

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 2/13/06		Item Number: <u>PH-1</u>	
AGENDA ITEM: Consideration of a Resolution to Order the Vacation of an Alley Adjoining 12228 and 12304 Washington Place			
Contact Person/Dept: Dan Garcia/PW		Phone Number: (310) 253-5604	
Fiscal Impact: Yes ☐ No ☒		General Fund: Yes ☐ No ☒	
Public Hearing: ☒		Action Item: ☐	Attachments: ☒
Public Notification: Master Notification List (02/08/06); postcard mailed to all residents within a 500-foot radius of the subject vacation (01/31/06)			
Department Approval: Charles D. Herbertson (02/02/06)		CAO Approval: Martin R. Cole for Jerry B. Fulwood (02/08/06)	
City Controller Approval: n/a			

RECOMMENDATION:

Staff recommends the City Council adopt a resolution ordering the vacation of the subject twenty (20) foot wide by approximately one hundred fifteen (115) foot long alley and divide the interest equally among the two property owners adjacent to the subject alley per Exhibit A.

PROCEDURE:

1. Open the public hearing.
2. Request Staff to provide a brief report describing the vacation in question.
3. Ask the City Clerk to present any items received on this subject before the public hearing.
4. Allow all members of the public to address the City Council.
5. Close the public hearing.
6. Discussion.
7. If the City Council finds staff's recommendation acceptable, adopt a Resolution Ordering the vacation of the alley as shown in Exhibit A.

BACKGROUND:

A request to vacate the subject alley was received in October 2005 from Kristen duCharme and Sukru Boztepe, the property owners west of the alley in question. This initiated staff to review and evaluate the request. On October 26, 2005, staff met on-site with both adjacent property owners of the subject alley vacation discussing the possible terms of the alley vacation. The neighbor east of the subject alley is Mathilde Kapuano. Subsequent to this October 26 meeting, a petition to

City of Culver City, California
City Council Agenda Item Report

vacate this alley was signed by both adjacent neighbors and was received by the City on November 10, 2005.

Under the terms of the joint petition, both adjacent property owners requested that the alley be divided equally among adjacent property owners after the vacation.

The alley to be vacated was part of the Walnut Park Annexation District that was accepted by the City Council on January 18, 1926, via Ordinance No. 172. This acceptance was the result of a Special Election held on October 1, 1925. On February 16, 1926, Tract No. 9086, that included the alley in question, was accepted by the County of Los Angeles. The alley in question was dedicated to the public upon recordation of this tract. Since this alley was also included in the Walnut Park Annexation District, it became part of the public domain under the jurisdiction of the City of Culver City.

DISCUSSION:

Under the Streets and Highways Code Section 8313, *"the legislative body of the public entity shall consider the general plan prior to vacating the street."* This particular alley in question has been barricaded by the City since the 1960's and has not been used for vehicular access since that time. There are no goals and objectives nor policies relating to public alleys in the Circulation Element of the City of Culver City General Plan. Staff has determined that due to this fact, a Planning Commission determination is not warranted. However, the Planning Commission has not made a determination as to consistency with the General Plan. Based on a review of the City Charter, and following discussions with the Planning Manager and the City Attorney, it has been determined that no other City body is required to review this issue. Therefore, the Public Works Director has determined that the subject alley vacation is in the public's best interest and is hereby recommended for approval by the City Council.

There is an existing sewer that runs along the center of the alley in question and, if the alley is vacated, the City would retain an easement for access to and maintenance, operation and improvement of this utility. This proposed easement would be recorded prior to the recordation of this alley vacation.

Public Notification:

On January 31, 2006, all residents within a 500-foot radius of the subject vacation were mailed a post card notice of this public hearing. Additionally, on February 8, 2006, all persons on the email master notification list were notified of tonight's public hearing.

City of Culver City, California
City Council Agenda Item Report

FISCAL ANALYSIS:

There will be no negative fiscal impact to the City. A negligible positive fiscal impact for the City would be realized where the City will relinquish responsibility for maintenance and liability to this subject alley and the property would return to the tax rolls.

ATTACHMENT:

1. Exhibit A
2. Resolution
3. Notification Post Card

MOTION:

That the City Council:

- 1) Determine that the Alley Vacation is in the public interest; and
- 2) Adopt a Resolution Ordering the Vacation of the Alley shown in Exhibit A.