

Agenda Report

October 22, 2012

TO: Honorable Mayor and City Council
FROM: Department of Public Works
**SUBJECT: ADOPT A RESOLUTION FOR SUMMARY VACATION OF
15-FOOT WIDE PIECE OF LAND ALONG EAST SIDE OF NORTH LOS
ROBLES AVENUE BETWEEN BUCKEYE STREET AND ASHTABULA
STREET, AT 750 NORTH LOS ROBLES AVENUE**

RECOMMENDATION:

It is recommended that the City Council:

1. Find that the summary vacation of a 15-foot wide piece of land along the east side of North Los Robles Avenue between Buckeye Street and Ashtabula Street is categorically exempt from California Environmental Quality Act (CEQA) in accordance with Article 19, Section 15305 - Minor Alterations in Land Use Limitations; and
2. Adopt a resolution summarily vacating the subject piece of land at 750 North Los Robles Avenue pursuant to Sections 8331, 8333, and 8334 of the California Streets and Highways Code.

BACKGROUND:

The applicant, Madison Elementary School of the Pasadena Unified School District (PUSD), located at 750 North Los Robles Avenue (as shown on location map in Attachment A) is constructing a Healthy Start Family Center and other preschool and site improvements. As part of the project, the school proposes to construct certain private improvements within the subject proposed vacated area for the enhancement of the school site. The private improvements will include the replacement of existing landscape with decomposed granite and the construction of planter and/or bench, wrought iron fence, grate inlet basin, and underground cast iron drainage pipe.

The subject portion of Los Robles Avenue was dedicated to the City by PUSD for public street purposes on November 9, 1960 as City Easement No. 6329 (as shown in Attachment B). At that time, the City anticipated that Los Robles Avenue would be

widened. In accordance with Easement No. 6329, if the City ceases to use said real property for its described purposes, then all rights shall cease and the land shall revert to the grantor free and clear of the easement granted.

When the City Council adopted the 1994 Mobility Element, the majority of previously approved street widenings, including the subject portion of North Los Robles Ave, were eliminated and the focus of the Mobility Element was changed from automobile mobility to alternative modes of transportation. This de-emphasis on street widenings is included in the 2004 revisions to the Mobility Element.

The dedicated easement is a 15-foot wide strip of land for an entire block east of Los Robles Avenue between Buckeye Street and Ashtabula Street. While the east boundary of said easement is 50 feet from the street centerline, the east right-of-way lines for all properties on Los Robles Avenue both north of Buckeye Street and south of Ashtabula Street are 35 feet from the street centerline. As a result, the property line of the proposed vacated area deviates from the standard width of the remaining street, producing a discontinuity and an uneven public right-of-way on Los Robles Avenue.

The proposed vacation area is legally described in Exhibit A and is shown on Exhibit B (Department of Public Works Drawing No. 6064), both of which are included as part of the attached Resolution. It is currently within the public right-of-way, but it has not been used for public purposes for at least five consecutive years. Said area is currently covered with private landscape and partially enclosed with chain link fence. These facilities have been maintained by PUSD. No public funds have been expended on the proposed vacation area, nor has the area been maintained by the City.

Chapter 4.02 of the Municipal Code indicates the requirements for the disposal of Surplus City Property. It includes a number of requirements as well as exemptions. The proposed vacation is exempt from these requirements under two provisions. The first exemption is that the value of the easement is less than \$10,000. The second exemption is for the transfer of the property to another public entity, which in the subject case is PUSD.

Staff has determined that subject portion of Los Robles Avenue is not owned by the City as fee title; and the City's interest in the land is in easement only, for public street purposes. There will be no impact on any pedestrian or vehicular travel as the effective roadway and parkway will remain the same. No full or partial closure of any kind will occur. All street trees will remain in place. The Department of Public Works has determined that there is no need, present or future, to retain this area for its originally intended public purpose.

Relinquishing the entitlement of the proposed vacated area will convey all rights back to PUSD and relieve the City from all future maintenance responsibilities and any liability associated with the vacated area. As a result, the Department of Public Works recommends the adoption of a summary vacation.

AUTHORITY FOR SUMMARY VACATION:

Chapter 4 of the California Streets and Highways Code, entitled "Summary Vacation," provides for summary vacations by adoption of a resolution without prior notice.

Vacation of this area may be directed under Sections 8331(a) and (b), 8333(a), and 8334(a) of the California Streets and Highways Code. The vacation takes effect immediately upon the recording of the resolution.

Section 8331 has two conditions that must be met during the period of five consecutive years: (1) The portion has been impassable for vehicular travel, and (2) no public money was expended for maintenance of the portion. Both conditions have been met.

Section 8333 has three conditions, only one of which must be met: The portion has not been used for its dedicated purpose for a period of five consecutive years preceding the proposed summary vacation. This condition has been met.

Section 8334 has two conditions, only one of which must be met: The excess street or highway right-of-way is not required for street or highway purposes. This condition has been met.

If any evidence is presented at the time City Council votes to adopt the resolution which indicates that the portion does not meet any of the requirements of Sections 8331, 8333, and 8334, then that portion should be removed and considered for vacation using other statutory procedures.

COUNCIL POLICY CONSIDERATION:

The proposed summary vacation is consistent with the following General Plan Land Use Element Objectives and Policies: Objective 24 - Existing Institutions (Provide long-term opportunities for growth and of existing cultural, scientific, corporate, entertainment and educational institutions in balance with their surroundings); and Policy 24.7 - Education (Work collaboratively with Pasadena Unified School District in support of school facility use and reuse). In addition, the proposed vacation is in conformance with the General Plan Mobility Element Policy 3.2.2 as it minimizes the widening of significant portions of streets to promote non-auto travel modes and encourage transit alternatives.

The approval of the proposed summary vacation will support the General Plan policies to encourage growth for existing institutions. Said approval will assist the educational needs of the community by allowing for the construction of a Healthy Start Family Center and preschool improvements. The Mobility Element policies discourage the widening of significant portions of streets. By approving the summary vacation, no future street widening of Los Robles Avenue will occur.

ENVIRONMENTAL ANALYSIS:

The City's Environmental Administrator determined that the project is categorically exempt under the California Environmental Quality Act in accordance with Title 14 Chapter 3, Section 15305 - Minor Alterations in Land Use Limitations. The proposed project constitutes a minor adjustment of a lot line that will not result in the creation of a new parcel, nor a change in land use or density; therefore it will not have a significant effect on the environment. A Notice of Exemption for the vacation will be filed with the Los Angeles County Registrar-Recorder/County Clerk upon the adoption of a resolution to summarily vacate the area.

CONDITIONS:

The proposed vacation of a 15-foot wide piece of land along the east side of North Los Robles Avenue between Buckeye Street and Ashtabula Street is subject to the following conditions, all of which shall be the applicant's responsibilities.

- All private improvements, including but not limited to fencing, shall be removed from the resulting public right-of-way outside of the proposed vacation area;
- All damaged concrete sidewalk fronting the property on Los Robles Avenue, Buckeye Street, and Ashtabula Street shall be repaired and/or replaced;
- The curb ramps shall be reconstructed, in accordance with Pasadena Standard Plan S-414, at the northeast corner of Los Robles Avenue and Ashtabula Street and at the southeast corner of Los Robles Avenue and Buckeye Street; and
- All existing street trees shall be protected and remain in place.

If the proposed summary vacation is approved by the City Council, the applicant must meet all the aforementioned conditions that are imposed upon the vacation prior to its recordation with the Los Angeles County Registrar-Recorder.

Summary Vacation of North Los Robles Avenue
between Buckeye Street and Ashtabula Street
October 22, 2012
Page 5 of 5

FISCAL IMPACT:

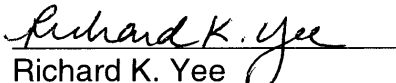
The summary vacation will eliminate any potential responsibility for maintenance or liability to the City. The applicant has paid the costs for preparation, process, and recordation of the summary vacation. No revenue will be expended or generated by the adoption of this summary vacation.

Respectfully submitted,



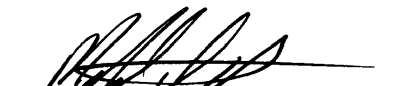
SIOBHAN FOSTER
Director of Public Works

Prepared by:



Richard K. Yee
Principal Engineer

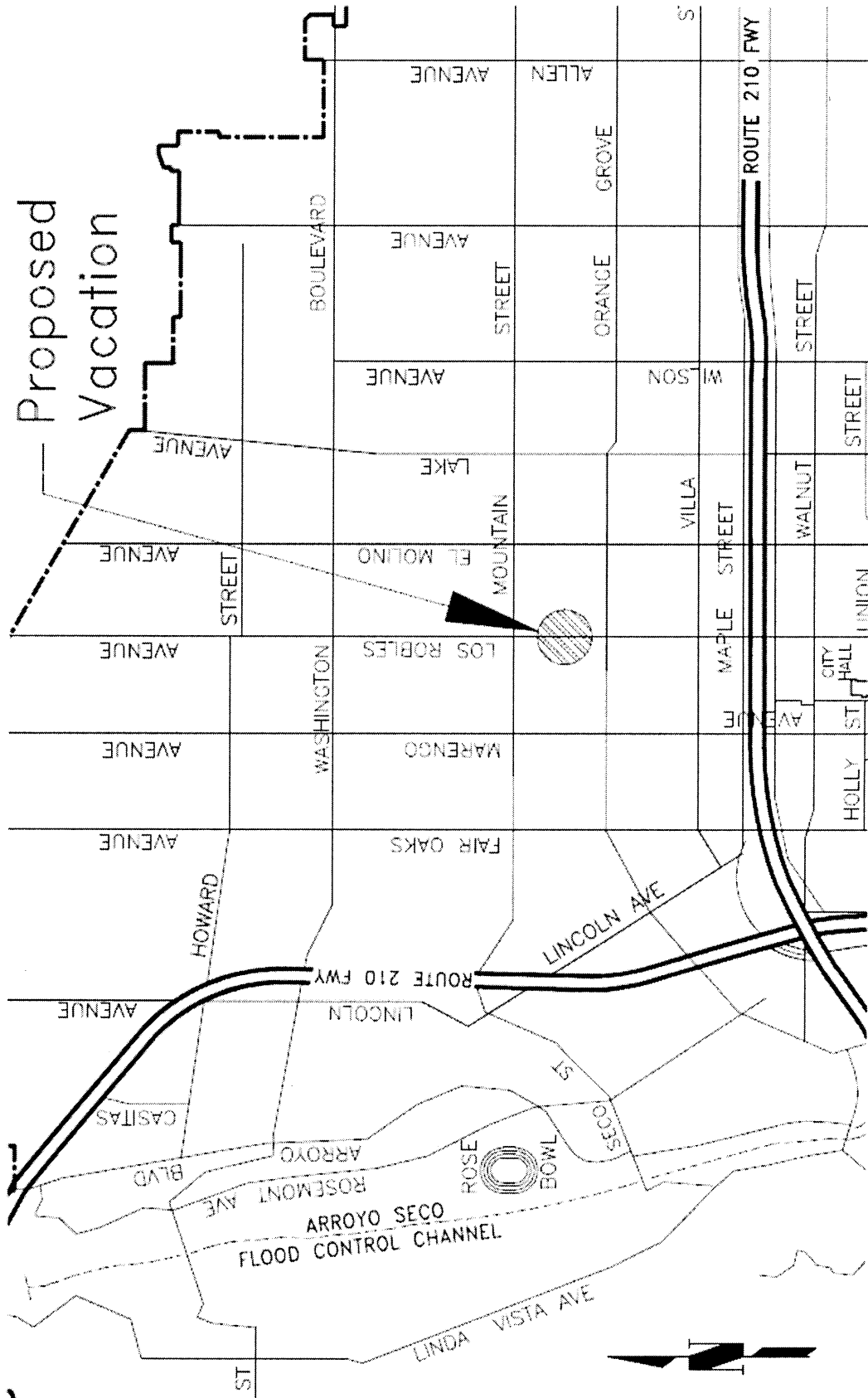
Approved by:



MICHAEL J. BECK
City Manager

Attachment A - Location Map
Attachment B - Grant of Easement 6329

Location Map



Attachment B

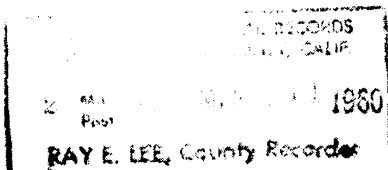
RECORDING REQUESTED BY 3132

OK 1033 PR 866

CITY ATTORNEY

When Recorded Mail To:

City Clerk
Room 218, City Hall
Pasadena, California



GRANT OF EASEMENT 6329

3

FOR VALUABLE CONSIDERATION, PASADENA CITY SCHOOL DISTRICT OF LOS ANGELES COUNTY, a public corporation, hereby grants to the CITY OF PASADENA, a municipal corporation, an easement for public street purposes in, over, under and upon the following described property:

The westerly 15 feet of Lots 1, 2, 3, 4 and 5 of Merchantell Tract in the City of Pasadena, County of Los Angeles, State of California as per map recorded in Book 5, page 86 of Maps in the office of the County Recorder of said county; and also a triangular portion of said Lot 1 bounded on the south by the southerly line of said Lot 1, bounded on the west by the easterly line of the westerly 15 feet of said Lot 1 and bounded on the northeast by the arc of a circle, concave northeasterly, having a radius of 10 feet, said circular arc being tangent to said southerly line and also being tangent to said easterly line; also a triangular portion of said Lot 5 bounded on the north by the northerly line of said Lot 5, bounded on the west by the easterly line of the westerly 15 feet of said Lot 5 and bounded on the southeast by the arc of a circle, concave southeasterly, having a radius of 10 feet, said circular arc being tangent to said northerly line and also being tangent to said easterly line.

Grantee may improve said easement for public street purposes at its discretion without limitation as to time. However, having adapted said easement to use as a public street, in the event grantee ceases to use said real property for said purposes herein described, then all rights of grantee herein shall cease and the above described property shall revert to grantor free and clear of the easement or estate hereby granted, and grantor may reenter and retake full possession of said premises; it being an

RA 1033 PR 967

essential part of the consideration hereof that use by grantee of said premises for the purpose described herein is a condition for the continuing of grantee's easement or estate hereunder.

Dated: November 1, 1960

PASADENA CITY SCHOOL DISTRICT OF LOS ANGELES COUNTY By PASADENA CITY BOARD OF EDUCATION By Walter T. Shatford II President By Robert E. Jenkins Secretary

STATE OF CALIFORNIA) COUNTY OF LOS ANGELES) ss

On this 1st day of November, 1960, before me the undersigned, a Notary Public in and for said County and State, personally appeared Walter T. Shatford II, known to me to be the president, and Robert E. Jenkins, known to me to be the secretary, of the public corporation that executed the within instrument and known to me to be the persons who executed the same on behalf of the corporation therein named and acknowledged to me that such public corporation executed the same pursuant to its bylaws or a resolution of its Board of Directors.

Wm. R. McCright Notary Public in and for said County and State

Approved City Engineer & Superintendent of Streets

APPROVED AS TO FORM This 1st day of Nov 1960 By David E. Foley Assistant City Attorney

RECEIVED 11/9/60

M O T I O N NO. 22465
November 9, 1960

Moved by Director C. Lewis Edwards

That the grant of easement presented herewith, a copy of which is attached hereto, whereby the Pasadena City School District of Los Angeles County grants to the City of Pasadena an easement for public street purposes in, over, under and upon the real property therein described, be and the same hereby is approved and accepted and the City consents to its recordation.

Motion duly seconded and carried by the following vote:

Ayes: Directors Benedict, Changstrom, Edwards, Gwinn,
Linton, Oakley, Woods
Noes: None

I hereby certify that the foregoing document is a full, true and correct copy of Motion on file in the office of the City Clerk of the City of Pasadena, Calif.

Clara B. MacLellan

City Clerk

BY *J. L. Schaeffer*

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA SUMMARILY VACATING A 15-FOOT WIDE PIECE OF LAND ALONG THE EAST SIDE OF NORTH LOS ROBLES AVENUE BETWEEN BUCKEYE STREET AND ASHTABULA STREET, AT 750 NORTH LOS ROBLES AVENUE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA

WHEREAS, the Pasadena Unified School District, (“applicant”) wishes to summarily vacate the public area adjacent to the property located along the east side of North Los Robles Avenue between Buckeye Street and Ashtabula Street, at 750 North Los Robles Avenue (“the vacated area”); and

WHEREAS, the vacated area is legally described in Exhibit A and as shown on Exhibit B (Department of Public Works Drawing No. 6064) on file in the office of the Director of Public Works; and

WHEREAS, the City Council finds that there will be public benefits from the vacation at no cost to the City, and the public shall be relieved from future maintenance responsibility and associated liability for the vacated area; and

WHEREAS, the summary vacation proceeding is and will be conducted pursuant to the requirements of the Chapter 4 of Part 3 of Division 9, Sections 8331, 8333, and 8334, of the Streets and Highways Code of the State of California:

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

1. The following findings are made:
 - a. That the vacated area has been impassible for vehicular travel for at least five consecutive years preceding this action.
 - b. That no public money was expended for maintenance on the vacated area for at least five consecutive years preceding this action.
 - c. That the vacated area has not been used for public right-of-way purposes for at least five consecutive years preceding this action.
 - d. That the vacated area is not required for street or highway purposes.
 - e. That the public interest will be served by this vacation, including being relieved of future maintenance responsibilities and the avoidance of potential liability expenses to the City.
 - f. That the vacation is categorically exempt from CEQA requirements, pursuant to Article 19, CEQA Guidelines Section 15305 - Minor Alterations in Land Use Limitations.
 - g. The public right-of-way has no market value and is not considered surplus property subject to disposition pursuant to the City's surplus property ordinance.
2. The City Council of the City of Pasadena hereby summarily vacates the vacated area.
3. From and after the date this resolution is recorded, the vacated area will no longer constitute a present or future street, or public right-of-way.
4. The City Manager is authorized and directed to execute any necessary vacation documents.

5. The City Clerk shall certify to the adoption of this resolution, shall permanently maintain a copy thereof in the records of the City, and shall record a certified copy thereof in the Office of the County Recorder of Los Angeles.

Adopted at the _____ meeting of the City Council on the _____ day of _____,
2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

MARK JOMSKY, City Clerk

Approved as to form:


Brad L. Fuller
Assistant City Attorney

EXHIBIT A
LEGAL DESCRIPTION
LOS ROBLES AVENUE
BETWEEN BUCKEYE STREET AND ASHTABULA STREET

THAT PORTION OF LOTS 1 THROUGH 5 OF THE MAP OF THE MERCHANTTELL TRACT, IN THE CITY OF PASADENA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DESCRIBED IN THAT GRANT OF EASEMENT TO THE CITY OF PASADENA RECORDED NOVEMBER 9, 1960 IN DEED BOOK 1033, PAGES 966 THROUGH 968, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BEING DESCRIBED AS STATED IN SAID DEED:

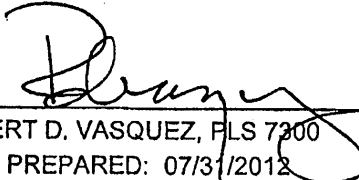
"THE WESTERLY 15 FEET OF LOTS 1, 2 3, 4 AND 5 OF MERCHANTTELL TRACT IN THE CITY OF PASADENA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA AS PER MAP RECORDED IN BOOK 5, PAGE 86 OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; AND ALSO A TRIANGULAR PORTION OF SAID LOT 1 BOUNDED ON THE SOUTH BY THE SOUTHERLY LINE OF SAID LOT 1, BOUNDED ON THE WEST BY THE EASTERLY LINE OF THE WESTERLY 15 FEET OF SAID LOT 1 AND BOUNDED ON THE NORTHEAST BY THE ARC OF A CIRCLE, CONCAVE NORTHEASTERLY HAVING A RADIUS OF 10 FEET, SAID CIRCULAR ARC BEING TANGENT TO SAID SOUTHERLY LINE AND ALSO BEING TANGENT TO SAID EASTERLY LINE; AND ALSO A TRIANGULAR PORTION OF SAID LOT 5 AND BOUNDED ON THE NORTH BY THE NORTHERLY LINE OF SAID LOT 5, BOUNDED ON THE WEST BY THE EASTERLY LINE OF THE WESTERLY 15 FEET OF SAID LOT 5 AND BOUNDED ON THE SOUTHWEST BY THE ARC OF A CIRCLE, CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 10 FEET, SAID CIRCULAR ARC BEING TANGENT TO SAID NORTHERLY LINE AND ALSO BEING TANGENT TO SAID EASTERLY LINE."

EXCEPTING THEREFROM A TRIANGULAR PORTION OF SAID LOT 1 BOUNDED ON THE SOUTH BY THE SOUTHERLY LINE OF SAID LOT 1, BOUNDED ON THE WEST BY THE WEST LINE OF SAID LOT 1 AND BOUNDED ON THE NORTHEAST BY THE ARC OF A CIRCLE, CONCAVE NORTHEASTERLY HAVING A RADIUS OF 15.00 FEET, SAID CIRCULAR ARC BEING TANGENT TO SAID SOUTHERLY LINE AND ALSO BEING TANGENT TO SAID WESTERLY LINE; ALSO EXCEPTING A TRIANGULAR PORTION OF SAID LOT 5 BOUNDED ON THE NORTH BY THE NORTHERLY LINE OF SAID LOT 5, BOUNDED ON THE WEST BY THE WESTERLY LINE OF SAID LOT 5 AND BOUNDED ON THE SOUTHWEST BY THE ARC OF A CIRCLE, CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 15.00 FEET, SAID CIRCULAR ARC BEING TANGENT TO SAID NORTHERLY LINE AND ALSO BEING TANGENT TO SAID WESTERLY LINE."

THE ABOVE DESCRIBED PARCEL CONTAINS 4325 SQUARE FEET, MORE OF LESS.

ALL AS SHOWN ON EXHIBIT "B" ATTACHED HEREWITH AND MADE A PART HEREOF.

THIS REAL PROPERTY DESCRIPTION HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYOR'S ACT.


ROBERT D. VASQUEZ, FLS 7300
DATE PREPARED: 07/31/2012

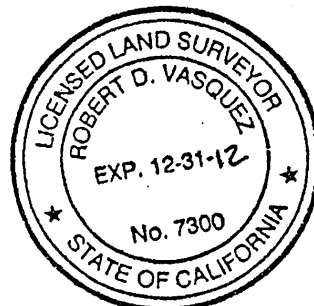
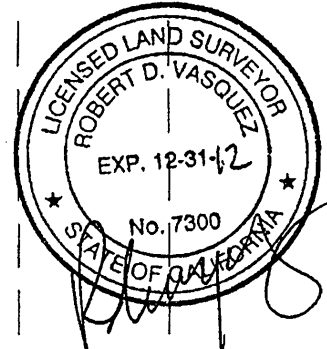
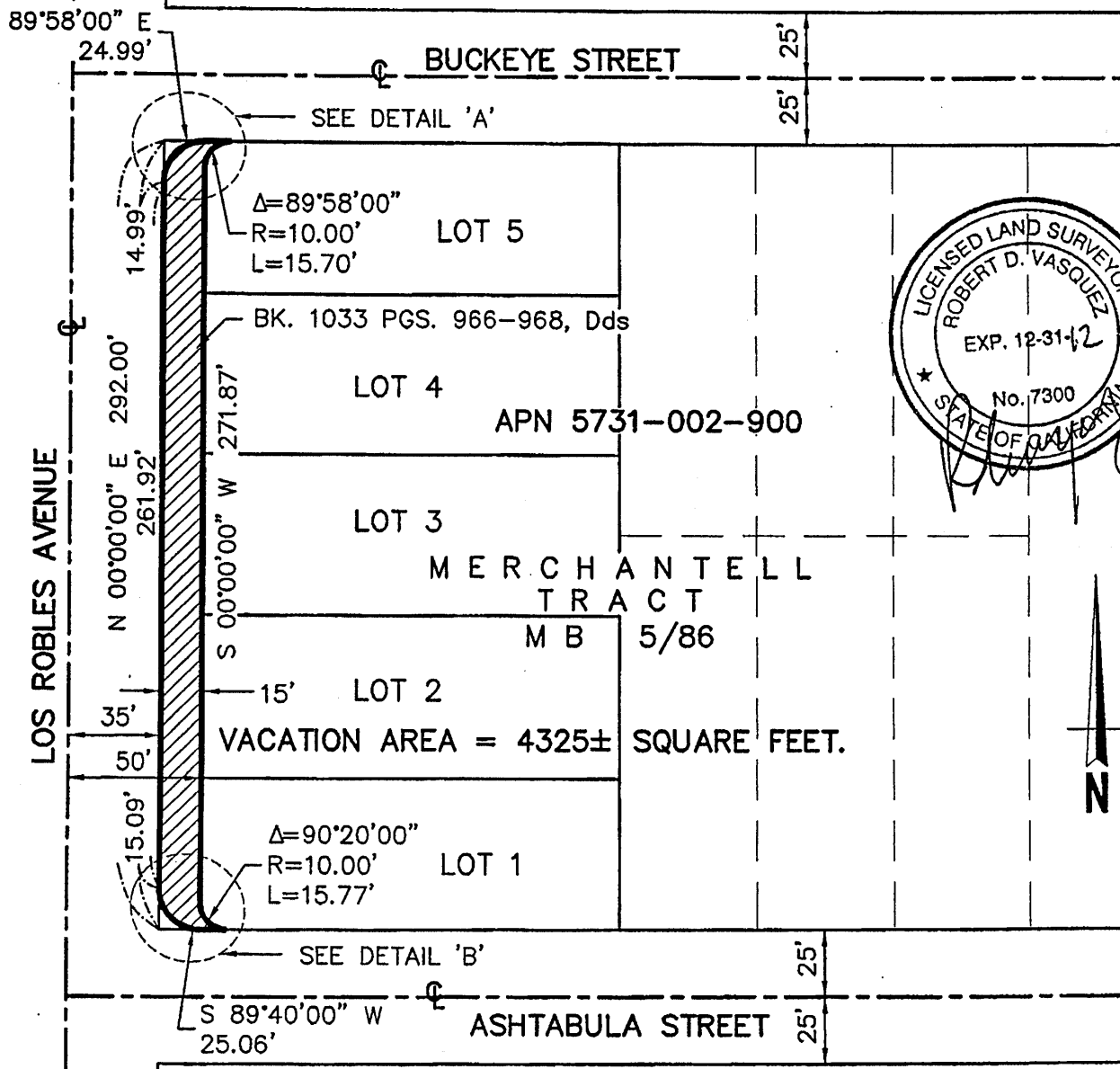
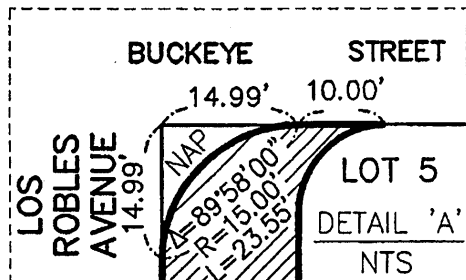
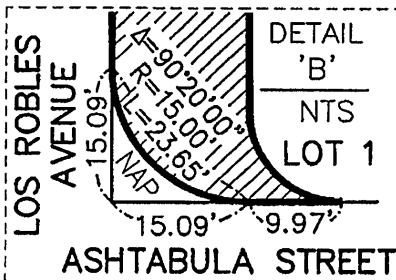


EXHIBIT B



LEGEND

- AFFECTED PROPERTIES
- VACATION AREA
- ADJACENT PROPERTY LINES
- NAP NOT A PART OF



CITY OF PASADENA - DEPARTMENT OF PUBLIC WORKS

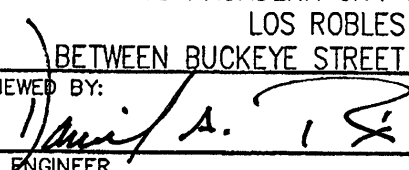
DRAWN BY:
 MARA

DESIGNED BY:
 Y. WU

CHECKED BY:
 RDV

SUBMITTED BY:
 RDV

VACATION
 TO PASADENA CITY SCHOOL DISTRICT
 LOS ROBLES AVENUE
 BETWEEN BUCKEYE STREET & ASHTABULA STREET

REVIEWED BY:

 CITY ENGINEER

8/7/2012
 DATE

SCALE: 1"=60'
 DATE: 7/25/12

PLAN NUMBER:
6064

SHEET 1 OF 1