



CITY OF LONG BEACH

C-20

DEPARTMENT OF PUBLIC WORKS

333 West Ocean Boulevard • Long Beach, CA 90802 • (562) 570-6383 • FAX (562) 570-6012

February 12, 2008

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION

Adopt the attached resolution ordering the summary vacation of the alleys east of Magnolia Avenue and north of Broadway, and authorize the quitclaim of a reserved utility easement. (District 1)

DISCUSSION

Lyon Realty Advisors requests the vacation of the alley easements in the block bounded by Broadway, Third Street, Magnolia and Chestnut Avenues. This block is currently owned by the City of Long Beach Redevelopment Agency and is to be sold to Lyons Realty for the purpose of building a mixed residential and commercial development over the entire block. All vehicular access to this development will be taken from Broadway, Chestnut Avenue and Third Street. It is appropriate at this time to vacate the unused alley easements as shown in the attached Exhibit A.

Proceedings for this vacation are being conducted in accordance with Chapter 4, Summary Vacation, of the Public Streets, Highways and Service Easements Vacation Law of the California Streets and Highways Code. Section 8334 of that Chapter states that the legislative body of a local agency may summarily vacate that portion of right-of-way, which is excess right-of-way not required for street or highway purposes, and lies within property under one ownership and does not continue through such ownership or end touching the property of another. The Department of Public Works supports this action based on the following evidence, facts, and conditions, finding that the dedicated rights-of-way to be vacated are unnecessary for present or prospective public use.

1. This project is being developed with the assistance of the Long Beach Redevelopment Agency. All parcels within this block are owned by the Agency, and will be conveyed to the developer immediately prior to the start of construction. An illustration showing the layout of the proposed development covering the entire block is attached as Exhibit B.
2. On September 20, 2007, the Planning Commission approved the proposed project, certified Environmental Impact Report Number 09-04, 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

**ADMINISTRATION,
PLANNING & FACILITIES**
333 W. Ocean Blvd., 9th Floor
Long Beach, CA 90802
Ph. (562) 570-6383
Fax (562) 570-6012

AIRPORT
4100 Donald Douglas Dr.
Long Beach, CA 90808
Ph. (562) 570-2600
Fax (562) 570-2601

**ENGINEERING & STREET
MAINTENANCE**
333 W. Ocean Blvd., 9th Floor
Long Beach, CA. 90802
Ph. (562) 570-6634
Fax (562) 570-6012

**ENVIRONMENTAL
SERVICES**
2929 E. Willow Street
Long Beach, CA 90806
Ph. (562) 570-2850
Fax (562) 570-2861

FLEET SERVICES
2600 Temple Avenue
Long Beach, CA 90806
Ph. (562) 570-5400
Fax (562) 570-5414

**TRAFFIC &
TRANSPORTATION**
333 W. Ocean Blvd., 10th Floor
Long Beach, CA 90802
Ph. (562) 570-6331
Fax (562) 570-7161

Easements Vacation Law. Appropriate traffic mitigations have been incorporated into the project conditions.

3. City Departments including Fire and Police have reviewed the proposed vacation of public rights-of-way and have no objection to this action. A utility easement will be reserved until all facilities are properly removed or abandoned, at which time the reserved easement will be quitclaimed subject to the satisfaction of the City Engineer. Conditions of approval for the proposed vacation are listed on Exhibit C.
4. The City of Long Beach does not guarantee reversionary rights over the vacated rights-of-way.

This matter was reviewed by Deputy City Attorney on January 31, 2008 and by Budget Management Officer Victoria Bell on January 31, 2008.

TIMING CONSIDERATIONS

City Council action is being requested on February 12, 2008 in order to ensure this necessary project entitlement.


FISCAL IMPACT

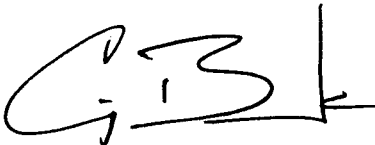
A vacation processing fee of \$3000 was deposited to the General Fund (GP) in the Department of Public Works (PW).

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted


MICHAEL P. CONWAY
DIRECTOR OF PUBLIC WORKS



CRAIG BECK
DIRECTOR, DEPARTMENT OF
PLANNING AND BUILDING

Attachments

APPROVED:


for PATRICK H. WEST
CITY MANAGER

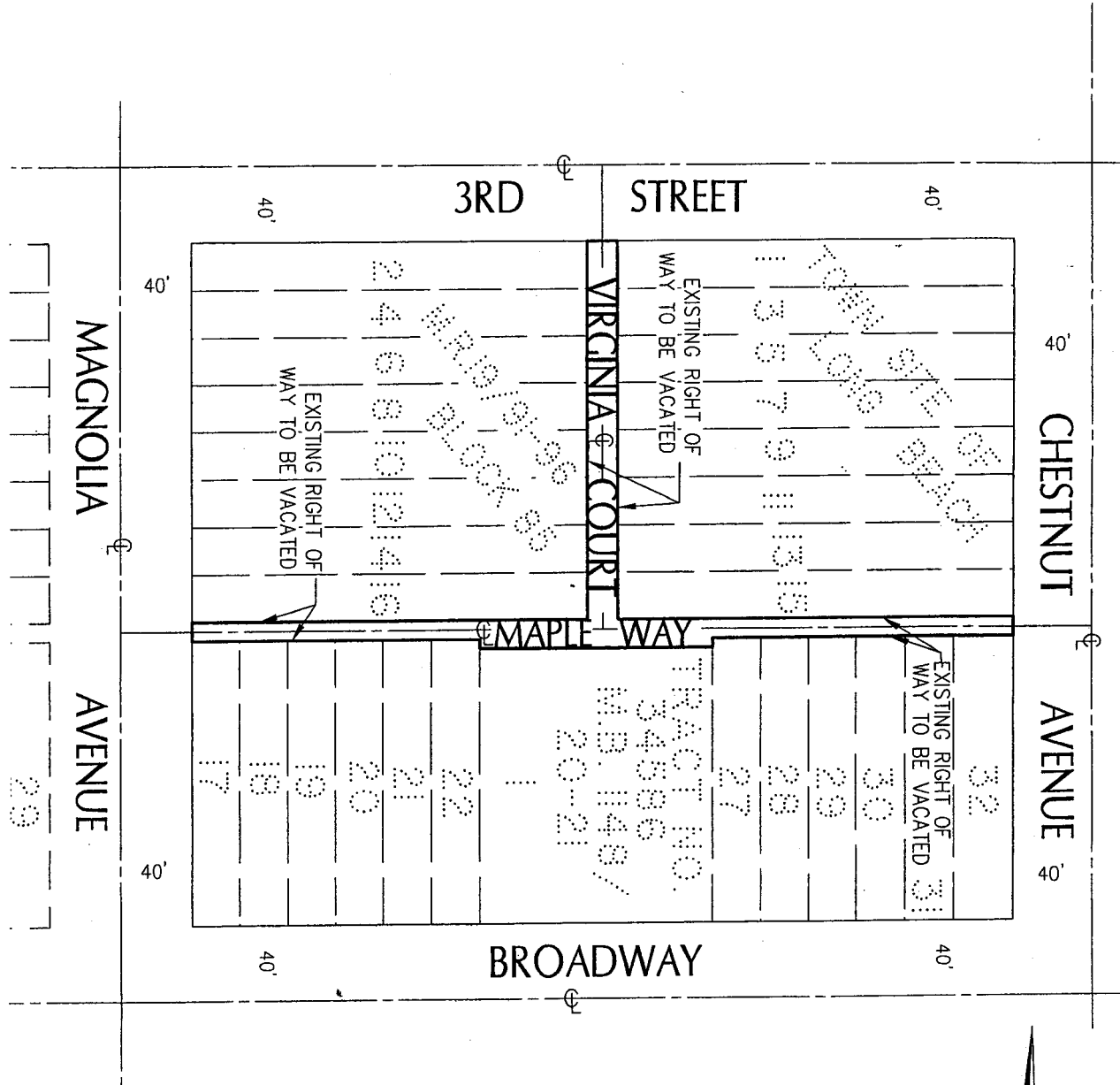

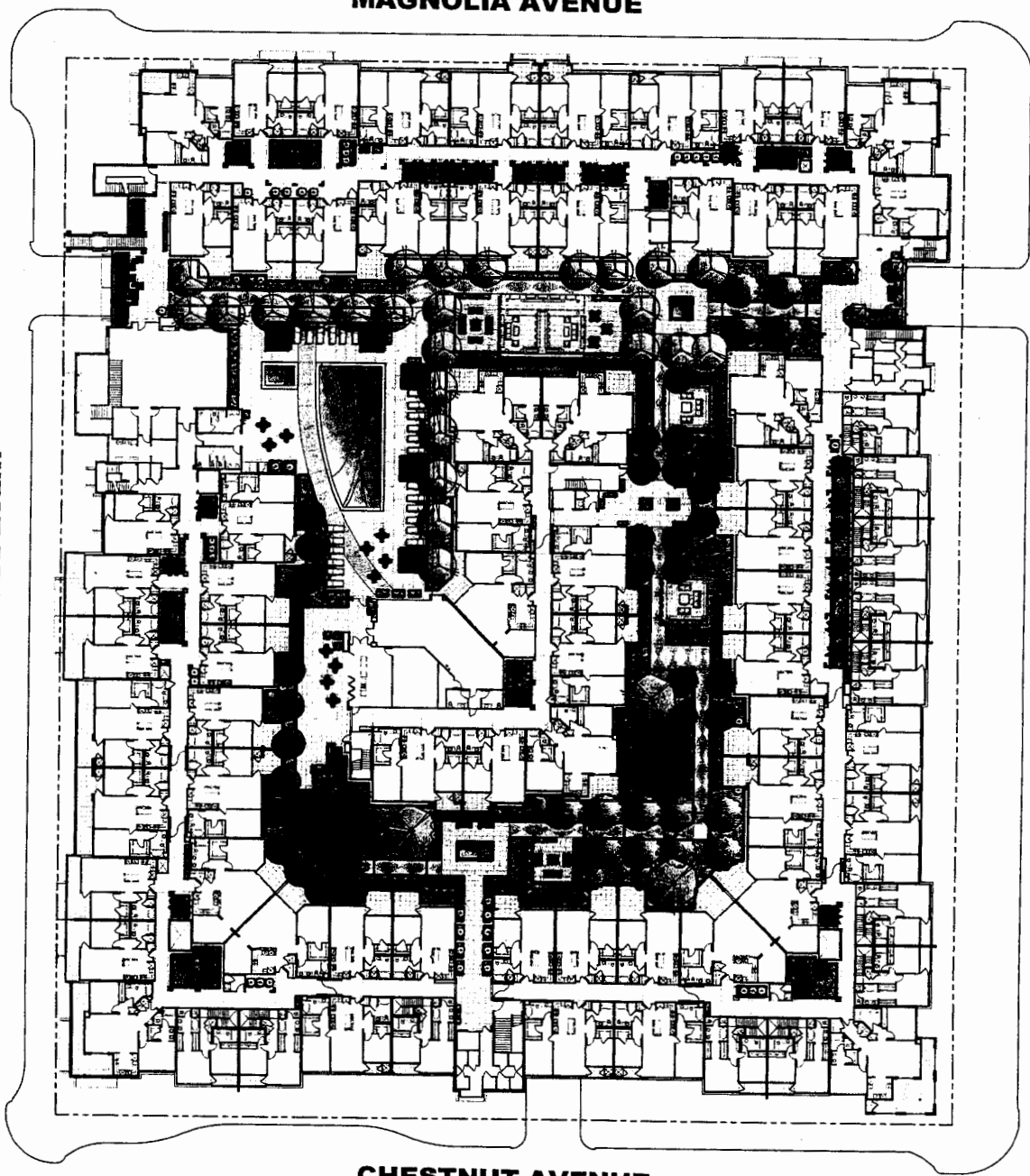


EXHIBIT A

— 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	

MAGNOLIA AVENUE



THIRD STREET

CHESTNUT AVENUE

WEST BROADWAY



NORTH

EXHIBIT B

CONDITIONS OF APPROVAL

SKETCH NO. 980V

The proposal was reviewed by the interested city departments and public agencies, and there were no objections, provided that the following conditions of approval are included:

1. An easement shall be reserved for any existing public utilities, which are known to include water, sewer and electrical lines. It is intended that the complete removal of public facilities will occur with project construction, and City Council is requested to preauthorize the quitclaim to be granted once all public utility agencies and companies are satisfied that their facilities have been properly relocated or abandoned.
2. The vacation petitioner shall resolve any storm water drainage problems resulting from the vacation to the satisfaction of the Director of Public Works.

The above conditions are flexible in that they may be adjusted in consideration of changing conditions or of new evidence which occurs or becomes available prior to the adoption of the resolution vacating by the City Council.

EXHIBIT C

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.

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

1 any existing franchises or renewals thereof, or otherwise, to
2 construct, maintain, operate, replace, remove, renew and enlarge
3 lines of conduits, cables, wires, poles and other convenient
4 structures, equipment and fixtures for the operation of telephone
5 lines and other communication lines, and for the transportation or
6 distribution of electric energy, and incidental purposes including
7 access and the right to keep the property free from inflammable
8 materials, and wood growth, and otherwise protect the same from
9 all hazards in, upon and over the part vacated. Access for
10 maintenance of the above-mentioned facilities must be maintained
11 at all times. No improvements shall be constructed within the
12 easement which would impede the operation, maintenance or
13 repair of said facilities. Construction of any improvements, including
14 changes of grade, shall be subject to the prior written approval of all
15 the City departments and public utilities responsible for the above
16 said facilities.

17 WHEREAS, the above-described property is an excess right-of-way and is
18 not required for street or highway purposes; and

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

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

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

26 Section 1. Pursuant to Chapter 4, Part 3 of Division 9 of the California
27 Streets and Highways Code (Sections 8330 et seq.), the following findings are made
28 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

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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"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 _____, 2007, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

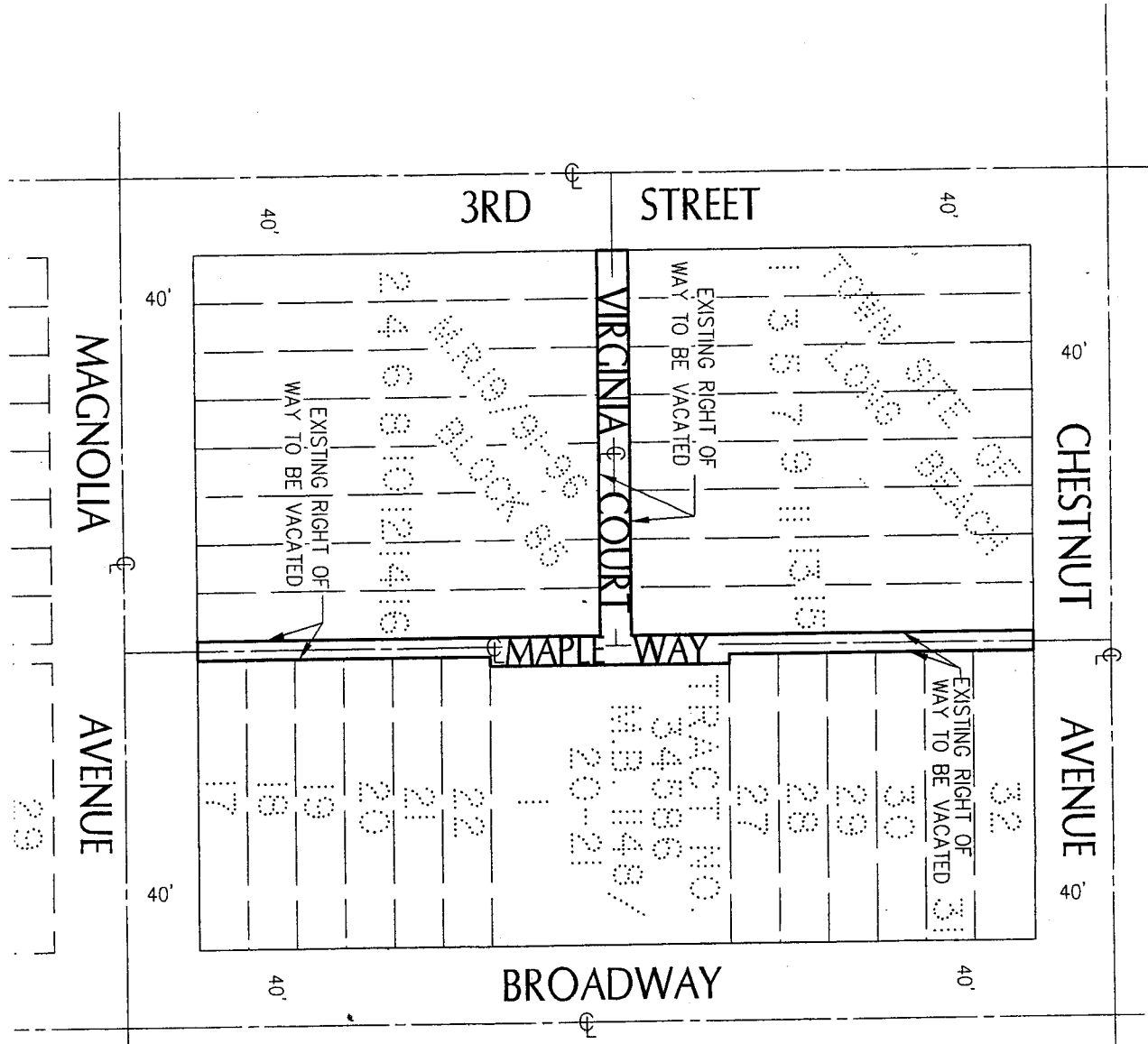


EXHIBIT A

— ALLEY VACATION



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 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
