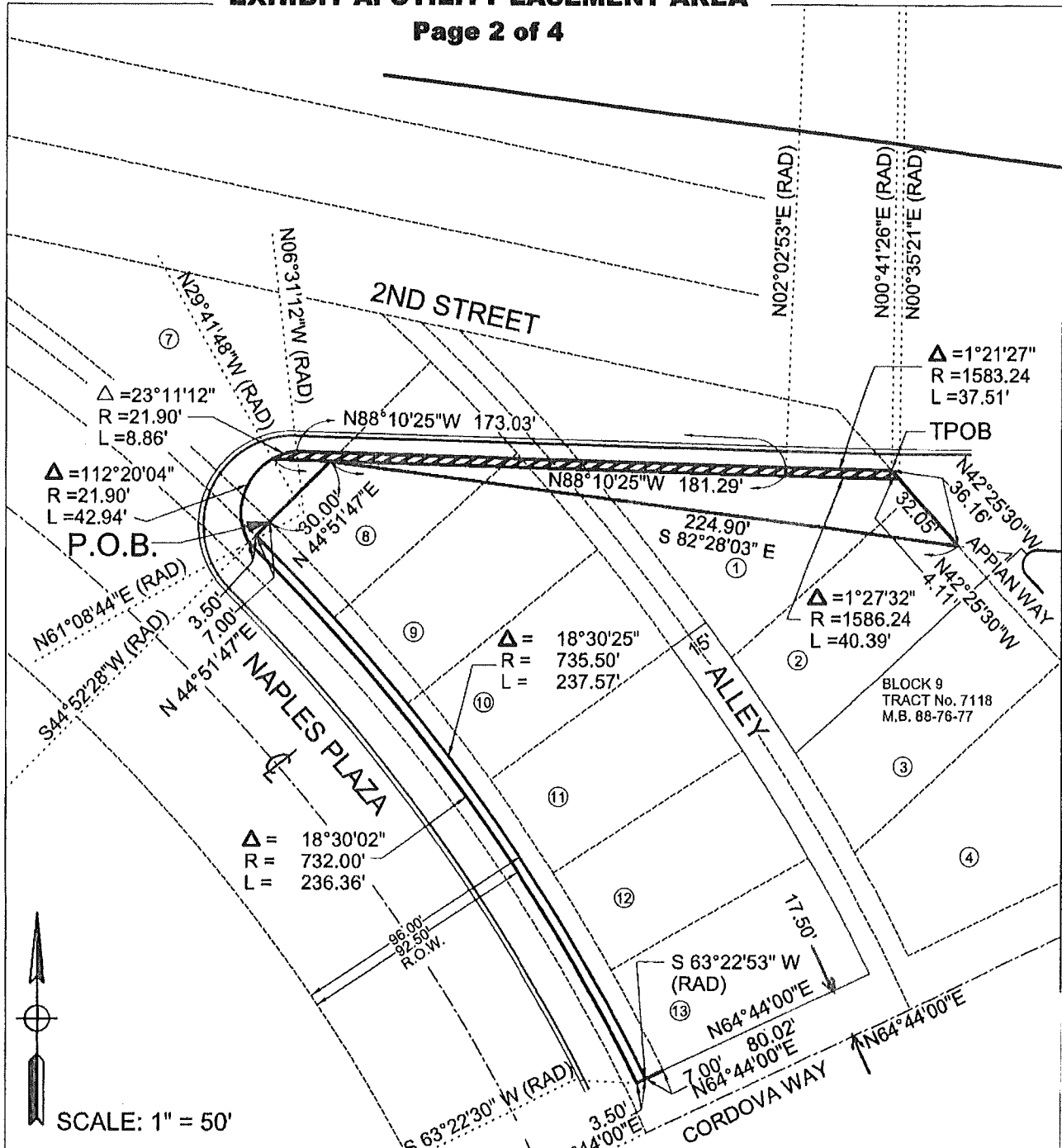
PREPARED BY: John M. Cruikshank Consultants, Inc.
411 N. Harbor Blvd, Suite 201
San Pedro, CA 90731
P: 310.241.6550
F: 310.320.8871
www.jmc-2.com

DATE PREPARED: 1-10-11

LEGEND
P.O.B. POINT OF BEGINNING
 PROPOSED VACATION

EXHIBIT A: UTILITY EASEMENT AREA

Page 2 of 4



TITLE:
**VACATION OF PORTIONS OF SECOND STREET
 AND NAPLES PLAZA, LONG BEACH, CA**

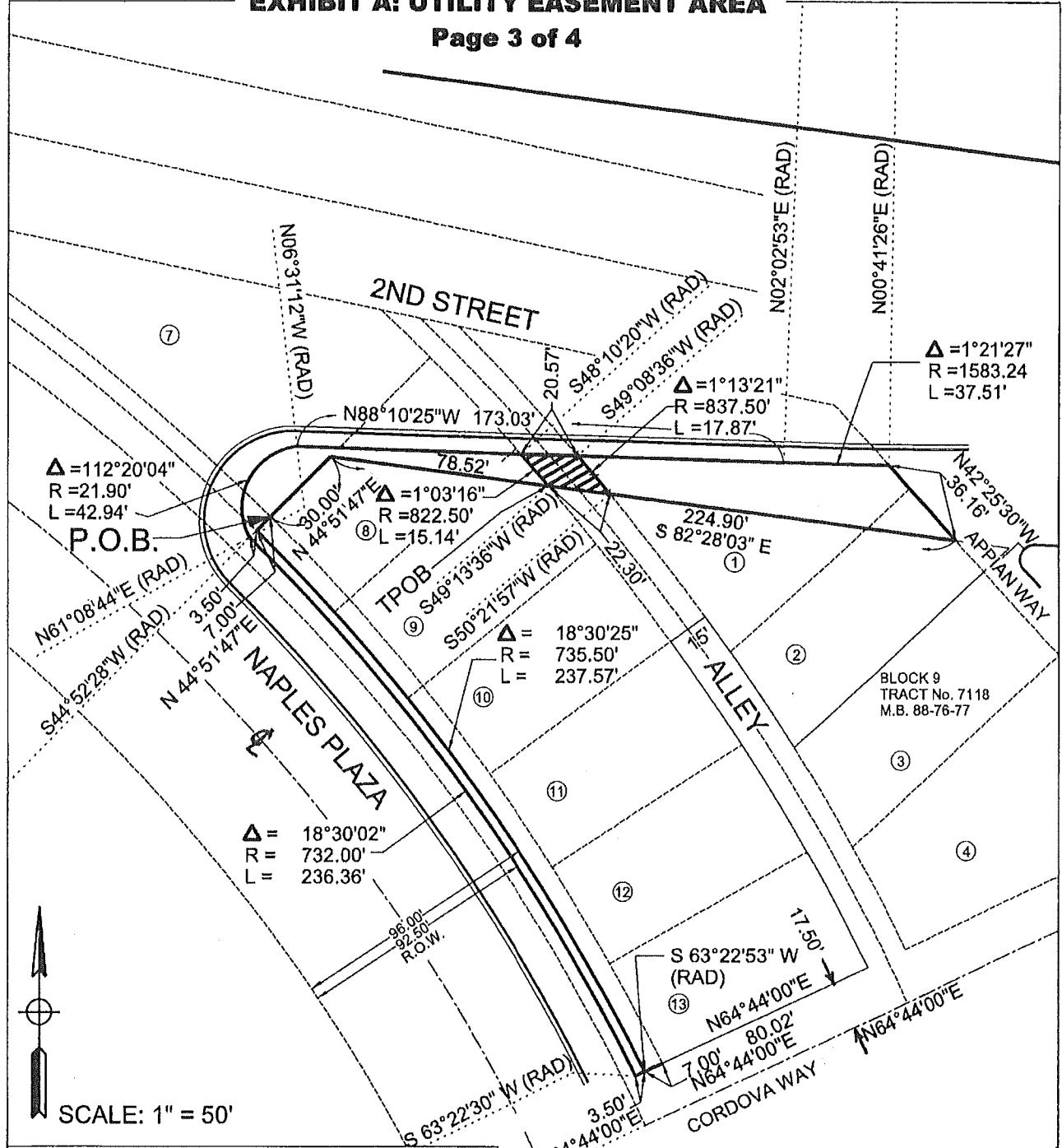
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 T.P.O.B. TRUE POINT OF BEGINNING
 PROPOSED EASEMENT

EXHIBIT A: UTILITY EASEMENT AREA

Page 3 of 4



TITLE:
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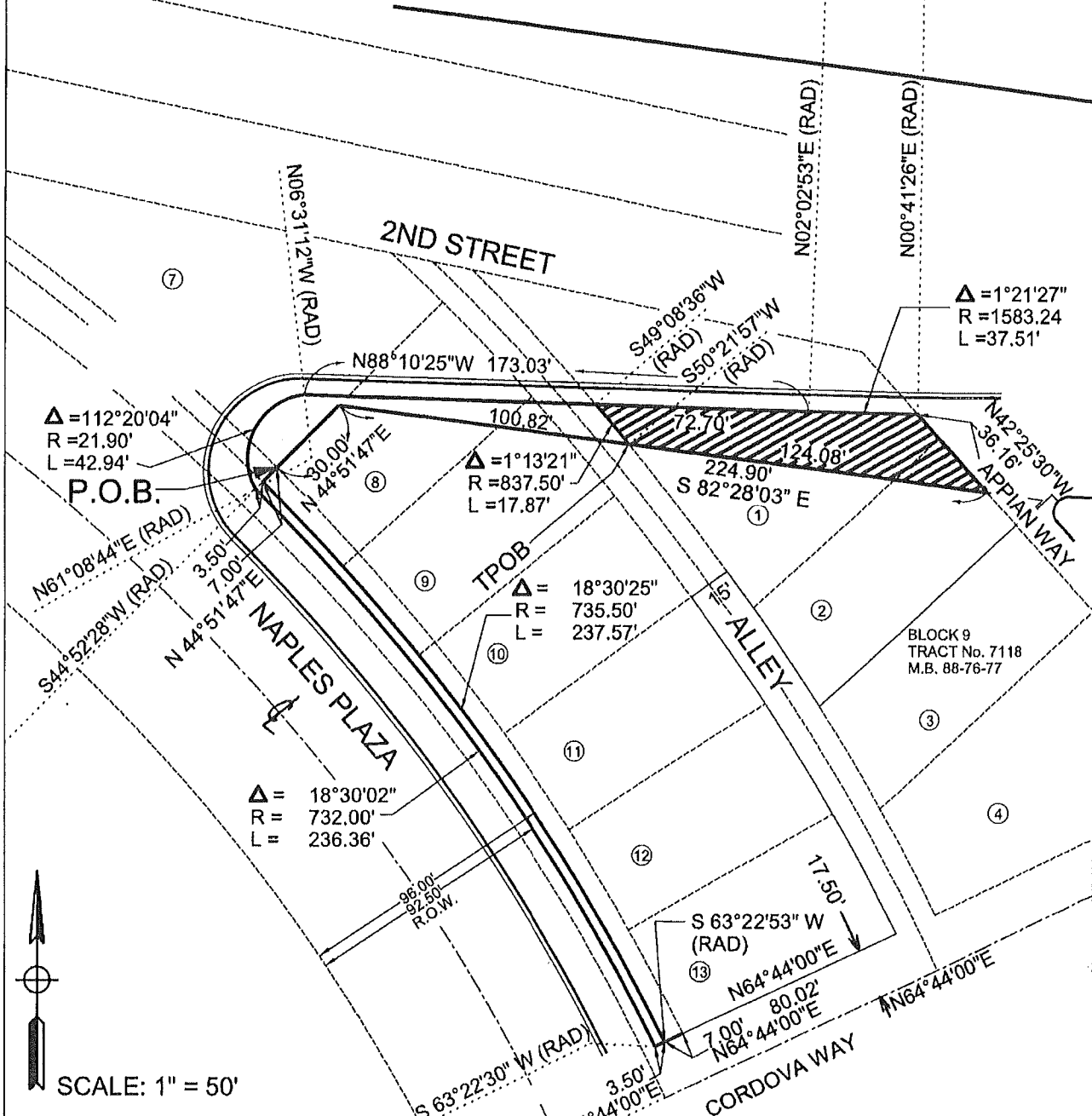
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 T.P.O.B. TRUE POINT OF BEGINNING
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Page 4 of 4



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LEGEND
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 T.P.O.B. TRUE POINT OF BEGINNING
 PROPOSED EASEMENT

CITY COUNCIL FINDINGS

VACATION OF PORTIONS OF SECOND STREET AND NAPLES PLAZA ADJACENT TO 5855 NAPLES PLAZA Reference Sketch No. 999V

1. The subject rights-of-way are unnecessary for present or prospective public street use.

This finding is based upon the following subfindings:

- a) These portions of the public right-of-way are not used or improved for public street purposes. These areas are landscaped and maintained by the adjacent property owner. No access to any property will be affected by this vacation action.
 - b) On March 3, 2011, 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 11-010 was issued for this project.
 - c) A utility easement will be reserved over the northerly 3 feet of this area, as well as the continuation of the 15-foot wide utility easement running east of the building, in order to continue to provide for various existing utility facilities, which include water, sewer, power and communication lines, and a fire hydrant.
 - d) A slope easement will be reserved over that portion of the area to be vacated lying east of the vacated alley shown in Sketch No. 999V, in order to provide for the significant grade differential approaching the bridge to the east.
 - e) The interested City departments, including Fire and Police, have reviewed the proposed right-of-way vacation and have no objections to this action.
 - f) 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.
- g) In conformance with the California Environmental Quality Act, Categorical Exemption No. CE-11-010 was issued for this project.

EXHIBIT B