

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA ORDERING THE VACATION OF MERIDITH AVENUE FROM WALNUT STREET TO NORTH END

WHEREAS, Resolution No. 9316 was adopted by the City Council of the City of Pasadena on October 28, 2013, declaring the intention of the City of Pasadena to vacate Meridith Avenue from Walnut Street to North End and which said portion of land shall be referred to in this resolution as the Proposed Vacated Area; and

WHEREAS, Proposed Vacated Area, is legally described in Exhibit A and is shown on Exhibit B (Department of Public Works Drawing No. 6089) and is on file in the office of the Director of Public Works; and

WHEREAS, the City Council finds on the basis of the Initial Environmental Study and the Mitigated Negative Declaration that have been prepared that there is no substantial evidence that the vacation of the subject portion of Meridith Avenue, as described herein and in Resolution No. 9316, will have significant impacts on the environment because mitigation measures will be incorporated into the project, and that the vacation proceeding for the Proposed Vacated Area is and will be conducted pursuant to the California Streets and Highways Code Section 8320, et seq.; and

WHEREAS, the City Council declares that the City's interest in the Proposed Vacated Area is in easement only, for public street purposes; and that the land is not owned by the City as fee title; and that it is not subject to the provisions of Chapter 4.02, Sale of Surplus Real Property, of the Pasadena Municipal Code; and

WHEREAS, the City Council finds that the vacation of the subject portion of Meridith Avenue, as described herein and in Resolution No. 9316, is consistent with the

General Plan Mobility Element and is unnecessary for present or prospective public use for street purposes:

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

1. Said Meridith Avenue, 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 set forth in Exhibit C 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 _____, 2013, by the following vote:

AYES:

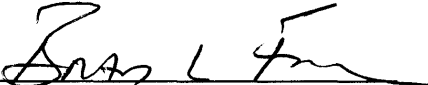
NOES:

ABSENT:

ABSTAIN:

MARK JOMSKY, City Clerk

Approved as to form:



Brad L. Fuller
Assistant City Attorney

EXHIBIT A

PARCEL A

The east one-half of that portion of Meridith Avenue, 80 feet in width, as shown on Colorado Villa Tract, in the City of Pasadena, County of Los Angeles, State of California, as per map recorded in Book 9, Page 113, inclusive of Maps, in the Office of the County Recorder of said County, lying northerly of a parallel line, 20 feet northerly from the westerly prolongation of the south line of Lot 29 of said Colorado Villa Tract;

Together with that portion of Lot 29 of said Colorado Villa Tract, dedicated to City of Pasadena for street purposes by deed recorded in Book 3135, Page 16 of Official Records; more particularly described as follows:

Beginning at the southwest corner of Lot 29; thence, northerly along the westerly boundary line of Lot 29, 20.00 feet to the True Point of Beginning; thence, northerly along said westerly boundary line, 15.00 feet to the beginning of a tangent curve, concave northeasterly, having a radius of 15.00 feet; thence, southeasterly along said curve, through a central angle of 90° 00' 00", an arc distance of 23.56 feet to a point that is distant 20.00 feet northerly from the southerly boundary line of Lot 29; thence, westerly in a direct line, 20 feet parallel to the south line of Lot 29, to the true point of beginning.

Containing 4,894 square feet, more or less.

PARCEL B

The west one-half of that portion of Meridith Avenue, 80 feet in width, as shown on Colorado Villa Tract, in the City of Pasadena, County of Los Angeles, State of California, as per map recorded in Book 9, Page 113, inclusive of Maps, in the Office of the County Recorder of said County, lying northerly of a parallel line, 20 feet northerly from the westerly prolongation of the south line of Lot 29 of said Colorado Villa Tract;

Together with that portion of Lot 26 of said Colorado Villa Tract, dedicated to City of Pasadena for street purposes by deed recorded in Book 3456, Page 362 of Official Records; more particularly described as follows:

Beginning at the southeast corner of Lot 26; thence, northerly along the easterly boundary line of Lot 26, 20.00 feet to the True Point of Beginning; thence, northerly along said easterly boundary line, 15.00 feet to the beginning of a tangent curve, concave northwesterly, having a radius of 15.00 feet; thence, southwestwardly along said curve, through a central angle of 90° 00' 00", an arc distance of 23.56 feet to a point that is distant 20.00 feet northerly from the southerly boundary line of Lot 26; thence, easterly in a direct line, 20 feet parallel to the south line of Lot 26, to the true point of beginning.

Containing 4,894 square feet, more or less.

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

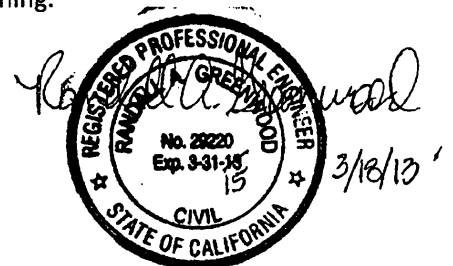
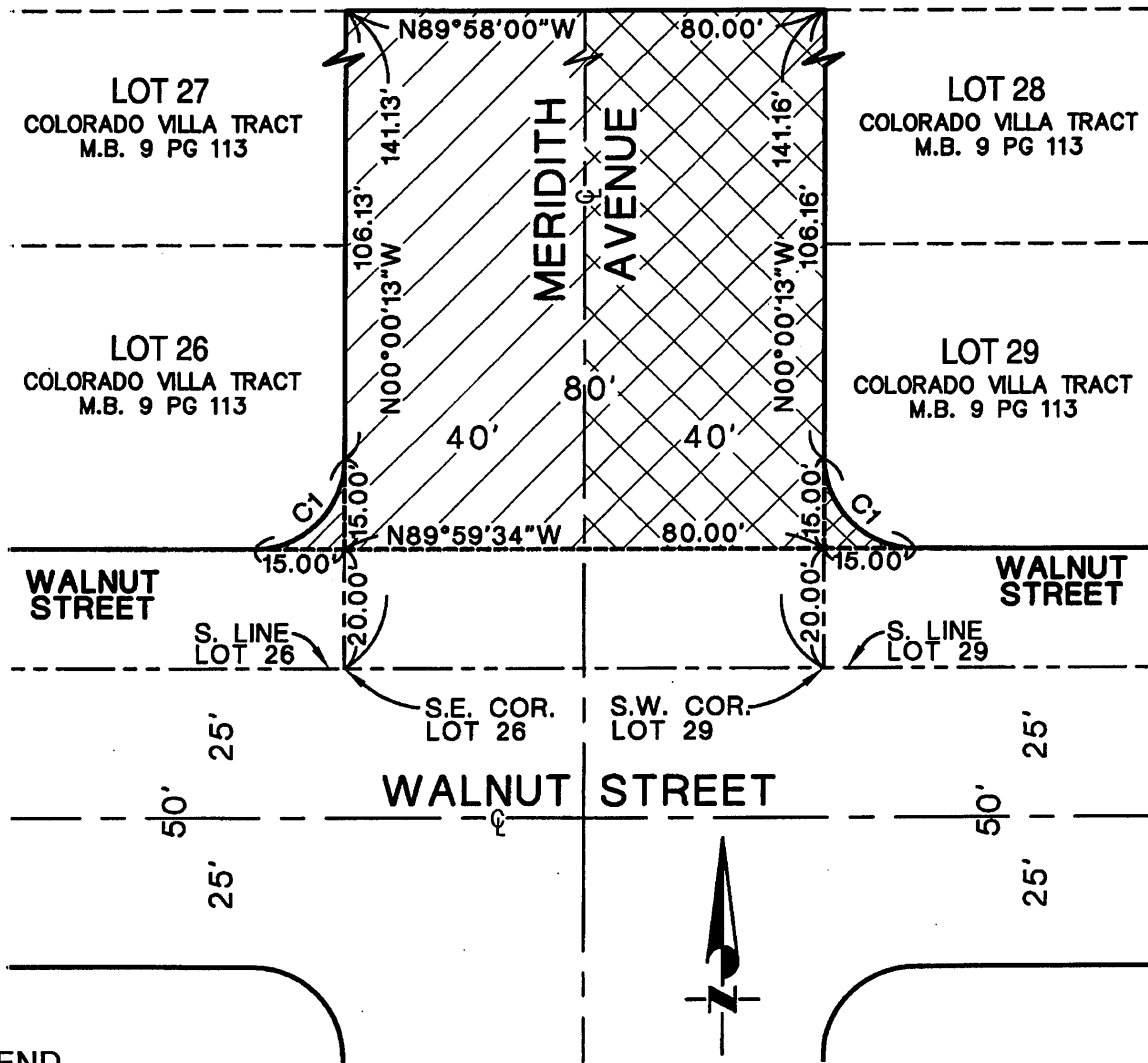




EXHIBIT B



LEGEND

-  STREET VACATION- PARCEL A (±4,894 S.F.)
-  STREET VACATION- PARCEL B (±4,894 S.F.)

CURVE TABLE			
NO.	RADIUS	DELTA	LENGTH
C1	15.00'	90°00'00"	23.56'



CITY OF PASADENA – DEPARTMENT OF PUBLIC WORKS

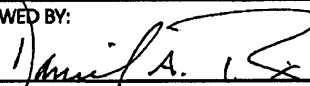
DRAWN BY: N.A.B.	<h3>STREET VACATION</h3> <h4>MERIDITH AVE.—FROM WALNUT ST. TO NORTH END</h4>	SCALE: 1"=30'	DATE: 03/18/13	
DESIGNED BY: S.H.N.		PLAN NUMBER: 6089		
CHECKED BY: R.A.G.		REVIEWED BY:  CITY ENGINEER	3/20/2013 DATE	
SUBMITTED BY: S.H.N.		SHEET 1 OF 1		

Exhibit C

MEMORANDUM - CITY OF PASADENA
Department of PUBLIC WORKS

DATE: September 23, 2013

TO: Kelvin Parker, Zoning Administrator
Planning and Community Development Department

FROM: Daniel A. Rix, City Engineer
Department of Public Works

RE: Street Vacation of Meridith Avenue from Walnut Street to North End

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 land, in accordance with the conditions and recommendations contained in this report;
2. Find that the subject portion of land proposed for vacation is consistent with the General Plan Mobility Element and is unnecessary for present or prospective public use for street purposes;
3. Declare that the City's interest in the subject portion of land proposed for vacation is in easement only, for public street purposes; and that the land is not owned by the City as fee title; and that it is not subject to the provisions of Chapter 4.02, Sale of Surplus Real Property, of the Pasadena Municipal Code;
4. Adopt a resolution vacating the subject portion of land, in accordance with the conditions and recommendations contained in this report.

BACKGROUND:

The proposed vacation portion of Meridith Avenue is 80 feet wide, from Walnut Street to approximately 120 feet north. It is a dead-end street located one block west of Allen Avenue, between the properties at 1727 and 1757 East Walnut Street. The application for this street vacation was submitted in conjunction with a proposed development at the northwest corner of Allen Avenue and Walnut Street. The construction includes the demolition of four existing buildings; and the new construction of a mixed-use project

with 128 apartments, community room, and retail space with subterranean parking. If the street vacation for Meridith Avenue is approved, a portion of the vacated area will be used for the new building construction while the rest will be used as a private driveway to the new development and additional on-site parking spaces.

The applicant for the street vacation, AMCAL Equities, LLC, is the property owner at 1727 East Walnut Street as well as the developer for the proposed development. The property owner at 1757 East Walnut Street, Mr. Joseph Davis, has submitted a letter to this office in support of the proposed street vacation. He provided a conditional consent to the application on the street vacation, subject to the successful ownership transfer of his property to AMCAL Equities, LLC. He further understood that all rights of the vacated properties will be reverted to the respective abutting property owners and their successors upon completion of the process.

The City's interest in the subject portion Meridith Avenue, is in easement only for public street purposes. The fee title of the proposed vacation area is currently vested in AMCAL Equities, LLC and Mr. Joseph Davis in equal shares. At the time of the street vacation process, AMCAL Equities, LLC and Mr. Joseph Davis are negotiating on the sale of the property at 1757 East Walnut Street. Mr. Davis has requested that the final vacation document will only be recorded upon proof of ownership and fee title transfer of said property from Mr. Davis to AMCAL Equities, LLC.

The subject portion of Meridith Avenue currently consists of a 17-foot wide sidewalk on both sides and a 46-foot wide roadway. The street terminates abruptly at the north end and provides access only to the two abutting properties at 1727 and 1757 East Walnut Street. The existing condition is not in conformance with Pasadena Standard Plan S-410, the standard design for a cul-de-sac. The existing straight-angled configuration does not provide sufficient turn-around space for public and street maintenance vehicles, rendering it unsafe for motorists.

The existing curb ramps at the northwest and northeast corners of Meridith Avenue and Walnut Street do not comply with Pasadena Standard Plan S-414. According to the proposed development plans, the 46-foot wide crossing will be replaced with a private driveway, reducing half its width. Walnut Street along the frontage of the proposed development has a substandard sidewalk width of seven feet. In order to provide for a standard ten feet wide sidewalk, the applicant shall dedicate to the City a 3-foot wide strip of land along the Walnut Street frontage for street purposes. The widening will create greater safety and significantly improve the environment for pedestrians.

The proposed street vacation is consistent with the following City Council goals and objectives: improve, maintain and enhance public facilities and infrastructure; improve mobility and accessibility throughout the City of Pasadena, ensure public safety; and support and promote the quality of life and local economy.

Upon the successful ownership transfer for the property at 1757 East Walnut Street as mentioned previously, the final vacation will eventually convey all rights to the abutting property owner, AMCAL Equities, LLC. The department has determined that there is

no need, present or future, to retain this area for its intended public purpose. Relinquishing all rights of the proposed vacated area will relieve the City from future maintenance responsibilities and any liability associated for the vacated area.

The subject portion of land to be vacated is legally described in Exhibit A and is shown on Exhibit B (Department of Public Works Drawing No. 6089), attached hereto.

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 agencies have no specific comments or objections to the proposed street vacation:

- Southern California Edison
- Southern California Gas Company
- Caltrans
- California American Water Company
- County Sanitation Districts of Los Angeles County
- Metropolitan Water District
- Kinneloa Irrigation District
- Charter Communications
- Foothill Transit
- Level 3 Communications
- Verizon
- Qwest Network Construction Services
- City of Pasadena Departments:
 - Police Department
 - Fire Department
 - Department of Transportation
 - Department of Information Technology

The following comments and requirements have been received and will be incorporated as conditions of approval for the subject street vacation:

1. AT&T

AT&T has facilities within the proposed vacated area. If the existing facilities remain in place, two easements will be required for complete access over their facilities. Said easements shall be located at the easterly 6 feet of the westerly 18 feet, and the northerly 6 feet, of the proposed vacated area.

If the applicant chooses to abandon the existing facilities in the proposed vacation area, they will be required to reconfigure and/or relocate the aerial and underground facilities, including but not limited to, poles, anchors, guys, cables, wires, crossarms, conduits, manholes, handholes, markers, pedestals, terminal

equipment cabinets, electrical conductors and necessary fixtures and appurtenances, in a manner acceptable to AT&T. The applicant shall coordinate directly with Ms. Rebecca Harris of AT&T at 626-308-4990.

2. Charter Communications

Charter Communications has existing underground fiber and trunk cables within the proposed vacation area. If the applicant chooses to abandon the facilities, they will be required to reconfigure and/or relocate the mainline(s), all appurtenant laterals, valves, and/or vaults, in a manner acceptable to Charter Communications. The applicant shall coordinate directly with Jesse Gonzales of Charter Communications at 626-430-3570.

3. Pasadena Water and Power Department – Water Division:

The Water Division has a 4-inch mainline and two service laterals with meters within the proposed vacated area. A five-foot wide easement will be required for complete access over the facilities. If the applicant chooses to abandon the existing water service in the proposed vacation area, they will be required to reconfigure and/or relocate the mainline(s), all appurtenant laterals, valves, and/or vaults in a manner acceptable to the Water and Power Department. The applicant shall coordinate directly with Ms. Natalie Ouwersloot of Pasadena Water Division at (626) 744-7011.

4. Pasadena Water and Power Department – Power Division:

The Power Division has a utility pole with overhead power facilities located at the northwest corner of the subject area and requires an easement for ingress and egress over this portion of Meridith Avenue. Two easements are required for service and access to the utility pole and overhead power facilities. A ten-foot wide easement shall be located at ten feet south of the northerly line of the vacated area. A 30-foot wide easement shall be located at 30 feet east of the westerly line of the vacated area.

The Power Division also has a ventilation vent located on the southeast corner of the subject area and requires an easement over this portion of Meridith Avenue for purpose of service to the vent. The easement shall be 15 feet by 20 feet and shall be located at 20 feet west of the easterly line of the vacated area, extending 15 feet north from the southerly line of the vacated area.

If the applicant chooses to abandon the existing power facilities in the proposed vacation area, they will be required to reconfigure and/or relocate the affected poles, facilities, vents, and other necessary appurtenances in a manner acceptable to the Water and Power Department. The applicant shall coordinate directly with Mr. Ardi Moeis of Pasadena Power Division at (626) 744-4455.

5. Pasadena Department of Public Works:

- A. Street: The opening of Meridith Avenue north of Walnut Street shall be replaced with standard concrete curb, gutter, drive approach, and sidewalk. Walnut Street along the frontage of the proposed development has a substandard sidewalk width of seven feet. In order to provide for a standard ten feet wide sidewalk, the applicant shall dedicate to the City a 3-foot wide strip of land along the Walnut Street frontage for street purposes. A ten-foot wide sidewalk on Walnut Street shall be constructed at the applicant's expense.
- B. Sewer: There is an existing 8-inch sewer main line and a terminal manhole in the proposed vacated area. A 10-foot wide public utility easement shall be required for complete access to the facilities. If the applicant chooses to abandon the subject facilities, they will be required to reconfigure and/or relocate the mainline(s), all appurtenant laterals, valves, and/or vaults, in a manner acceptable to the Department of Public Works.
- C. Street Trees: There are three (3) street trees in the proposed vacated area. If the trees can be preserved and incorporated into the new development, the applicant shall enter into a covenant which shall reserve the trees and run with the land and shall be binding on the property owners' heirs, successors and assigns, and all subsequent owners of the properties.
- If the three street trees are to be removed as part of the development and street vacation, the applicant shall be responsible for the assessed value of the trees which is \$38,700. If the trees are removed prior to the recordation of the final vacation resolution, when Meridith Avenue is still considered public right-of-way, the action will be subject to the review and approval by Urban Forestry Advisory Committee, in accordance with Chapter 8.52 of the Pasadena Municipal Code. Removal of the trees after the recordation of the final vacation resolution will be subject to private property laws.
- D. Street Light: There is a concrete street light pole on the northeast corner Meridith Avenue & Walnut Street. The applicant is responsible for the salvage and removal of said street light pole or shall pay the City the estimated cost of \$3,000 for the work.
- E. 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 the construction of all required public improvements and public utilities abandonments and relocations that arise as a result of all conditions noted in this report. Plans, supporting documents, reports, and

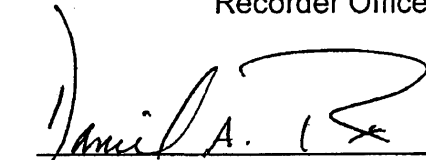
specifications for the above improvements and relocations shall be prepared by an engineer registered with the State of California and shall be reviewed and approved by the Department of Public Works and the corresponding utility agencies.

Upon submittal of the improvement plans, specifications, reports, and supporting documents to the Department of Public Works for review, the applicant shall be required to place a deposit with the Department to cover the cost of plan checking and the estimated construction costs. Prior to construction of the improvements, the applicant shall be required to place a deposit with the Department to cover construction inspection.

- F. 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 Meridith Street.

Recordation of the vacation resolution with the Los Angeles County Recorder Office 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 and the affected utility agencies.

- G. The applicant shall be responsible for all costs associated with these conditions. Unless otherwise noted in this document, all costs will be determined when submittals are received and will be based upon the estimated costs to the Department for the work and on the City's General Fee Schedule that is in affect at the time these conditions are met.
- H. Ownership and Fee Title of the property at 1757 East Walnut Street: The applicant shall submit proof of ownership and fee title for said property, which shall be AMCAL Equities, LLC, prior to the recordation of the final street vacation resolution document with the Los Angeles County Recorder Office.



DANIEL A. RIX, City Engineer
Department of Public Works

DAR:yw

Attachments