

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

RESOLUTION NO. RES-08-0092

A RESOLUTION ORDERING THE VACATION OF
THE EAST-WEST ALLEY NORTH OF SEVENTH STREET
AND WEST OF DAWSON AVENUE 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 22nd of July, 2008, by Resolution No. RES-08-0078, declare its
intention to order the vacation, pursuant to the provisions of the Public Streets, Highways,
and Service Easements Law, the east-west alley north of Seventh Street and west of
Dawson Avenue, in the City of Long Beach, County of Los Angeles, State of California,
described more particularly as follows:

That 10-foot wide east-west alley shown within the
Schlobohm 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 6, Page 179 of Maps in the Office of the
County Recorder of said county, bounded on the east by the
southerly prolongation of the easterly line of Lot 12 of said
tract, and bounded on the west by the southerly prolongation
of a line distant 5.00 feet easterly of, measured at right
angles and parallel with, the westerly line of said Lot 12.

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,

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repair, renew, replace, change the size of and remove the existing utility lines, including, but not limited to, sanitary sewers 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 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 City Council did, at said time, fix Tuesday, the 19th day of August, 2008, at the hour of 5:00 p.m., as the time and the City Council Chamber, Plaza Level of the City Hall, 333 West Ocean Boulevard, in the

1 City of Long Beach, California, as the place for hearing for all persons interested in or
2 objecting to the proposed vacation to appear and be heard; and

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

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

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

11 Section 1. Pursuant to the foregoing resolution of intention, the
12 proceedings had thereunder, Sketch No. 986V showing the east-west alley north of
13 Seventh Street and west of Dawson Avenue to be vacated by the City of Long Beach
14 attached hereto as Exhibit "A", and the City Council Findings attached hereto as Exhibit
15 "B", said City Council of the City of Long Beach hereby makes its resolution vacating and
16 closing a portion of the street hereinabove described.

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

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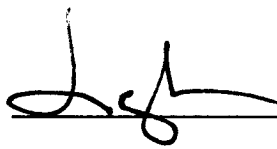
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I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of August 19, 2008 by the following vote:

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

Noes: Councilmembers: None.

Absent: Councilmembers: Reyes Uranga.



City Clerk

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CITY COUNCIL FINDINGS

VACATION OF THE EAST-WEST ALLEY NORTH OF SEVENTH STREET AND WEST OF DAWSON AVENUE Reference Sketch No. 986V

1. The subject right-of-way is unnecessary for present or prospective public use.

This finding is based upon the following subfindings:

- a) Signed statements were submitted from the owners of the four properties adjacent to the subject alley confirming that they do not need the alley for access and that all are in agreement as to vacating the alley.
 - b) On June 5, 2008, the Planning Commission determined that the subject vacation action is consistent with the General Plan, as required in Section 8313 of the Public Streets, Highways and Service Easements Vacation Law.
 - c) The property owners to whom this alley reverts shall be responsible for maintaining the vacated alley as private property, and it shall be closed to public access to prevent dumping, loitering and other nuisance activities.
 - d) An easement will be reserved for all existing public utility facilities.
 - e) 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 is not and will not be needed for public use.
- f) In conformance with the California Environmental Quality Act, Categorical Exemption Number CE 08-08 was issued for this project.