



CITY OF LONG BEACH

DEPARTMENT OF PUBLIC WORKS

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

December 13, 2016

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 a Resolution ordering the vacation of the alley adjacent to 4100 East Ocean Boulevard, east of Termino Avenue and south of Ocean Boulevard, also known as Belmont Avenue. (District 3)

DISCUSSION

The business and property owner at 4100 East Ocean Boulevard requests the vacation of the alley south of Ocean Boulevard and east of Termino Avenue, also known as Belmont Avenue, as shown on Sketch 1020V (Exhibit A). Consistent with California land reversion practices, the vacated portions of the Belmont Avenue alley will revert back to the adjacent property owners.

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 Public Works Department supports this action based on the following evidence, facts, conditions, and findings:

- The parcels along the west side of the subject alley do not use or take access from the alley for either vehicular or pedestrian purposes. Only the parcel on the east side of the alley has physical access onto it.
- No City refuse collection occurs along this alley.
- On July 21, 2016, the Planning Commission determined that the subject vacation is consistent with the General Plan, as required in Section 65402 of the California Government Code.
- In conformance with the California Environmental Quality Act, Categorical Exemption No. CE-16-022 was issued for this project, and adopted and accepted by the City Council on July 21, 2016.
- On November 17, 2016, the Planning Commission denied the appeals of Cotton, Colon and Miller and upheld the decision to accept CE-16-022, and approved a Local Coastal Permit in conjunction with the proposed vacation.

- The various interested City Departments including Police and Fire Prevention have reviewed the proposed alley vacation and have no objection to this action, subject to the reservation of an easement for emergency access, and the below-described utility easement.
- A utility easement will be reserved over the area vacated in order to provide for various existing utility services, which include water, sewer, storm drains, gas, and electrical power and communication lines.
- Reference is made to the material submitted pursuant to the Resolution of Intention. A copy of the November 15, 2016 City Council letter is attached as Exhibit B.
- The property owner of 4100 E. Ocean Boulevard (vacation petitioner) is required to construct a refuse enclosure near the south end of the alley for the benefit of the property owner at 4110-4120 E. Ocean Boulevard.

This matter was reviewed by Deputy City Attorney Linda T. Vu and by Budget Analysis Officer Julissa Jose-Murray on November 28, 2016.

TIMING CONSIDERATIONS

On November 15, 2016, the City Council adopted Resolution No. RES 16-0113, declaring its intention to vacate the subject right-of-way, and set December 13, 2016 as the date for the public hearing.

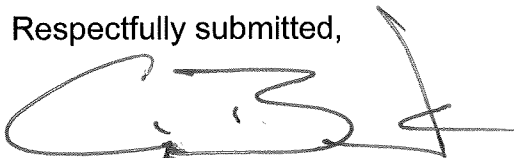
FISCAL IMPACT

A final vacation processing fee of \$7,675 will be deposited in the General Fund (GF) in the Department of Public Works Department (PW). Approval of this recommendation will provide continued support to the local economy.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



CRAIG A. BECK
DIRECTOR OF PUBLIC WORKS

SC:EL;BP/

APPROVED:



PATRICK H. WEST
CITY MANAGER

ATTACHMENTS: - EXHIBIT A; VACATION SKETCH No.1020V
- EXHIBIT B; INTENTION TO VACATE COUNCIL LETTER
- RESOLUTION ORDERING VACATION



CITY OF LONG BEACH

DEPARTMENT OF PUBLIC WORKS

C-7

333 WEST OCEAN BOULEVARD • LONG BEACH, CA 90802 • (562) 570-8383 • FAX (562) 570-8012

November 15, 2016

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Adopt a Resolution of Intention to vacate the Belmont Drive alley located adjacent to 4100 East Ocean Boulevard, between Ocean Boulevard and Olympic Plaza Drive; set the date of December 13, 2016 for the public hearing on the vacation; and,

Accept Categorical Exemption 16-022. (District 3)

DISCUSSION

The business and property owner at 4100 East Ocean Boulevard requests to vacate the Belmont Drive alley between Ocean Boulevard and Olympic Plaza Drive (Exhibit A) for outdoor fitness activities and a private passageway for the business. An easement will be reserved for the existing utility lines that will remain in the vacated alley.

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. Public Works supports this vacation action based on finding that the alley is not needed for the adjacent property owner's vehicular access, although the adjacent property/business owner has submitted a petition against the right-of-way vacation stating needed use of the alley for refuse pickup. Public Works staff is working with the vacation requestor and petitioner to identify an alternative refuse pickup location.

On July 21, 2016, the Planning Commission determined the subject vacation action is consistent with the General Plan (Exhibit B). In conformance with the California Environmental Quality Act, Categorical Exemption Number 16-022 was issued for this project (Exhibit C).

The interested City departments, including Traffic Engineering, Fire and Police have reviewed the proposed right-of-way vacation and have no objections to this action.

A public hearing on this matter is to be held on December 13, 2016, and will allow all persons interested in, or objecting to, the proposed vacation to appear and be heard. At that time, the City Council will deliberate and take action on the proposed vacation.

EXHIBIT B

HONORABLE MAYOR AND CITY COUNCIL
November 15, 2016
Page 2

This matter was reviewed by Deputy City Attorney Linda T. Vu on October 27, 2016 and by Budget Analysis Officer Julissa José-Murray on October 26, 2016.

TIMING CONSIDERATIONS

City Council action is requested on November 15, 2016, to set a hearing date on this matter for December 13, 2016.

FISCAL IMPACT

A tentative vacation processing fee of \$7,991 was deposited to the General Fund (GF) in the Public Works Department (PW). There is no local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



CRAIG A. BECK
DIRECTOR OF PUBLIC WORKS

SC:BP/jc
ROW 4100 Ocean Blvd Alley Vacation Council Letter.docx

APPROVED:


PATRICK H. WEST
CITY MANAGER

- ATTACHMENTS: - EXHIBIT A- VACATION SKETCH No.1020V
- EXHIBIT B- PLANNING COMMISSION FINDINGS STAFF REPORT
- EXHIBIT C- CALIFORNIA ENVIRONMENTAL QUALITY ACT REPORT
- RESOLUTION

EXHIBIT B

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, 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 BELMONT DRIVE ALLEY, LOCATED ADJACENT TO 4100 EAST OCEAN BOULEVARD, BETWEEN OCEAN BOULEVARD AND OLYMPIC PLAZA DRIVE, 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 November 15, 2016, by Resolution No. RES-16-0113, declare its intention to order the vacation, pursuant to the provisions of the Public Streets, Highways, and Service Easements Vacation Law (California Streets and Highways Code, Section 8300 *et seq.*), the Belmont Drive Alley, located adjacent to 4100 East Ocean Boulevard, between Ocean Boulevard and Olympic Plaza Drive, in the City of Long Beach, County of Los Angeles, State of California, described more particularly as follows:

THAT CERTAIN 15 FEET WIDE ALLEY IN BLOCK 37 OF THE RESUBDIVISION OF PART OF THE ALAMITOS BAY TOWNSITE, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 4, PAGES 75 AND 76 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BOUNDED AS FOLLOW:

ON THE NORTHEAST BY SOUTHWESTERLY LINE OF OCEAN BOULEVARD, FORMERLY BAY LANE; ON THE SOUTH BY THE NORTH LINE OF OLYMPIC PLAZA, FORMERLY ALLIN STREET; AND ABUTTING LOTS 4, 5, 6, 7 AND 8 IN SAID BLOCK 37 OF THE RESUBDIVISION OF PART OF THE ALAMITOS BAY TOWNSITE, AS PER MAP RECORDED IN BOOK 4, PAGES 75 AND 76 OF MAPS, AND

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
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1 ALSO ABUTTING LOT 2 OF TRACT NO. 10268, RECORDED IN BOOK
2 176, PAGES 28 AND 29 OF MAPS, BOTH IN THE OFFICE OF THE
3 COUNTY RECORDER OF SAID COUNTY.

4 CONTAINING AN AREA OF 1920 SQUARE FEET, MORE OR
5 LESS.

6 RESERVING UNTO THE CITY OF LONG BEACH, ITS
7 SUCCESSORS AND ASSIGNS A PERPETUAL EASEMENT AND
8 RIGHT-OF-WAY FOR EMERGENCY ACCESS, AND A PERPETUAL
9 EASEMENT AND RIGHT OF WAY, AT ANY TIME OR FROM TIME TO
10 TIME, TO LAY, CONSTRUCT, MAINTAIN, OPERATE, REPAIR, RENEW,
11 REPLACE, CHANGE THE SIZE OF AND REMOVE THE EXISTING
12 UTILITY LINES, INCLUDING, BUT NOT LIMITED TO, SANITARY,
13 SEWERS, STORM DRAINS AND APPURTENANT STRUCTURES,
14 TOGETHER WITH ALL NECESSARY GATES, VALVES, FITTINGS,
15 HYDRANTS AND APPURTENANCES FOR THE TRANSPORTATION OF
16 WATER AND GAS, WITH THE RIGHT OF INGRESS TO AND EGRESS
17 FROM THE SAME, OVER, THROUGH, UNDER, ALONG AND ACROSS
18 THAT CERTAIN PROPERTY VACATED HERewith; AND PURSUANT
19 TO ANY EXISTING FRANCHISES OR RENEWALS THEREOF, OR
20 OTHERWISE, TO CONSTRUCT, MAINTAIN, OPERATE, REPLACE,
21 REMOVE, RENEW AND ENLARGE LINES OF CONDUITS, CABLES,
22 WIRES, POLES AND OTHER CONVENIENT STRUCTURES,
23 EQUIPMENT AND FIXTURES FOR THE OPERATION OF TELEPHONE
24 LINES AND OTHER COMMUNICATION LINES, AND FOR THE
25 TRANSPORTATION OR DISTRIBUTION OF ELECTRIC ENERGY, AND
26 INCIDENTAL PURPOSES INCLUDING ACCESS AND THE RIGHT TO
27 KEEP THE PROPERTY FREE FROM INFLAMMABLE MATERIALS, AND
28 WOOD GROWTH, AND OTHERWISE PROTECT THE SAME FROM ALL

1 HAZARDS IN, UPON AND OVER THE PART VACATED. ACCESS FOR
2 MAINTENANCE OF THE ABOVE-MENTIONED FACILITIES MUST BE
3 MAINTAINED AT ALL TIMES. NO IMPROVEMENTS SHALL BE
4 CONSTRUCTED WITHIN THE EASEMENT WHICH WOULD IMPEDE
5 THE OPERATION, MAINTENANCE OR REPAIR OF SAID FACILITIES.
6 CONSTRUCTION OF ANY IMPROVEMENTS, INCLUDING CHANGES
7 OF GRADE, SHALL BE SUBJECT TO THE PRIOR WRITTEN
8 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, November 15,
11 2016, at the hour of 5:00 p.m., as the time and the City Council Chamber, Plaza Level of
12 the City Hall, 333 West Ocean Boulevard, in the City of Long Beach, California, as the
13 place for hearing for all persons interested in or objecting to the proposed vacation to
14 appear and be heard; and

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

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

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

23 Section 1. Pursuant to the foregoing resolution of intention, the
24 proceedings had thereunder, Vacation Sketch No. 1020 showing the Belmont Drive Alley,
25 located adjacent to 4100 East Ocean Boulevard, between Ocean Boulevard and Olympic
26 Plaza Drive to be vacated by the City of Long Beach attached hereto as Exhibit "A", and
27 the City Council Findings attached hereto as Exhibit "B", said City Council of the City of
28 Long Beach hereby makes its resolution vacating and closing the street hereinabove

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 described.

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

6 I hereby certify that the foregoing resolution was adopted by the City
7 Council of the City of Long Beach at its meeting of _____, 2016
8 by the following vote:

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10 Ayes: Councilmembers: _____
11 _____
12 _____
13 _____

14 Noes: Councilmembers: _____
15 _____

16 Absent: Councilmembers: _____
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20 _____
21 City Clerk

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