

# Agenda Report

**TO:** CITY COUNCIL **Date:** July 31, 2006  
**FROM:** CITY MANAGER  
**SUBJECT:** ADOPT A RESOLUTION FOR THE SUMMARY VACATION OF A PORTION OF ARROYO DRIVE ADJACENT TO THE VISTA DEL ARROYO BUNGALOWS, LOCATED AT 44 ARROYO DRIVE

## **RECOMMENDATION**

It is recommended that the City Council:

1. Adopt the attached resolution that:
  - a. Affirms that the City Council has previously adopted a Mitigated Negative Declaration for the project associated with the proposed summary street vacation and that no further environmental review is required because no significant changes in the environment would result from the summary vacation.
  - b. Summarily vacates a portion of Arroyo Drive adjacent to 44 Arroyo Drive, pursuant to Sections 8331, 8333, and 8334 of the California Streets and Highways Code.
2. Direct the City Clerk to file a Notice of Determination and a Certificate of Fee Exemption for the California Department of Fish and Game, with the Los Angeles County Recorder.

**BACKGROUND**

The Vista del Arroyo Bungalow project is surrounded by Defenders Park, Grand Avenue, The Western Justice Center, The Army-Reserve Training Center, Arroyo Boulevard, and Arroyo Drive. The project includes the restoration of existing historic bungalows, the construction of new condominium buildings along the Arroyo Drive frontage and subterranean parking. An ingress/egress to the project is proposed along Arroyo Drive near its intersection with Arroyo Boulevard.

With the close proximity of the driveway to the intersection of Arroyo Drive and Arroyo Boulevard and with the existing roadway alignment of Arroyo Drive and the configuration of the intersection, the property owners have requested a summary vacation of a portion of Arroyo Drive adjacent to their property. The approval of the summary vacation will allow for the development of the project, provide for a safe ingress and egress to the site, provide for the realignment of Arroyo Drive, and provide for a safer intersection at Arroyo Drive and Arroyo Boulevard.

As a condition of the Tentative Tract Map for the project, the applicant is required to construct street improvements along Arroyo Drive and Arroyo Boulevard to improve the roadway conditions and to improve the intersection. The proposed summary vacation will provide for an optimum roadway alignment along Arroyo Drive and at its intersection with Arroyo Boulevard, and it will provide for a standard parkway width along Arroyo Drive. In addition to the public benefit of a safer street alignment and intersection, the public will be relieved from future maintenance responsibilities and associated liability with the proposed summary vacated area.

The subject portion of Arroyo Drive to be summarily vacated is approximately 114 feet in length with varying widths, not exceeding 37 feet at the widest point, and has not been used for public street purposes for at least five consecutive years.

The subject portion of Arroyo Drive to be summarily vacated is legally described in Exhibit "A" and is shown on Exhibit "B", both attached hereto.

Staff has determined that the area to be summarily vacated has no market value since it was obtained as an easement for public purposes only. 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 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 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.

## **ENVIRONMENTAL CLEARANCE**

The environmental initial study and Mitigated Negative Declaration ("MND") that was adopted by the City Council on November 5, 2001, for the Vista del Arroyo Bungalows, cited in its project description that the summary vacation of a portion of Arroyo Drive was needed for the project. The proposed summary vacation is deemed a subsequent step to implement the approved project. Under this circumstance, CEQA provides guidelines to determine whether a subsequent Negative Declaration is required or not. After reviewing the summary vacation, staff finds that no substantial changes in the project have occurred and no new information of substantial importance has become known that would require major revisions to the MND.

**FISCAL IMPACT**

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

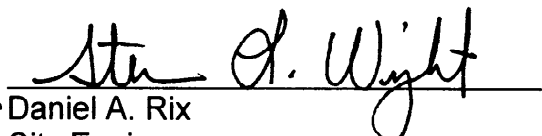
Respectfully submitted,

  
CYNTHIA J. KURTZ  
City Manager

Prepared by:

  
Bonnie L. Hopkins  
Principal Engineer

Reviewed by:

  
For 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 SUMMARILY VACATING A PORTION OF ARROYO DRIVE ADJACENT TO 44 ARROYO DRIVE**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA**

WHEREAS, the City has received a request to summarily vacate a portion of Arroyo Drive from Arroyo Boulevard to approximately 114 feet northeast of Arroyo Boulevard and which said portion of said street shall be referred to in this resolution as Arroyo Drive; and

WHEREAS, the said portion of Arroyo Drive is legally described in Exhibit "A" and as shown on Exhibit "B" (Department of Public Works Drawing No. 5656) on file in the office of the Director of Public Works; and

WHEREAS, the City Council approved the finding that there is substantial evidence that the summary vacation of the subject portion of Arroyo Drive, as described herein will have no significant effect on the environment based on the acknowledgement, of the City Council, that the Mitigated Negative Declaration has been adopted for the project associated with the proposed summary vacation and no further environmental review is required; and

WHEREAS, the City Council finds that there will be the following public benefits as a result of the vacation and fulfillment of conditions associated with the approved development, all at no cost to the City: (a) the realignment of the roadway along Arroyo Drive and at its intersection with Arroyo Boulevard; (b) a standard parkway width along

Arroyo Drive; and (c) the public shall be relieved from future maintenance responsibility and associated liability for the vacated area.

WHEREAS, the summary vacation proceeding for said street 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:

1. The following findings are made:
  - a. That the said portion of Arroyo Drive 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 said portion of Arroyo Drive for at least five consecutive years preceding this action.
  - c. That the said portion of Arroyo Drive has not been used for public right-of-way purposes for at least five consecutive years preceding this action.
  - d. That the said portion of Arroyo Drive is not required for street or highway purposes.
2. The City Council of the City of Pasadena hereby summarily vacates the above described portion of Arroyo Drive; and
3. From and after the date this resolution is recorded, the said portion of Arroyo Drive this vacated 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 \_\_\_\_\_, 2006, by the following vote:

AYES:

NOES:


ABSENT:

ABSTAIN:

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JANE L. RODRIGUEZ, City Clerk

Approved as to form:

 7/19/06

Nicholas G. Rodriguez  
Assistant City Attorney

**EXHIBIT "A"****LEGAL DESCRIPTION****PROPOSED VACATION OF A PORTION  
OF ARROYO DRIVE**

That portion of that certain easement for a right-of-way for a highway in the City of Pasadena, County of Los Angeles, State of California, described in deed to State of California, recorded on November 12, 1952, in Book 40279, page 431, of Official Records, in the office of the Recorder of said county, relinquished to the City of Pasadena by document recorded on February 5, 1974, in Book R4400, page 732, of said official records, within the following described boundaries:

Commencing at Station 10+00 in the centerline of Arroyo Drive, as said centerline is shown on Field Book A174-001, page 111, on file in the office of the Department of Transportation of the State of California – Caltrans; thence South  $81^{\circ} 36' 30''$  East along said centerline 65.90 feet to the beginning of a tangent curve concave to the northwest having a radius of 52.00 feet; thence northeasterly along said curve through a central angle of  $69^{\circ} 14' 31''$  a distance of 62.84 feet to the beginning of a compound curve concave to the west having a radius of 300 feet; thence northerly along said last mentioned curve through a central angle of  $5^{\circ} 43' 46''$  a distance of 30.00 feet; thence South  $66^{\circ} 34' 47''$  East along a prolonged radial of said last mentioned curve to a point in a curve concentric with and 27.00 feet easterly, measured radially, from said 300 foot radius curve; thence southwesterly along said concentric curve a distance of 13.12 feet to a point in the southerly line of that certain parcel of land described in deed to City of Pasadena, recorded in Book 14439, page 143, of said official records, said point being the true point of beginning; thence continuing along said concentric curve through a central angle of  $3^{\circ} 25' 52''$  a distance of 19.58 feet to the beginning of a curve concentric with and 27.00 feet southeasterly, measured radially, from said 52 foot radius curve; thence southwesterly along said last mentioned concentric curve through a central angle of  $83^{\circ} 12' 05''$  a distance of 114.72 feet to the northeasterly prolongation of that certain course of North  $53^{\circ} 49' 45''$  East 178.34 feet in the southeasterly boundary of said certain easement for a right of way for a highway; thence South  $52^{\circ} 27' 14''$  West along said northeasterly prolongation 20.45 feet to the northeasterly terminus of said last mentioned certain course; thence along said southeasterly boundary the following described courses: North  $84^{\circ} 57' 55''$  East 98.76 feet and North  $46^{\circ} 46' 14''$  East 86.73 feet to said southerly line; South  $84^{\circ} 24' 53''$  West along said southerly line 37.48 feet to said true point of beginning.

Reserving unto the City of Pasadena easements for Fire Department access, ingress and egress, sanitary sewers and appurtenant structure purposes and storm drain and appurtenant structure purposes and ingress and egress for bridge maintenance, within a strip of land 20 feet wide, lying 10 feet on each side of the following described centerline:



Beginning at a point in above described course of North 84° 57' 55" East 98.76 feet in the southerly boundary of above described Arroyo Drive distant North 84° 57' 55" East thereon 25.28 feet from the westerly terminus of said certain course, said point being the beginning of a curve concave to the east having a radius of 38.69 feet, a radial of said curve to said point bears South 81° 56' 29" West; thence northerly along said curve through a central angle of 10° 46' 47" a distance of 7.28 feet to a point in above described 79 foot radius curve.

The sidelines of said 20-foot strip shall be prolonged or shortened at the beginning thereof so as to terminate in said southerly boundary and shall be prolonged or shortened at the end thereof so as to terminate in the northerly and northwesterly boundaries of above described Arroyo Drive.

Also reserving unto the City of Pasadena easements for ingress and egress, sanitary sewer and appurtenant structure purposes and storm drain and appurtenant structure purposes over that portion of above described Arroyo Drive lying southwestery of a curve concentric with and 10 feet northeasterly, measured radially from the following described line:

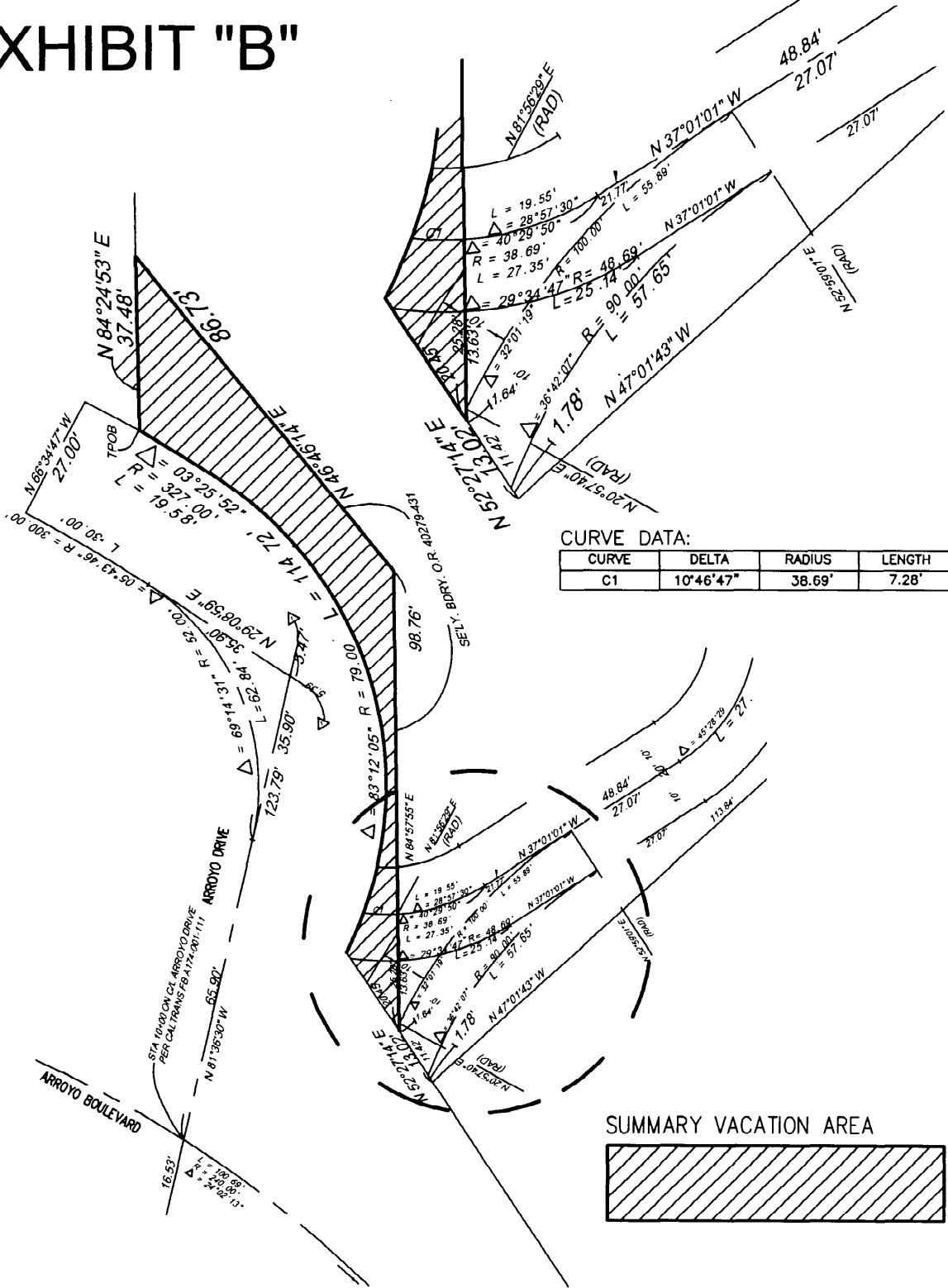
Commencing at the southerly terminus of the above described 38.69 foot radius curve; thence along the southerly continuation of said curve through a central angle of 28° 57' 30" a distance of 19.55 feet; thence South 37° 01' 01" East tangent to said last mentioned curve 21.77 feet to the true point of beginning, said true point of beginning being the southeasterly terminus of a curve concave to the southwest tangent to said last mentioned course and having a radius of 100.00 feet; a radial of said last mentioned curve bears North 52° 59' 01" East; thence northwesterly along said last mentioned curve a distance of 55.90 feet.



Reviewed by:

*James T. Emerson*  
7/17/06

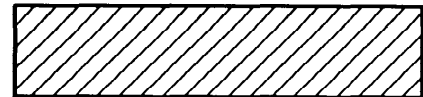
# EXHIBIT "B"



**CURVE DATA:**

CURVE	DELTA	RADIUS	LENGTH
C1	10°46'47"	38.69'	7.28'

**SUMMARY VACATION AREA**



CITY OF PASADENA – DEPARTMENT OF PUBLIC WORKS

DRAWN BY: PRIVATE	PROPOSED SUMMARY VACATION OF A PORTION OF ARROYO DRIVE IN THE CITY OF PASADENA	SCALE: NTS
CHECKED BY: BLH		DATED: 7/20/06
SUBMITTED BY: BLH	APPROVED BY:	<b>5656</b> SHEET 1 OF 1
FIELD BOOK NO. NONE	CITY ENGINEER	
	DATE	