

Agenda Report

TO: CITY COUNCIL

Date: June 4, 2001

FROM: City Manager

SUBJECT: Summary Vacation of a Portion of Prospect Boulevard and a License Agreement for a Proposed Wall Footing in the Public Right-of-Way, Both adjacent to Chandler School, Located at 1005 Armada Drive

RECOMMENDATION:

It is recommended that the City Council:

1. Adopt a resolution summarily vacating a portion of Prospect Boulevard as described in Exhibit "A", pursuant to Section 8331, 8333 and 8334 of the California Streets and Highways Code.
2. Adopt a resolution approving a License Agreement with Chandler School, located at 1005 Armada Drive, with the terms and conditions as set forth in the background section of this report, and authorize the City Manager to execute and the City Clerk to attest, said License Agreement, on behalf of the City of Pasadena.
3. Certify the summary vacation to be categorically exempt from California Environmental Quality Act (CEQA). In accordance with Article 19, Sections 15301 Existing Facilities and 15304 Minor Alterations for Land, authorize the City Manager to execute and the City Clerk to file a Notice of Exemption for the summary vacation with the Los Angeles County Recorder's Office.

BACKGROUND:

Chandler School ("School") is the owner of the property located at 1005 Armada Drive. The School is in the process of developing their property in accordance with their approved Master Development Plan. As part of their development, they will be replacing the existing retaining concrete block wall and chain link fence, which is located adjacent to the existing sidewalk, with a wall that will match the existing brick walls along Armada Drive. The School's existing wall is currently located in the public right-of-way. In addition, a strip of public right-of-way along Prospect Boulevard, located directly behind the existing wall, has been used by the School for a number of years. So that they can place the new wall in the same location and continue to use this portion of public right-of-way, the School has requested that this strip of land be summarily vacated.

In addition to the existing wall, there are a number of trees located within this strip of land. If the School were to place the new wall along the existing property line, these trees would need to be removed. Not only will the summary vacation facilitate the development of the School, it will also allow for the protection of the existing trees. The area of the proposed summary vacation is described in the Legal Description, Exhibit "A", and is shown on Public Works and Transportation Department Drawing No. 5113.

If the summary vacation is approved, the new wall will be placed in the same location as the existing wall. Due to the wall's close proximity to the existing trees, the footing is designed so that it will protrude under the sidewalk in the public right-of-way. By having the footing placed under the sidewalk, it will be away from the roots of the existing trees and will provide further protection. For this design to be accepted, the School has requested to enter into a License Agreement with the City for the proposed footing. The proposed encroachment is 2.25 feet wide and is described in the Legal Description, Exhibit "C", and is shown on Public Works and Transportation Department Drawing No. 5155. The original design to modify the existing wall would have required extensive supports on the back side of the wall and would have threatened the trees. All exhibits are attached hereto.

As a condition of the summary vacation and the License Agreement, the School has agreed to widen the sidewalk, adjacent to their property, from approximately 4 feet to approximately 7 feet. This improvement will address the Public Works and Transportation Department's condition of the School's Master Development Plan to shift the southbound traffic on Prospect Boulevard, south of Armada Drive, to the west side of the street.

BACKGROUND: Continued

Staff has determined that the property to be vacated is not considered surplus property subject to disposition pursuant to the City's surplus property ordinance. In addition, the department has determined that there is no need, present or future, to retain this area for its intended public purpose. As a result, staff 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, where both must be met during a period of five consecutive years: (1) the portion has been impassable for vehicular travel, and (2) no public money was expended for maintenance on the portion. Both conditions are 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 vacation. This condition has been met.

Section 8334 has two conditions, only one of which must be met: the excess right-of-way of street or highway 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 or 8334, then that portion should be removed and considered for vacation using other statutory procedures.

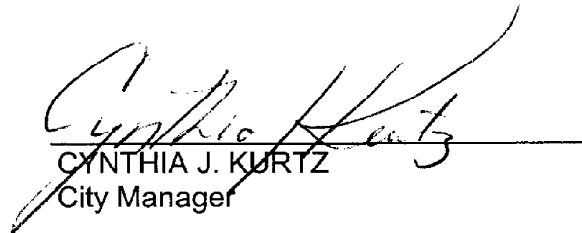
TAX CONSEQUENCES:

The Assessor's Office advises that the summary vacation of this area will not trigger reassessment.

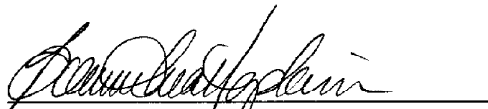
FISCAL IMPACT:

This summary vacation will eliminate any potential responsibility for maintenance or liability to the City. No revenue will be expended or generated by the adoption of this summary vacation. The developer has paid for the cost to prepare, process and record the summary vacation, as well as, the costs to prepare, process and record the License Agreement.

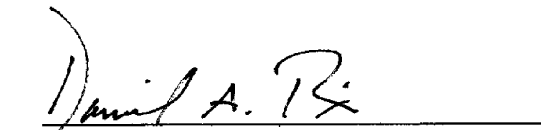
Respectfully submitted,


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