

# Agenda Report

September 25, 2017

**TO:** Honorable Mayor and City Council

**FROM:** Department of Public Works

**SUBJECT: ADOPT A RESOLUTION FOR THE SUMMARY VACATION OF  
A PORTION OF LAND FRONTING PROPERTY AT 444 NORTH FAIR  
OAKS AVENUE**

## **RECOMMENDATION:**

It is recommended that the City Council:

1. Certify the summary vacation to be categorically exempt from the California Environmental Quality Act (CEQA) in accordance with Title 14, Chapter 3, Article 19, Class 1, §15301, Existing Facilities, and Class 12, §15312, Surplus Government Property Sales, 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; and
2. Adopt a resolution summarily vacating a portion of land fronting the property at 444 North Fair Oaks Avenue pursuant to Sections 8331 and 8334 of the California Streets and Highways Code.

## **BACKGROUND:**

The City has received an application from the property owner, Mr. Jeffrey Throop, to summarily vacate a portion of Fair Oaks Avenue street right-of-way (Street ROW) fronting the property at 444 North Fair Oaks Avenue. The property is located on the east side of Fair Oaks Avenue, south of Villa Street, as shown on the location map in Attachment A.

In June 2017, the City entered into Agreement No. 22,771 (as amended) with Mr. Throop for the sale of Successor Agency Assessor Parcel No. 5725-003-903 and the Street ROW adjacent to Mr. Throop's property located at 444 North Fair Oaks Avenue, as shown in Attachment B. The Agreement serves as escrow instructions for the sale of the Street ROW in the amount of \$493,000. As part of the escrow contingency prior to

the close of escrow, the Street ROW shall be vacated to relinquish all rights and ownership from the City.

The Street ROW proposed for vacation was previously acquired by the City as public right-of-way in 1974 for future street widening purposes. The City acquired the property from Throop and Throop, a partnership, in the amount of \$18,120. Grant Deed No. 7,210 was filed with the Los Angeles County Clerk's Office as Book D6344 Page 174, which is shown as Attachment C. The Street ROW is an irregular, elongated piece of land of approximately 5,218 square feet. It is legally described in Exhibit A and shown on Exhibit B (Department of Public Works Drawing No. 6,477), of the attached City Resolution.

As part of the 1974 acquisition, the Pasadena Redevelopment Agency purchased an adjacent parcel to the north of the Street ROW known as Assessor Parcel No. 5725-003-903. Since that time, the ownership of this parcel has remained with the Redevelopment Agency, now known as the Successor Agency. The law associated with the statewide dissolution of redevelopment mandate that Successor Agency's sell all of their assets and remit the sales proceeds to the County Auditor-Controller. The proceeds are then distributed to each of the county taxing entities. Each of the Successor Agencies throughout the State have an Oversight Board that is comprised of members that represent the various county taxing entities. The Oversight Board ensures that the Successor Agency assets are sold in accordance with the dissolution law. It is an L-shaped piece of land, approximately 7,938 square feet at the southeast corner of Villa Street and Fair Oaks Avenue. The intent of the purchase was to construct a right turn pocket on Villa Street as part of the Fair Oaks Avenue street widening project.

The Street ROW summary vacation request has been reviewed by other City departments, Los Angeles County agencies, and various utilities. There is no objection to the proposed summary vacation.

In 1999, the City entered into License Agreement No. 16,892 with Cox PCS Assets, LLC to permit certain construction of wireless telecommunications facilities within the Street ROW, as shown in Attachment D. These facilities, including a 10-foot by 24-foot concrete enclosure with transceiver and power cabinets, were removed in 2016. A Release and Re-conveyance Document signed by Cox PCS Assets, LLC was filed with the Los Angeles County Recorder's Office as Instrument No. 20170929778 on August 16, 2017, shown as Attachment E.

The City's interest in the Street ROW property is in fee title for public street purposes. The summary vacation, if approved, will convey all rights to the abutting property owner. The proposed vacation area is currently fenced off at the back of sidewalk and maintained by the abutting property owner. 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. 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), 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 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 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 City Council's goals to maintain fiscal responsibility and stability, and to support and promote the quality of life and local economy.

### **ENVIRONMENTAL ANALYSIS:**

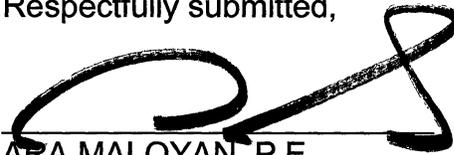
The City's Environmental Coordinator determined that the project is categorically exempt under the CEQA in accordance with Title 14, Chapter 3, Article 19, Class 1, §15301, Existing Facilities, and Class 12, §15312, Surplus Government Property Sales. The summary vacation is exempt pursuant to Class 1, which exempts projects that involve negligible or no expansion of an existing use. The area being vacated has been improved with private landscape and will remain as such. There is no physical alteration as a result of the summary vacation. The summary vacation is also exempt pursuant to Class 12, which exempts the sale of surplus government property. The property has not been used by the public and no public fund has been spent on it for at least five consecutive years. It is no longer needed for street widening purposes.

**FISCAL IMPACT:**

The applicants have paid the costs for preparation, process, and recordation of the summary vacation. The total appraised value of both properties is \$493,000. The Successor Agency owned parcel appraised at \$298,000 and as a result the Street ROW is valued at \$195,000. The General Fund will receive \$195,000 from the Street ROW sale, plus as a taxing entity, the City will receive its share of 21% from the APN 5725-003-903 sale, or \$62,580 resulting in a total amount of \$257,580.

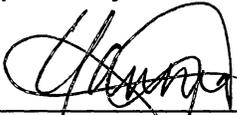
The disposition of APN 5725-003-903 will be considered at a future Oversight Board meeting. Upon approval by the Oversight Board, the Oversight's Board decision (and the Agreement) will be submitted to the State of California Department of Finance (DOF). DOF has up to five business days to decide if they wish to conduct a 45-day review and during that time, DOF may request an additional 45 days to review the transaction and if so, it will have a total of 90 days to render a decision.

Respectfully submitted,



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Director of Public Works

Prepared by:



Yannie Wu, P.E.  
Principal Engineer

Approved by:



STEVE MERMELL  
City Manager

- Attachment A - Location Map
- Attachment B - Agreement No. 22,771
- Attachment C - Grant Deed No. 7,210
- Attachment D - License Agreement No. 16,892
- Attachment E - Release and Reconveyance Document, Instrument No. 20170929778