

RESOLUTION NO. C- 28428

A RESOLUTION ORDERING THE VACATION OF A PORTION OF THE ALLEY WEST OF LONG BEACH BOULEVARD AND NORTH OF FOURTEENTH STREET, RESERVING EASEMENTS FOR UTILITIES, 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 11th day of May, 2004 by Resolution No. C-28370, declare its intention to order the vacation, pursuant to the provisions of the Public Streets, Highways, and Service Easements Law, of a portion of the alley west of Long Beach Boulevard and north of Fourteenth Street, City of Long Beach, County of Los Angeles, State of California, described more particularly as follows:

That 16-foot wide north-south public alley in Block 10 of the Townsend & Robinson 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 2, Pages 3 and 4 of Maps in the Office of the County Recorder of said county, bounded on the north by the westerly prolongation of the northerly line of Lot 4 of said block and tract, and bounded on the south by the westerly prolongation of the northerly line of the southerly 20 feet Lot 1 of said block and tract.

AND, the contiguous 16-foot wide strip of land within Lots 13 through 18, inclusive, of The Allen Tract in the City of Long Beach, County of Los Angeles, State of California, said lots shown on the map of said Tract filed in Book 6, Page 195 of Maps in said County Recorder's office, dedicated to the City of Long Beach as a public alley on July 9, 1919, and recorded in said County Recorder's office on October 10, 1919 in book 6968, page 132.

Reserving unto the City of Long Beach, its successors and assigns, over the entire area vacated herein, 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 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

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

10 WHEREAS, the City Council did, at said time, fix Tuesday, the 6th day of July ,2004
11 at the hour of 5:00 p.m., as the time at the City Council Chamber, Plaza Level of the City
12 Hall, 333 West Ocean Boulevard, in the City of Long Beach, California, as the place for
13 hearing for all persons interested in or objecting to the proposed vacation to appear and
14 be heard; and

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

17 WHEREAS, said hearing was continued to September 7, 2004 at 5:00 p.m.
18 by action of the City Council on July 6, 2004;

19 WHEREAS, said hearing was called and held before the City Council on
20 September 7, 2004, and evidence taken and received on the matter of said proposed
21 vacation, and the City Council, upon said evidence, now make those findings of fact set
22 forth in said Exhibit "B", attached hereto and by this reference made a part hereof;

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

25 Section 1. Pursuant to the foregoing resolution of intention, the proceedings
26 had thereunder, the "SKETCH SHOWING A PORTION OF THE ALLEY WEST OF LONG
27 BEACH BOULEVARD AND NORTH OF FOURTEENTH STREET TO BE VACATED BY
28 THE CITY OF LONG BEACH" attached hereto as Exhibit "A", and the City Council Findings
attached hereto as Exhibit "B", the City Council of the City of Long Beach hereby makes
its resolution vacating and closing a portion of the alley herein described.

Sec. 2. This resolution shall take effect upon certification by the City Engineer

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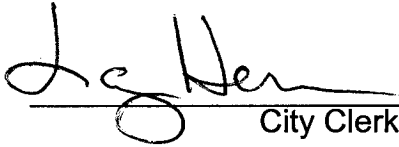
1 that the conditions attached to the vacation (relating to utility easements and the resolution
2 of any storm water drainage issues resulting from the vacation) have been fulfilled. Upon
3 such certification, the City Clerk is hereby instructed to certify to the adoption thereof, and
4 to cause a certified copy to be recorded in the Office of the County Recorder of the County
5 of Los Angeles, California.

6 I hereby certify that the foregoing resolution was adopted by the City Council
7 of the City of Long Beach at its meeting of September 7, 2004 by the following votes:

8
9 Ayes: Councilmembers: Baker, Colonna, O'Donnell, Kell,
10 Richardson, Reyes Uranga, Gabelich,
11 Lerch.

12
13 Noes: Councilmembers: None.

14
15 Absent: Councilmembers: Lowenthal.

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20 _____
21 City Clerk

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27 LPM:et
28 03-22-04; 9-15-04
04-00919
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951V

**SKETCH SHOWING AN ALLEY WEST OF LONG BEACH
BOULEVARD AND NORTH OF FOURTEENTH STREET TO BE
VACATED BY THE CITY OF LONG BEACH.**

■|■|■ SHOWS ALLEY TO BE VACATED

ENGINEERING BUREAU
CITY OF LONG BEACH, CALIFORNIA

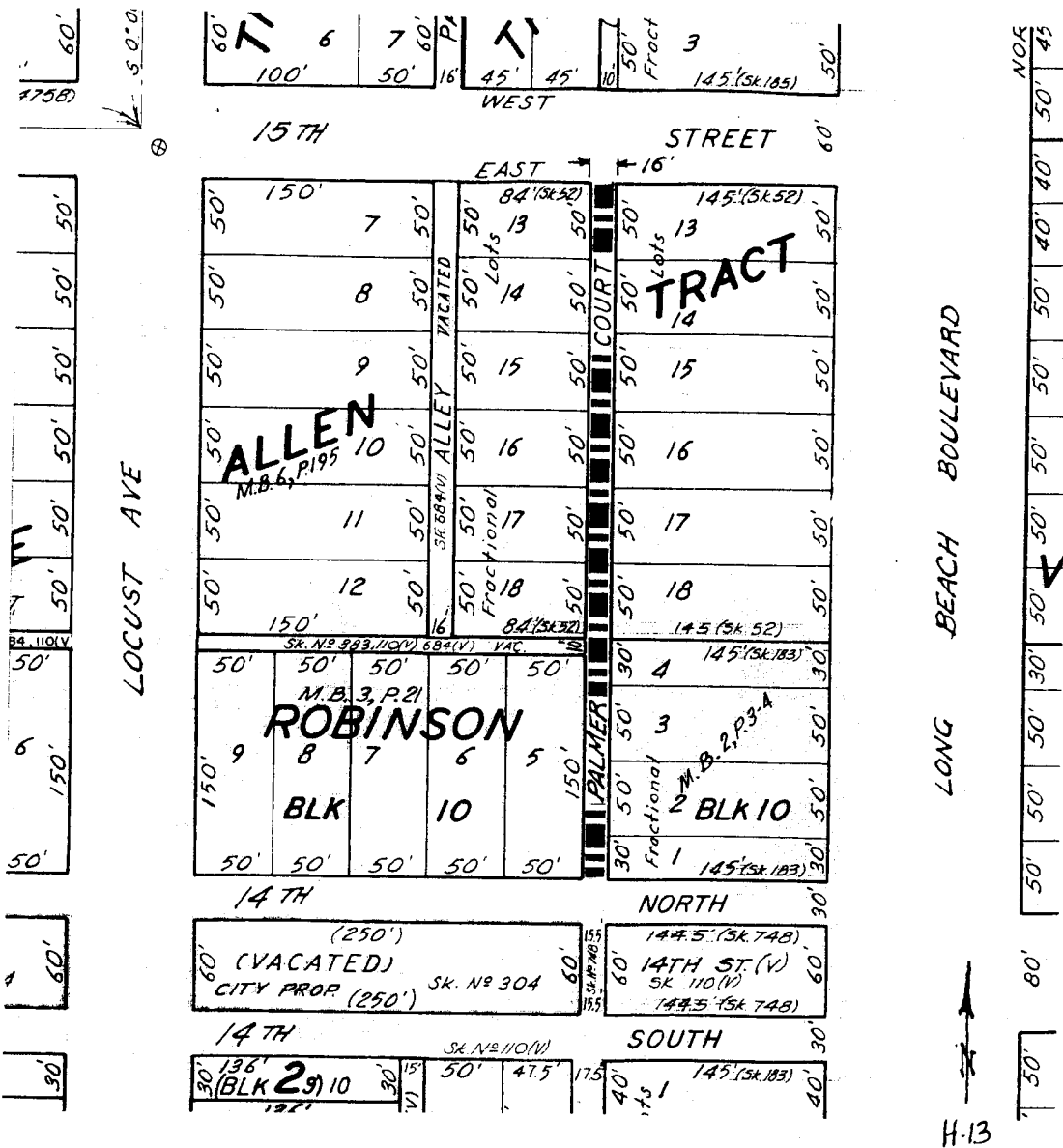


EXHIBIT A

CITY COUNCIL FINDINGS

VACATION OF THE ALLEY WEST OF LONG BEACH BOULEVARD AND NORTH OF FOURTEENTH STREET - Reference Sketch No. 951V

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 May 11, 2004 City Council meeting regarding the resolution of intention to vacate the subject right-of-way, adopted as C-28370.
- 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, Categorical Exemption No. 34-04 was issued for this project.

SC