

# Agenda Report

**TO:** CITY COUNCIL **Date:** May 5, 2008  
**FROM:** CITY MANAGER  
**SUBJECT:** ADOPT A RESOLUTION FOR THE SUMMARY VACATION OF A STRIP OF LAND ALONG THE SOUTH SIDE OF SIERRA MADRE BOULEVARD ADJACENT TO THE PROPERTY LOCATED AT 800 SIERRA MADRE VILLA

## **RECOMMENDATION:**

It is recommended that the City Council:

1. Adopt a resolution summarily vacating a strip of land along the south side of Sierra Madre Boulevard pursuant to Sections 8331, 8333, and 8334 of the California Streets and Highways Code; and
2. Certify the summary vacation to be categorically exempt from California Environmental Quality Act (CEQA). In accordance with Article 19, Sections 15301 Existing Facilities and 15304 Minor Alterations to Land, and authorize the City Manager to execute and the City Clerk to file a Notice of Exemption for the summary vacation with the Los Angeles County Recorder's Office.

## **BACKGROUND:**

The applicant, Madre Villas LLC, is developing the property located at 800 Sierra Madre Villa which has frontages on both Sierra Madre Villa and on Sierra Madre Boulevard. The project consists of creating 28 parcels on one land lot which was

approved by the City Council at its meeting, on November 19, 2007, as Vesting Tract Map No. 61334.

Due to the grade difference between the property's Sierra Madre Boulevard frontage and that of the project, retaining walls were required. In order to maximize the use of the existing lot and be able to construct the retaining walls on private property, which was required as a condition of development, the applicant requested to summarily vacate a portion of the public right-of-way along the project's Sierra Madre Boulevard frontage.

This existing portion of public right-of-way had been unusable for public purposes and was actually a dirt slope that descended from the back of the existing sidewalk to the existing property line of the subject project. The proposed summary vacation will allow for the installation of a standard 10 foot wide parkway with a standard five foot grass strip between the five foot wide sidewalk and the curb. The improvements, which are a condition of development, will be constructed to the City's current standards and will be aligned with the public improvements to the east of the project.

The subject portion of Sierra Madre Boulevard to be summarily vacated is approximately 265 feet in length, approximately 10 feet wide, has not been used for public purposes for at least five consecutive years, and 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 summary vacation. This condition has been met.

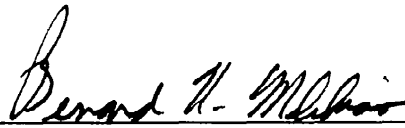
Section 8334 has two conditions, only one of which must be met: The excess right-of-way of street or highway is not required for street or highway purposes. This condition has been met.

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, and 8334, then that portion should be removed and considered for vacation using other statutory procedures.

**FISCAL IMPACT:**

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

Respectfully submitted,



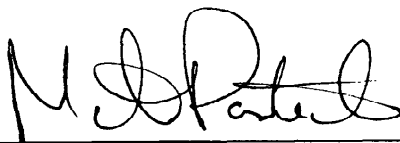
BERNARD K. MELEKIAN  
City Manager

Prepared by:



Bonnie L. Hopkins  
Principal 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 STRIP OF LAND ALONG THE SOUTH SIDE OF SIERRA MADRE BOULEVARD ADJACENT TO THE PROJECT LOCATED AT 800 SIERRA MADRE VILLA

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA

WHEREAS, Madre Villas LLC (“applicant”) wishes to develop 800 Sierra Madre Villa (“the subject property”); and

WHEREAS, as a condition of development of the subject project, the City has received a request to summarily vacate a 9.76-foot wide portion of Sierra Madre Boulevard from approximately 300 feet east of Sierra Madre Villa to approximately 265 feet east (“Sierra Madre Boulevard Portion”); and

WHEREAS, the Sierra Madre Boulevard Portion is legally described in Exhibit “A” and as shown on Exhibit “B” (Department of Public Works Drawing No. 5802) on file in the office of the Director of Public Works; and

WHEREAS, the City Council finds that there will be public benefits from the vacation and from the fulfillment of conditions associated with the development, all at no cost to the City, specifically the following: (a) the south side of Sierra Madre Boulevard shall be improved to a standard 10-foot wide parkway, and (b) the public shall be relieved from future maintenance responsibility and associated liability for the vacated area.

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

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

1. The following findings are made:
  - a. That the Sierra Madre Boulevard Portion 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 Sierra Madre Boulevard Portion for at least five consecutive years preceding this action.
  - c. That the Sierra Madre Boulevard Portion has not been used for public right-of-way purposes for at least five consecutive years preceding this action.
  - d. That the Sierra Madre Boulevard Portion is not required for street or highway purposes.
  - e. That the public interest will be served by this vacation, including being relieved of future maintenance responsibilities, the avoidance of potential liability expenses to the City and the south side of Sierra Madre Boulevard shall be improved to a standard 10-foot wide parkway.
  - f. That the vacation is categorically exempt from CEQA requirements, pursuant to Article 19, CEQA Guidelines Section 15301.
  - g. The public right-of-way has no market value and is not considered surplus property subject to disposition pursuant to the City's surplus property ordinance.
2. The City Council of the City of Pasadena hereby summarily vacates the Sierra Madre Boulevard Portion; and

3. From and after the date this resolution is recorded, the Sierra Madre Boulevard Portion 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 \_\_\_\_\_, 2008, by the following vote:

AYES:

NOES:

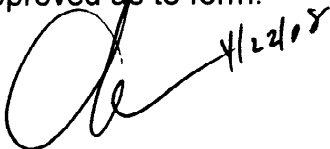
ABSENT:

ABSTAIN:

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JANE L. RODRIGUEZ, City Clerk

Approved as to form:



A handwritten signature in cursive, followed by the date "4/22/08". The signature is written over a horizontal line.

Nicholas G. Rodriguez  
Assistant City Attorney

**B & E ENGINEERS**  
an NJS Company

**CIVIL ENGINEERING**

**SURVEYING**

**LAND PLANNING**

24 W. Saint Joseph Street  
Arcadia, CA 91007-2854

Tel 626 446-4449  
Fax 626 446-6566

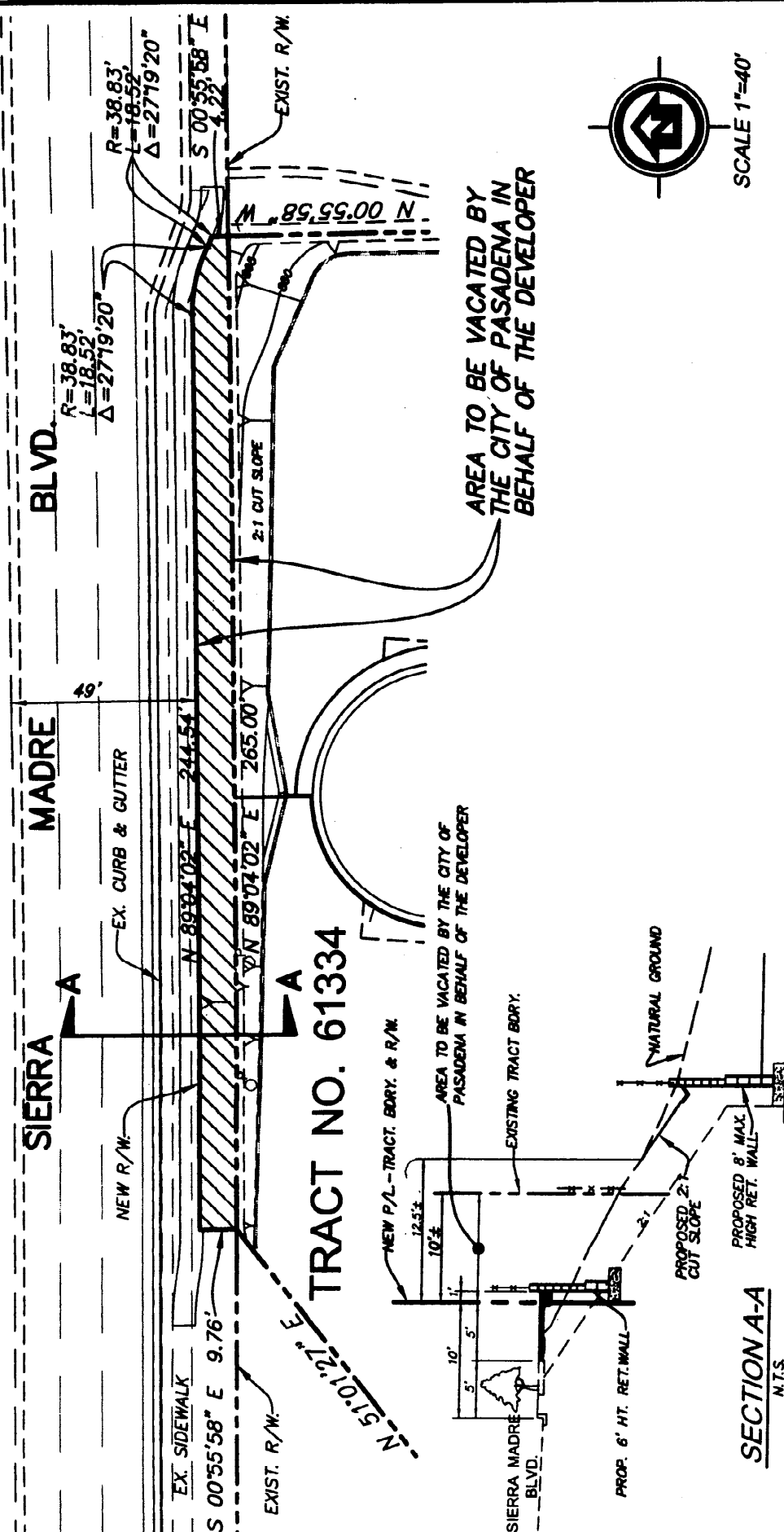
**EXHIBIT "A"**

**LEGAL DESCRIPTION**

That portion of Sierra Madre Boulevard (formerly Central Avenue) in the City of Pasadena, County of Los Angeles, State of California, described in deed to the County of Los Angeles, recorded in Book 11138, page 244, of Official Records, in the office of the recorder of said county, within the following described boundaries:

Beginning at the most easterly corner of Lot 1, Tract No. 34439, as shown on map filed in Book 920, pages 41 and 42, of Maps, in the office of said recorder; thence North 0° 55' 58" West at right angles to the northerly line of said lot a distance of 9.76 feet; thence North 89° 04' 02" East 244.54 feet to the beginning of a tangent curve concave to the southwest having a radius of 38.83 feet; thence southeasterly along said curve through a central angle of 27° 19' 20" a distance of 18.52 feet to the beginning of a reverse curve concave to the northeast having a radius of 31.07 feet; thence southeasterly along said last mentioned curve 2.89 feet to the northerly prolongation of the easterly line of that certain parcel of land described in document recorded on November 26, 2002 as Instrument No. 02-2875004, of said official records; thence South 0° 55' 58" East along said northerly prolongation 4.22 feet to the southerly line of said Sierra Madre Boulevard; thence South 84° 04' 02" West along said southerly line 265.00 feet to the point of beginning.

# EXHIBIT "B"



CITY OF PASADENA - DEPARTMENT OF PUBLIC WORKS		SCALE:	SHOWN ON PLAN
		DATE:	10-11-2007
DRAWN BY: M.G.		VACATION OF SIERRA MADRE BLVD.	
CHECKED BY: N.M.		APPROVED BY: _____	
SUBMITTED BY: N.M.		CITY ENGINEER _____	
FIELD BOOK NO. NONE		DATE _____	
<b>B &amp; E ENGINEERS</b> CIVIL ENGINEERING SURVEYING LAND PLANNING 24 W. SAINT JOSEPH ST. ARCADIA CA. 91007-2864 626-446-4446 626-446-6566(FAX)		5802 SHEET 1 OF 1	