

DEC 03 2008

MOTION

On June 3, 1998, the City Council, under Council File #93-1278, conditionally instituted vacation proceedings for the public right of way shown on the map in vacation number VAC-E1400458. The City Council also considered and adopted the findings and recommended conditions for Petitioner's requested vacation as set forth in the November 4, 1997 report of the City Engineer.

On March 28, 2000, the City Council voted to terminate vacation proceedings for VAC-E1400458 as a result of the need to acquire property, including the land contained in the vacation, for East Central Interceptor Sewer. After a legal dispute arose between the City of Los Angeles and the Petitioner, and pursuant to a settlement agreement entered between the City and Petitioner on June 6, 2003, the Superior Court entered a final condemnation order and judgment on September 29, 2003 allowing the vacation of that portion of land between Jesse Street, Myers Street, Mission Street, and the Petitioner's northern property line.

On December 12, 2003, the Petitioner received a letter from the Bureau of Engineering indicating the intent of the City to abide by the judgment and advising the Petitioner that once the vacation was reinstated that under Section 7.48 of Division 7 of the Administrative Code the vacation would expire within five years from the date of the public hearing if the applicant did not satisfy all conditions required by the City Council. Unfortunately, the December 12, 2003 letter to the Petitioner incorrectly stated the termination period. As, on March 5, 2002, the Section 7.48 termination period was changed by the City Council's adoption of Ordinance No. 174,471 from five years to 180 days, with one 180-day extension. This created an inconsistency between the termination period stated in the December 2003 letter to the Petitioner, and the adoption of the 180-day termination period. The letter was also inconsistent with the Ordinance of Intention adopted on March 19, 2004, which stated that the termination period would be two years.

In addition, the reinstatement action and the subsequent Ordinance of Intention incorrectly defined the boundaries of the vacation by not recognizing the new boundaries of both the Petitioner's and the City's properties as a result of the condemnation order. The Petitioner has requested of the City, in writing, to reduce the boundaries of the street vacation to reflect the new property boundary based on the condemnation order. On December 26, 2003, the City Council adopted the recommendation of the Board of Public Works to rescind prior City Council action that terminated the vacation proceedings for Map No. VAC-E1400458.

On March 19, 2004, the City Council adopted Ordinance No. 175,868, an Ordinance of Intention, for the vacation of Mission Road between Jesse Street and 7th Street, a portion of the northerly side of 7th Street between Mission Road and Myers Street and Jesse Street from approximately 231 feet westerly of Myers Street to Mission Road. In this Ordinance the City reserved any easement needed for the protection of drainage, sanitary sewer and public utility facilities and required that all conditions be satisfied within two years or the proceedings will be terminated. On August 17, 2007, the City Council adopted a General Plan Amendment redesignating that portion of Mission Road between Whittier Boulevard and Jesse Street and Myers Street between Jesse Street and 7th Street from a Secondary Highway to an Industrial Collector Street.

On January 30, 2008, the City Council, under Council File No. 07-4147, adopted the Motion (Reyes-Huizar) to include the Seventh Street Bridge, No. 53C1321, crossing the Los Angeles River on Seventh Street between Myers Street and Mesquit Street in the list of Historic-Cultural Monuments. The eastern boundary of the now historically-designated Seventh Street Bridge extends to the present intersection with Myers Street. The Seventh Street Bridge includes a Bridge Entry Column, a sculpted concrete railing, sidewalk and curb extending to the bridge's terminus at Myer Street. These facts make the widening of Myers Street difficult, if not impossible. As a result, the Petitioner will make an cash in-lieu payment for required street improvements related to the widening of Myers Street, instead of constructing such improvements.

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The Petitioner and the City are now ready to effectuate the vacation with the following amendments. Recommended Condition Number 2 of the November 4, 1997 City Engineer's Report is proposed to now read as follows (new text in *italics* and underlined, deleted text as ~~strikethrough~~):

2. That the petitioner complete and execute an Irrevocable Offer to Dedicate for the following future dedications in a manner satisfactory to the City Engineer:

a. Offer to dedicate 48 7 feet, together with a standard flare section, ~~as for a future~~ public street along the westerly side of Myers Street between 7th Street and ~~Jesse Street~~ the petitioner's northerly property line, ~~excepting within the westerly 3 feet of the northerly 60 feet of the southerly 220 feet of the flare section.~~

b. Offer to dedicate the westerly 3 feet of the northerly 60 feet of the southerly 220 feet of the flare section along the westerly side of Myers Street as Future Street.

c. ~~Dedicate a 100-foot radius property line return as public street at the intersection of Myers Street with Jesse Street adjoining the petitioner's property."~~

Recommended Condition Number 3 of the November 4, 1997 City Engineer's Report is proposed to now read as follows:

"That the petitioner make a cash in lieu payment equal to the estimated costs of the following improvements ~~be constructed~~ adjoining the petitioner's property in a manner an amount satisfactory to the City Engineer:

a. Construct standard street improvements to ~~secondary highway~~ industrial collector standards (~~33~~ 24-foot wide and variable width $\frac{1}{2}$ roadway) along the westerly side of Myers Street between 7th Street and ~~Jesse Street~~ the petitioner's northerly property line, including the following:

1) ~~Construct a 110-foot radius curb return with an access ramp for the handicapped at its intersection with Jesse Street.~~

2) ~~Construct a standard flare section at its intersection with 7th Street.~~

3) 1) Construct a 8-foot wide concrete sidewalk.

2) Street lighting facilities as may be required by the Bureau of Street Lighting.

3) A minimum of 24 inch box trees as may be required by the Urban Forestry Division of the Bureau of Street Services.

b. ~~Construct concrete curb and a 10-foot wide concrete sidewalk along the southerly side of Jesse Street to join the improvements on the westerly side of Myers Street and extending to the proposed westerly terminus of Jesse Street.~~

c. b. Construct an off-site concrete access ramp for the handicapped at the northeast corner of Myers Street and 7th Street.

d. ~~Close the portion of the bridge structure where the stairway goes down to Mission Road."~~

Recommended Condition Numbers 8, 9 and 10 of the November 4, 1997 City Engineer's Report are deleted/changed as follows:

"Condition "8" That an easement for sidewalk purposes between the existing stairway on the Seventh Street Bridge and Myers Street be provided to the satisfaction of the City Engineer. ~~That street lighting facilities be installed as may be required by the Bureau of Street Lighting.~~

~~Condition "9" That an easement for bridge maintenance purposes along the entire length of vacated 7th Street adjacent to the Bridge be provided to the satisfaction of the City Engineer. That minimum 24-inch box trees be planted and tree wells be installed as may be required by the Street Tree Division of the Bureau of Street Maintenance.~~

~~Condition "10" That traffic signal facilities be installed as may be required by the Department of Transportation."~~


Under Streets and Highways Code Section 8324, Council may consider evidence offered by persons interested in a street vacation, and may adopt a resolution vacating a street, highway, or public service easement only after finding that the street, highway, or public service easement is "unnecessary for present or prospective public use." Such vacation is made in recognition of the finding that this vacation complies with the City's General Plan.

I THEREFORE MOVE that the City Clerk and/or the Bureau of Engineering be requested to give the appropriate Notice, including the posting and publication requirements of Streets and Highways Code Sections 8322 and 8323, and that the modified City Engineer's Report, the revised Ordinance of Intention, setting a new public hearing date on the vacation and the findings required by the Streets and Highways Code be returned to City Council for approval.

I FURTHER MOVE that the description of the areas to be vacated read as follows: "Mission Road between 7th Street and a line extending westerly as a continuation of the Petitioner's northerly property line. A portion of the northerly side of 7th Street between Mission Road and Myers Street." In accordance with the written request of the Petitioner stating their agreement with the reduced boundaries of the street vacation.

I FURTHER MOVE that in recognition that in 2004, the City Engineer determined that the project encompassed by VAC-E1400458 will not have a significant environmental impact, and that this determination was adopted in conjunction with the Ordinance of Intention dated March 19, 2004. The Council hereby determines that there are no significant changes in the project and no new significant impacts, information or other conditions which require the preparation of a subsequent environmental determination.

I FURTHER MOVE that Council, after considering the item regarding the Council motion of March 19, 2004, reinstate VAC-E1400458 with the revised City Engineer's Report and the new boundaries of the vacation, subject to the provisions of and in accordance with the two year termination period delineated in Section 7.48 of the Los Angeles Administrative Code, and/or take any other action deemed appropriate by the City Council and instruct the Bureau of Engineering to record said Resolution of Vacation after completion of all the required conditions.

PRESENTED BY: 
JOSE HUIZAR
Councilmember
14th District

SECONDED BY: 