

RESOLUTION NO. C- 28464

A RESOLUTION ORDERING THE VACATION OF THE FIVE-FOOT WIDE ALLEY EAST OF SIXTY-SEVENTH PLACE AND SOUTH OF OCEAN BOULEVARD 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 14th day of September, 2004 by Resolution No. C-28453, declare its intention to order the vacation, pursuant to the provisions of the Public Streets, Highways, and Service Easements Law, the five-foot wide alley east of Sixty-Seventh Place and south of Ocean Boulevard in the City of Long Beach, County of Los Angeles, State of California, described more particularly as follows:

That portion of the 5-foot wide alley shown on Block 23 of The Alamitos Bay 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 5, Pages 137 and 138 of Maps in the Office of the County Recorder of said county; bounded on the east by the southerly prolongation of a line 5.00 feet westerly of, measured at right angles and parallel with, the easterly line of Lot 15 of said block and tract.

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 natural 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 to keep the property free from inflammable materials, and wood growth, and otherwise protect the same

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

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

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

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

Section 1. Pursuant to the foregoing resolution of intention, the proceedings had thereunder, the "SKETCH SHOWING FIVE-FOOT WIDE ALLEY EAST OF SIXTY-SEVENTH PLACE AND SOUTH OF OCEAN BOULEVARD TO BE VACATED BY THE CITY OF LONG BEACH" attached hereto as Exhibit "A", and the City Council Findings attached hereto as Exhibit "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 of the County of Los Angeles, California.

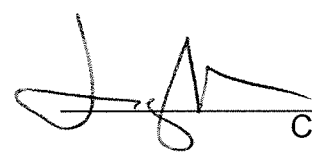
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I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of October 12, 2004 by the following votes:

Ayes: Councilmembers: Baker, O'Donnell, Kell, Richardson,
Reyes Uranga, Gabelich, Lerch.

Noes: Councilmembers: None.

Absent: Councilmembers: Lowenthal, Colonna.

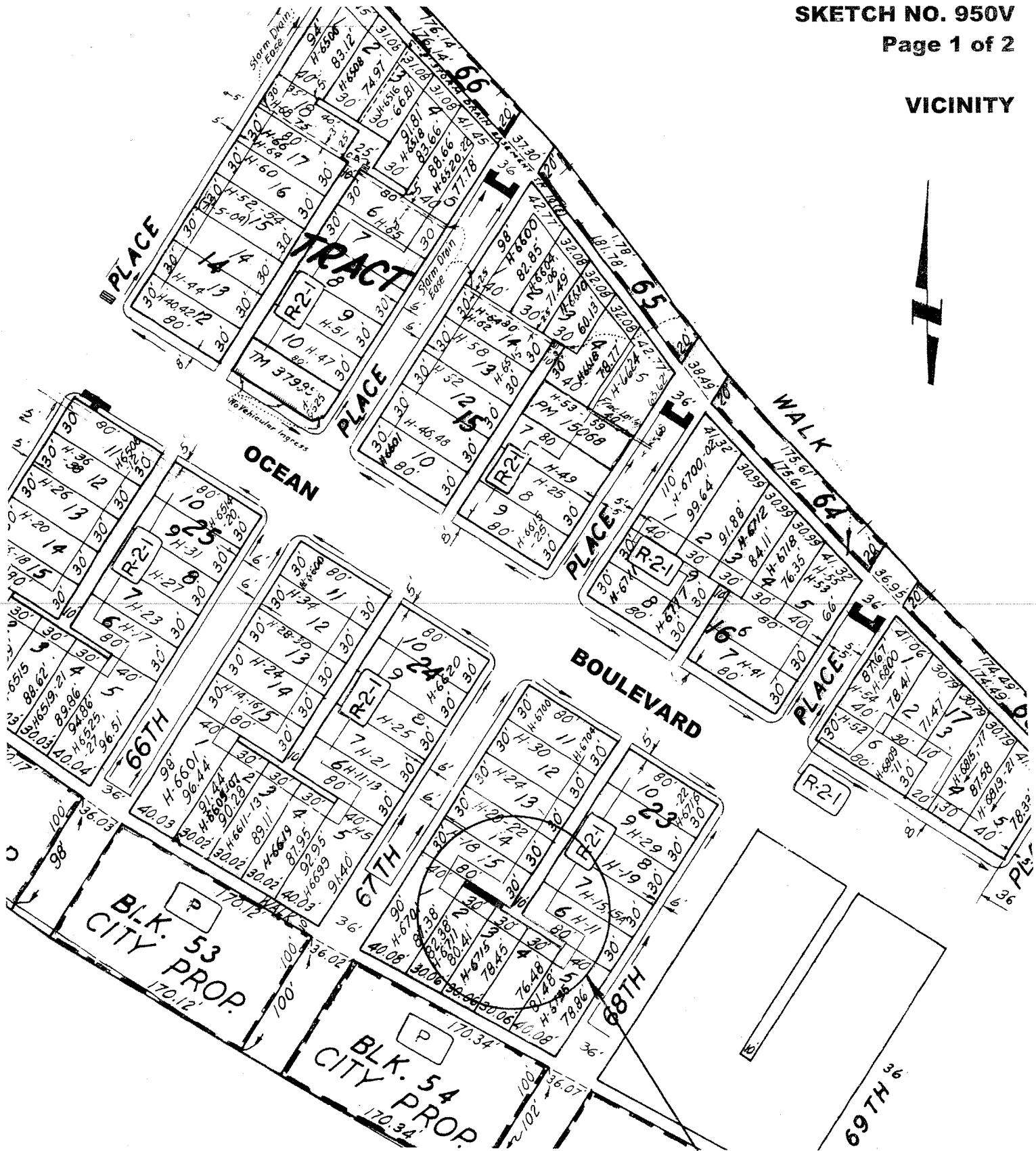


City Clerk

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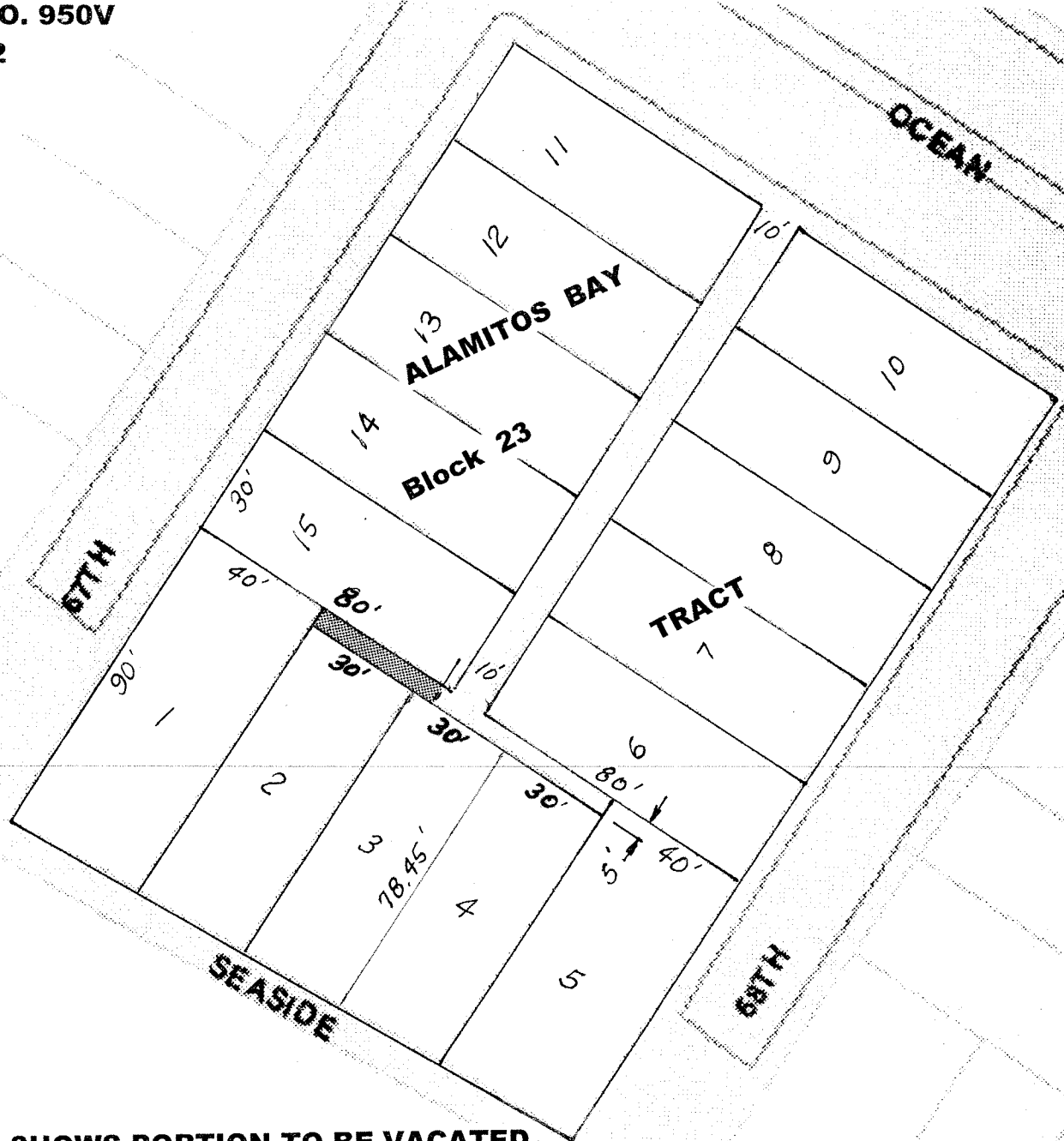
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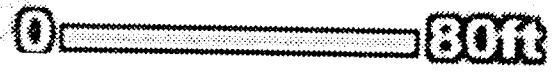


FIVE-FOOT WIDE ALLEY EAST OF 67TH PLACE
AND SOUTH OF OCEAN BOULEVARD
PROPOSED TO BE VACATED BY THE CITY OF LONG BEACH

DETAIL



 SHOWS PORTION TO BE VACATED
5 FT x 40 FT



CITY COUNCIL FINDINGS

VACATION OF A PORTION OF THE FIVE FOOT WIDE ALLEY EAST OF SIXTY-SEVENTH PLACE AND SOUTH OF OCEAN BOULEVARD

1. The subject rights-of-way are 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 September 14, 2004, City Council meeting regarding the resolution of intention to vacate the subject right-of-way, adopted as C- 28453.
 - 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 are not and will not be needed for public use.
- c) In conformance with the California Environmental Quality Act, Categorical Exemption No. 62-04 was issued for this project.

GMM:SC/C