

Agenda Report

TO: CITY COUNCIL

Date: November 7, 2005

FROM: CITY MANAGER

SUBJECT: ADOPT A RESOLUTION FOR THE VACATION OF A PORTION OF MADIA STREET FROM APPROXIMATELY 380 FEET EAST OF LINDA VISTA AVENUE TO THE EAST END OF MADIA STREET

RECOMMENDATION

It is recommended that the City Council take the following actions:

1. Hold a public hearing on the proposed vacation and hear evidence offered by persons interested:
2. Adopt the attached resolution that:
 - (a) Affirms that the City Council has determined that the proposed vacation of the subject portion of Madia Street will have no significant effect on the environment; therefore, it is declared to be Categorically Exempt (Class 4) pursuant to the guidelines of the California Quality Act, CEQA Section 15304; Minor Alterations to Land,
 - (b) Finds that the proposed vacation of the subject portion of Madia Street consistent with the General Plan Mobility Element and is unnecessary for present or prospective public use for traffic purposes,

- (c) Orders the vacation of the subject portion of Madia Street based on certain conditions set forth in Exhibit "C", if and only if those certain conditions are met,
3. Declare that the City's interest in the proposed vacated street is an easement only with a reasonable market value of less than \$1,000, and therefore, the City's interest in the property is not subject to the provisions of Chapter 4.02 of the Pasadena Municipal Code as indicated in Section 4.02.040(A) of said chapter;
4. Authorize the City Manager to execute a Condition Satisfaction Contract between the City and the applicant.

PLANNING COMMISSION REVIEW

On Wednesday, September 21, 2005, the Planning Commission reviewed and recommended that the City Council approve the proposed street vacation as presented by staff.

BACKGROUND

The proposed vacation of a portion of Madia Street is approximately 380 feet east of Linda Vista Avenue to the east end of Madia Street and is located adjacent to 1164 and 1165 Madia Street. Pursuant to PMC Section 2.105.110 (4.a.), the Planning Commission is required to consider and make recommendations to the City Council regarding any proposed vacation of a public right-of-way. The California Streets and Highways Code establishes a two-step process for the City Council. The first step is adoption of a Resolution of Intention and setting of a public hearing. The second step, if approved by the City Council, is the holding of a public hearing and adoption of a Resolution Ordering the Vacation. Staff has prepared this report and a set of recommendations for the hearing on November 7, 2005. Staff has contacted all utilities, county agencies, MTA, Caltrans and City departments and there are no objections to the proposed vacation. Any requirements for easements or relocation of facilities will be incorporated into the Condition Satisfaction Contract upon the approval of the vacation.

The subject portion of Madia Street to be vacated is approximately 150 feet in length and 50 feet in width.

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, and being located at the east end of the street, the property owner has requested the vacation of the subject portion of Madia Street.

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 install a standard size cul-de-sac. As a result, they will be required to provide an easement to the City to accommodate the 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 portion of a dead end street that only services two properties, but will be able to maintain a cul-de-sac that will benefit all those that live on Madia Street. The portion to be vacated is unnecessary for present or prospective public use.

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 that are retained.

The subject portion of Madia Street to be vacated is legally described in Exhibit "A" and is shown on Exhibit "B", both attached hereto. Also attached, as Exhibit "D", is a copy of an aerial photo of the subject portion of Madia Street which shows the proposed layout of the cul-de-sac.

Since Madia Street is currently a dead end street, the Departments of Public Works and Transportation have determined that the portion proposed for vacation will not have an impact on traffic circulation in the area.

GENERAL PLAN CONSISTENCY

Madia Street is designated as a local street according to the 2004 Mobility Element of the General Plan. The proposed street vacation will continue to allow access to the residential neighborhood and helps further the following policies of the Mobility Element:

Policy 3.5 – This policy provides for the promotion of safe travel in neighborhoods. The proposed street vacation is consistent with this policy in that a standard cul-de-sac with a 10-foot wide sidewalk will be constructed as a condition of approval. 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

Policy 4.5 – Ensure the safe and efficient travel and traffic management throughout the City, while providing adequate access for all users.

Policy 5.5.1.10 – Promote continuous improvement in user safety by addressing safety features in the design and delivery of all services.

ENVIRONMENTAL CLEARANCE

The proposed street vacation has been determined to be Categorically Exempt (Class 4) from environmental review pursuant to the guidelines of the California Environmental Quality Act (CEQA), Section 15304: Minor Alterations to Land. The proposed project constitutes a minor alteration to an existing roadway facility involving negligible or no expansion of use beyond the existing conditions. This class of projects has been declared by the Secretary for Resources to be categorically exempt in accordance with section 21084 of the Public Resources Code.

NEIGHBORHOOD MEETINGS

A neighborhood meeting was held on Tuesday, August 30, 2005, to receive feedback from property owners and the surrounding neighborhoods regarding the proposed vacation of a portion of Madia Street. Those invited to the neighborhood meeting included property owners and current residents located within a 500-foot radius of the subject portion of Madia Street. Approximately 15 people attended the meeting and a copy of an aerial photo of the proposed vacation which shows the proposed layout of the cul-de-sac was provided to all who attended. This plan is attached to this report as Exhibit "D". Questions included the process for vacating a street, construction of additional structures on the vacated area, the construction of a larger home if the two properties were consolidated, and the denied access to a trail that leads from the end of the cul-de-sac down to Parkview Avenue. It has been determined that the trail in question is actually on private property and not a city trail.

CONDITIONS

The proposed vacation of the subject portion of Madia Street is subject to conditions as described in Exhibit "C", attached hereto. If the City Council approves the vacation at the Public Hearing that is recommended for November 7, 2005, the applicant must meet all conditions that are imposed upon the vacation prior to its recordation with the County Assessor's office.

FISCAL IMPACT

All costs for processing the vacation and construction of public improvements are at the applicant's expense. The applicant shall be responsible for all costs associated with the design, review and construction of the new public improvements and costs associated with meeting all the conditions set forth in the street vacation.

Respectfully submitted,



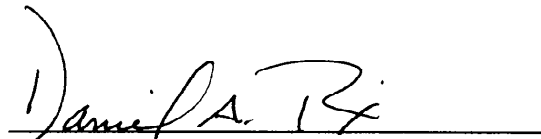
CYNTHIA J. KURTZ
City Manager

Prepared by:



Bonnie L. Hopkins
Principal Engineer

Reviewed by:



Daniel A. Rix
City Engineer

Approved by:



Martin Pastucha, Director
Department of Public Works

BLH
Attachments

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 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 for traffic purposes:

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 herein by 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

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, City Clerk

Approved as to form:



10/7/05

Nicholas G. Rodriguez
Assistant 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
B

B
LINDA VISTA TRACT
BLOCK "J"
B 10

B 11

B 12

B 13

M.R. 28/87-88

PARCEL A

MADIA STREET

B

B 7

B 8
LINDA VISTA TRACT

B 9
BLOCK "H"

B 10

B 11
M.R. 28/87-88



SCALE
1"=60'

N89°45'00"E 148.33'
N89°45'00"E 49.91'
S26°14'15"W 27.93'
S89°45'00"W 152.24'

SHEET NO: 1 OF 1
JOB NO: SQUN0001
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**
800 WEST 12TH AVENUE, SUITE 200
COSTA MESA, CALIF. 92626
PH: 714.261.1200



41°58'43" 35.00' 59.11'

3
TRACT NO. 8188
M.B. 108/12
9

10

LINDA VISTA TRACT
BLOCK "J"
9 10

M.R. 28/87-88
11 12 13

PARCEL B

6

7 8
LINDA VISTA TRACT
BLOCK "H"
9 10 11

M.R. 28/87-88



SCALE
1"=60'

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'

DAVID EVANS
AND ASSOCIATES INC

800 WEST 87TH AVENUE, SUITE 300
CULVER CITY, CALIFORNIA 90230



EXHIBIT
"B"

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

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

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
Page 2

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
Page 3

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.

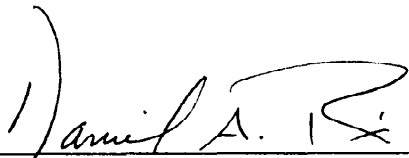
Upon submission of improvement plans, specifications, reports, and supporting documents to the Department of Public Works for review and checking, the applicant shall be required to place a deposit with the

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.

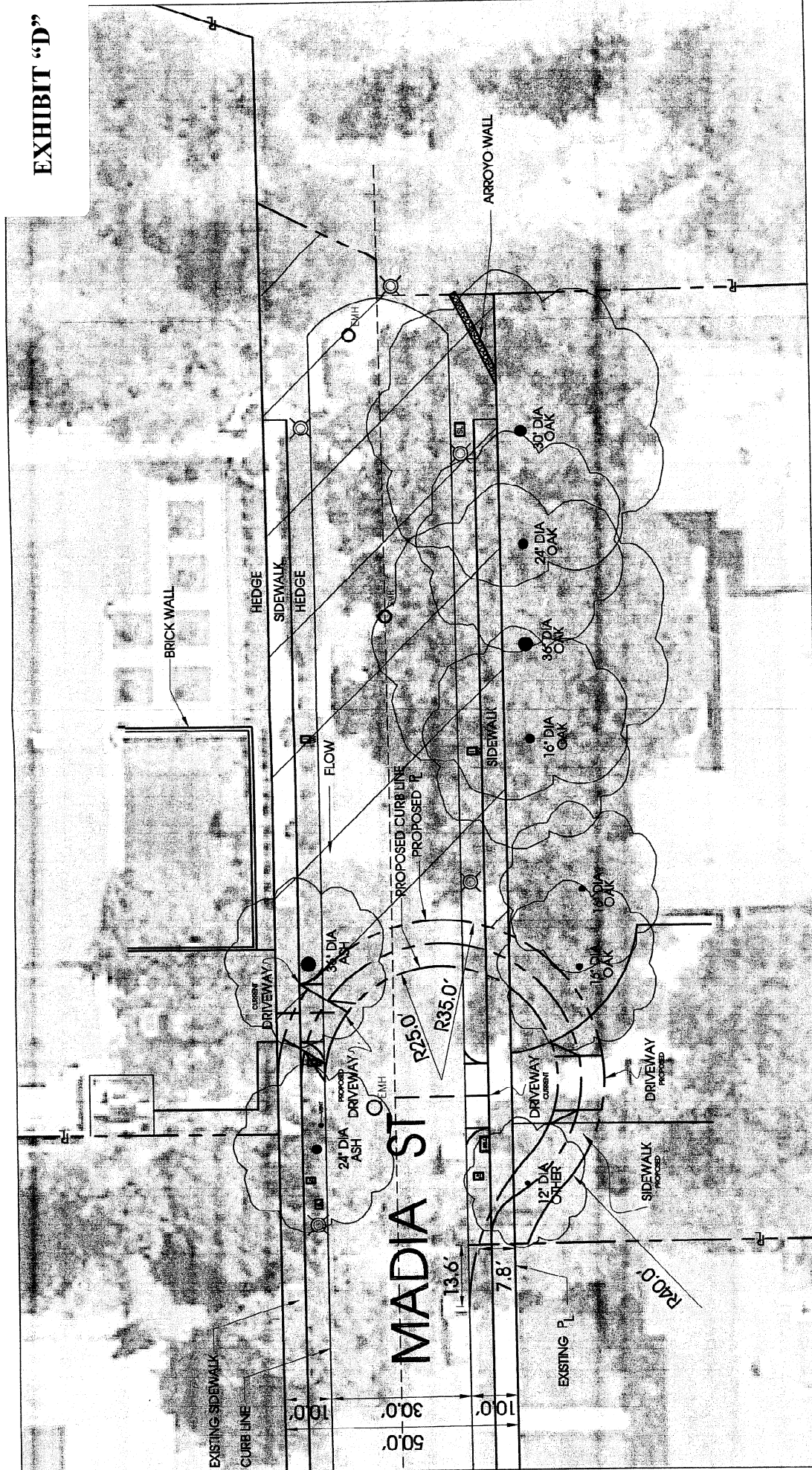
- H. The applicant shall be responsible for all costs associated with these conditions. Unless otherwise noted in this memo, all costs will be determined when submissions are received and will be based upon the estimated cost to the Department for the work and on the General Fee Schedule that is in affect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



DANIEL A. RIX, City Engineer
Department of Public Works

DAR:BH
Attachments

EXHIBIT "D"



PROPOSED 25' CURB RADIUS CUL-DE-SAC

CITY OF PASADENA - DEPARTMENT OF PUBLIC WORKS

MADIA STREET CUL-DE-SAC
 From LINDA VISTA AVENUE to EAST END

CAD21089.DWG-07/15/05

DRAWN BY:
 JOHN SAMARIN
CHECKED BY:
 GIL WESS

Sheet 001 of 004

SCALE: 1"=20'

PARKING SPOTS LOST
 NORTH SIDE 7 SPOTS
 SOUTH SIDE 10 SPOTS

**NEW CORRESPONDENCE
RECEIVED FOR
MEETING OF
DECEMBER 5, 2005**

Bogaard, Bill

From: Rita Whitney [whitney@earthlink.net]
Sent: Tuesday, November 08, 2005 10:09 AM
To: Bogaard, Bill
Cc: Haderlein, Steve
Subject: RE: Proposed Madia Road Vacation

Hello again Bill - and yes, I do intend to get on with my day, but before doing so, just a question or three:

1. Will the conditions allow the applicant to petition the city, the city council or any other governing body to join the two parcels, thereby creating one large private parcel for the applicant or will the city deny such a possibility as a condition running with the property?
2. Why should the terms of the conditions refer to "if the property is ever held separately in the future?" Why would any terms or conditions hold such a provision. In other words, while I appreciate that the applicant recently paid \$2.025 million for the Southern parcel, thereby creating this "supposed" need for the adjoining city land, why would the "separateness" of ownership have anything to do with the city's decision? Is the applicant planning on reducing the ingress/regress to one of the two properties/parcels or altering the current state of either of the two parcels as it relates to public property?
3. Will these conditions "clearly and irrevocably" state that any/all new structures or building footage (fixtures to the property) added to the applicant's existing parcels, and most particularly those improvements made after the re-evaluation of the land to building ratio, remain the ownership of the applicant should the applicant sell one or the other? If they are allowed to remain will the city or the applicant benefit from the improvement? Not a bad return on a \$1000 investment!!!!

In other words, if the city grants the applicant the requested property, thereby allowing the applicant to re-evaluate the amount of footage that is NOW legally allowed to be added to one or the other of the applicant's "existing" two parcels (not a structure, improvement or construction of anything to the "new" area presently owned by the city), and if the applicant adds footage or an accessory building to one of these two parcels, will the city allow the improvement to remain should the applicant choose to sell one or both of the parcels? If so, who shares in the applicant's profit over and above the \$1000 gift from the City of Pasadena? I clearly understand that when the applicant has completed this renegade purchase that he will "legally" be allowed to do all of the above, but the question remains, "Is there anything right about this?"

Thanks again Bill - I'll now quietly await the next Council meeting. By the way, on what date, time and venue is this topic scheduled for further debate?

Thanks/Rita

p.s. as a point of clarification and to offer solutions to this debacle: should the applicant be willing to pave and curb a new cul-de-sac at his expense, create and maintain a hillside that will not erode or cause damage (install proper drainage) to surrounding properties, agree that said "city" property will not be used in the any/all calculations toward improving the applicant's existing property parcels, provide and build a public pathway to the Arroyo Seco and agree that a dominant easement will be in perpetuity maintained/owned by the city of Pasadena, I should think that the applicant would meet with less resistance for his request to fundamentally be the landlord/caretaker of the subject property.

-----Original Message-----

From: Bogaard, Bill [mailto:bbogaard@cityofpasadena.net]
Sent: Tuesday, November 08, 2005 2:08 AM
To: whitney@earthlink.net
Subject: FW: Proposed Madia Road Vacation

Dear Rita: Perhaps you noted the conclusion last night of this matter--request that staff pursue 4 conditions upon the proposed vacation, including reverter of the existing easment in the event the property is ever held separately in the future; public access on some reasonable terms; gates prohibited; and prohibition of any construction on the land now devoted to the street. Several other questions were asked and will be answered before any action is taken on the matter. I hope this is helpful to the concerns that arose as you observed this discusson. Let's stay in touch. BILL BOGAARD

-----Original Message-----

From: cityweb-server@cityofpasadena.net [mailto:cityweb-server@cityofpasadena.net]

Sent: Mon 11/7/2005 10:37 PM

To: Bogaard, Bill

Subject: WWW PUBLIC COMMENT

Subject: Madia Vacation

Name: Rita Whitney

Address: 885 S. Orange Grove Blvd.

City: Pasadena

State: CA

Zip: 91105

Email: whitney@earthlink.net

Date: 11/7/2005

Time: 10:37:08 PM

Comment:

Dear Mayor Bogaard,

I attended the city council meeting this evening to learn about the Hillside project. It was postponed until next week. I inadvertently was present for the Madia Road Vacation discussion. I remain shocked and appalled that such a travesty could take place in this city. \$1000.00 for a parcel of land that will ultimately enable the applicant a significantly greater piece of property on which to measure the land to building ratio - especially on the Southern portion(zoned SFR) of his two lots. Depending on the allowable footprint, this applicant could benefit by hundred's of thousands of dollars - all by paying \$1000 to the city of Pasadena. As a citizen of your citizen, I implore you to review "what is right" about such a manuever and more importantly, if you have been elected to serve your district and our city, then please be sure to collect a significant amount of money for the land that you and what appears to be a good portion of the city council and staff are willing to simply "give" to this seemingly "well connected" applicant. As a citizen of Pasadena one of my greatest concerns is that your ruling on this "unnecessary easement" could set quite a prescedent for future "dead-ends" and unnecessary city land. I was truly appalled by what I witnessed this evening - I had no idea that such corruption existed in our city! Please Mayor Bogaard - do something to protect city land and the well-being of your citizens. Please do not favor a business partner or anyone who would petion our city for such an unfair request.

Sincerely,

A concerned Pasadena Resident

Dear Mayor Bogaard - I have sent this email to each and every Council Member as this issue is too great to ignore. We have met on several occasions socailly and publically - most recently last Friday evening at the Pasadena Heritage dinner. I have always found you and Claire to be nothing less than true crusaders for what is "right" about our city and preserving it. I have never been involved in politics and have never, until this evening, had an urge - I am not as selfless as you; however, this applicant's request and Councilman Madison's relation to the applicant reeks of "something" very wrong. Please investigate this matter and protect the laws and rights of the city's citizens. On lighter note, I'm not sure Jesse James would have gotten away with this one?!

Bogaard, Bill

From: Rita Whitney [whitney@earthlink.net]
Sent: Tuesday, November 08, 2005 8:07 AM
To: Bogaard, Bill
Subject: RE: Proposed Madia Road Vacation

Good Morning Bill,

Thank you for your incredibly prompt response. Yes, I was present at the end of the discussion and yet, in spite of the conditions put forth, I remained astonished (and fearful) that such a request could have ever made it so far - to the City council? How is such an unreasonable, inequitable and unfair request allowed to go beyond the City Manager's offices (planning, zoning, building etc)? I am a Realtor in Pasadena, so it seems even more unbelievable to me knowing the standards to which all Pasadena resident's are rightfully held in terms of altering, amending or adding to their property. I clearly understand too much as it relates to this subject - perhaps the reason for my outrage. I do not know the applicant nor the residents of Madia street. I do know that as a citizen of Pasadena I am deeply concerned that such a travesty could ever come this close to authorization by our highest governing body. Moreover, my concern for the precedent that this decision/outcome will set is sincere - how many more unused parcels of city land will private residents claim for \$1000 in order to fatten and improve their private real estate holdings? ...And at whose expense? I awakened this morning to read Gary Scott's article in the Pasadena Star News. Fortunately or unfortunately I again reduced my shock to writing. Sadly, the headline addressed the loss of walking trails only... reading the article allowed me to appreciate the reason for my reaction to this outrage. The "big picture" to include Council Member Madison's relation to the applicant is unconscionable.

Thank you for taking the time to write to me. I will indeed follow this story to the end.

Sincerely,

Rita Whitney

-----Original Message-----

From: Bogaard, Bill [mailto:bbogaard@cityofpasadena.net]
Sent: Tuesday, November 08, 2005 2:08 AM
To: whitney@earthlink.net
Subject: FW: Proposed Madia Road Vacation

Dear Rita: Perhaps you noted the conclusion last night of this matter--request that staff pursue 4 conditions upon the proposed vacation, including reverter of the existing easment in the event the property is ever held separately in the future; public access on some reasonable terms; gates prohibited; and prohibition of any construction on the land now devoted to the street. Several other questions were asked and will be answered before any action is taken on the matter. I hope this is helpful to the concerns that arose as you observed this discusson. Let's stay in touch. BILL BOGAARD

-----Original Message-----

From: cityweb-server@cityofpasadena.net [mailto:cityweb-server@cityofpasadena.net]
Sent: Mon 11/7/2005 10:37 PM
To: Bogaard, Bill
Subject: WWW PUBLIC COMMENT

Subject: Madia Vacation
Name: Rita Whitney
Address: 885 S. Orange Grove Blvd.

City: Pasadena
State: CA
Zip: 91105
Email: whitney@earthlink.net
Date: 11/7/2005
Time: 10:37:08 PM

Comment:

Dear Mayor Bogaard,

I attended the city council meeting this evening to learn about the Hillside project. It was postponed until next week. I inadvertently was present for the Madia Road Vacation discussion. I remain shocked and appalled that such a travesty could take place in this city. \$1000.00 for a parcel of land that will ultimately enable the applicant a significantly greater piece of property on which to measure the land to building ratio - especially on the Southern portion(zoned SFR) of his two lots. Depending on the allowable footprint, this applicant could benefit by hundred's of thousands of dollars - all by paying \$1000 to the city of Pasadena. As a citizen of your citizen, I implore you to review "what is right" about such a maneuver and more importantly, if you have been elected to serve your district and our city, then please be sure to collect a significant amount of money for the land that you and what appears to be a good portion of the city council and staff are willing to simply "give" to this seemingly "well connected" applicant. As a citizen of Pasadena one of my greatest concerns is that your ruling on this "unnecessary easement" could set quite a prescedent for future "dead-ends" and unnecessary city land. I was truly appalled by what I witnessed this evening - I had no idea that such corruption existed in our city! Please Mayor Bogaard - do something to protect city land and the well-being of your citizens. Please do not favor a business partner or anyone who would petition our city for such an unfair request.

Sincerely,

A concerned Pasadena Resident

Dear Mayor Bogaard - I have sent this email to each and every Council Member as this issue is too great to ignore. We have met on several occasions socially and publically - most recently last Friday evening at the Pasadena Heritage dinner. I have always found you and Claire to be nothing less than true crusaders for what is "right" about our city and preserving it. I have never been involved in politics and have never, until this evening, had an urge - I am not as selfless as you; however, this applicant's request and Councilman Madison's relation to the applicant reeks of "something" very wrong. Please investigate this matter and protect the laws and rights of the city's citizens. On lighter note, I'm not sure Jesse James would have gotten away with this one?!

Bogaard, Bill

From: cityweb-server@cityofpasadena.net
Sent: Tuesday, November 08, 2005 10:15 AM
To: Bogaard, Bill
Subject: WWW PUBLIC COMMENT

Subject: Cul-de-sac Improvement on Madia Street
Name: Maria Karras
Address: 1179 Yocum Street
City: Pasadena
State:
Zip: 91103
Email: mkarras@gmail.com
Date: 11/8/2005
Time: 10:14:48 AM

Comment:

The article on page 1 of the Pasadena Star News referring to John and Shannon Quinon 11/8/05 states "...the couple is using its connections at City Hall to make a land grab that will cut off access to arroyo trail heads...". To be fair, the Quinns already own this end of Madia Street. The legal description dictating the way this land was divided many years ago, provides that property owners in Linda Vista own the land to the center of the street directly in front of their property. In fact, everyone on Madia Street owns the land to the center of the street in front of his or her individual property. The Quinns own the 2 houses on both sides of the street on this section of Madia. Therefore, the Quinns own the street connecting their 2 houses. This fact has nothing to do with politics, political influence, who knows or doesn't know Vice Mayor Steve Madison or Mayor Bill Bogaard.

We own a home in Linda Vista and share a fence with John & Shannon Quinn's property at 1164 Madia Street. The cul-de-sac improvement will provide many benefits to our neighborhood. Although the construction noise has been pretty steady for a few months now, we feel that the value added to our neighborhood

properties will be considerable once construction is complete. The dead end at east Madia Street has been an eyesore ending at a dangerous, precipitous drop into the Arroyo for many years. The Quinns decision to design, fund and build a cul-de-sac on their property will provide safety for the neighborhood and beautify this otherwise ugly dead end.

The Quinns will actually be giving back part of the land they own to the city and building a sidewalk that doesn't exist now. They will be providing a turn around for city trash trucks, UPS and other delivery trucks which also doesn't exist now. In fact, right now the city trash trucks have to back down the street to exit this dead end, which is dangerous for children playing in the neighborhood and a liability to parked vehicles.

Regarding the issues of blocking off trail heads and preventing neighbors from being able to watch the Fourth of July fireworks show at the Rose Bowl: there are no trailheads at the end of Madia Street unless you are considering flying off the cliff. In addition, there is possibly a 2 foot window of visibility of the Rose Bowl fireworks. Our family has 90 feet of visibility of the arroyo from our own back yard and we still walk down to Parkview for a good view of the fireworks.

I realize that reporters are working under a great deal of time pressure in preparing their stories for the editor. It's a very tough job to get all the facts correctly researched. Pasadena is a first class city and the Pasadena Star News is our city's voice. Let this voice stand for an unbiased, non-inflammatory, kinder, gentler and more reasonable look at this bit of Linda Vista history in the making. To be fair, the citizens deserve a balanced look at the facts at hand, particularly on the front page of the Star News.

Thank you for your time and consideration.

Maria Karras

Pasadena

**CORRESPONDENCE/HANDOUTS
FROM
NOVEMBER 7, 2005
MEETING**

Crump & Co.

Manufacturer's Representative Firm

P.O. Box 94836 Pasadena, CA 91109 USA
(626) 794-1685 • Fax (626) 577-4488 • Cell (626) 893-7207
e-mail: crumpco@pacbell.net

Water and Wastewater Equipment

October 13, 2005

“FAX MEMO”

To: City of Pasadena
Planning and Development Department

Attn: Bonnie Hopkins

Subj: Proposed Street Vacation for a portion of Madia Street
Between Linda Vista Avenue and Parkview Ave.

Dear Mrs. Hophins:

My name is Stephen A. Crump and I live at 1200 Madia Street in Pasadena. I am very concerned about the City looking at a neighbor's request to acquire a portion of Madia Street.

I strongly feel that if the city allows a neighbor to acquire the end of the street then they will be the only ones to benefit. I have lived longer on this street then they have, my kids ride there bikes and play hockey at the end of the street out of the way of cars, my wife and I like the fact that we can walk to the end of the street and not have to cross private property to see the views. All of this and more will not be available if the city goes through with the acquisition.

I have enclosed a memo put together by all of the other neighbor's on Madia Street. This memo states more concerns that we all have in common.

I really feel that this issue should not be a decision made by the City but instead by a vote of the neighbors who live on Madia Street since we will be the ones directly effected.

11/07/2005
6.B. (8:00 P.M.)

Crump & Co.

Continued

Page # 2 of 2

I look forward to hearing from you in regards to this issue. I can be reached at my office numbers above.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen A. Crump". The signature is written in a cursive style with a large, prominent initial 'S'.

Stephen A. Crump

File: Key

Cc: Madia Neighbors

The proposed Madia Street Vacation - Cul-de-sac

1. This is not going to benefit anyone on Madia Street but one property owner.
2. Its is unfair to everyone in the neighborhood not to have access for walking to the end of a public street and enjoying the Views of the Mountains, Arroyo and Rose Bowl for the fourth of July.
2. The public paths going down the hill at the end of the street will not be access able for everyone to use.
3. The Madia Street parking for the public and property owners will lose 17 parking spaces for friends and visitors
4. It is going to make the head lights of cars turning around in the Proposed cul-de sac to shine in the windows of the neighbors.
4. As far as the larger trucks it will still be a problem for turnaround.
5. Madia Street has been a public dead end street for over 83+ years and only one property owner wants to change it for their benefit. This is unfair to everyone else. The only fair thing to do is to vote on this by the property owners of the street.
6. The Linda Vista area also has several other dead end streets with no turnaround cul-de-sac on them. No one else seems to have a Problem with this.
7. The most important is real danger with the proposed cul-de-sac. In the years past we have seen some hillside fires on the end of Madia Street. This proposed cul-de-sac would prevent the fire trucks from going to the end of Madia Street to put out the fire. This could also cause other houses to burn down in the neighborhood.

Petition to save Historic Madia Street

October 1, 2005

Madia Street has been a designated street for over 80 years.

It is a dead end street ending at the arroyo.

The views from the east end of the street have always been enjoyed by all the residence of Madia Street as well as many other people who walk Madia Street from the surrounding neighborhoods.

Those who sign this petition want to preserve Madia Street as it exists now.

1. Susan E. Parslow 1199 Madia St. Pas. 91103
2. Robert C Parslow by S.E.B. Robert C Parslow
3. Jordan Trujillo 1205 Madia St.
4. Ashton Trujillo 1205 Madia St. Pasadena, CA 91103
5. Sharon Miller 1515 Linda Vista Pasadena 91103
6. Patricia Harrison 1271 Mt. Vernon Pl. Pas. 91103
7. Gary Walker 1515 Linda Vista Pasadena 91103
8. Barbara Stotes 1333 WELLINGTON AVE PASADENA 91103
9. James V Gates " " " " "
10. Susana A. Mich 1535 Linda Vista Ave Pasadena 91103
11. Andrew Fedy 1545 Linda Vista Ave Pasadena 91103
12. John Sogert 1175 Charles St. Pasadena, Ca 91103
13. Ann Noya 1401 Arturo Ave PASADENA, CA 91103
14. Susan B. Berkelin 1534 Linda Vista Ave PASADENA CA 91103
15. Joyce Harrison 1534 Linda Vista Ave Pasadena 91103
16. Yolanda Brown 1600 Linda Vista Ave Pasadena 91103
17. Charles Foyas 1621 Linda Vista Ave Pasadena 91103
18. Milton Foyas 1621 Linda Vista Ave Pasadena 91103
19. Daniel P. W. 1622 Linda Vista Ave Pasadena, CA 91103
20. Pat Glassett 1551 Mt. Vernon Pl. Pasadena CA 91103
21. Billy Knott 1261 Mt. Vernon Pasadena CA 91103
22. Mandy S. Knott 1261 Mt. Vernon Pl Pasadena CA 91103
23. Bob Harrison 1271 Mt. Vernon Pl PASADENA CA 91103
24. Timothy J. Terrio # 1191 MAIDA ST PASADENA CA 91103
25. Wendy (D) 1200 Madia St Pasadena CA 91103
26. John W. Foyas 1191 MAIDA ST PASADENA CA 91103
27. Dave Hall 1498 Linda Vista Ave Pasadena, CA 91103
28. Robbi Dominguez 1490 Linda Vista Ave Pasadena 91103
29. GURLE WONG 1434 Linda Vista Ave Pasadena 91103
30. Tony Trujillo 1205 MADIA ST. PAS 91103 (626) 578-7154

11/07/2005

6.B. (8:00 P.M.)

Submitted by Tim Terrio

11/07/2005 6 B (8:00 p.m)

48 signatures

Petition to save Historic Madia Street

October 1, 2005

Madia Street has been a designated street for over 80 years.

It is a dead end street ending at the arroyo.

The views from the east end of the street have always been enjoyed by all the residence of Madia Street as well as many other people who walk Madia Street from the surrounding neighborhoods.

Those who sign this petition want to preserve Madia Street as it exists now.

31. Joan Terrero 1191 madia St. Pas. CA 91103
32. Theodor B. Smith 1491 Linda Vista Ave
33. Sherry Ray 1451 Linda Vista Ave Pas. CA
34. Lisa Hillrell 1435 Linda Vista
35. PHEBE WILLSCH 1169 WDA ST PAS. 91103
36. MARY ANN SMITH 1160 ALTON ST PAS 91103
37. VIERIE LINANE 1396 LINDA VISTA AVE PAS 91103
38. Cathy Lloyd 1546 Linda Vista Ave Pas 91103
39. Sue Blatteny 1290 Mt Vernon Pas 91103
40. Maryann 1565 Linda Vista Pas 91103
41. Stephen Adams 1200 madia st Pasadena 91103
42. Bob Smith 1556 Linda Vista Ave - Pasadena, 91103
43. Carl Rubin 1190 Madia St. Pasadena 91103
44. Kim Slatteny 1190 Madia St. Pasadena 91103
45. Nancy Wajd 1339 Linda Vista Ave Pasadena 91103
46. M. Nolan 1212 Wellington Ave. Pasadena 91103
47. Franjie Cassidy 1267 Parkview Ave. Pasadena 91103
48. CHARLES W. FARRELL 1205 MADIA ST CORNER PASADENA 91103
- 49.
- 50.
- 51.
- 52.
- 53.
- 54.
- 55.
- 56.
- 57.
- 58.
- 59.
- 60.