



CITY OF HERMOSA BEACH M E M O R A N D U M

DATE: SEPTEMBER 25, 2018
TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: GLEN W.C. KAU, PUBLIC WORKS DIRECTOR
SUBJECT: 9/25/18 AGENDA, ITEM 5B – SUPPLEMENTAL RESOLUTION

This resolution is required for the completion of the item and it is referenced in the staff report for this item.

RESOLUTION 18-XXXX A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH APPROVING A PUBLIC SERVICE EASEMENT VACATION BETWEEN 30TH STREET AND GOULD AVENUE

RESOLUTION NO. 18-XXXX

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HERMOSA BEACH APPROVING A PUBLIC SERVICE
EASEMENT VACATION BETWEEN 30TH STREET AND GOULD
AVENUE**

The City Council of the City of Hermosa Beach does hereby find, order, and resolve as follows:

SECTION 1.

California Streets and Highways Code § 8300 *et seq.* authorizes the City of Hermosa Beach to vacate all or any portion of a public service easement within its boundaries and under its jurisdiction.

SECTION 2.

An easement for public service utilities was dedicated to the City of Hermosa Beach on December 22, 1952 in the alley between 30th Street and Gould Avenue. On March 3, 2016, Skechers submitted an application for vacation of the easement. The legal description of the easement to be vacated is attached as Exhibit “A” to the Staff Report and incorporated herein by reference (“Subject Easement”).

The vacation request was circulated to pertinent City departments, including Community Development, Fire Department, Police Department and the City Attorney’s office. The Fire Department, Police Department and Community Development had no objections to vacation of the Subject Easement.

On January 31, 2018, the Planning Commission for the City of Hermosa Beach considered the proposed vacation pursuant to Government Code § 65402 and found that the vacation conforms with the City’s General Plan.

On August 28, 2018 the City Council adopted Resolution 18-7143, which declared the City Council’s intention to vacate the Subject Easement. Resolution 18-7143 gave notice that at its regularly scheduled meeting for September 25, 2018 at 7:00 p.m., or as soon as possible thereafter, this Council would hear any and all testimony and evidence submitted by interested persons.

SECTION 3.

Notice and publication was conducted in accordance with Streets and Highways Code § 8300 *et seq.* Public notice for this hearing was posted to the City’s website on September 13, 2018. Notices were mailed out to residents and property owners within a 500 ft. radius of the alley on September 12, 2018. The Notice was published for two successive weeks in the Beach Reporter on September 13 and September 20, 2018. The Notice was

also posted along the Subject Easement location on September 13, 2018. The Public Works Director signed an affidavit demonstrating proof of publication and notice, which is attached as Exhibit “B” to the Staff Report and incorporated herein by reference.

SECTION 4.

An Environmental Impact Report (“EIR”) was prepared by Skechers to meet all of the substantive and procedural requirements of the California Environmental Quality Act (“CEQA”). The EIR submitted by Skechers evaluated the entire proposed project, which included this proposed alleyway vacation. The EIR did not identify any significant environmental effects regarding the use of the alleyway. The City Council previously found in Resolution 2018-7143 that the EIR sufficiently evaluated the entire proposed project and the use of the alleyway to be vacated will not violate CEQA.

SECTION 5.

The Subject Easement to be vacated is located in an alley between 30th Street and Gould Avenue. It is approximately 20 ft. in width by 100 ft. in length, and described fully in Exhibit “A” of the Staff Report.

In order to access and maintain the City’s utilities below this alley, the City will reserve its rights under, Streets and Highways Code § 8340, and reserve a utility easement which will permit the City to access, construct, maintain, operate, replace, remove, and renew sanitary sewers and storm drains. The City will reserve an easement which is approximately 10 ft. in width and 350 ft. in length. A location map and legal description of the is attached to the Staff Report as Exhibit “B” and incorporated herein by reference (“Reserved Easement”).

As a part of the condition of approval for this vacation, Skechers is to relocate and replace the existing sewer lines, structures, and appurtenances within the Reserved Easement as approved by the City.

SECTION 6.

At this hearing, the City Council received and considered all testimony and evidence presented by interested persons, in accordance with Street and Highways Code § 8300 *et seq.*

SECTION 7.

After consideration of the Staff Report and any and all evidence and testimony submitted during the hearing, the City Council makes the following findings:

- (1) Notice for this hearing was posted as required by the California Streets and Highways Code and Hermosa Beach Municipal Code;
- (2) The Subject Easement is unnecessary for present or prospective public use;

- (3) Abandonment of the Subject Easement is in the public interest; and,
- (4) The Subject Easement is not useful as a non-motorized transportation facility.

The Subject Easement is unnecessary for present and prospective public use, because it is not necessary for the City to access, maintain, construct, or repair its utilities, as the City will reserve the necessary easement under Streets and Highways Code § 8340. The Subject Easement is located in a small portion of the alley, the rest which was vacated by the City in 1985, and is a dead-end that does not provide the City with any necessary uses. Exhibit “D” of the Staff Report demonstrates the relationship of the Subject Easement to the Reserved Easement resulting from this vacation, as well as shows the previous alley vacation and is incorporated by reference. The Subject Easement is wider than necessary to house and maintain the City’s utilities and must be relocated for improved access due to the construction by Skechers. No City department had any objections to the vacation of the Subject Easement, and the vacation was found to be in conformance with the City’s General Plan.

Vacation of the Subject Easement is in the public interest. The vacation will not affect the City’s ability to access, maintain, construct, or repairs its utilities as the City will reserve a utility easement. The vacation will result in a substantial benefit to the City and its residents because Skechers will replace the affected sewer lines, structures, and appurtenances, which are very old. In addition to new utilities, the vacation will save the City and its residents the expensive cost of relocating, maintaining, repairing, and replacing old sewer lines.

The vacation has no impact on public access nor will it affect the City’s level of traffic. The alley is not a public right of way and thoroughfare is impossible because the alley is divided by fencing and barricades. A vacation of the Subject Easement also has no impact on any property owner’s access to his or her property.

The Subject Easement is hereby ordered to be vacated. The Subject Easement shall not be deemed vacated until this Resolution is recorded with the County Recorder.

SECTION 8.

The City hereby exempts from vacation the portion of the alley identified in the legal description in Exhibit “B” to the Staff Report, pursuant to Streets and Highways Code § 8340, and reserves the right at any time, or from time to time, to construct, maintain, operate, replace, remove, and renew sanitary sewers and storm drains and appurtenant structures in, upon, over, and across a street or highway proposed to be vacated and, pursuant to any existing franchise or renewals thereof, or otherwise, to construct, maintain, operate, replace, remove, renew, and enlarge lines of pipe, conduits, cables, wires, poles, and other convenient structures, equipment, and fixtures for the operation of gas pipelines, telegraphic and telephone lines, railroad lines, and for the transportation or distribution of electric energy, petroleum and its products, ammonia, and water, and for incidental purposes, including access to protect these works from all hazards in, upon, and over the street or highway proposed to be vacated.

SECTION 9.

The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

The City Clerk is ordered to record a certified copy of this Resolution with the County Recorder as set forth in Streets and Highway Code § 8300 *et seq.*

Resolution No. _____

PASSED, APPROVED, and ADOPTED this ____ day of ____, 2018.

President of the City Council and Mayor of the City of Hermosa Beach, California
ATTEST:

CITY CLERK
(seal)