

Agenda Report

TO: CITY COUNCIL

Date: OCTOBER 3, 2005

FROM: CITY MANAGER

SUBJECT: ADOPT A RESOLUTION OF INTENT TO VACATE 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. Adopt the attached Resolution of Intention to Vacate a portion of Madia Street from approximately 380 feet east of Linda Vista Avenue to the east end of Madia Street.
2. Set a public hearing for Monday, November 7, 2005, at 8:00 p.m., to consider the proposed street vacation prior to adoption of the Resolution Ordering the Vacation in accordance with the requirements and recommendations contained in this report and subject to conditions herein.
3. Direct the City Clerk to publish and post a Notice of Hearing in accordance with the requirements of Streets and Highways Code Sections 8320, et seq.

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 will prepare a report and 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. These are currently in draft form and will be finalized once the final configuration of the cul-de-sac has been determined. A more accurate description of the proposed cul-de-sac is shown on Exhibit "C." The previous two exhibits are currently being revised to reflect this design.

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. 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.

An e-mail was also received from a neighbor expressing concern that the area to be vacated has been in disrepair for years and had no objections to the proposed vacation.

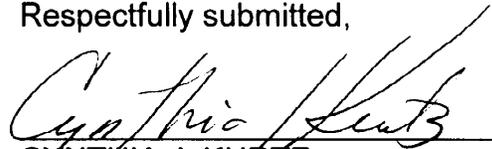
CONDITIONS

The proposed vacation of the subject portion of Madia Street is subject to conditions as described in Exhibit "D", 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.

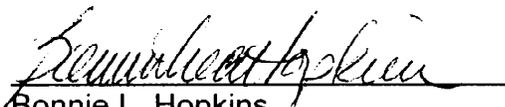
FISCAL IMPACT

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.

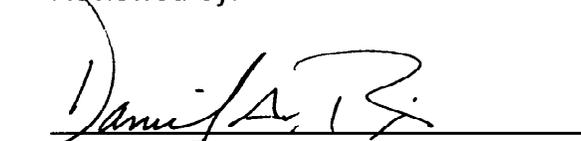
Respectfully submitted,


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

Attachments

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA DECLARING ITS INTENTION TO ORDER THE VACATION OF A PORTION OF MADIA STREET FROM APPROXIMATELY 380 FEET EAST OF LINDA VISTA AVENUE TO THE EAST END OF MADIA STREET AND SETTING A PUBLIC HEARING THEREON

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA

WHEREAS, the City has received a request 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, legally described in Exhibit "A" and as shown on Exhibit "B" on file in the office of the Director of Public Works; and

WHEREAS, the vacation proceeding for said street is and will be conducted pursuant to the requirements of the Streets and Highways Code Sections 8320, et seq.:

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

1. The City Council of the City of Pasadena hereby declares its intention to vacate the above described portion of Madia Street subject to certain conditions being met prior to vacation; and
2. A hearing is hereby set for 8:00 p.m. on Monday, November 7, 2005, in the Multi/Purpose Room of the Pasadena Senior Center, 85 East Holly Street,

Pasadena, to consider the proposed street vacation. All persons interested in the vacation are invited to attend and give testimony if desired.

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:



8/23/05

Nicholas George Rodriguez
Assistant City Attorney

EXHIBIT "A"
MADIA STREET AND PARKVIEW AVENUE
STREET VACATION

That portion of Madia Street (50.00 feet wide) adjoining Lots 12 and 13 of Block "I" and 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 377.29 feet to the **TRUE POINT OF BEGINNING**;

Thence continuing along said north line, North 89°45'00" East 102.71 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 in the easterly prolongation of the centerline of said Madia Street;

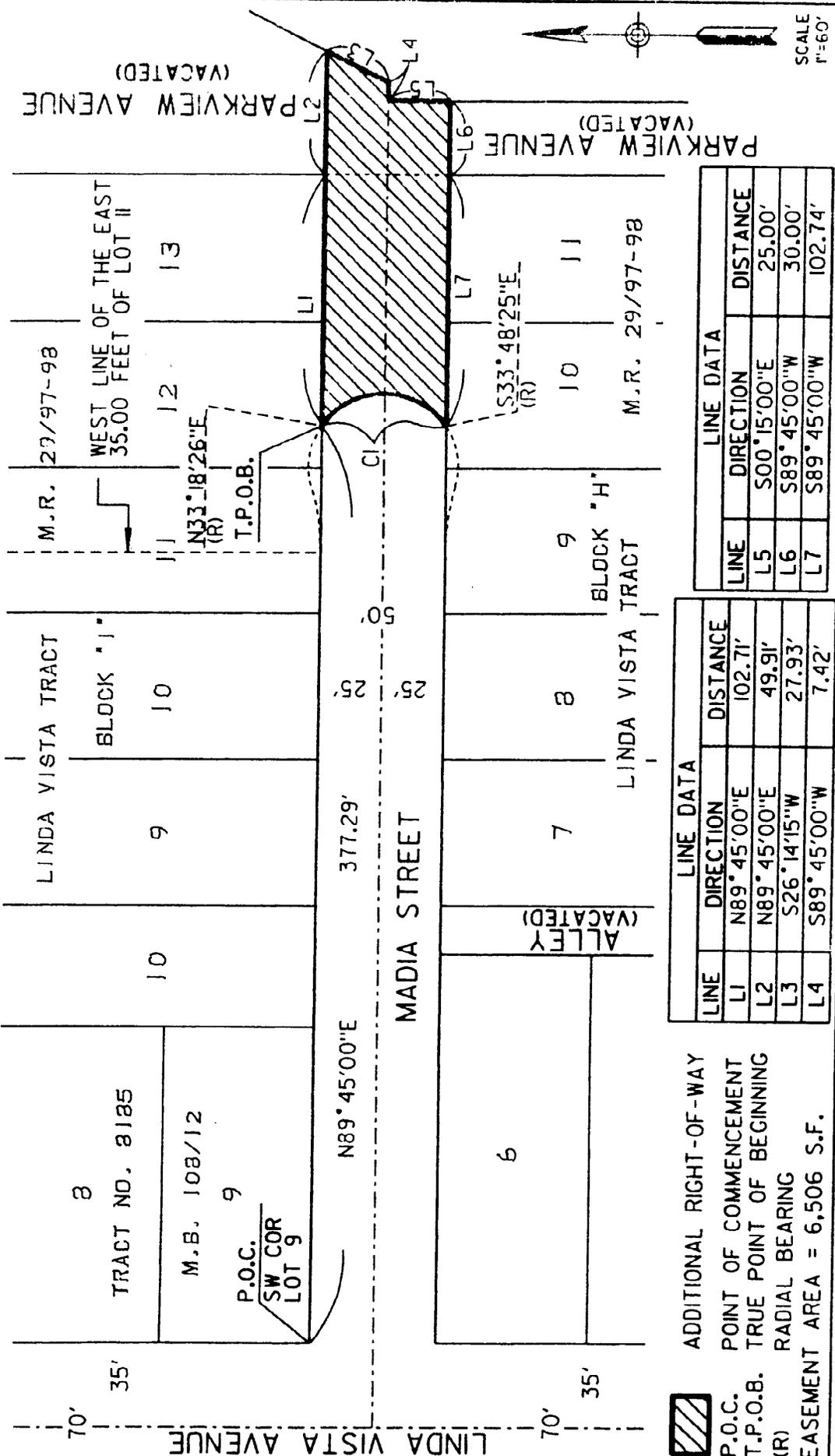
Thence along said easterly prolongation, South 89°45'00" West 7.42 feet to the northerly prolongation of the westerly line of that portion of Parkview Avenue vacated per document recorded August 27, 1985 as Instrument No. 85-992561;

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 easterly prolongation of 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 102.74 feet to the beginning of a non-tangent curve concave westerly having a radius of 30.00 feet, a radial line to said point bears South 33°48'25" East;

CURVE DATA			
CURVE	DELTA	RADIUS	LENGTH
CI	112° 53' 08"	30.00'	59.11'



 ADDITIONAL RIGHT-OF-WAY
 P.O.C. POINT OF COMMENCEMENT
 T.P.O.B. TRUE POINT OF BEGINNING
 (R) RADIAL BEARING
 EASEMENT AREA = 6,506 S.F.

LINE DATA		
LINE	DIRECTION	DISTANCE
L1	N89° 45' 00" E	102.71'
L2	N89° 45' 00" E	49.91'
L3	S26° 14' 15" W	27.93'
L4	S89° 45' 00" W	7.42'

LINE DATA		
LINE	DIRECTION	DISTANCE
L5	S00° 15' 00" E	25.00'
L6	S89° 45' 00" W	30.00'
L7	S89° 45' 00" W	102.74'

DAVID EVANS AND ASSOCIATES INC
 800 North Hines Avenue, Suite 300
 Ontario, California 91764
 Phone: 909.481.5750



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: SQU00001
 DRAWN BY: KXG
 DATE: 04/11/05
 SCALE: 1"=60'

EXHIBIT "D"

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.

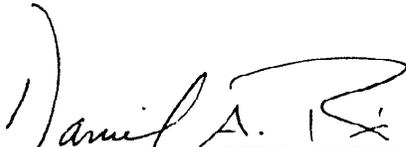
Upon submission of improvement plans, specifications, reports, and supporting documents to the Department of Public Works for review and checking, the applicant shall be required to place a deposit with the

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 "A"
MADIA STREET AND PARKVIEW AVENUE
STREET VACATION

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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 377.29 feet to the **TRUE POINT OF BEGINNING**;

Thence continuing along said north line, North 89°45'00" East 102.71 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 in the easterly prolongation of the centerline of said Madia Street;

Thence along said easterly prolongation, South 89°45'00" West 7.42 feet to the 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 easterly prolongation of 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 102.74 feet to the beginning of a non-tangent curve concave westerly having a radius of 30.00 feet, a radial line to said point bears South 33°48'25" East;

Thence northerly 59.11 feet along said curve through a central angle of $112^{\circ}53'08''$ to the **TRUE POINT OF BEGINNING**;

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

The above described parcel contains 6,506 square feet (0.149 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: _____

