

**City of Culver City, California
Agenda Item Report**

Meeting Date: 01/23/2012		Item Number: <u>C-3</u>	
CITY COUNCIL AGENDA ITEM: Adoption of a Resolution of Intention to Vacate a Portion of Ocean Drive from the East Side of Overland Avenue Extending Approximately 110 Feet East to its Easterly Terminus and Setting the Matter for Public Hearing			
Contact Person/Dept.: Andy O'Connell/PW		Phone Number: (310) 253-5606	
Fiscal Impact: Yes ☐ No ☒		General Fund: Yes ☐ No ☒	
Public Hearing: ☐		Action Item: ☐ Attachments: ☒	
Commission Action Required: Yes ☐ No ☒		Date: _____	
Public Notification: (E-Mail) Agenda and Meetings – City Council (01/19/12); (Telephone) Lena Beker (1/19/12); and (Mail) Residents and Occupants within a 500 foot radius of project and extended to end of block (1/9/12).			
Department Approval: Charles D. Herbertson (01/12/12)		City Attorney Approval: Carol Schwab (by H. Baker) (01/17/12)	
Chief Financial Officer Approval: Jeff Muir (01/18/12)		City Manager Approval: John M. Nachbar (01/19/12)	

RECOMMENDATION:

Staff recommends the City Council adopt a Resolution of Intention to vacate a portion of Ocean Drive from the east side of Overland Avenue extending approximately 110 feet east to its easterly terminus and set the matter for public hearing date on March 5, 2012.

BACKGROUND:

Currently, this portion of Ocean Drive has been developed as a parking lot for the apparent benefit to the existing office building located at 5000 Overland Avenue. This office building was originally approved by Planning Commission Resolution No. 1185 adopted on November 14, 1973, which did not allow the conversion of this portion of Ocean Drive into a parking lot. However, the Planning Commission did condition the project to install a parking lot on the east side of the proposed building with a one-way drive aisle that is entered from Virginia Avenue and exited onto Ocean Drive. Further research of the City's files did not produce any documentation as to the approval and date when this portion of Ocean Drive was reconstructed into a parking lot.

In reviewing the City's aerial photographs, the parking lot was constructed between 1980 and 1984. The aerial photographs dated April 9, 1980 do not show a parking lot on Ocean Drive while the aerial photographs dated October 24, 1984 do show a parking lot on this portion of Ocean Drive. The easterly end of this portion of Ocean Drive terminates at a wrought iron gate providing access to an adjacent parking lot

City of Culver City, California
Agenda Item Report

serving the development located at 10555-10611 Virginia Avenue. This development has two driveways that are accessed from Virginia Avenue.

Earlier last year when The L.T.D. Group, LLC, with Ms. Lena Beker as Managing-Member, entered into escrow to purchase the property at 5000 Overland Avenue, the title company reported that this parking lot was located on public right-of-way and, since it served the property, a legal approval for this use must be obtained from the City prior to the close of escrow. At that time, Ms. Beker met with City staff to determine a course of action.

A review of the history of the parking lot by Public Works staff determined that this portion of Ocean Drive has not be used as a public thoroughfare for many years and that it is no longer needed for public street purposes. Therefore, the Public Works Director/City Engineer agreed to support the application for the vacation of this portion of Ocean Drive. However, as escrow for purchase of the property was in its final stages, the length of time to process a street vacation would possibly endanger the closing. An interim solution was proposed by City Attorney staff to enter into an Encroachment Permit Agreement (refer to attachment). This Agreement was approved by City Council on May 2, 2011 and executed on May 11, 2011. It stipulates that until the street vacation is finalized, the general public will not be excluded from using the parking lot for parking purposes.

DISCUSSION:

A petition to vacate the aforementioned portion of Ocean Drive was submitted by Ms. Lena Beker on August 23, 2011. A title report for this section of Ocean Drive was required and Lawyers Title Company determined that The L.T.D. Group, LLC owns the underlying fee to this portion of Ocean Drive. Exhibits "A" and "B" of the Resolution of Intention contain the legal description and plat of the portion of Ocean Drive proposed to be vacated.

There are no public utilities located on this portion of Ocean Drive; however there is an existing Southern California Edison (SCE) vault in a landscaped area at the northwest corner next to the area to be vacated. Also, there is a maintenance gate that provides access to Ballona Creek that must be accessed through the front portion of the parking lot area. A condition of the vacation would be to reserve a public access easement for the purpose of entering Ballona Creek and to allow Edison access to its electrical vault. Since this portion of Ocean Drive is no longer needed for the general public and the reservation of a public access easement will resolve any needed access requirements for Ballona Creek and by SCE, it is recommended that this portion of Ocean Drive be vacated.

Tonight, the City Council is requested to adopt a resolution setting the date of the public hearing during which the City Council may consider the question of vacating the street right-of-way of this portion of Ocean Drive.

City of Culver City, California
Agenda Item Report

FISCAL ANALYSIS:

Street maintenance on this portion of Ocean Drive has not been performed for over 27 years since it was thought to have been a private parking lot. Therefore, there will be no change in the cost for street maintenance. However, the vacation will revert this portion of Ocean Drive to private property which will slightly increase the property taxes to the adjoining property at 5000 Overland Avenue.

ATTACHMENTS:

1. Petition letter dated August 23, 2011
2. Encroachment Permit Agreement between the City and The L.T.D. Group, LLC
3. Resolution of Intention that includes Exhibits "A" and "B"

MOTION:

That the City Council:

Adopt a Resolution of Intention to vacate a portion of Ocean Drive from the east side of Overland Avenue extending approximately 110 feet east to its easterly terminus, as shown on Exhibits "A" and "B", and set a public hearing for March 5, 2012.