

H-16

August 16, 2022

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 122 feet of the east-west alley located east of Long Beach Boulevard and west of an unnamed north-south alley, between the properties located at 2400 and 2450 Long Beach Boulevard, based on the findings included therein, and memorializing the conditions imposed on the right of way vacation. (District 6)

DISCUSSION

The former owners of the properties at 2400, 2450 and 2490 Long Beach Boulevard, Richard Earl Todd and Claudia Todd, husband and wife, as joint tenants, as to Parcel A; R & P Todd Family Partnership, LTD., a California limited partnership, formerly known as Todd Family Partnership, LTD., a California limited partnership, as to Parcel B; and R & P Todd Family Partnership LTD., a California limited partnership, as to Parcel C (collectively referred to as "former owners") requested the vacation of 122 feet of the east-west alley located east of Long Beach Boulevard and west of an unnamed north-south alley, between the properties located at 2400 and 2450 Long Beach Boulevard (Attachment A).

2400 LONG BEACH LP, a California limited partnership, as the current owner of the properties at 2400, 2450 and 2490 Long Beach Boulevard, requests to continue the vacation herein. Vacating this portion of public right-of-way (ROW) would allow the property owners to improve the alley as part of their proposed residential development project adjacent to the alley.

On July 12, 2022, the City Council adopted Resolution No. Res-22-0113, declaring its intention to vacate the identified location, and set August 16, 2022, as the date for the public hearing. While the requested vacation was initiated by the former owners of the properties, 2400 LONG BEACH LP, as current owner of the properties, requests to continue the vacation herein.

Proceedings for this vacation are being conducted in accordance with Chapter 3, General Vacation Procedures, of the Public Streets and Highways, and Service Easement Vacation Law of the California Streets and Highways Code. The necessary City of Long Beach (City) departments have reviewed the proposed ROW vacation and have no objections to this action.

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This matter was reviewed by Deputy City Attorney Vanessa S. Ibarra on July 21, 2022 and by Budget Management Officer Nader Kaamouch on July 26, 2022.

TIMING CONSIDERATIONS

The August 16, 2022 public hearing date was set by the July 12, 2022 City Council action to adopt a Resolution ordering the vacation of 122 feet of the east-west alley located east of Long Beach Boulevard and west of an unnamed north-south alley, between the properties located at 2400 and 2450 Long Beach Boulevard.

FISCAL IMPACT

Vacation processing fees in a total amount of \$13,227 were deposited in the General Fund Group in the Public Works Department. This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities. There is no local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



ERIC LOPEZ
DIRECTOR OF PUBLIC WORKS

APPROVED:



THOMAS B. MODICA
CITY MANAGER

ATTACHMENTS: RESOLUTION
A – VACATION SKETCH

RESOLUTION NO.

A RESOLUTION ORDERING THE VACATION OF 122 FEET OF THE EAST-WEST ALLEY LOCATED EAST OF LONG BEACH BOULEVARD AND WEST OF AN UNNAMED NORTH-SOUTH ALLEY, BETWEEN THE PROPERTIES LOCATED AT 2400 AND 2450 LONG BEACH 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 July 12, 2022, by Resolution No. RES-22-01113, declare its intention to order the vacation, pursuant to the provisions of the Public Streets, Highways, and Service Easements Law, 122 feet of the east-west alley located east of Long Beach Boulevard and west of an unnamed north-south alley, between the properties located at 2400 and 2450 Long Beach Boulevard, in the City of Long Beach, County of Los Angeles, State of California, as described on the attached Exhibit "A", and as shown on the attached Exhibit "B"; and

WHEREAS, the City Council did, at said time, fix Tuesday, August 16, 2022, at the hour of 5:00 p.m., as the time and the Civic Chamber located at 411 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, was 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 makes those findings of fact set forth in said Exhibit "C", attached hereto and by this reference made a part hereof;

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

1 follows:

2 Section 1. Pursuant to the foregoing resolution of intention, the
3 proceedings had thereunder, Vacation Sketch No. 1028V showing 122 feet of the east-
4 west alley located east of Long Beach Boulevard and west of an unnamed north-south
5 alley, between the properties located at 2400 and 2450 Long Beach Boulevard to be
6 vacated by the City of Long Beach attached hereto as Exhibit "D", and the City Council
7 Findings attached hereto as Exhibit "C", said City Council of the City of Long Beach hereby
8 makes its resolution vacating and closing a portion of the street hereinabove described.

9 Section 2. Easement Reservations. Reserving unto the City of Long
10 Beach, its successors and assigns a perpetual easement and right-of-way, at any time or
11 from time to time, to lay, construct, maintain, operate, repair, renew, replace, change the
12 size of and remove the existing utility lines, including, but not limited to, potable water,
13 sanitary sewers, dry gas and appurtenant structures, together with all necessary gates,
14 valves, fittings, hydrants and appurtenances for the transportation of water, sewage and
15 dry gas, with the right of ingress to and egress from the same, over, through, under, along
16 and across that certain property vacated herewith; and pursuant to any existing franchises
17 or renewals thereof, or otherwise, to construct, maintain, operate, replace, remove, renew
18 and enlarge lines of conduits, cables, wires, poles and other convenient structures,
19 equipment and fixtures for the operation of telephone lines and other communication lines,
20 and for the transportation or distribution of electric energy, and incidental purposes
21 including access and the right to keep the property free from inflammable materials, and
22 wood growth, and otherwise protect the same from all hazards in, upon and over the part
23 vacated. Access for maintenance of the above-mentioned facilities must be maintained at
24 all times. No improvements shall be constructed within the easement which would impede
25 the operation, maintenance or repair of said facilities. Construction of any improvements,
26 including changes of grade, shall be subject to the prior written approval of all the City
27 departments and public utilities responsible for the above said facilities.

28 Section 3. That this resolution shall take effect immediately upon its

1 adoption by the City Council, and the City Clerk is hereby instructed to certify to the
2 adoption thereof, and to cause a certified copy to be recorded in the Office of the County
3 Recorder of the County of Los Angeles, California.

4 I hereby certify that the foregoing resolution was adopted by the City Council
5 of the City of Long Beach at its meeting of _____, 2022 by the
6 following vote:

7
8 Ayes: Councilmembers: _____

9 _____

10 _____

11 _____

12 Noes: Councilmembers: _____

13 _____

14 Absent: Councilmembers: _____

15 _____

16 Recusal(s): Councilmembers: _____

17 _____

18
19 City Clerk

LEGAL DESCRIPTION

SHEET 1 OF 1

ALLEY VACATION

**IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES,
STATE OF CALIFORNIA**

PARCEL A:

BEING A PORTION OF THAT LAND DESIGNATED AS "ALLEY" AS SHOWN ON THE MAP OF TRACT NO. 2268, IN THE CITY OF LONG BEACH, FILED IN BOOK 22, PAGE 76 OF MAPS, RECORDS OF LOS ANGELES COUNTY, STATE OF CALIFORNIA, BOUNDED AS FOLLOWS:

ON THE NORTH BY THE SOUTH LINE OF LOT 6 PER SAID TRACT MAP; ON THE WEST BY THE SOUTHERLY PROLONGATION OF THE WEST LINE OF SAID LOT 6; ON THE SOUTH BY THE NORTH LINE OF THE 5 FOOT ALLEY SHOWN ON THE MAP OF CUSHMAN'S SUBDIVISION PER MAP FILED IN BOOK 6, PAGE 128 OF MAPS; AND ON THE EAST BY THE SOUTHERLY PROLONGATION OF THE EAST LINE OF SAID LOT 6.

SAID LAND AS DESCRIBED AS PARCEL A IS A PART OF THE UNDERLYING FEE TITLE OF SAID LOT 6 AND BY THE VACATION OF THE DESCRIBED LAND BECOMES A PART OF SAID LOT 6, EXCEPTING THEREFROM AN EASEMENT FOR PUBLIC UTILITY PURPOSES, IF ANY.

SAID PARCEL CONTAINS 610 SQUARE FEET GROSS, MORE OR LESS.

AS SHOWN ON EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

PARCEL B:


BEING A PORTION OF THAT LAND DESIGNATED AS "ALLEY" AS SHOWN ON THE MAP OF CUSHMAN'S SUBDIVISION, IN THE CITY OF LONG BEACH, FILED IN BOOK 6, PAGE 128 OF MAPS, RECORDS OF LOS ANGELES COUNTY, STATE OF CALIFORNIA, BOUNDED AS FOLLOWS:

ON THE NORTH BY THE NORTH LINE OF THE 5 FOOT ALLEY SHOWN ON SAID MAP; ON THE WEST BY THE NORTHERLY PROLONGATION OF THE WESTERLY LINE OF LOT 1 OF SAID MAP; ON THE SOUTH BY THE NORTH LINE OF SAID LOT 1; AND ON THE EAST BY THE NORTHERLY PROLONGATION OF THE EASTERLY LINE OF SAID LOT 1.

SAID LAND AS DESCRIBED AS PARCEL B IS A PART OF THE UNDERLYING FEE TITLE OF SAID LOT 1 AND BY THE VACATION OF THE DESCRIBED LAND BECOMES A PART OF SAID LOT 1, EXCEPTING THEREFROM AN EASEMENT FOR PUBLIC UTILITY PURPOSES, IF ANY.

SAID PARCEL CONTAINS 610 ACRES GROSS, MORE OR LESS.

AS SHOWN ON EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

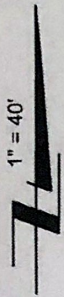

GERALD R. ANDERSON, L.S. 4400
LICENSE EXPIRES: SEPTEMBER 30, 2019

9/29/2017
Date



EXHIBIT 'B' - MAP
ALLEY VACATION

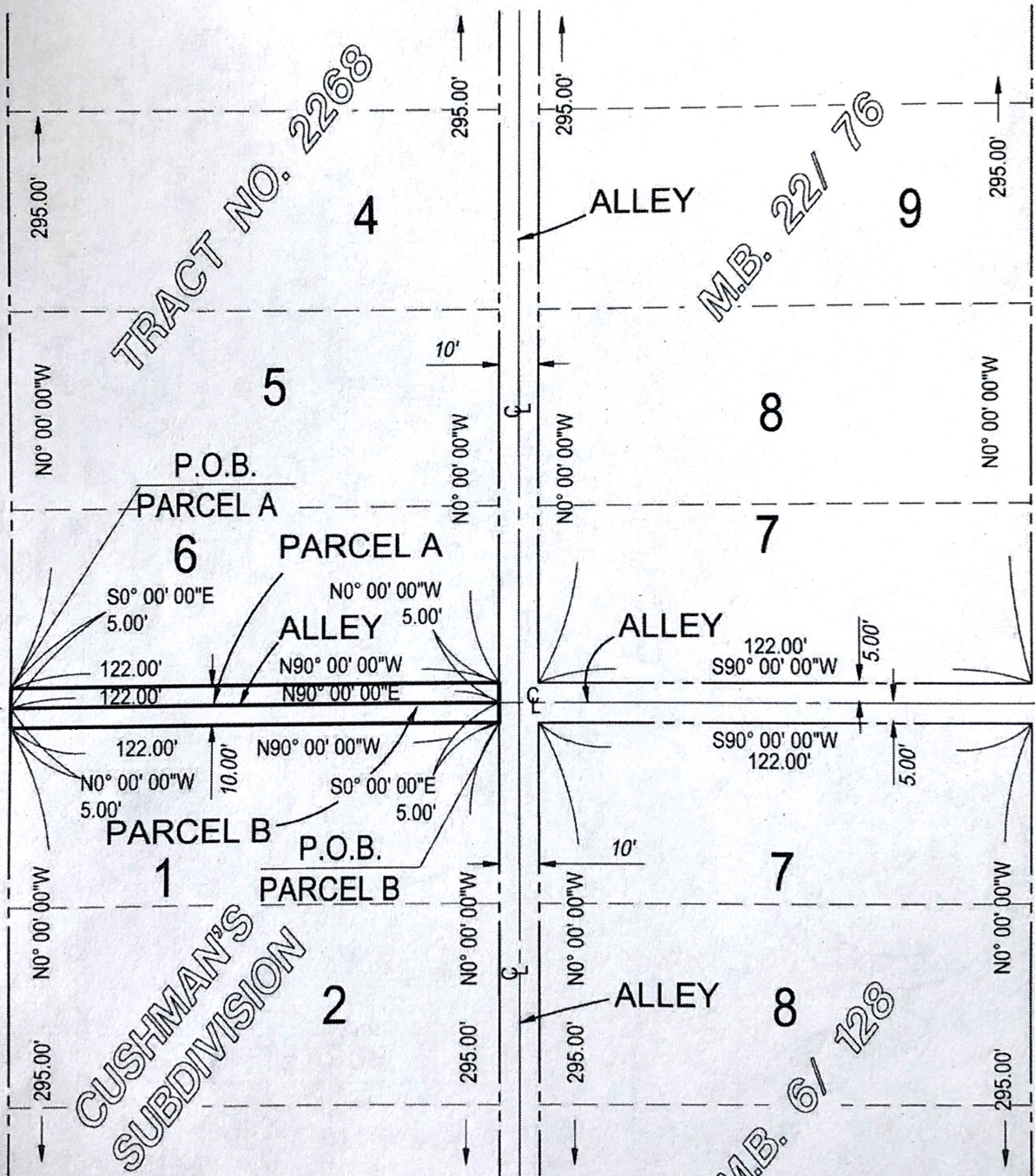
2nd Check



SCALE: 1" = 40'

LONG BEACH BOULEVARD

ELM AVENUE



LEGEND:

- ALLEY VACATION AREA
- RIGHT OF WAY
- CENTERLINE
- EXISTING LOT LINES

ATTACHMENT C

CITY COUNCIL FINDINGS

VACATION OF 122 FEET OF THE EAST-WEST ALLEY LOCATED EAST OF LONG BEACH BOULEVARD AND WEST OF AN UNNAMED NORTH-SOUTH ALLEY, BETWEEN THE PROPERTIES LOCATED AT 2400 AND 2450 LONG BEACH BOULEVARD.

Reference Sketch No. 1028V

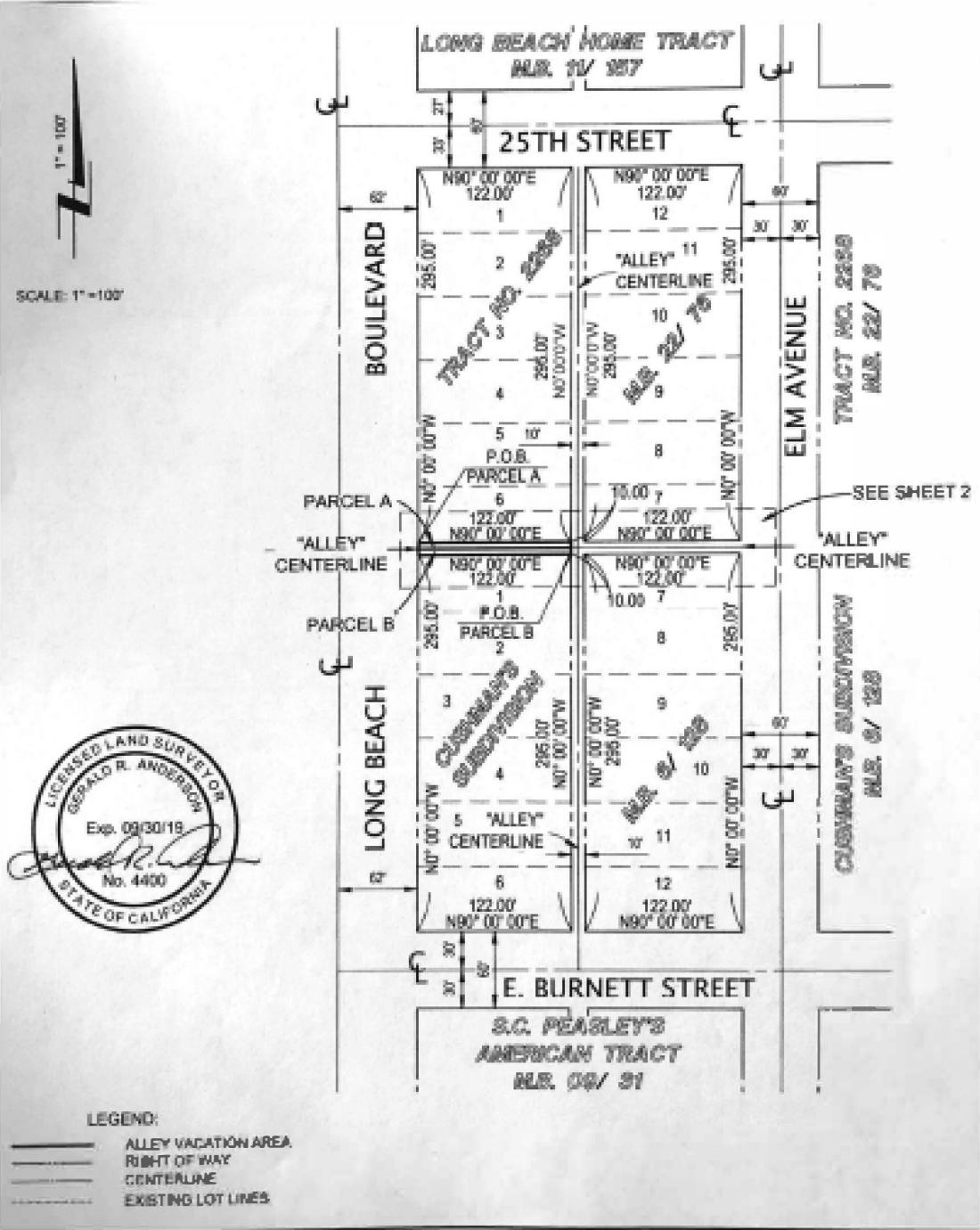
1. The subject rights-of-way is found to be unnecessary for present or prospective public use. This finding is based upon the following sub-findings:
 - a. On March 1st, 2018, the Planning Commission determined that the subject vacation is consistent with the General Plan, as required in Section 8313 of the Public Streets, Highways, and Service Easements Vacation Law.
 - b. Those findings in the City Council letter dated June 21, 2022 agenda item C-17.
 - c. Off-site improvements Bond and Agreement placed the approval of the vacation.
2. The right-of-way is not needed for public use.
 - a. Vehicular access from E. 25th Street and E Burnett Street is taken from the unnamed north-south alley.
 - b. The unnamed north-south alley will be widened for improved mobility
 - c. The sidewalk along the east side of Long Beach Blvd will be widened to offset the portion of sidewalk vacated to the development.
 - d. The right-of-way would not be useful for exclusive bikeway purposes.
3. The interested City Departments, including Fire, Police and the Long Beach Water Department, have reviewed the proposed right-of-way vacation and land development, and have no objections to this action.
4. Easements will be reserved in the portion of vacated rights-of-way.
5. The vacation of said right-of-way will not have a significantly adverse environmental effect. This finding is based upon the following sub-findings:
 - a. In conformance with the California Environmental Quality Act, a Notice of Exemption from CEQA (CE-17-162) was prepared for this project.

**List of conditions for the right-of-way vacation
approval**

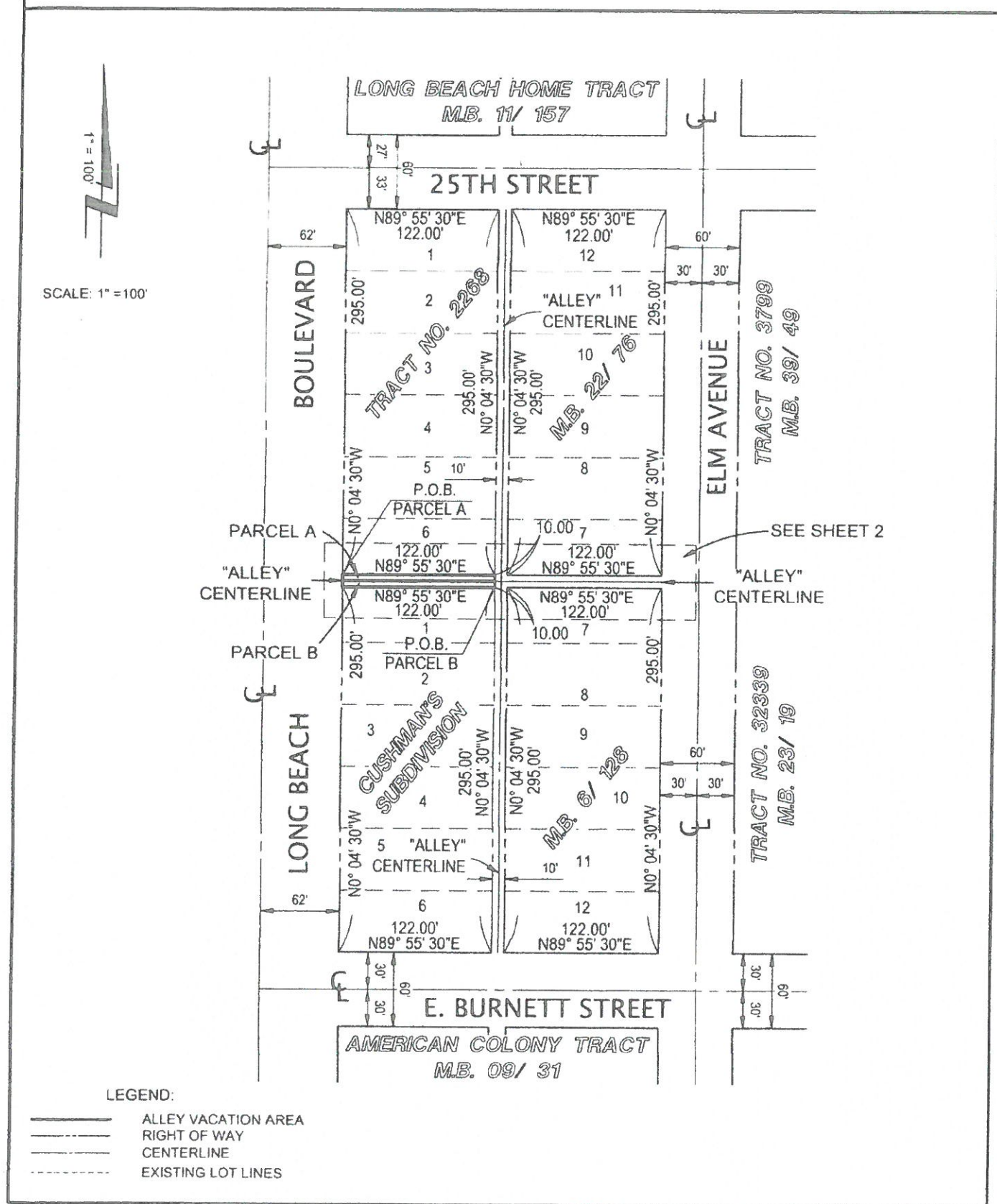
1. The vacation petitioner shall provide for all street markings and traffic control devices required for street purposes per MUTCD requirements and to the satisfaction of the City Traffic Engineer.
2. Applicant shall remove any unused driveways and curb cuts along the Project's frontage on 25th Street, Long Beach Boulevard, and Burnett Street and replace with full height curb, curb gutter and sidewalk pavement to the satisfaction of the Director of Public Works. All sidewalk improvements shall be constructed with Portland cement concrete.
3. Utility easements shall be reserved over the areas to be vacated. No buildings or any other vertical structures may be constructed over the utility lines.
 - a. 24 hr. access shall be provided for emergency access to the Long Beach Energy gas facility.
 - b. If the vacation petitioner/developer requests the relocation of the gas lines, it shall be done so that the same dual feed is maintained, with all cost responsibility on the developer.
4. Any required traffic control modifications along Long Beach Blvd and adjacent north south alley is the responsibility of the vacation petitioner. A street improvement permit from the Department of Public Works shall be required. All traffic control modifications within the vacated rights of way, is the responsibility of the vacation petitioner, and shall be per the current Traffic Control Manual.
5. The vacation petitioner shall, at its cost, resolve all the conditions stated herein along with any storm water drainage problems resulting from the vacation to the satisfaction of the Director of Public Works.
6. Construction plans shall be submitted to the Department of Public Works for all projections over the public right-of-way to be reviewed for approval as to compliance with Long Beach Municipal Code Chapter 14.48, to the satisfaction of the Director of Public Works.
7. All proposed refuse and recycling structures and receptacles must be entirely on private property, outside of the public right-of-way. The applicant and/or successors shall be responsible for the cleanliness of the sidewalk/roadway adjacent to the refuse and recycling area and the overall development.
8. Any proposed signage shall be located entirely on site, on private property, completely out of the public right-of-way. Any signage proposed in the public rights-of-way shall be eliminated, to the satisfaction of the Director of Public Works.
9. Any proposed improvements within the right-of-way that fall outside of Public Works standards must be reviewed, approved, and accompanied with an Installation and Maintenance Agreement.
10. The vacation petitioner shall be responsible for resolving all matters of easement(s) and/or utilities encroachment to the satisfaction of the interested agency, City Department, and the Director of Public Works.
11. Additional conditions are listed in the General Plan Conformity Staff Report issued by the Development Services Department, copy attached.

ATTACHMENT D

SKETCH NO. 1028V
SKETCH SHOWING A VACATION OF A
PORTION OF AN ALLEY WITH A WIDTH OF
5' BEING WITHIN TRACT NUMBER 2268
AND 5' BEING WITHIN CUSHMAN'S
SUBDIVISION



SHEET 1 OF 2



SHEET 2 OF 2

