

# Agenda Report

January 30, 2012

**TO:** Honorable Mayor and City Council

**FROM:** Department of Public Works

**SUBJECT: ADOPT A RESOLUTION FOR THE SUMMARY VACATION OF A PIECE OF LAND ALONG THE NORTH SIDE OF WOODLYN ROAD ADJACENT TO THE PROPERTIES LOCATED AT 2079, 2091, 2101, AND 2111 WOODLYN ROAD**

## **RECOMMENDATION:**

It is recommended that the City Council:

1. Adopt a resolution summarily vacating a piece of land along the north side of Woodlyn Road 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 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:**

Woodlyn Road (formerly known as Woodlyn Street) was originally dedicated to the public use as a cul-de-sac from Craig Avenue to the west end, as shown in Tract No. 12488 per map recorded in Book 237, Pages 32 and 33 of Maps in the Office of Los Angeles County Recorder. Additional land was further dedicated to extend the public road over the years and Woodlyn Road eventually becomes a through travel way from Craig Avenue to Tierra Alta Drive.

The proposed vacation area is a piece of land along the north side of Woodlyn Road and is located approximately halfway between Craig Avenue to Tierra Alta Drive. It is bounded by the curvy property lines as outlined by the original cul-de-sac and the

projected straight right-of-way line along the subject four properties. It is legally described in Exhibit "A" and is shown on Exhibit "B", both attached hereto.

The applicants, Noe and Heather Sanchez, and Edgar and Melinda McGregor, are the property owners at 2101 and 2091 Woodlyn Road respectively. The proposed vacation area is currently within the public right-of-way but has not been used for public purposes for at least five consecutive years. Said area is also constructed with private improvements, particularly with decorative pavers at the property at 2101 Woodlyn Road. It has been maintained by the corresponding private property owners. No public funds have been expended onto the vacation area, nor has the area been maintained by the City. Contrary to the curvilinear nature of the original right-of-way, the existing curb and pavement outside the proposed vacated area are constructed in a straight line to align with the rest of the street.

Staff has determined that the area to be summarily vacated has no market value since it was originally obtained as an easement for public purposes only. There will be no impact on any pedestrian or vehicular travel as the effective roadway remains the same and no full or partial closure of any kind will occur. In addition, the department has determined that there is no need, present or future, to retain this area for its intended public purpose. Vacation of the area would correct the map on record to reflect a more accurate and realistic delineation of the public right-of-way. Relinquishing the ownership of the proposed vacated area will relieve the City from all future maintenance responsibilities and any liability associated for the vacated area. 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.

Summary Vacation at north side of Woodlyn Road

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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.

**COUNCIL POLICY CONSIDERATION:**

The subject summary vacation is in conformance with the City Council 2009-2012 Strategic Plan Goal to support and promote the quality of life and the local economy.

**ENVIRONMENTAL ANALYSIS:**

The City's Environmental Administrator determined that the project is categorically exempt under the California Environmental Quality Act in accordance with Title 14 Chapter 3, Section 15301 - Existing Facilities. This exemption includes minor alteration of existing public facilities involving a negligible or no expansion of the use at the time of the lead agency's determination. A Notice of Exemption for the vacation will be filed with the Los Angeles County Clerk upon the adoption of a resolution to summarily vacate the area.

**FISCAL IMPACT:**

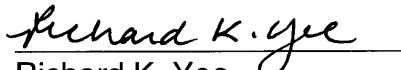
The summary vacation will eliminate any potential responsibility for maintenance or liability to the City. The applicants have paid the costs for preparation, process, and recordation of the summary vacation. No revenue will be expended or generated by the adoption of this summary vacation.

Respectfully submitted,

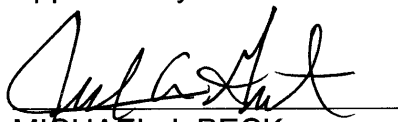


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SIOBHAN FOSTER  
Director  
Department of Public Works

Prepared by:

  
\_\_\_\_\_  
Richard K. Yee  
Principal Engineer

Approved by:

  
\_\_\_\_\_  
MICHAEL J. BECK  
City Manager

**RESOLUTION NO.**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA SUMMARILY VACATING A PIECE OF LAND ALONG THE NORTH SIDE OF WOODLYN ROAD ADJACENT TO THE PROPERTIES LOCATED AT 2079, 2091, 2101, AND 2111 WOODLYN ROAD

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA

WHEREAS, Noe and Heather Sanchez at 2101 Woodlyn Road, and Edgar and Melinda McGregor at 2091 Woodlyn Road, (“applicants”) wish to summarily vacate the public area adjacent to the properties located at 2079, 2091, 2101, and 2111 Woodlyn Road (“the vacated area”); and

WHEREAS, the vacated area is legally described in Exhibit “A” and as shown on Exhibit “B” (Department of Public Works Drawing No. 6034) 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 at no cost to the City, and 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 vacated area 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 vacated area for at least five consecutive years preceding this action.
  - c. That the vacated area has not been used for public right-of-way purposes for at least five consecutive years preceding this action.
  - d. That the vacated area 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, and the avoidance of potential liability expenses to the City.
  - 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 vacated area; and
  3. From and after the date this resolution is recorded, the vacated area 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 \_\_\_\_\_,  
2012, by the following vote:

AYES:

NOES:

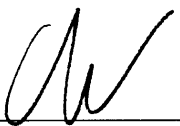
ABSENT:

ABSTAIN:

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MARK JOMSKY, City Clerk

Approved as to form:

 1/11/12

Nicholas G. Rodriguez  
Chief Assistant City Attorney





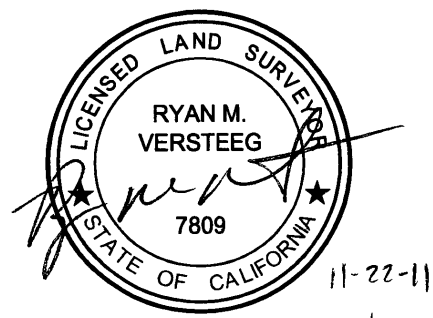
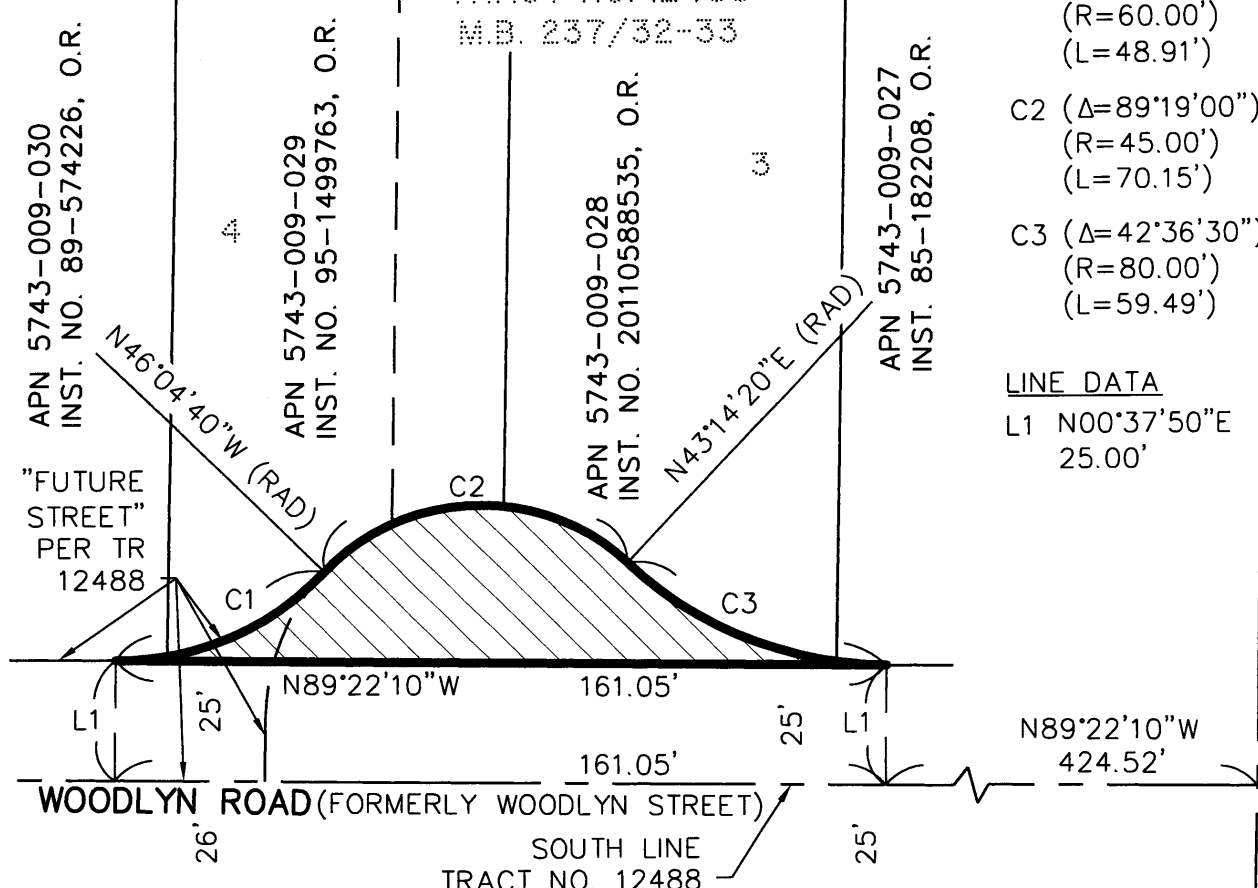
# EXHIBIT 'B'


TRACT NO. 12488  
M.B. 237/32-33

CURVE DATA  
 C1 ( $\Delta=46^{\circ}42'30''$ )  
 (R=60.00')  
 (L=48.91')  
 C2 ( $\Delta=89^{\circ}19'00''$ )  
 (R=45.00')  
 (L=70.15')  
 C3 ( $\Delta=42^{\circ}36'30''$ )  
 (R=80.00')  
 (L=59.49')

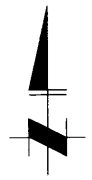
LINE DATA  
 L1 N00°37'50"E  
 25.00'

CRAIG AVENUE

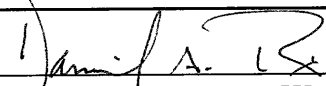


**LEGEND:**  
 ( ) INDICATES RECORD DATA PER TRACT NO. 12488, M.B. 237/32-33  
 INDICATES AREA TO VACATED (+/- 2,443 SQUARE FEET OR 0.056 ACRES)

PREPARED BY:  
 RYAN M. VERSTEEG, PLS 7809  
 DAVID EVANS AND ASSOCIATES, INC.  
 4200 CONCOURS, SUITE 200  
 ONTARIO, CA 91764  
 (909) 481-5750



## CITY OF PASADENA - DEPARTMENT OF PUBLIC WORKS

DRAWN BY: RMVE	VACATION OF WOODLYN ROAD ADJACENT TO APN'S 5743-009-027, 5743-009-028, 5743-009-029 AND 5743-009-030 (2079, 2091, 2101 AND 2111 WOODLYN ROAD)	SCALE: 1" = 40'
CHECKED BY: LMHE		DATED: 11/14/2011
SUBMITTED BY: RMVE	REVIEWED BY: 	6034 SHEET 1 OF 1
FIELD BOOK NO. NONE	CITY ENGINEER 1/11/2012 DATE	