

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA
ORDERING THE VACATION OF A PORTION OF MADIA STREET
FROM APPROXIMATELY 380 FEET EAST OF LINDA VISTA AVENUE
TO THE EAST END OF MADIA STREET

WHEREAS, Resolution No. 8516 was adopted by the City Council of the City of Pasadena on October 3, 2005, declaring the intention of the City of Pasadena to vacate a portion of Madia Street from approximately 380 feet east of Linda Vista Avenue to the east end of Madia Street and which said portion of said street shall be referred to in this resolution as Madia Street; and

WHEREAS, Madia Street, from approximately 380 feet east of Linda Vista Avenue to the east end of Madia Street, is approximately 150 feet in length and 50 feet in width; and

WHEREAS, Exhibit "B" on file in the office of the Director of the Department of Public Works identifies in detail the subject street to be vacated; and

WHEREAS, the City Council has approved the finding that there is substantial evidence that the vacation of the subject portion of Madia Street, as described herein and in Resolution No. 8516, will have no significant effect on the environment based on the determination of the City Council that the subject portion of Madia Street is declared to be Categorically Exempt (Class 4) pursuant to the guidelines of the California Quality Act, CEQA Section 15304, and no further environmental review is required and that the vacation proceeding for said street is and will be conducted pursuant to the California Streets and Highways Code Section 83290, et seq.; and

WHEREAS, the City Council finds that the vacation of the subject portion of Madia Street, as described herein and in Resolution No. 8516, is consistent with the

General Plan Mobility Element and is unnecessary for present or prospective public use;

WHEREAS, the applicant for said vacation is willing to fulfill certain conditions required by the City and has offered to fulfill certain other conditions requested by adjoining property owners, all at the sole cost and expense of applicant; and

WHEREAS, the City Council finds that there will be the following public benefits as a result of the vacation and fulfillment of the associated conditions, all at no cost to the City: (a) the creation of a cul-de-sac that will provide an adequate and safe turnaround, which does not currently exist, for emergency vehicles, refuse collection vehicles, delivery vehicles and other vehicles; (b) the creation of a continuous sidewalk, which does not currently exist, to replace the dead end sidewalk; (c) a fire hydrant, that does not currently exist, for use in a hillside area, and (d) the public shall be relieved from further maintenance responsibility and associated liability for the vacated area.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Pasadena:

1. Said Madia Street, as described in Exhibit "A" and shown on Exhibit "B", attached hereto and incorporated hereat by this reference, is hereby ordered vacated and abandoned, subject to fulfillment of the conditions adopted with the resolution set forth in Exhibit "C", attached hereto and incorporated herein by reference and of the following additional conditions: (a) the square footage being added to the lots at 1164 Madia Street and 1165 Madia Street shall not be included in the total lot size for the purpose of calculating future buildable area; (b) a fire hydrant that meets the specified fire flow shall be installed in the proposed cul-de-sac; (c) all landscaping in the vacated area shall meet the required fuel modification plan set forth in the California Urban Wildlife Code, 2000 edition; (d) an easement for utilities and access thereto shall be

reserved to the City as to any utilities which remain within the vacated area; (e) applicant shall enter into separate and binding covenants with every property owner with frontage on Madia Street to the east of Linda Vista Avenue with, essentially, all of the key provisions set forth on Exhibit "D", attached hereto and incorporated hereat by this reference, and (f) applicant shall record a covenant satisfactory to the City Attorney providing that no buildings shall be constructed in the vacated area (structures such as a balcony, fountains, and benches are allowed); and

2. It is further ordered that the City Clerk shall cause a certified copy of this resolution to be recorded in the Office of the County Recorder of Los Angeles only after the attached conditions have been satisfied by the applicant, through completion of a Condition Satisfaction Contract.

Adopted at the _____ meeting of the City Council on the _____ day of _____, 2005, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

JANE L. RODRIGUEZ, CMC
City Clerk

Approved as to form:

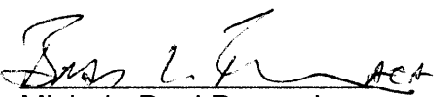

Michele Beal Bagneris
City Attorney

EXHIBIT "A"
MADIA STREET AND PARKVIEW AVENUE
STREET VACATION

PARCEL A

That portion of Madia Street (50.00 feet wide) adjoining Lots 11, 12 and 13 of Block "I" of Linda Vista Tract in the City of Pasadena, County of Los Angeles, State of California as per map recorded in Book 29, Pages 97 and 98 of Record Maps in the office of the County Recorder of said County, together with those portions of Parkview Avenue as shown on said Linda Vista Tract described as a whole as follows:

COMMENCING at the southwest corner of Lot 9 of Tract Map No. 8185 as per map recorded in Book 108, Page 12 of Maps in the office of the County Recorder of said County, being a point in the north line of Madia Street (50.00 feet wide) as shown on said Tract Map No. 8185;

Thence along the north line of Madia Street, North 89°45'00" East 331.67 feet to the **TRUE POINT OF BEGINNING**;

Thence continuing along said north line, North 89°45'00" East 148.33 feet to the southwest corner of that portion of Parkview Avenue vacated by Ordinance 2333 of said City on February 17, 1925;

Thence along the southerly line of said portion of Parkview Avenue described in said Ordinance, and the easterly prolongation of the north line of said Madia Street, North 89°45'00" East 49.91 feet to the southeast corner of said Ordinance;

Thence along the southwesterly prolongation of the southeasterly line of said portion of Parkview Avenue described in said Ordinance, South 26°14'15" West 27.93 feet to a point on the centerline of said Madia Street;

Thence along said centerline, South 89°45'00" West 152.24 feet to the beginning of a non tangent curve concave southwesterly having a radius of 35.00 feet, a radial line to said point bears North 73°08'54" East;

Thence northeasterly 44.84 feet along said curve through a central angle of 73°23'54" to the **TRUE POINT OF BEGINNING**;

All as shown on Exhibit "B" attached herewith and made a part hereof.

The above described parcel contains 4,183 square feet (0.096 acres), more or less.

This real property description has been prepared by me,
or under my direction, in conformance with the Professional
Land Surveyors Act.

Bernard J. McInally, P.L.S. 7629
Expires 12/31/06

Date:

**MADIA STREET AND PARKVIEW AVENUE
STREET VACATION**

PARCEL B

That portion of Madia Street (50.00 feet wide) adjoining Lots 10 and 11 of Block "H" of Linda Vista Tract in the City of Pasadena, County of Los Angeles, State of California as per map recorded in Book 29, Pages 97 and 98 of Record Maps in the office of the County Recorder of said County, together with those portions of Parkview Avenue as shown on said Linda Vista Tract described as a whole as follows:

COMMENCING at the southwest corner of Lot 9 of Tract Map No. 8185 as per map recorded in Book 108, Page 12 of Maps in the office of the County Recorder of said County, being a point in the north line of Madia Street (50.00 feet wide) as shown on said Tract Map No. 8185;

Thence along the north line of Madia Street, North 89°45'00" East 365.22 feet;

Thence leaving the north line, South 00°15'00" East to a point on the centerline of said Madia Street, said point being also the **TRUE POINT OF BEGINNING**;

Thence along said centerline, North 89°45'00" East 144.81 to northerly prolongation of the westerly line of that portion of Parkview Avenue vacated per document recorded August 27, 1985 as Instrument No. 85-992561;

Thence along said northerly prolongation, South 00°15'00" East 25.00 feet to the northeast corner of said portion of Parkview Avenue described in said Instrument No. 85-992561;

Thence along the northerly line of said portion of Parkview Avenue described in said Instrument No. 85-992561 and the south line of said Madia Street, South 89°45'00" West 30.00 feet to the northwest corner of said Instrument No. 85-992561;

Thence continuing along the south line of said Madia Street, South 89°45'00" West 116.73 feet to the beginning of a non-tangent curve concave westerly having a radius of 35.00 feet, a radial line to said point bears South 64°52'23" East;

Thence northerly 59.11 feet along said curve through a central angle of 41°58'53" to the **TRUE POINT OF BEGINNING**;

All as shown on Exhibit "B" attached herewith and made a part hereof.

The above described parcel contains 3,605 square feet (0.083 acres), more or less.

This real property description has been prepared by me,
or under my direction, in conformance with the Professional
Land Surveyors Act.

Bernard J. McNally, P.L.S. 7629
Expires 12/31/06

Date: _____

73°23'54" 35.00' 44.84'

B
TRACT NO. 8188

M.B. 108/12

9

10

LINDA VISTA TRACT

BLOCK "J"

10

11

M.R. 28/87-88

12

13

N89°45'00"E 331.67'

MADIA STREET

PARCEL A

5

ALLEY
(VACATED)

7

LINDA VISTA TRACT

8

BLOCK "H"

9

M.R. 28/87-88

10

11

PARKVIEW AVENUE
(VACATED)

N125°08'54"E
(R)



SCALE
1"=60'

LINE	BEARING	DISTANCE
11	N89°45'00"E	148.33'
12	N89°45'00"E	49.91'
13	S26°14'15"W	27.93'
14	S89°45'00"W	152.24'


ADDITIONAL RIGHT-OF-WAY
 P.O.C. POINT OF COMMENCEMENT
 T.P.O.B. TRUE POINT OF BEGINNING
 (R) RADIAL BEARING
 EASEMENT AREA = 4,183 S.F.

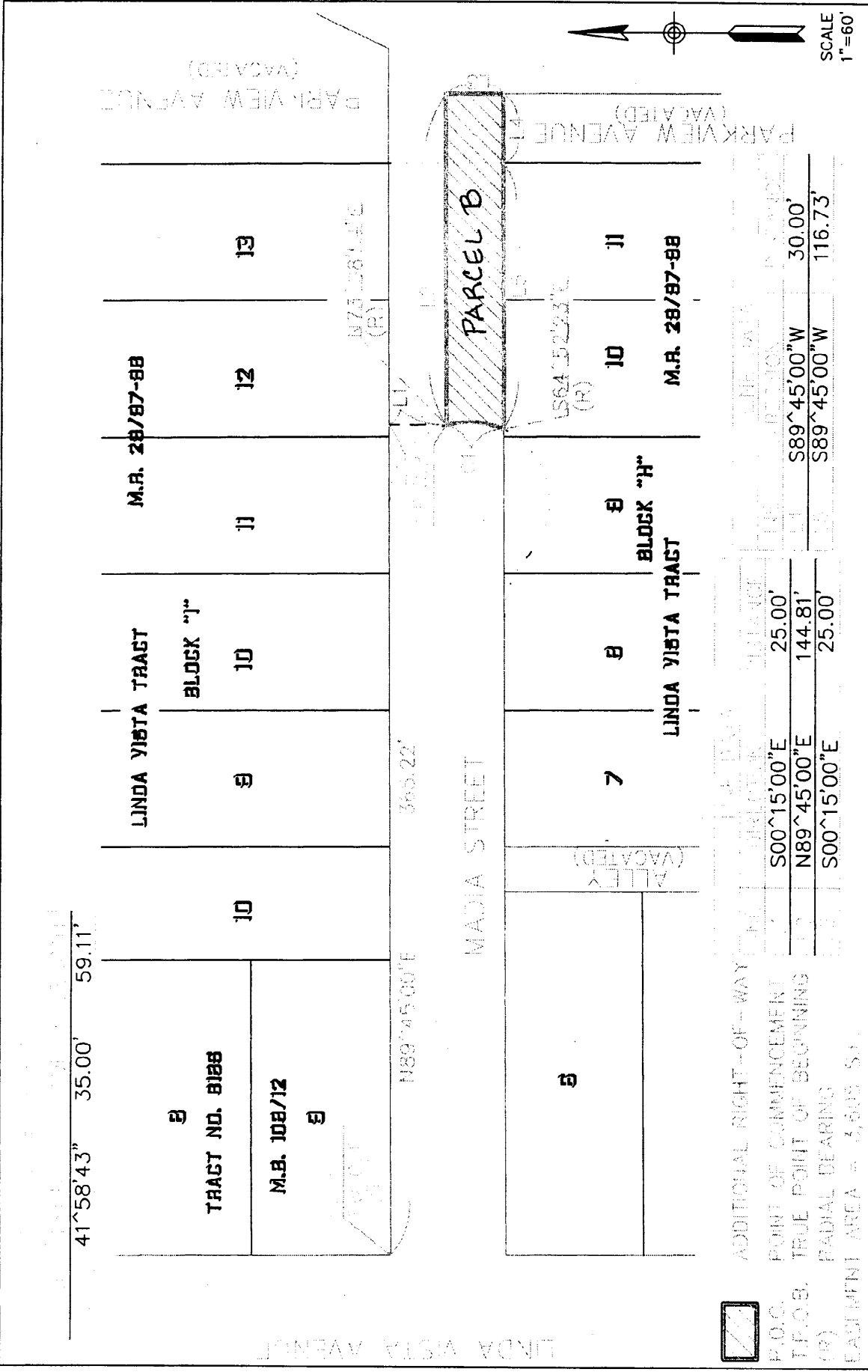
SHEET NO:	1 OF 1
JOB NO:	SQUN0001
DRAWN BY:	RXSJ
DATE:	08/10/05
SCALE:	1"=60'

ADDITIONAL RIGHT-OF-WAY
 MADIA STREET
 CITY OF PASADENA
 COUNTY OF LOS ANGELES
 STATE OF CALIFORNIA

EXHIBIT
"B"

DAVID EVANS AND ASSOCIATES INC
 88 WEST 18TH AVENUE, SUITE 300
 PASADENA, CALIFORNIA 91104
 (626) 796-2222





ADDITIONAL RIGHT-OF-WAY
 P.O.C.
 T.P.O.B.
 (R)

S00°15'00"E	25.00'
N89°45'00"E	144.81'
S00°15'00"E	25.00'
S89°45'00"W	30.00'
S89°45'00"W	116.73'

EASTMENT AREA = 3,605.51'

SHEET NO:	1 OF 1
JOB NO:	SOUN0001
DRAWN BY:	RXSI
DATE:	08/10/05
SCALE:	1" = 60'

ADDITIONAL RIGHT-OF-WAY
 MADIA STREET
 CITY OF PASADENA
 COUNTY OF LOS ANGELES
 STATE OF CALIFORNIA

EXHIBIT
 "B"



**DAVID EVANS
AND ASSOCIATES INC**
180 WEST 5TH STREET, SUITE 300
CITY OF PASADENA, CA 91101
PHONE: 805.798.1200

EXHIBIT "C"

MEMORANDUM - CITY OF PASADENA Department of PUBLIC WORKS

DATE: September 8, 2005

TO: Richard Bruckner, Director
Department of Planning and Permitting

FROM: Daniel A. Rix, City Engineer
Department of Public Works

RE: **Vacation of a Portion of Madia Street from Approximately 380 Feet East of Linda Vista Avenue to the East End of Madia Street**

RECOMMENDATION:

In accordance with the authority conferred upon the Planning Commission by Section 2.105.110(B)(4)(a) of the Pasadena Municipal Code, the Department of Public Works recommends that the Planning Commission recommend that the City Council:

1. Take the appropriate action and make the appropriate findings to vacate the subject portion of Madia Street from approximately 380 feet east of Linda Vista Avenue to the east end of Madia Street, in accordance with the requirements and recommendations contained in this report and subject to the conditions herein;
2. Find that the subject portion of Madia Street proposed for vacation is consistent with the General Plan Mobility Element and is unnecessary for present or prospective public use for traffic purposes;
3. Declare that the City's interest in the proposed vacated portion of Madia Street is an easement only with a market value of less than \$1,000. Therefore, the City's interest in the proposed vacation is not subject to the provisions of Chapter 4.02 of the Pasadena Municipal Code as indicated in Section 4.02.040(A) of this chapter;
4. Adopt a resolution vacating the subject portion of Madia Street in accordance with the requirements and recommendations contained in this report and subject to the conditions described herein;

Richard Bruckner, Director
Department of Planning and Development
September 8, 2005
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BACKGROUND:

The property owner of 1165 Madia Street purchased the property across the street located at 1164 Madia Street. Now owning the properties on both sides of the street, the property owner has requested the vacation of a portion of Madia Street from approximately 380 feet east of Linda Vista Avenue to the east end of Madia Street. The proposed portion of Madia Street is directly adjacent to 1164 and 1165 Madia Street and is approximately 150 feet in length and 50 feet wide.

The existing roadway width of Madia Street is 30 feet and dead ends at the east end. With the vacation of this portion of Madia Street, the property owners will be required to provide easements to the City for the construction of a standard cul-de-sac including a ten-foot wide parkway around the cul-de-sac. The cul-de-sac will improve safety for residents and their guests by providing a safe area to turn around and return to Linda Vista Avenue. In addition, it will improve turn around movements for emergency vehicles and trash collection vehicles. Finally, maintenance costs will be reduced in that the city will no longer need to maintain a dead end street that only serves two properties, but will be able to maintain a cul-de-sac that will benefit all those that live on Madia Street.

The only properties with access from the proposed portion of Madia Street are 1164 and 1165 Madia Street. The property owner plans to improve the area with a garden like setting between their two properties. No construction of the proposed portion of Madia Street is planned. The proposed vacation would eliminate on-street parking that is directly adjacent to the applicant's properties and is not anticipated to impact any parking adjacent to other properties on the street.

The City's interest in the subject portion of Madia Street is in easement, only, for public purposes. The vacation will convey all rights to the abutting property owners except for public utility easements required as described below and private ingress/egress easements. As a result, no structures will be allowed on the subject portion that is reserved for easements.

The subject portion of the Madia Street to be vacated is legally described in Exhibit "A" and is shown on Exhibit "B", both attached hereto. These are currently in draft form and will be finalized once the final configuration of the cul-de-sac has been determined.

Richard Bruckner, Director
Department of Planning and Development
September 8, 2005
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OTHER CITY DEPARTMENTS, PUBLIC AGENCIES, AND OTHERS:

The street vacation has been reviewed by other City departments, County Agencies, various utilities, and the California Department of Transportation (Caltrans). The following have no specific comments or objections to the proposed street vacation:

SBC

Southern California Edison

California American Water Company

County Sanitation Districts of Los Angeles County

Metropolitan Water District

Altrio/Champion

Charter Communications

Verizon

City of Pasadena Departments and Divisions:

Police Department

Fire Department

The following have comments and requirements:

1. **City of Pasadena:**

Prior to the recordation of the vacation, if approved by the City Council, the applicants are required to provide proof of interest in fee to the proposed vacation area. In addition, if the proposed vacation is approved by the City Council, the applicants will not be allowed to commence any work within the proposed vacation area until such proof is provided, unless otherwise approved by the City of Pasadena.

2. **Water and Power Department – Water Division:**

The Water Division has a four-inch water main located 15 feet north of the south property line of Madia Street, including a blow-off valve which is located within the proposed vacation of Madia Street. A ten-foot wide easement will be required for complete access over the main and blow-off valve. If the applicant chooses to abandon the existing water service in the proposed vacation area, they will be required to reconfigure their laterals and install a new blow-off valve in the new cul-de-sac in a manner acceptable to the Department of Water and Power.

3. **Water and Power Department – Power Division:**

The Power Division has an existing main line located 20 feet south of the north property line of Madia Street, including a power vault which is located within the proposed vacation of Madia Street. A public utility easement shall be required for complete access to the main and power vault. If the applicant chooses to abandon the existing power service and power vault in the proposed vacation area, the applicant will be required to reconfigure their laterals and install a new power vault in the new cul-de-sac in a manner acceptable to the Department of Water and Power.

4. **Gas Company**

The Gas Company has an existing 4-inch main line located 16 feet south of the north property line of Madia Street within the proposed vacation area. A public utility easement shall be required for complete access to their facility. If the applicant chooses to abandon the existing gas service in the proposed vacation area, they will be required to reconfigure their laterals and the mainline in a manner acceptable to the Gas Company.

5. **Department of Public Works:**

- A. **Street:** The installation of new PCC curb, gutter, sidewalk and standard cul-de-sac shall be constructed at the new east end of Madia Street, unless otherwise approved by the City Engineer. In addition, only standard driveway approaches may be installed along the new cul-de-sac, unless otherwise approved by the City Engineer.
- B. **Storm Drain:** There are no storm drain facilities located within the proposed vacation of Madia Street.
- C. **Drainage:** The applicant will not be allowed to discharge water from the vacated portion of the street to the remaining portion of Madia Street.
- D. **Sewer:** There is an existing 8-inch sewer main line and a terminal manhole in the proposed vacation of Madia Street. A public utility easement is required if the sewer line and manhole remain in the place. If the applicants choose to abandon the existing sewer in the proposed vacation area, they

will be required to reconfigure their laterals and install a new terminal manhole in the new cul-de-sac.

E. Street Lights:

- (1) There are four existing street lights within the proposed vacation area of Madia Street. The applicant shall relocate a maximum of two (2) street light and remove/salvage the remaining street lights. The relocation of the street light consists of new foundation construction, conduit, street light conductors, pull boxes and miscellaneous appurtenant work in a manner that complies with the requirements of the Department of Public Works. The removal and salvage of the street lights consists of removal and delivery of the salvaged street lights to the City yards.
- (2) The existing lighting system on Madia Street is a series system. Modification to the existing system is required to maintain existing lighting operation by means of a new conduit crossing Madia Street. The applicant is responsible for the modification work which includes new conduit, conductors, pull boxes and miscellaneous appurtenant work in a manner that complies with the requirements of the Department of Public Works. The crossing location is to be determined by the Department of Public Works.

- F. Plans, Design, Review, and Construction Costs: The applicant is responsible for design, preparation of plans, specifications, and any supporting documents and reports. The applicant is also responsible for construction of all required public improvements that arise as a result of all conditions noted in this report. Plans, supporting documents, reports, and specifications for the above improvements shall be prepared by an engineer registered with the State of California and shall be approved by the Department of Public Works. Plans must be submitted in AutoCAD format with the City standard borders.

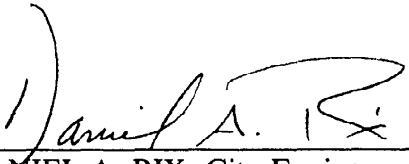
Upon submission of improvement plans, specifications, reports, and supporting documents to the Department of Public Works for review and checking, the applicant shall be required to place a deposit with the

Department to cover these costs. Prior to construction of the improvements, the applicant shall be required to place a deposit with the Department to cover construction inspection.

- G. Condition Satisfaction Contract between the City and the Applicant: A condition satisfaction contract ("contract") between the City and the applicant will be reviewed, approved and executed by both parties. The contract shall outline the applicant's obligations to provide security for performance of the conditions listed in this report. The request for approval of the City entering into a contract with the applicant will be included with the recommendations to the City Council to vacate the subject portion of Madia Street.

Recordation of the vacation resolution will occur only after the conditions of the contract and all conditions in this report have been met to the satisfaction of the Department of Public Works.

- H. The applicant shall be responsible for all costs associated with these conditions. Unless otherwise noted in this memo, all costs will be determined when submissions are received and will be based upon the estimated cost to the Department for the work and on the General Fee Schedule that is in affect at the time these conditions are met.



DANIEL A. RIX, City Engineer
Department of Public Works

DAR:BH
Attachments

EXHIBIT "D"

QUINN GARDEN LICENSE COVENANT

KEY PROVISIONS

1. Non-exclusive license granted to each Madia Street property owner to access and use the vacated street space (the "Space") for scenic viewing; the Space will be gated and locked, with each licensee given a key.
2. License is personal to property owner and is non-assignable.
3. Term of license is for life of licensee so long as licensee is an owner of property on Madia Street.
4. License is terminable upon material breach by licensee.
5. Waiver by licensee of any claims against licensor.
6. Indemnity by licensee of licensor against claims arising from licensee's use of the Space.
7. Subject to reasonable usage rules, including, without limitation: rules regarding days and hours of usage; group size and number of guests; limitations on use of tobacco, alcohol and food consumption; no firearms, pets, littering, amplified sound or unsupervised children; and other reasonable rules to be included in a written agreement with each property owner.