

# Agenda Report

September 19, 2016

**TO:** Honorable Mayor and City Council

**FROM:** Department of Public Works

**SUBJECT: ADOPT A RESOLUTION FOR THE SUMMARY VACATION OF  
A 15-FOOT WIDE PORTION OF LAND FRONTING PROPERTY  
AT 700 EAST MOUNTAIN STREET**

## **RECOMMENDATION:**

It is recommended that the City Council:

1. Adopt a resolution summarily vacating a 15-foot-wide portion of land fronting the property at 700 East Mountain 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 the 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:**

In March 2016, the applicant applied for Building Permit No. BLD2016-00844 to install an aboveground non-illuminated monument sign. The proposed private construction is within the perceived front lawn of the property at 700 East Mountain Street. The property is located on the south side of Mountain Street, east of El Molino Avenue and adjacent to Gladys Court, as shown on the location map in Attachment A. During the plan review by Public Works staff, it was discovered that the proposed monument is located in an existing public easement.

As a condition of a Zoning Use Permit, the area was previously dedicated to the City as public right-of-way in 1972 for future street widening purposes. The easement was accepted by the City at no cost, with the resolution adopted on October 24, 1972. The easement was recorded with the Los Angeles County Clerk's Office as Document No. 2,835 of Official Records and filed as City's Easement No. 7,111, as shown in Attachment B.

In order to allow the construction of private improvements within the public right-of-way, a license agreement with the City or a summary vacation of the area is required. The applicant has opted for the summary vacation process, which will allow the City to relinquish and return all rights to the abutting property owner. The proposed vacation area consists of a rectangular portion of land of approximately 152 feet long and 15 feet wide. It is legally described in Exhibit A and shown on Exhibit B (Department of Public Works Drawing No. 6,418), which are referenced in the attached Resolution.

The summary vacation request has been reviewed by other City departments, county agencies, and various utilities. There are no specific comments or objections to the proposed summary vacation except for a reservation of easement requested by the Pasadena Water and Power Department. There is an existing electric pull box within the proposed vacated area. The facility shall remain in its current location per the approval of the applicant. If the proposed summary vacation is approved, a 12 feet x 12 feet square easement will be reserved for public utility purposes.

The City's interest in the proposed vacation area is in easement rights only for public street purposes. The land is owned in fee title by East Mountain Housing Associates, L. P., a California Limited Partnership, the current abutting property owner. The summary vacation, if approved, will convey all rights to the abutting property owner except for the public utility easement required as described above. As a result, no private structures will be allowed within the reserved easement.

The City's Real Property Office has determined that the area to be summarily vacated has nil to negligible market value since it was originally obtained as an easement for public purposes only at no cost. 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 and the Department of Transportation have determined that there is no need, present or future, to retain this area for its intended public purpose.

The location of the existing property line does not align with the rest of Mountain Street. Vacation of the area would correct the map on record to reflect a more consistent 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 liabilities. As a result, the Department of Public Works recommends the adoption of a summary vacation, subject to the reservation of the public utility easement.

#### 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. The second condition of Section 8333 is the date of dedication or acquisition is less than five years, and more than one year, immediately preceding the proposed vacation, and the easement was not used continuously since that date. The easement was granted in 1972 and is more than five years; therefore this condition is not met. The third condition of Section 8333 is that the easement has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement. This condition is not 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. The second condition of Section 8334 is that a portion of a street or highway that lies within the property under one ownership, does not continue through such ownership or end touching property of another. This condition is not 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.

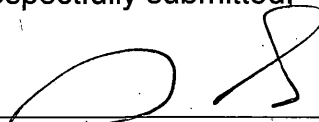
**ENVIRONMENTAL ANALYSIS:**

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:**

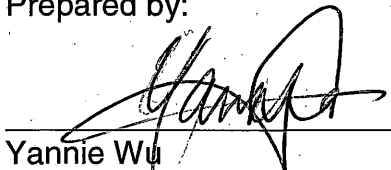
The summary vacation will eliminate any potential responsibility for maintenance or liabilities to the City. The applicants have paid the costs for preparation, process, and recordation of the summary vacation. No revenue will be expended or generated by the adoption of this summary vacation.

Respectfully submitted,



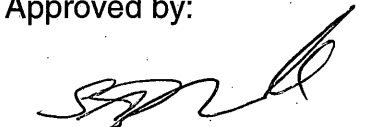
ARA MALOYAN, P.E.  
Director of Public Works

Prepared by:



Yannick Wu  
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Approved by:



STEVE MERMELL  
City Manager

Attachment A – Location Map  
Attachment B – City Easement No. 7,111