

September 15, 2005

Honorable Mayor and Members of
the Hermosa Beach City Council

Regular Meeting of
September 27, 2005

**SET A PUBLIC HEARING FOR THE VACATION OF EXCESS RIGHT-OF-WAY ON THE
CORNER OF LOMA DRIVE AND 8TH STREET AT 760 LOMA DRIVE**

Recommendation:

It is recommended that the City Council:

1. Adopt the attached resolution entitled "A RESOLUTION OF THE COUNCIL OF THE CITY OF HERMOSA BEACH DECLARING ITS INTENTION TO VACATE AND ABANDON FOR PUBLIC PURPOSES 1.13-FEET OF THE EAST SIDE OF LOMA DRIVE AND THE 1.70- FEET OF THE SOUTH SIDE OF 8TH STREET ALONG THE FRONTAGE OF THE PROPERTY LOCATED AT 760 LOMA DRIVE"; and
2. Set the Public Hearing for October 25, 2005.

Background:

Mr. Hanna was granted approval by the Planning Commission to construct a second story to his existing residence at 760 Loma Drive (on the corner of 8th Street). The new improvement will meet all required setbacks however the existing structure encroaches into the public right-of-way just under two feet on both the Loma Drive and the 8th Street frontages. Public Works required that the applicant construct new sidewalk, curb and gutter along both sides of the lot. The new curb is to be set at the ultimate master-planned location for both streets. The existing encroachments do not interfere with these improvements therefore staff determined that these portions of the public right-of-way are not necessary for present or prospective public use.

Accordingly, staff recommends this vacation to eliminate the encroachments, which conflict with requirements set forth in Section 12.16.080 of the Municipal Code.

On September 20, 2005, the Planning Commission determined that this vacation is consistent with the Circulation Element of the General Plan.

Vacation Proceedings:

Proceedings are required by Sections 8300-8324 of the California Street and Highways Code. Staff has determined that the City's General Plan Objectives and Policies do not conflict with subject vacation, that the remnant portion of street right-of-way is held in easement with no fee interest, and, therefore, has no public value.

The Resolution of Intention to Vacate must be adopted by the City Council at a regularly scheduled City Council meeting. Notice of this resolution must be published in a local newspaper fifteen days before the public hearing before City Council. In addition, the proposed portions of the street to be vacated must be posted with a Notice of Public Hearing

at least ten days before the hearing. Staff recommends setting the public hearing for October 25, 2005.

Written notices will be sent to all public utilities and public utility easements shall be preserved and protected in the Resolution of Vacation.

Fiscal Impact:

There will be no impact to the General Fund. Public noticing costs are to be paid by the applicant.

Attachments:

1. Planning Commission Action Notes – **WILL BE PROVIDED BY YU YING ON WEDNESDAY MORNING**
2. Legal Description
3. Draft Resolution

Respectfully submitted,

Concur:

Richard D. Morgan, P.E.
Director of Public Works/City Engineer

Stephen R. Burrell
City Manager

VACATION DESCRIPTION

That portion of Loma Drive, 40 feet wide, and that portion of 8th Street, 40 feet wide, as shown on Tract No. 1677 in the City of Hermosa Beach, County of Los Angeles, State of California, as per Map recorded in Book 20, Page 184 of Maps, in the office of the County Recorder of said county, more particularly described as:

The easterly 1.13 feet of said Loma Drive adjacent to the northerly 29.00 feet of Lot 1, Block E, of said Tract 1677 and the southerly 1.70 feet of said 8th Street adjacent to the westerly 67.5 feet of said Lot 1.

draft

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA DECLARING ITS INTENTION TO VACATE AND ABANDON FOR PUBLIC PURPOSES 1.13 FEET OF LOMA DRIVE AND THE 1.70 FEET OF THE SOUTH SIDE OF 8TH STREET ALONG THE FRONTAGE OF THE PROPERTY LOCATED AT 760 LOMA DRIVE

WHEREAS, that portion of the east side of Loma Drive and that portion of the south side of 8th Street affecting the property of 760 Loma Drive are unnecessary for present or prospective public street purposes, and

WHEREAS, said portions of streets as above described are shown on the official map of the City of Hermosa Beach, California at the office of the City Clerk of said City to which all parties interested are referred for particulars as to the proposed vacation and abandonment, and

WHEREAS, the City Council elects to proceed in said vacation and abandonment under Sections 8300 to 8324, inclusive of the Street and Highway Code of the State of California as amended.

NOW THEREFORE be it resolved by the City Council of the City of Hermosa Beach as follows:

SECTION 1. Hereby determines that the public convenience and necessity require that an easement be retained for construction and maintenance of utility lines within the limit of the street vacation as described herein above.

SECTION 2. Directs the City Clerk of the City of the city of Hermosa Beach, California to give and post as required by law, notice of passage of this resolution of intention, and give therein the legal description of said portions of streets proposed to be vacated and abandoned and specify the time and place of public hearing of this resolution which is hereby fixed as follows:

The hearing to be before the City Council of the city of Hermosa Beach, California, at 1315 Valley Drive, in the City Council Chambers, of the City of Hermosa Beach, California, at the hour of 7:30 PM on October 25, 2005 at which time and place all persons interested may appear and object or protest to the proposed vacation and abandonment of said street. If the City Council finds from the

evidence submitted that the street is unnecessary for present or prospective use, it may make its order vacating all or part of the street.

SECTION 3. This resolution shall take effect immediately upon its adoption

PASSED APPROVED AND ADOPTED THIS 27th day of September 2005

PRESIDENT of the CITY COUNCIL and MAYOR of the City of Hermosa Beach, California

ATTEST:

APPROVED AS TO FORM:

CITY CLERK

CITY ATTORNEY