

RESOLUTION NO. RES-07-0009

A RESOLUTION ORDERING THE VACATION OF A PORTION OF THE EAST-WEST ALLEY IN THE BLOCK WEST OF LONG BEACH BOULEVARD AND SOUTH OF THIRD STREET, 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 19th day of, December, 2006, by Resolution No. RES-06-0149, declare its intention to order the vacation, pursuant to the provisions of the Public Streets, Highways, and Service Easements Law, a portion of the east-west alley in the block west of Long Beach Boulevard and South of Third Street in the City of Long Beach, County of Los Angeles, State of California, described more particularly as follows:

That certain 10.00 foot wide alley lying within Block 90 of the Town Site of Long Beach, in the City of Long Beach, County of Los Angeles, State of California, as per map recorded in Book 19, Pages 91 through 96, inclusive, of Miscellaneous Records in the office of the County Recorder of said county; bounded on the north by the south line of Lot 15 of said block 90; bounded on the south by the north line of Lot 17 of said Block 90; bounded on the east by the southerly prolongation of the easterly line of said Lot 15; and bounded on the west by the southerly prolongation of the westerly line of said Lot 15, all as shown on said map.

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, 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

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1 to keep the property free from inflammable materials, and  
2 wood growth, and otherwise protect the same from all hazards  
3 in, upon and over the part vacated. Access for maintenance  
4 of the above-mentioned facilities must be maintained at all  
5 times. No improvements shall be constructed within the  
6 easement which would impede the operation, maintenance or  
7 repair of said facilities. Construction of any improvements,  
8 including changes of grade, shall be subject to the prior written  
9 approval of all the City departments and public utilities  
10 responsible for the above said facilities.

11 WHEREAS, the City Council did, at said time, fix Tuesday, the 23<sup>rd</sup> day of  
12 January, 2007, at the hour of 5:00 p.m., as the time at the City Council  
13 Chamber, Plaza Level of the City Hall, 333 West Ocean Boulevard, in the City of Long  
14 Beach, California, as the place for hearing for all persons interested in or objecting to the  
15 proposed vacation to appear and be heard; and

16 WHEREAS, notice of the resolution of the intention to vacate, stating the time  
17 and place of said hearing, were duly posted in the manner prescribed by law; and

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

22 NOW, THEREFORE, the City Council of the City of Long Beach resolves as  
23 follows:

24 Section 1. Pursuant to the foregoing resolution of intention, the proceedings  
25 had thereunder, the Sketch 958V showing a portion of the east-west alley in the block west  
26 of Long Beach Boulevard and south of Third Street be vacated by the City of Long Beach  
27 attached hereto as Exhibit "A", and the City Council Findings attached hereto as Exhibit  
28 "B", said City Council of the City of Long Beach hereby makes its resolution vacating and  
closing a portion of the drive hereinabove described.

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

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1 of the County of Los Angeles, California.

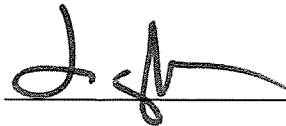
2 I hereby certify that the foregoing resolution was adopted by the City Council  
3 of the City of Long Beach at its meeting of January 23, 2007, by the following votes:

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

7 \_\_\_\_\_  
8 Noes: Councilmembers: None.

9 \_\_\_\_\_  
10 Absent: Councilmembers: None.

11 \_\_\_\_\_

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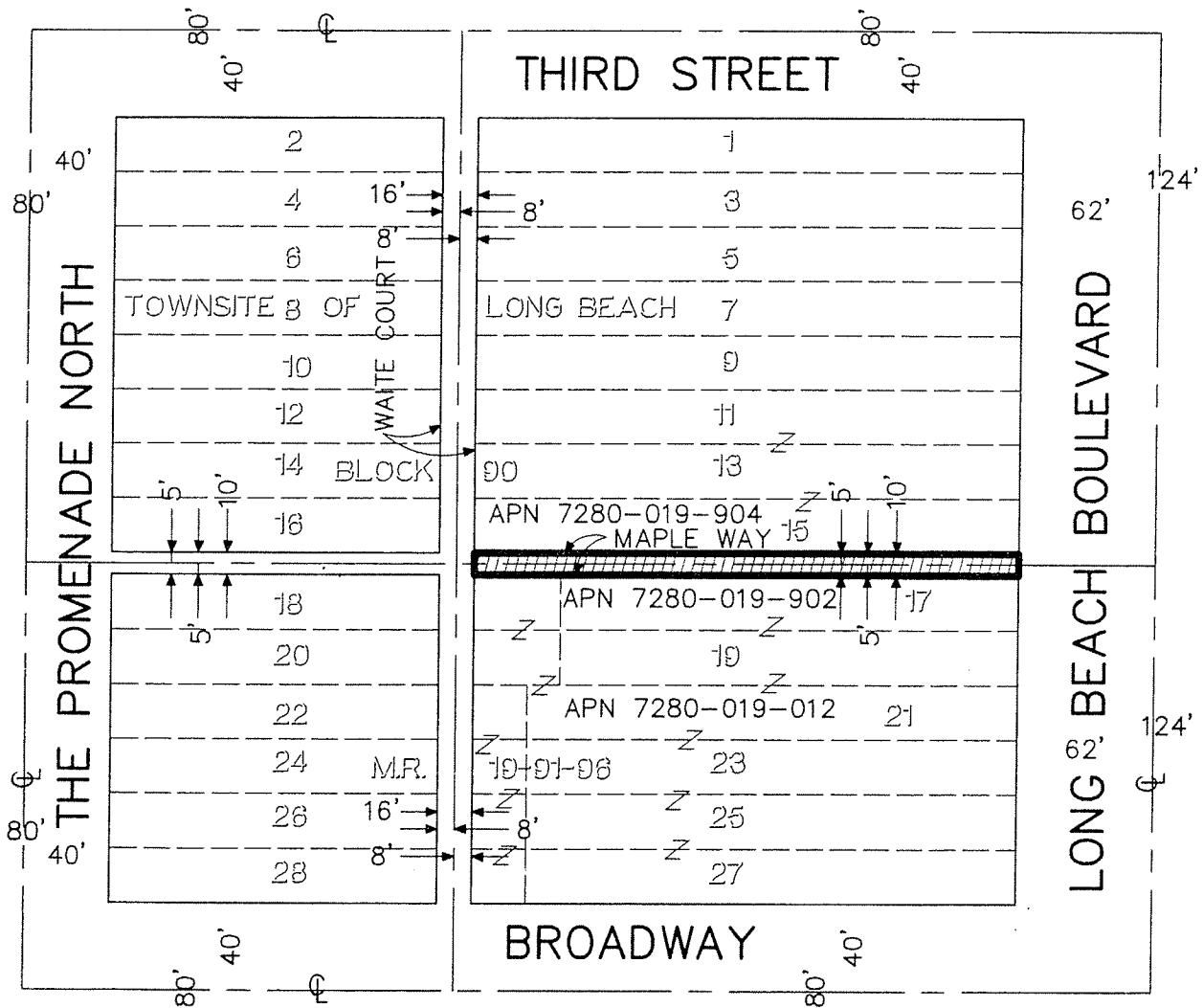
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14 City Clerk

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**SKETCH SHOWING THE EAST HALF OF THE EAST-WEST ALLEY  
IN THE BLOCK WEST OF LONG BEACH BOULEVARD AND  
SOUTH OF THIRD STREET TO BE VACATED  
BY THE CITY OF LONG BEACH.**



**SHOWS AREA TO BE VACATED**



**EXHIBIT A**

## CITY COUNCIL FINDINGS

### VACATION OF A PORTION OF THE EAST-WEST ALLEY IN THE BLOCK WEST OF LONG BEACH BOULEVARD AND SOUTH OF THIRD STREET - Reference Sketch No. 958V

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

This finding is based upon the following subfindings:

- a) Those findings stated in the City Manager's letter submitted for the December 19, 2007, City Council meeting regarding the resolution of intention to vacate the subject right-of-way, adopted as RES-06-0149.
- b) 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.
- c) In conformance with the California Environmental Quality Act, Negative Declaration No. 08-05 was issued for this project.