



Legislation Text

File #: 08-0116, **Version:** 1

Recommendation to adopt resolution ordering the summary vacation of the alleys east of Magnolia Avenue and north of Broadway; and authorize the quitclaim of a reserved utility easement. (District 1)

Lyon Realty Advisors requests the vacation of the alley easements in the block bounded by Broadway, Third Street, Magnolia and Chestnut Avenues. This block is currently owned by the City of Long Beach Redevelopment Agency and is to be sold to Lyons Realty for the purpose of building a mixed residential and commercial development over the entire block. All vehicular access to this development will be taken from Broadway, Chestnut Avenue and Third Street. It is appropriate at this time to vacate the unused alley easements as shown in the attached Exhibit A.

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 8334 of that Chapter states that the legislative body of a local agency may summarily vacate that portion of right-of-way, which is excess right-of-way not required for street or highway purposes, and lies within property under one ownership and does not continue through such ownership or end touching the property of another. The Department of Public Works supports this action based on the following evidence, facts, and conditions, finding that the dedicated rights-of-way to be vacated are unnecessary for present or prospective public use.

1. This project is being developed with the assistance of the Long Beach Redevelopment Agency. All parcels within this block are owned by the Agency, and will be conveyed to the developer immediately prior to the start of construction. An illustration showing the layout of the proposed development covering the entire block is attached as Exhibit B.
2. On September 20, 2007, the Planning Commission approved the proposed project, certified Environmental Impact Report Number 09-04, and determined that the proposed vacation action is consistent with the General Plan as required in Section 8313 of the Public Streets, Highways and Service Easements Vacation Law. Appropriate traffic mitigations have been incorporated into the project conditions.
3. City Departments including Fire and Police have reviewed the proposed vacation of public rights-of-way and have no objection to this action. A utility easement will be reserved until all facilities are properly removed or abandoned, at which time the reserved easement will be quitclaimed subject to the satisfaction of the City Engineer. Conditions of approval for the proposed vacation are listed on Exhibit C.
4. The City of Long Beach does not guarantee reversionary rights over the vacated rights-of-way.

This matter was reviewed by Deputy City Attorney on January 31, 2008 and by Budget Management Officer Victoria Bell on January 31, 2008.

City Council action is being requested on February 12, 2008 in order to ensure this necessary project entitlement.

A vacation processing fee of \$3000 was deposited to the General Fund (GP) in the Department of Public Works (PW).

Approve recommendation.

A RESOLUTION ORDERING THE SUMMARY VACATION OF THE ALLEYS EAST OF MAGNOLIA AVENUE AND NORTH OF BROADWAY, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA PURSUANT TO CHAPTER 4, PART 3 OF DIVISION 9 OF THE CALIFORNIA STREET AND HIGHWAYS CODE

MICHAEL P. CONWAY
DIRECTOR OF PUBLIC WORKS

APPROVED:

CRAIG BECK
DIRECTOR, DEPARTMENT OF
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PATRICK H. WEST
CITY MANAGER