



Legislation Details (With Text)

File #: 05-2327 **Version:** 1 **Name:** Resolution of Summary Vacation of a Portion of Fifty-Third Street West of Locust Avenue and Acceptance of the Dedication of an Adjacent Alley (District 8)

Type: Resolution **Status:** Adopted

File created: 1/31/2005 **In control:** City Council

On agenda: 2/1/2005 **Final action:** 2/1/2005

Title: Recommendation to adopt resolution ordering the vacation of a portion of Fifty-Third Street between Pine Avenue and Locust Avenue; and request City Attorney to accept dedication of a new public alley from the Long Beach Unified School District. (District 8)

Sponsors: Public Works

Indexes:

Code sections:

Attachments: 1. 020105-RES-38att.pdf, 2. 020105-RES-38sr.pdf, 3. C-28511, 4. C-28511 Recorded.pdf

Date	Ver.	Action By	Action	Result
2/1/2005	1	City Council	approve recommendation	Pass

Recommendation to adopt resolution ordering the vacation of a portion of Fifty-Third Street between Pine Avenue and Locust Avenue; and request City Attorney to accept dedication of a new public alley from the Long Beach Unified School District. (District 8)

The east 265 feet of Fifty-Third Street that bisects the Addams Elementary School has been closed to vehicular traffic since 1942. In 1995, the Long Beach Unified School District ("District") wanted to repave the school play yard and incorporate the closed street area, eliminating the street curbing. These improvements would preclude vehicular use around the clock and the District therefore requested that the street portion be vacated. A resolution of intention to vacate as shown on the attached Exhibit A was adopted on January 17, 1995, and a public hearing was held on February 21, 1995. However, as a condition of approval for the vacation, the District was to construct a through-alley midblock west of the closure. The District completed that construction satisfactorily, but only completed other requirements for the vacation in 2004.

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 8333(a) of that Chapter states that the legislative body of a local agency may summarily vacate a public service easement (when) the easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation.

The Department of Public Works supports this action based on the following evidence, facts, conditions and findings, establishing that the dedicated right-of-way to be vacated is unnecessary for present or prospective use by the public:

1. The Addams Elementary School campus property is shown on the attached Exhibit B.

- 1)
1. In 1994, the District applied for the vacation of the subject portion of Fifty-Third Street.
 - 1)
1. In 1995, The District built a new 20-foot wide alley connection between Fifty-Third and Mountain View Streets as shown on Exhibit A.
 - 1)
1. The subject portion of Fifty-Third Street was gated and has been impassable to public street use since 1995.
 - 1)
1. This street easement has not been used for the purpose for which it was dedicated or acquired for over five consecutive years immediately preceding the proposed dedication.
 - 1)
1. On April 10, 2003, the District executed an easement deed in favor of the public for the new connecting alley.
 - 1)
1. On August 19, 2004, the City of Long Beach Planning Commission made a finding of General Plan conformity for the proposed vacation, as required in Section 8313 of the Public Streets, Highways and Service Easements Vacation Law. In compliance with the California Environmental Quality Act, Categorical Exemption No. CE-337-04 was issued for this project. A copy of the staff report is attached as Exhibit C.
 - 1)
1. The interested City departments, including Fire and Police, have reviewed the proposed right-of-way vacation and have no objections to this action. Conditions of approval satisfying the concerns of the public utility companies are shown on Exhibit D. The portion vacated will remain subject to a utility easement.
 - 2.
 - 2.
 - 16.

It is now appropriate for the City to accept the easement deed for the connecting alley and vacate the street that has been closed to through traffic since 1995. Deputy City Attorney Lisa Peskay Malmsten prepared the attached resolution of summary vacation on January 3, 2005. The City of Long Beach does not guarantee reversionary rights over the vacated right-of-way.

City Council action on this matter is not time critical.

vacation processing fee of \$1500 was deposited to the General Fund (GP) in the Department of Public Works (PW).

Approve recommendation.

CHRISTINE F. ANDERSEN
DIRECTOR OF PUBLIC WORKS