



## Legislation Text

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**File #:** 09-1283, **Version:** 1

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Recommendation to adopt Resolution of Intention to vacate Daisy Avenue and the alleys bounded by Third Street, Broadway, Maine and Magnolia Avenues, and set a date for a public hearing on the vacation for Tuesday, January 5, 2010 at 5:00 p.m. (District 1)

The State of California (State) proposes to build a new regional courthouse on a 5.9acre parcel of land bounded north to south by Third Street and Broadway, and bounded east to west by Magnolia and Maine Avenues. State requests the vacation of all of the public rights-of-way within this parcel as shown on the attached Exhibit A. City Council review of the proposed courthouse development occurred on March 24, 2009, as reflected on the attached Exhibit B.

Proceedings for this vacation are being conducted in accordance with Chapter 3, General Vacation Procedure, of the Public Streets, Highways and Service Easements Vacation Law of the California Streets and Highways Code. Findings must establish that the subject right-of-way is unnecessary for present or prospective public use. 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 public use.

1. On March 24, 2009, City Council heard a report on the development of a regional courthouse and authorized the City Manager to commence proceedings for the necessary street and alley vacation (Exhibit B).
2. In conformance with the California Environmental Quality Act, Mitigated Negative Declaration Number 2009051102 was prepared by the lead agency on the State Courthouse Project, the Administrative Office of the Courts (AOC), and reviewed and accepted by the City of Long Beach Redevelopment Agency on August 17, 2009.
3. On November 19, 2009, the Planning Commission made a determination of General Plan Conformity for the vacation of streets and alleys as described in Section 8313 of the Public Streets, Highways and Service Easements Vacation Law (Exhibit C).
4. 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 public hearing on this matter to be held on January 5, 2010, will allow all persons interested in, or objecting to, the proposed vacation to appear and be heard. The proposed resolution of intention to vacate was prepared by Deputy City Attorney Linda Trang on November 19, 2009.

This matter was reviewed by Deputy City Attorney Linda Trang on November 18, 2009 and by Budget and Performance Management Bureau Manager David Wodynski on November 18, 2009.

City Council action is requested on December 8, 2009 in order to allow the construction of the courthouse to proceed on schedule.

A vacation processing fee of \$9,923 was deposited in the General Fund (GP) in the Department of Public Works (PW).

Approve recommendation.

A RESOLUTION OF INTENTION TO VACATE DAISY AVENUE AND THE ALLEYS BOUNDED BY THIRD STREET, BROADWAY, AND MAINE AND MAGNOLIA AVENUES, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, PURSUANT TO THE PUBLIC STREET, HIGHWAYS AND SERVICE EASEMENTS LAW (DIVISION 9, PART 3, CALIFORNIA STREETS AND HIGHWAYS CODE); FIXING A TIME AND PLACE FOR HEARING ALL PERSONS INTERESTED IN OR OBJECTING TO THE PROPOSED VACATION

MICHAEL P. CONWAY,  
DIRECTOR OF PUBLIC WORKS

NAME  
TITLE

APPROVED:

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PATRICK H. WEST  
CITY MANAGER