

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

RESOLUTION NO. RES-08-0018

A RESOLUTION ORDERING THE SUMMARY VACATION OF THE ALLEYS EAST OF MAGNOLIA AVENUE AND NORTH OF BROADWAY, 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 the alleys east of Magnolia Avenue and north of Broadway described more particularly as follows:

The alleys within Block 85, 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, together with Maple Way as shown on the map of Tract No. 34586, as per map recorded in Book 973, Pages 43 and 44 of Maps in said County Recorder's Office, said alleys shown on said map of Tract No. 34586 as Virginia Court and Maple Way, bounded on the north by the north line of said Block, on the east by the east line of said Block, and on the west by the west line of said Block.

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 and appurtenant structures, 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

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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 above-described property is an excess right-of-way and is not required for street or highway purposes; and

WHEREAS, the vacation of this right-of-way will not cut off all access to any adjoining property; and

WHEREAS, this property is a portion of a street or highway that lies within property under one ownership and that does not continue through such ownership or end touching property of another;

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

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

A. That the document, Sketch No. 980V, attached hereto as Exhibit "A", accurately depicts the property to be vacated.

B. That the findings of fact made by the City Council for the purposes of this summary vacation of excess right-of-way pursuant to California Streets and Highways Code Section 8334, set forth in the document entitled "City Council Findings" and attached hereto as Exhibit

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"B", are incorporated herein and made a part of this resolution by this reference.

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

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

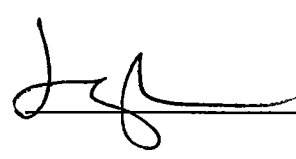
Section 4. This resolution shall take effect immediately upon its adoption by the City Council.

I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of February 12, 2008, by the following vote:

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

Noes: Councilmembers: None.

Absent: Councilmembers: None.



City Clerk

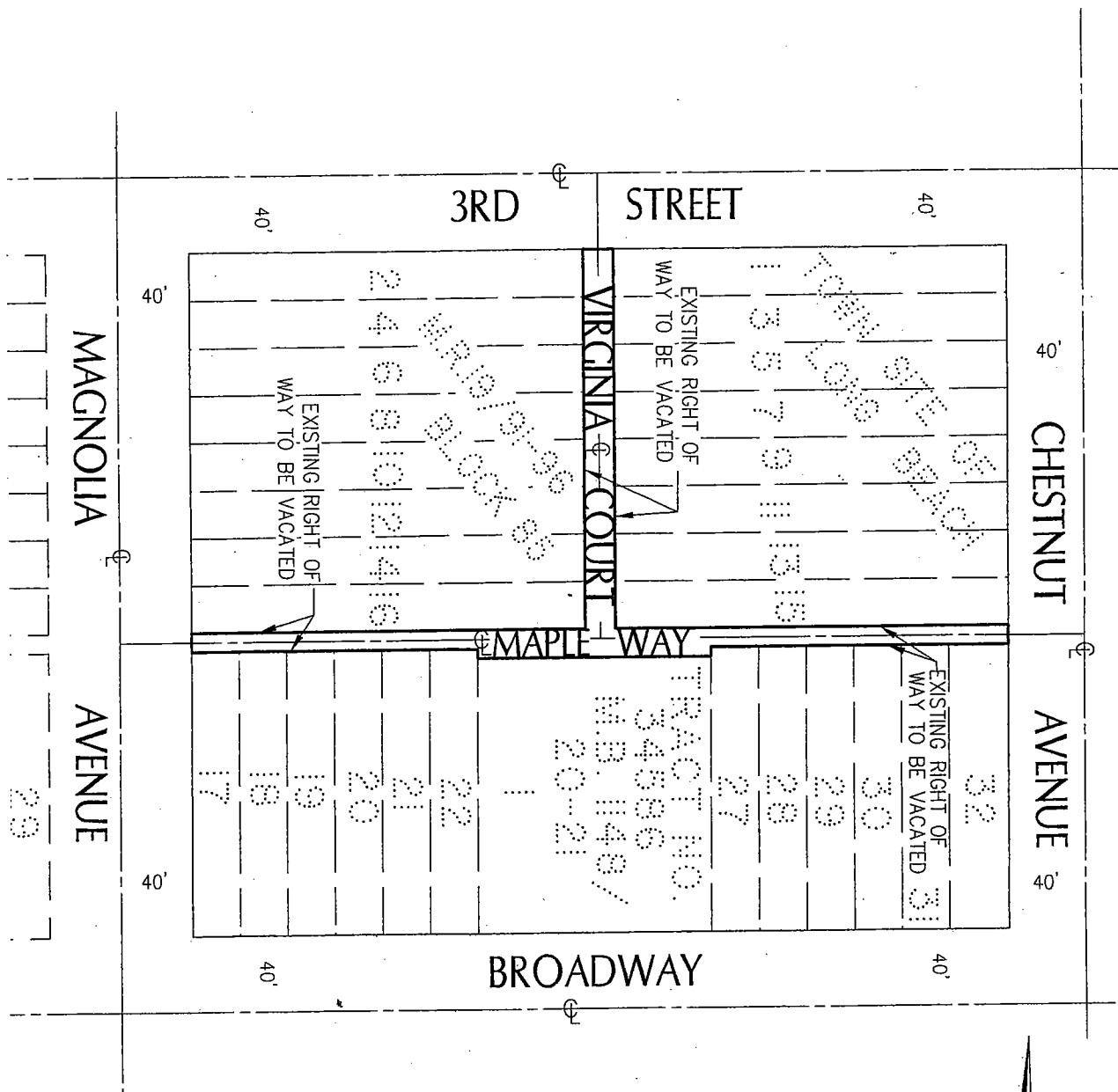



EXHIBIT A

— ALLEY VACATION



 HUNSAKER & ASSOCIATES IRVINE, INC. PLANNING ■ ENGINEERING ■ SURVEYING Three Hughes ■ Irvine, CA 92618 ■ PH: (949) 583-1010 ■ FX: (949) 583-0759		ALLEY VACATION CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA			
DATE: 10-12-07	REV. DATE: -----	.DWG By: J. TRAN	CK'd By: R. WILLIAMS	SCALE: 1"=80'	W.O. 3281-1X
FILE: I:\westgate\LD\7066\SHT01.dwg				H&A LEGAL No. 7066	SHEET 1 OF 1

CITY COUNCIL FINDINGS

VACATION OF THE PUBLIC ALLEY EASEMENTS EAST OF MAGNOLIA AVENUE AND NORTH OF BROADWAY Reference Sketch No. 980V

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

This finding is based upon the following subfindings:

- a) The entire block bounded by Broadway, Third Street, Magnolia and Chestnut Avenues is owned entirely by the Redevelopment Agency and will be conveyed to Lyons Realty for the purpose of redevelopment. The alleys in this block are not needed for access to any of the parcels.
 - b) The block will be developed in such a manner that interior alleys will not be needed or useful in the future.
 - c) No public utility lines will travel through the block upon project completion.
 - d) On September 20, 2007, the Planning Commission approved the proposed project and determined that the proposed vacation action is consistent with the General Plan as required in Section 8313 of the Public Streets, Highways and Service Easements Vacation Law.
 - 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 rights-of-way are not and will not be needed for public use.
- g) In conformance with the California Environmental Quality Act, Environmental Impact Report Number 09-04 was certified for this project.

EXHIBIT B