

Agenda Report

November 3, 2014

TO: Honorable Mayor and City Council

FROM: Department of Public Works

SUBJECT: ADOPT A RESOLUTION FOR THE SUMMARY VACATION OF A TRIANGULAR PIECE OF LAND ALONG THE WEST SIDE OF MAR VISTA AVENUE SOUTH OF CORSON STREET

RECOMMENDATION:

It is recommended that the City Council:

1. Adopt a resolution summarily vacating a triangular piece of land along the west side of Mar Vista Avenue south of Corson Street 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:

The applicant for tentative Tract Map No. 72678 is proposing to consolidate five parcels located on the south side of Corson Street between Wilson Avenue and Mar Vista Avenue and subdivide into three land parcels to create 27 air parcels for residential condominium purposes. As part of the Conditions of Approval, a summary vacation is required to straighten a slight offset along the west right-of-way line of Mar Vista Avenue. The area is located approximately 90 feet south of Corson Street, as shown on the location map in Attachment A. The proposed vacation area consists of a triangular piece of land of approximately 80 feet long and 4.25 feet wide. It is legally described in Exhibit "A" and is shown on Exhibit "B" (Public Works Drawing No. 6198), which are referenced in the attached Resolution.

The proposed vacation area is within the public right-of-way but has not been used for public purposes for at least five consecutive years. The area is significantly elevated

from the existing sidewalk and is currently landscaped to match the abutting private property. It has been maintained by the private property owner. No public funds have been expended on the vacation area, nor has the area been maintained by the City. The City's interest in the proposed vacation area is in easement only. The land is owned as fee title by Olson Urban – Pasadena 3, LLC, the applicant and the current abutting owner. As part of the tract development, private improvements including a 3-foot high planter wall will be constructed in the proposed vacation area.

The Department of Public Works has determined that the area to be summarily vacated has diminished 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 and pedestrian path remain the same. In addition, the Department of Public Works 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, the Department of Public Works 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 easement. Both conditions are met.

Section 8333 has three conditions, only one of which must be met: The easement has not been used for its dedicated purpose for a period of five consecutive years immediately 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.

COUNCIL POLICY CONSIDERATION:

The subject summary vacation is consistent with the following City Council's goals to maintain fiscal responsibility and stability, and to support and promote the quality of life and 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:

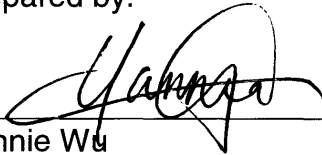
The summary vacation will eliminate any potential responsibility for maintenance or liability to the City. The applicants have paid the costs for preparation, process, and recordation of the summary vacation. No revenue will be expended or generated by the adoption of this summary vacation.

Respectfully submitted,



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Director of Public Works

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Approved by:



MICHAEL J. BECK
City Manager

Attachment A – Location Map