

ACCELERATED REVIEW PROCESS – G

Office of the City Engineer

Los Angeles, California

To the Honorable Council

Of the City of Los Angeles

MAY 21 2014

Honorable Members:

C. D. No. 1

SUBJECT:

Magnolia Avenue from Olympic Boulevard to approximately 130 feet Southerly Thereof  
– Resolution to Vacate – VAC-E1400974 – Council File No. 05-2637

RECOMMENDATIONS:

- A. That the City Council reaffirm its findings of October 14, 2011, that this vacation is in substantial conformance with the General Plan pursuant to Section 556 of the City Charter.
- B. That the Resolution to Vacate No. 14-1400974 for this vacation be adopted.
- C. That following Council adoption, Resolution to Vacate No. 14-1400974, be transmitted to the Land Development Group of the Bureau of Engineering for recordation of the Resolution with the County Recorder.

TRANSMITTALS:

1. Council action of October 14, 2011.
2. City Engineer's report dated July 26, 2011.
3. Draft of Resolution to Vacate No. 14-1400974.

DISCUSSION:

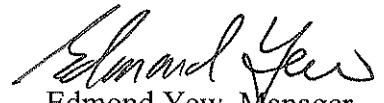
Resolution to Vacate: At the meeting of the City Council on November 30, 2011, no protests were filed against this vacation. All conditions of the Council's action of October 14, 2011, under Council File No. 05-2637 have been fulfilled. The Resolution to Vacate is being presented pursuant to Council instructions of October 14, 2011.

Resolution to Vacate No. 14-1400974 has been approved as to form and legality by the City Attorney.

Environmental Considerations: The City Council, on October 14, 2011, found that this project is exempt from the California Environmental Quality Act of 1970, pursuant to the categorical exemptions included in the City's Environmental Guidelines under Article VII, Class 5(3).

Los Angeles City Charter: The Council's action of October 14, 2011 complies with the requirements of Section 556 of the City Charter.

Respectfully submitted,

  
Edmond Yew, Manager  
Land Development Group  
Bureau of Engineering

EY/DW/pm  
E1400974resrpt

RESOLUTION TO VACATE NO. 14-1400974  
(California Streets and Highways  
Code Sections 8324, 8325 and 8340)

Vacation of Magnolia Avenue from Olympic Boulevard to approximately 130 feet southerly thereof.

On November 30, 2011, the City Council considered the evidence submitted regarding said vacation and determined that said street should be vacated subject to the reservations and exceptions as contemplated and subject to the conditions of vacation having been complied with, (CF 05-2637). All conditions of the Council's action have been fulfilled.

Therefore, from all of the evidence submitted, the Council finds that Magnolia Avenue from Olympic Boulevard to approximately 130 feet southerly thereof proposed for vacation is unnecessary for present or prospective public street purposes; and

The particular portion of the public street which is to be vacated is described herein attached Exhibits "A" and "B".

RESERVING AND EXCEPTING THEREFROM, an easement to the City of Los Angeles for public sanitary sewer purposes over the entire area described hereinabove.

ALSO, RESERVING AND EXCEPTING THEREFROM, an easement for the use of the Department of Water and Power for power distribution facilities over the entire area described hereinabove.

ALSO, RESERVING AND EXCEPTING THEREFROM, an easement for the use of Southern California Gas Company over the entire area described hereinabove.

The City Clerk shall certify this Resolution and affix the City seal, and shall transmit a sealed copy of this Resolution to the Land Development Group of the Bureau of Engineering for recordation in the office of the County Recorder of Los Angeles County.

IT IS THEREFORE RESOLVED that from and after the recordation of this Resolution, the area described hereinabove is vacated, subject to the reservation and exception of said permanent easement.

I certify that the foregoing Resolution was adopted by the Council of the City of Los Angeles at its meeting of \_\_\_\_\_ by a majority vote of all its members.

Approved as to form and legality  
Michael N. Feuer, City Attorney

By *Michael N. Feuer* Deputy *5/19/17* Date

HOLLY L. WOLCOTT, Interim City Clerk

By \_\_\_\_\_  
Deputy

Council File No. 05-2637  
R/W No. 33817

**EXHIBIT "A"**  
LEGAL DESCRIPTION  
STREET VACATION

THOSE PORTIONS OF LOT 90 AND MAGNOLIA AVENUE, 70.00 FEET WIDE, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON THE MAP OF CLARK AND BRYAN'S WESTMORELAND TRACT, RECORDED IN MAP BOOK 4, PAGE 45, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF SAID MAGNOLIA AVENUE, BOUNDED NORTHERLY BY A LINE THAT IS PARALLEL WITH AND 2.00 FEET SOUTHERLY OF, THE SOUTHERLY LINE OF TENTH STREET (CURRENTLY KNOWN AS OLYMPIC BLVD), AS SHOWN ON SAID MAP;

AND BOUNDED SOUTHERLY BY THE EASTERLY PROLONGATION OF THE SOUTHERLY LINE OF LOT 91 OF SAID MAP.

TOGETHER WITH THAT PORTION OF LOT 90 OF SAID MAP THAT WAS PREVIOUSLY DEDICATED FOR PUBLIC STREET, ROAD OR HIGHWAY PURPOSES, AS DESCRIBED IN INSTRUMENT NO. 78-709422, RECORDED ON JUNE 29, 1978.

EXCEPT THE NORTHERLY 2.00 FEET THEREOF.

CONTAINING: 9,045 SQUARE FEET, MORE OR LESS.

SUBJECT TO: ALL COVENANTS, RIGHTS, RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

EXHIBIT "B": ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.

PREPARED BY ME OR UNDER MY SUPERVISION:

  
CHRISTOPHER M. JONES, P.L.S. 8193      07/01/13      DATE

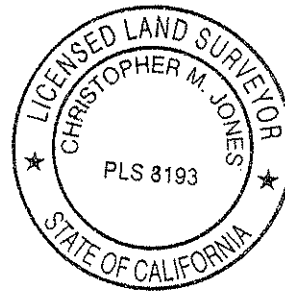
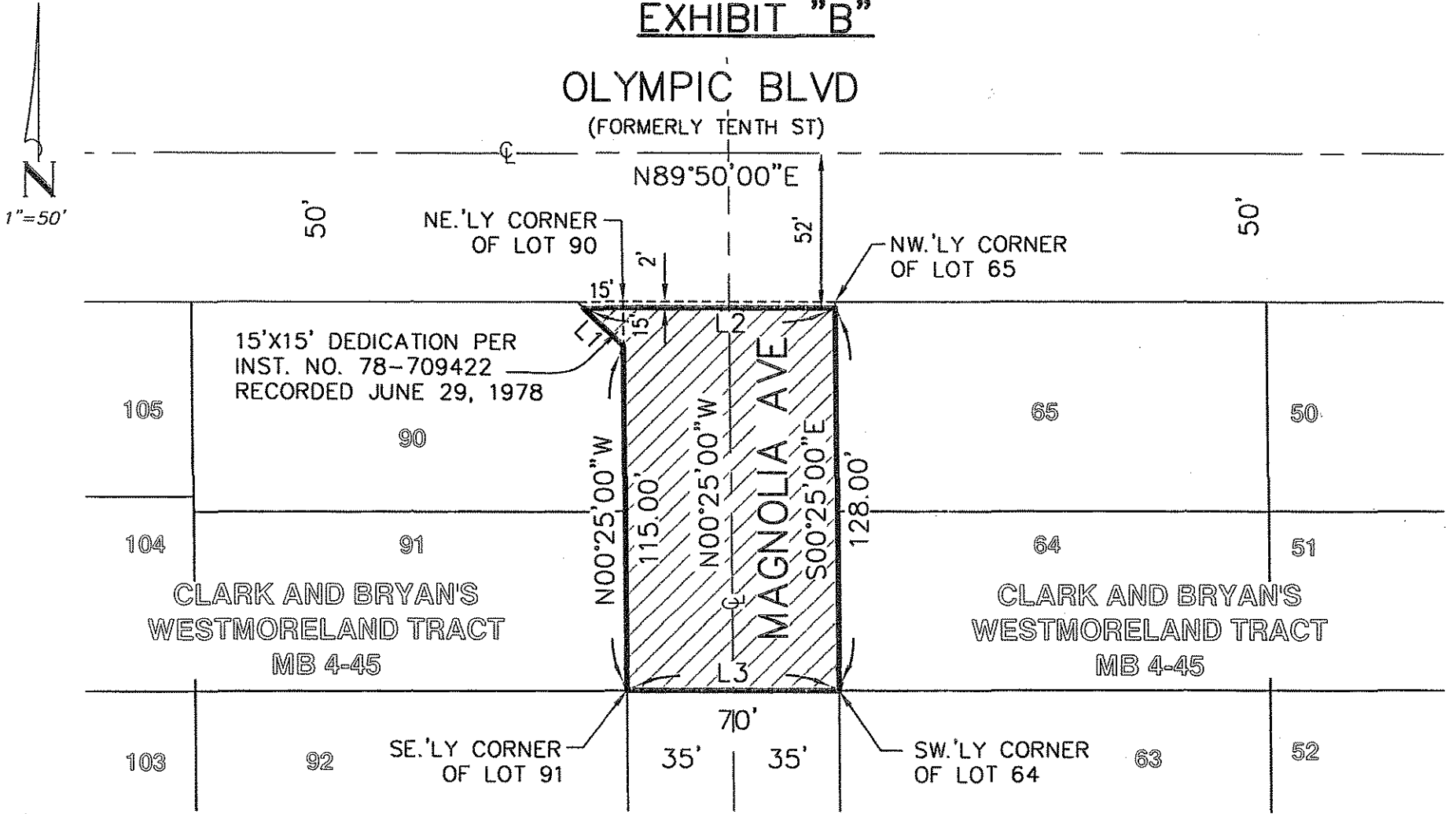


EXHIBIT "B"

OLYMPIC BLVD

(FORMERLY TENTH ST)



TITLE:

**MAGNOLIA AVE  
STREET VACATION**

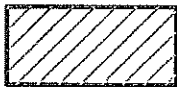


**Hall & Foreman, Inc.**

**Engineering · Planning · Surveying**

25152 SPRINGFIELD COURT, SUITE 350 · SANTA CLARITA, CA 91355 · 661-284-7400

DATE OF PREPARATION: 07/01/2013



DENOTES AREA  
TO BE VACATED

LINE TABLE

NO.	BEARING	LENGTH
L1	N45°17'30"W	18.42'
L2	N89°50'00"E	83.00'
L3	S89°50'00"W	70.00'

JOB NO. 130090.0000

CITY OF LOS ANGELES  
CALIFORNIA

JUNE LAGMAY  
City Clerk

HOLLY L. WOLCOTT  
Executive Officer



ANTONIO R. VILLARAIGOSA  
MAYOR

Office of the  
CITY CLERK

Council and Public Services  
Room 395, City Hall  
Los Angeles, CA 90012  
General Information - (213) 978-1133  
Fax: (213) 978-1040

When making inquiries relative to  
this matter, please refer to the  
Council File No.

[www.cityclerk.lacity.org](http://www.cityclerk.lacity.org)

October 18, 2011

To All Interested Parties:

The City Council adopted the action(s), as attached, under Council File No. 05-2637,  
at its meeting held October 14, 2011, to set a **Public Hearing Date of November 16,**  
**2011.**

City Clerk  
vm

TO THE COUNCIL OF THE  
CITY OF LOS ANGELES

Your PUBLIC WORKS COMMITTEE

reports as follows:

CATEGORICAL EXEMPTION and PUBLIC WORKS COMMITTEE REPORT relative to vacating Magnolia Avenue from Olympic Boulevard to Approximately 130 Feet Southerly Thereof (E1400974).

Recommendations for Council action:

1. FIND that the vacation of Magnolia Avenue from Olympic Boulevard to Approximately 130 Feet Southerly Thereof is exempt from the California Environmental Quality Act of 1970, pursuant to Article III, Class 5(3) of the City's Environmental Guidelines.
2. ADOPT the FINDINGS of the City Engineer dated July 26, 2011, as the Findings of Council.
3. FIND that the street vacation proceedings pursuant to the Public Streets, Highways and Service Easements Vacation Law be instituted for the vacation of the public right-of-way indicated below and shown colored blue on Exhibit B of the July 26, 2011 City Engineer report and attached to the Council file:

Magnolia Avenue from Olympic Boulevard to Approximately 130 Feet Southerly Thereof.

4. ADOPT the accompanying City Engineer report dated July 26, 2011 to approve the vacation.
5. INSTRUCT the City Clerk to set a public hearing date for **NOVEMBER 16, 2011**.
6. AMMEND condition number 13 on the City Engineer report dated July 26, 2011 to read:

13. That a minimum of two street trees be planted and the tree well covers be installed to the satisfaction of the Street Tree Division of the Bureau of Street Services along Olympic Boulevard on the sidewalk abutting the proposed vacation area and petitioner's property.

Fiscal Impact Statement: The City Engineer reports that to date, the petitioners have paid a fee of \$6,420.00 for the investigation of this request pursuant to Section 7.42 of the Administrative Code. Any deficit fee to recover the cost pursuant to Section 7.44 of the Administrative Code may be required of the petitioner.

Community Impact Statement: None submitted

SUMMARY

At its regular meeting held on October 5, 2011, the Public Works Committee considered the recommendations of the City Engineer as contained in its July 26, 2011 report. The City Engineer reports that the area sought to be vacated is:

Magnolia Avenue from Olympic Boulevard to Approximately 130 Feet Southerly Thereof.



(a map of the area is included as Exhibit B in the July 26, 2011 City Engineer report and is attached to the Council file). The purpose of the vacation request is to consolidate the vacation area with the adjoining properties to clarify the reversionary rights of ownership of the adjoining parcels. This vacation procedure is being processed under procedures established by Council on March 5, 2002 as detailed in Council file No. 01-1459.

After having provided an opportunity for public comment, the Committee moved to recommend approval of the recommendations as contained in said City Engineer report and detailed in the above recommendations. This matter is now submitted to Council for its consideration.

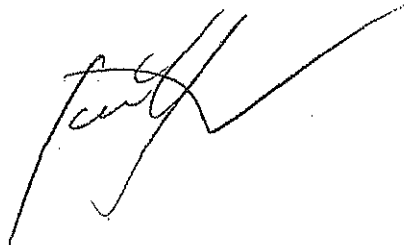
Respectfully submitted,

PUBLIC WORKS COMMITTEE

**ADOPTED**

OCT 14 2011

LOS ANGELES CITY COUNCIL



SET FOR HEARING Nov. 16, 2011

<u>MEMBER</u>	<u>VOTE</u>
HUIZAR:	YES
ENGLANDER:	YES
PARKS:	ABSENT

ESV  
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- Not Official Until Council Acts -

Office of the City Engineer  
Los Angeles, California

To the Public Works Committee  
Of the Honorable Council  
Of the City of Los Angeles

JUL 26 2011

Honorable Members:

C. D. No. 1

SUBJECT:

Vacation Approval - VAC-E1400974 - Council File No. 05-2637 -  
Magnolia Avenue from Olympic Boulevard to Approximately 130 Feet  
Southerly Thereof.

RECOMMENDATIONS:

- A. That street vacation proceedings pursuant to the Public Streets, Highways and Service Easements Vacation Law be instituted for the vacation of the public right-of-way indicated below and shown colored blue on the attached Exhibit "B":  

Magnolia Avenue from Olympic Boulevard to approximately 130 feet southerly thereof.
- B. That the Council rescind the communication from the City Clerk dated January 20, 2009, relative to the expiration of this file.
- C. That the Council not consider the City Engineer's report dated March 15, 2006.
- D. That the vacation of the area shown colored orange on Exhibit "B", be denied.
- E. That the Council find that the vacation is exempt from the California Environmental Quality Act of 1970, pursuant to Article VII, Class 5(3) of the City's Environmental Guidelines.
- F. That there is a public benefit to this vacation. Upon vacation of the street, the City is relieved of its ongoing obligation to maintain the street. In addition, the City is relieved of any potential liability that might result from continued ownership of the involved street easement.

- G. That, in conformance with Section 556 of the City Charter, the Council make the findings that the vacation is in substantial conformance with the purposes, intent and provisions of the General Plan.
- H. That, in conformance with Section 892 of the California Streets and Highways Code, the Council determine that the vacation area is not needed for nonmotorized transportation facilities.
- I. That, in conformance with Section 8324 of the California Streets and Highways Code, the Council determines that the vacation area is not necessary for present or prospective public use.
- J. That the Council adopt the City Engineer's report with the conditions contained therein.
- K. That the City Clerk schedule the vacation for public hearing at least 30 days after the Public Works Committee approval so the City Clerk and Engineering can process the public notification pursuant to Section 8324 of the California Streets and Highways Code.

#### FISCAL IMPACT STATEMENT

The petitioner has paid a fee of \$6,420.00 for the investigation of this request pursuant to Section 7.42 of the Administrative Code. Any deficit fee to recover the cost pursuant to Section 7.44 of the Administrative Code may be required of the petitioner. Maintenance of the public easement by City Forces will be eliminated.

#### NOTIFICATION:

That notification of the time and place of the Public Works Committee and the City Council meetings to consider this request be sent to:

1. Phillip Kaainoa  
660 S. Figueroa Street, Suite 1280  
Los Angeles, CA 90017
2. Dai R. Lee  
444 S. Vermont Avenue  
Los Angeles, CA 90027

3. Los Angeles Unified School District  
Demographic and Boundary Unit  
450 N. Grand Avenue, Room G-360  
Los Angeles, CA 90051

CONDITIONS FOR STREET VACATION:

The Conditions specified in this report are established as the requirements to be complied with by the petitioner for this vacation. Vacation proceedings in which the conditions have not been completed within 2 years of the Council's action on the City Engineer's report, and without proper time extension, shall be terminated, with no further Council action.

1. That any fee deficit under Work Order E1400974 be paid.
2. That a suitable map, approved by the Central District Engineering Office, delineating the limits including bearings and distances of the area to be vacated be submitted to the Land Development Group of the Bureau of Engineering prior to preparation of the Resolution to Vacate.
3. That a suitable legal description describing the area being vacated and all easements to be reserved, including copies of all necessary supporting documentation, be submitted to the Land Development Group of the Bureau of Engineering prior to preparation of the Resolution to Vacate.
4. That title reports indicating the vestee of the underlying fee title interest in the area to be vacated be submitted to the City Engineer.
5. That the following improvements be constructed adjoining the petitioner's property in a manner satisfactory to the City Engineer:
  - a) Repair and/or replace any broken/off-grade or missing concrete sidewalk along the southerly side of Olympic Boulevard.
  - b) Construct concrete sidewalk within a 2-foot wide strip of the easterly half street of Magnolia Avenue being retained as public street.
6. Provide for the collection or diversion of all surface flows which may impound within the area to be vacated.

7. That arrangements be made with the Department of Water and Power, Southern California Gas Company and Verizon for the removal of affected facilities or the providing of easements or rights for the protection of affected facilities to remain in place.
8. That satisfactory arrangements be made with the City Engineer for the relocation or abandonment of the existing sewer facilities located within the area to be vacated, unless an easement is reserved from the vacation for its protection.
9. That consents to the vacation, be secured from the Los Angeles Unified School District, owners of Lots 64 and 65, Clark and Bryan's Westmoreland Tract, adjoining the area to be vacated.
10. That upon the review of the title reports identifying the underlying fee title interest of the vacation area, agreements be recorded satisfactory to the Bureau of Engineering to hold each parcel of land under the same ownership and its adjoining portion of the area to be vacated, as one parcel to preclude the creation of landlocked parcels. This is to remain effective until such time as a new subdivision map is recorded over said area, a parcel map exemption is permitted or until released by the authority of the City of Los Angeles.
11. That plot plans be submitted to the Fire Department for their review and approval. Additional conditions may be imposed with the plot plan reviews.
12. That street lighting facilities be installed as may be required by the Bureau of Street Lighting.
13. That street trees be planted and tree well covers be installed as may be required by the Street Tree Division of the Bureau of Street Services.

TRANSMITTAL:

Application dated September 27, 2005, from Phillip Kaainoa.

DISCUSSION:

Request: The petitioner, Phillip Kaainoa, representing the owner of the properties shown outlined in yellow on Exhibit "B", is requesting the vacation of the public street area shown colored

blue and orange. The purpose of the vacation request is to consolidate the vacation area with the adjoining properties to clarify the reversionary rights of ownership of the adjoining parcels.

This vacation procedure is being proposed under Council File No. 01-1459 adopted by the Los Angeles City Council on March 5, 2002.

Resolution to Vacate: The Resolution to Vacate will be recorded upon compliance with the conditions established for this vacation.

Previous Council Action: The City Council on December 13, 2005, under Council File No. 05-2637 adopted a Rule 16 Motion initiating street vacation proceedings. The City Council under Council File No. 88-1383 and 89-2223 previously and conditionally approved the vacation of Magnolia Avenue between Olympic Boulevard and 11<sup>th</sup> Street, said vacation requests were not completed prior to the vacation time limits.

Zoning and Land Use: The properties adjoining the proposed vacation area to the west are zoned (Q)C2-1 and developed with an automobile dealership. The properties adjoining to the southwest and to the southeast are both zone PF-1 and developed as Los Angeles Unified School District's property.

Description of Area to be Vacated: The area sought to be vacated is Magnolia Avenue from Olympic Boulevard to approximately 130 feet southerly thereof. The westerly half of the street is encroached upon by a building housing a automobile dealership. The easterly remaining half street is improved and dedicated 35 feet wide and it is serving as a driveway to the adjacent Los Angeles Unified School District School.

Adjoining Streets: Olympic Boulevard is an improved major highway-Class II dedicated 100 feet wide with a 74-foot wide roadway and with curbs, gutters and sidewalk on both sides. Magnolia Avenue is a local street dedicated 70 feet wide and that portion southerly of the northerly 130 feet is gated and developed as school facilities.

Surrounding Properties: Los Angeles Unified School District, the adjoining owners to the proposed vacation site has been notified of the proposed street vacation.

Effects of Vacation on Circulation and Access: There should be no adverse effect on vehicular circulation and access since a

commercial building presently encroaches upon the westerly half of the street dedication. The easterly half street is gated approximately 60 feet southerly of Olympic Boulevard and provides access to Los Angeles Unified School District property.

The street is not needed for the use of pedestrians, bicyclists or equestrians.

Objections to the Vacation: There were no objections to the vacation submitted for this vacation.

Reversionary Interest: No determination of the underlying fee interest of the vacation area has been made as to title or reversionary interest.

Dedications and Improvements: It will be necessary that the petitioner provides for the dedication and improvements as outlined under Conditions.

Sewers and Storm Drains: There are no existing storm drain facilities within the area proposed to be vacated. There are, however, existing sewer facilities within this area.

Public Utilities: The Department of Water and Power, Southern California Gas Company and Verizon maintain facilities in the area proposed to be vacated.

Tract Map: Since the required dedication can be acquired by separate instrument and the necessary improvements can be constructed under separate permit processes, the requirement for the recordation of a new tract map could be waived. However, it will be necessary that the petitioner records agreements satisfactory to the Bureau of Engineering to hold each adjoining parcel of land under the same ownership and its adjoining portion of the area to be vacated, as one parcel to preclude the creation of landlocked parcels. This is to remain effective until such time as a new subdivision map is recorded over said area, a parcel map exemption is permitted or until released by the authority of the City of Los Angeles.

City Department of Transportation: The Department of Transportation did not respond to the Bureau of Engineering's referral letter of October 17, 2005.

City Fire Department: The Fire Department states that the subject property has been investigated by members of their department and that they recommend the following:

Submit plot plans for Fire Department review and approval prior to recordation of Street Vacation Action.

Private streets and entry gates shall be built to City Standards to the satisfaction of the City Engineer and the Fire Department.

All access roads, including fire lanes, shall be maintained in an unobstructed manner, removal of obstructions shall be at the owner's expense. The entrance to all required fire lanes or required private driveways shall be posted with a sign no less than three square feet in area in accordance with Section 57.09.05 of the Los Angeles Municipal Code.

Electric Gates approved by the Fire Department shall be tested by the Fire Department prior to Building and Safety granting a Certificate of Occupancy.

Plans showing areas to be posted and/or painted, "FIRE LANE NO PARKING" shall be submitted and approved by the Fire Department prior to building permit application sign-off.

Fire lanes, where required and dead ending streets shall terminate in a cul-de-sac or other approved turning area. No dead ending street or fire lane shall be greater than 700 feet in length or secondary access shall be required.

Department of City Planning: The Department of City Planning did not respond to the Bureau of Engineering's referral letter of October 17, 2005.

Conclusion: The vacation of the public street area as shown colored blue on the attached Exhibit "B" could be conditionally approved based upon the following:

1. It is unnecessary for present or prospective public use.
2. It is not needed for vehicular circulation or access.
3. It is not needed for nonmotorized transportation purposes.




The area shown colored orange should not be vacated because it is needed for public street purpose.

Report prepared by:

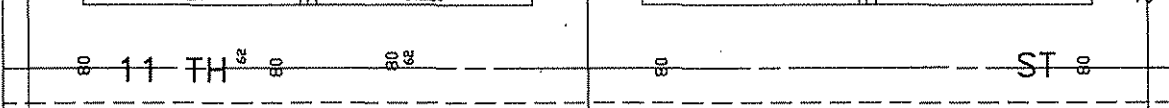
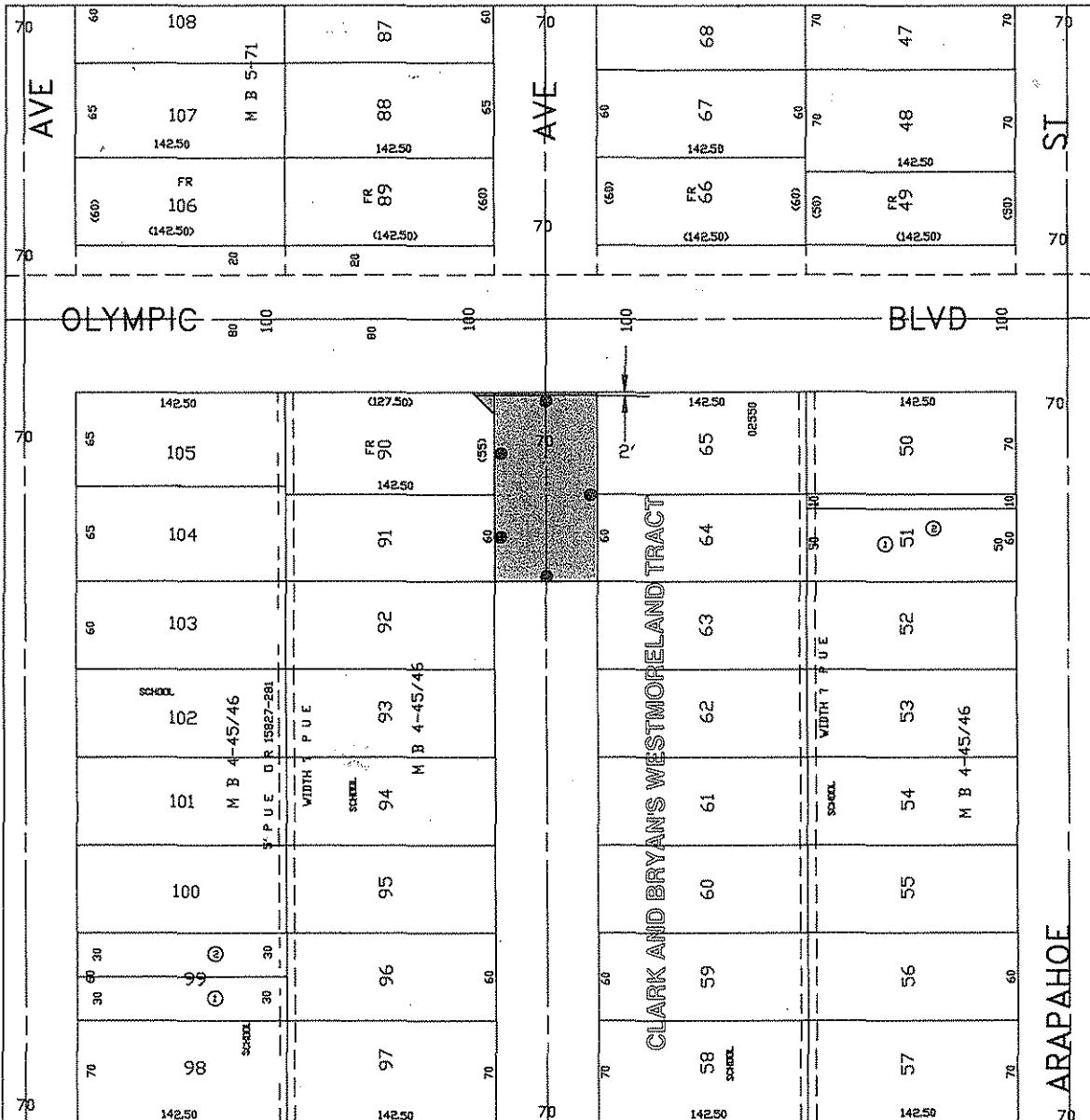
Respectfully submitted,

LAND DEVELOPMENT GROUP

  
Edmond Yew, Manager  
Land Development Group  
Bureau of Engineering

Dale Williams  
Civil Engineer  
(213) 202-3491

EY/DW/qt  
H:\ldg3\GTWP726



INFORMATION ON THIS MAP IS  
**PRELIMINARY**  
 AND SUBJECT TO CHANGE

TITLE: MAGNOLIA AVENUE FROM OLYMPIC BOULEVARD TO APPROXIMATELY 130' SOUTHERLY THEREOF.

WORK ORDER NO. VAC- E1400974  
 COUNCIL FILE NO. 05-2637  
 COUNCIL DIST. 01 DIV. INDEX 104  
 ENG. DIST. CENTRAL T.G. 634-B4  
 DISTRICT MAP 129B197 & 130.5A201



DEPT. OF PUBLIC WORKS  
 BUREAU OF ENGINEERING  
 CITY OF LOS ANGELES