



# City of Carson Report to Mayor and City Council

July 5, 2011  
Special Orders of the Day

**SUBJECT: PUBLIC HEARING TO CONSIDER RESOLUTION NO. 11-079, TO VACATE GARDNER STREET, A 25-FOOT PUBLIC RIGHT-OF-WAY EAST OF SHEARER AVENUE**

Submitted by M. Victor Rollinger  
Development Services General Manager

Approved by Clifford W. Graves  
Interim City Manager

## **I. SUMMARY**

On June 7, 2011, the City Council approved the adoption of Resolution No. 11-011 (Exhibit No. 1) declaring its intent to vacate Gardner Street, a 25-foot public right-of-way east of Shearer Avenue (Exhibit No. 2), and setting a date for a public hearing on July 5, 2011 (Exhibit No. 3).

## **II. RECOMMENDATION**

TAKE the following actions:

1. OPEN the Public Hearing, TAKE public testimony, and CLOSE the Public Hearing.
2. WAIVE further reading and ADOPT Resolution No. 11-079, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, TO VACATE GARDNER STREET, A 25-FOOT PUBLIC RIGHT-OF-WAY EAST OF SHEARER AVENUE, AS DESCRIBED HEREIN."

## **III. ALTERNATIVES**

1. DENY the request to vacate Gardner Street, a 25-foot public right-of-way east of Shearer Avenue.
2. TAKE another action the City Council deems appropriate.

## **IV. BACKGROUND**

Gardner Street is a vacant public right-of-way located east of the 21200 block of Shearer Avenue that is approximately 25 feet wide and 170 feet in length. Since the city has no intention to construct a public road on this public right-of-way, it is recommended that the public right-of-way for Gardner Street be vacated.

Staff verified with a consulting company, Psomas, that after its vacation, title to the easterly portion, that is approximately 2,146 square feet, will vest with the city for a future park. Title to the remaining westerly portion of the vacated

July 5, 2011

public right-of-way will vest with the adjacent southerly residential property owner (last name of Alejandre, at 21202 Shearer Avenue) (Exhibit No. 3).

Staff has researched and verified with the utility companies that there are no affected utilities within the public right-of-way to be vacated. However, the County of Los Angeles, Department of Public Works has existing storm drain pipes within this street right-of-way, for which an easement will be reserved for operation and maintenance access.

City staff finds the public right-of-way vacation to be compatible with the Carson General Plan Circulation Element.

**V. FISCAL IMPACT**

None.

**VI. EXHIBITS**

1. Minutes, June 7, 2011. (pg. 3)
2. Location Map. (pg. 4)
3. Resolution No. 11-079. (pgs. 5-11)

G:\ENGINEERING DIVISION\VACATION OF R-O-W\GARDNER STREET\07-05-11 CC Order to Vacate Gardner Street.doc

Prepared by: Raymond Velasco, PE, Associate Civil Engineer

TO: Rev032811

Reviewed by:

City Clerk	<u>City Treasurer</u>
<u>Administrative Services</u>	<u>Development Services</u>
<u>Economic Development Services</u>	<u>Public Services</u>

**Action taken by City Council**

Date \_\_\_\_\_ Action \_\_\_\_\_

**ITEM NO. (21)      CONSIDERATION OF RESOLUTION NO. 11-011, INTENT TO VACATE  
GARDNER STREET, A 25-FOOT PUBLIC RIGHT-OF-WAY EAST OF  
SHEARER AVENUE (DEVELOPMENT SERVICES)**

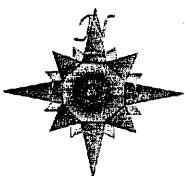
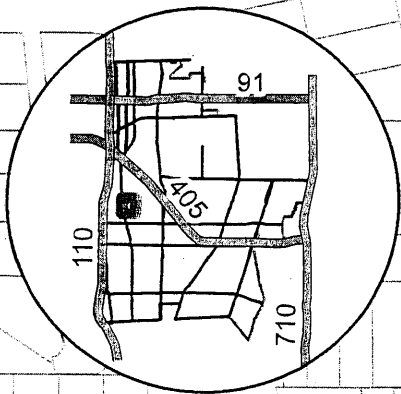
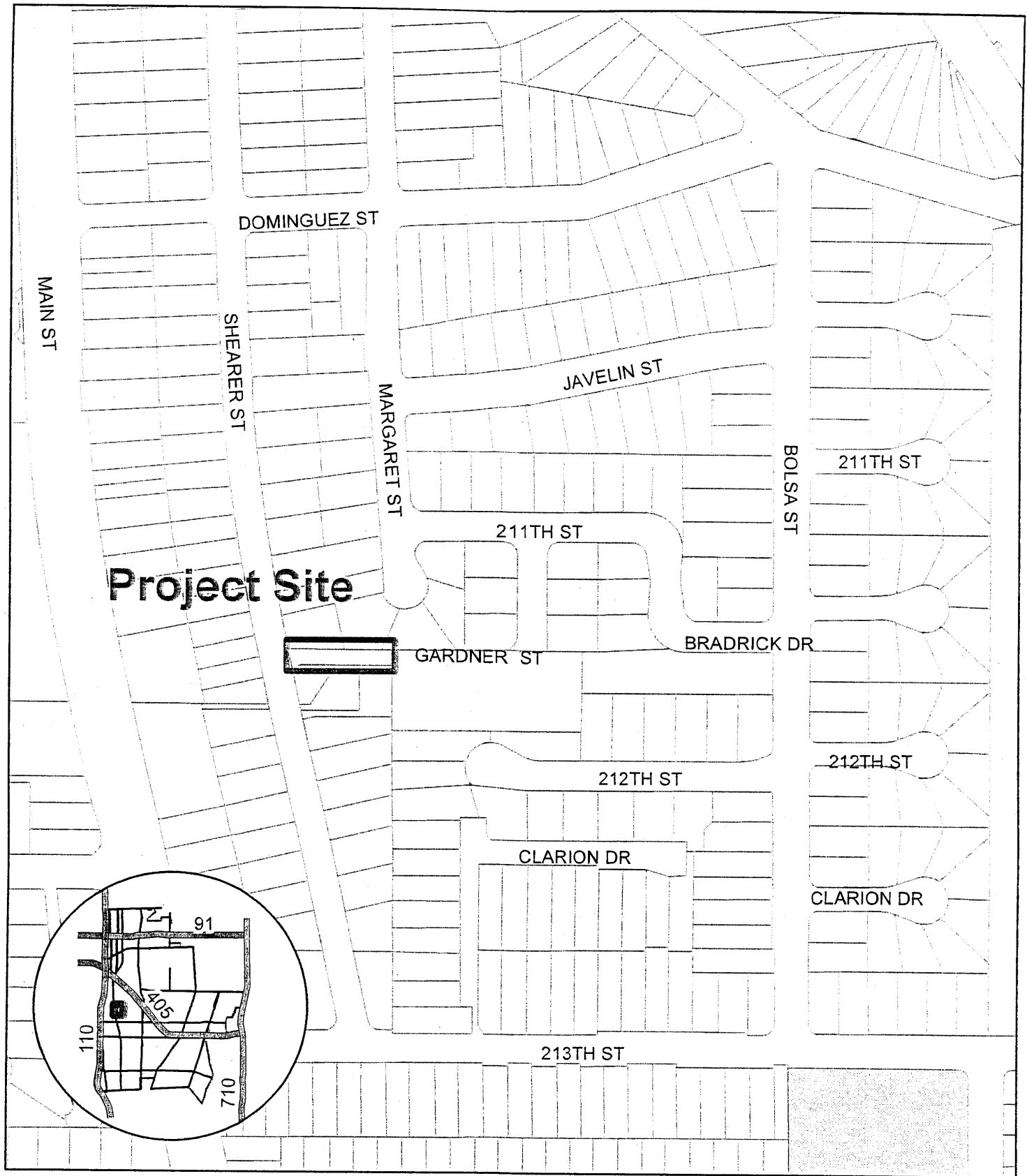
RECOMMENDATION for the City Council:

TAKE the following actions:

1.      WAIVE further reading and ADOPT Resolution No. 11-011, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DECLARING ITS INTENTION TO VACATE GARDNER STREET, A 25 FOOT PUBLIC RIGHT-OF-WAY EAST OF SHEARER AVENUE, AND SETTING A TIME AND A PLACE FOR A PUBLIC HEARING HEREIN."
2.      SET a Public Hearing for July 5, 2011 at 6:00 p.m.

ACTION:      Item No. 21 was approved on the New Business Consent Calendar on motion of Dear, seconded by Gipson and unanimously carried by the following vote:

Ayes:            Mayor/Chairman Dear, Mayor Pro Tem/Vice Chairman Ruiz-Raber,  
                     Council/Agency Member Davis Holmes, Council/Agency Member Gipson, and  
                     Council/Agency Member Santarina  
Noes:            None  
Abstain:        None  
Absent:         None



**Location Map  
Public Right-of-Way Vacation  
Gardner Street East of Shearer Avenue**

**EXHIBIT NO. 2**



RESOLUTION NO. 11-079

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, TO VACATE GARDNER STREET, A 25-FOOT PUBLIC RIGHT-OF-WAY EAST OF SHEARER AVENUE, AS DESCRIBED HEREIN

NOW, THEREFORE, be it determined by the City Council of the City of Carson, California, that:

**Section 1.** The City Council of the City of Carson on June 7, 2011, adopted Resolution No. 11-011, entitled: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DECLARING ITS INTENTION TO VACATE GARDNER STREET, A 25-FOOT PUBLIC RIGHT-OF-WAY EAST OF SHEARER AVENUE, AND SETTING A TIME AND A PLACE FOR A PUBLIC HEARING HEREIN."

**Section 2.** The City Council of the City of Carson scheduled a Public Hearing thereon on July 5, 2011, at the hour of 6:00 p.m. at the City Council Chambers at Carson City Hall, 701 E. Carson Street, Carson, California.

**Section 3.** Notice of the proposed street vacation was duly published and posted in manner and form and at the time required by Street and Highways Code Section 8322.

**Section 4.** The City Council of the City of Carson held a Public Hearing thereon on July 5, 2011, at the hour of 6:00 p.m. at the City Council Chambers at Carson City Hall, 701 E. Carson Street, Carson, California. On that date, the City Council heard all evidence offered by persons interested in said vacation and no persons were present to protest same.

**Section 5.** Pursuant to Section 892 of the Street and Highways Code of the State of California, the City Council finds and determines the right-of-way proposed for abandonment is not useful as a non-motorized transportation facility.

**Section 6.** The City Council of the City of Carson hereby finds that Gardner Street, a 25-foot public right-of-way east of Shearer Avenue, as described herein, is unnecessary for present or prospective public use.

**Section 7.** The proposed vacation constitutes a disposition of the remainder of a street, which was acquired and used in part for street purposes, which disposition is of a minor nature.

**Section 8.** The proposed vacation constitutes an abandonment of real property, which was originally acquired for street purposes, which abandonment is of a minor nature.

[MORE]

EXHIBIT NO. 03



**Section 9.** The City Council has considered the General Plan of the City of Carson and finds the proposed vacation to be in conformity with the General Plan.

**Section 10.** The City Council of the City of Carson hereby orders that Gardner Street, a 25-foot public right-of-way east of Shearer Avenue, as described on Attachments A-1 & A-2 and depicted on Attachments B-1 & B-2.

**Section 11.** The City Council hereby determines that public convenience and necessity require the preservation of certain easements and hereby reserves and excepts from the proposed vacation (1) an easement and right necessary to maintain, operate, replace, remove or renew public utility facilities; (2) an easement and right to construct, maintain, operate, replace, remove, and renew sanitary sewers, storm drain, and water lines and appurtenant structures; and easement and right 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, and telegraphic and telephone lines; (3) a 14-foot-wide easement designated as Parcel No. 48 DA on Exhibits B-1 and B-2 to the Los Angeles County Flood Control District (District) for covered storm drain and appurtenant structures, with ingress and egress, being reserved together with the future right to pass and repass said easement and deposit tools, implements and other materials thereon by said District, its officers, agents and employees and by persons under contract with it and their employees, whenever and wherever necessary set forth; (4) obtain permit for any structures overbuilt on District facilities, or remove overbuilt structures. Contact Permit Unit at (626) 458-4936.

**Section 12.** The City Council is directed to cause a certified copy of this Resolution and order to be recorded in the office of the Recorder of the County of Los Angeles.

[MORE]



**PASSED, APPROVED, and ADOPTED** this \_\_\_\_ day of July, 2011.

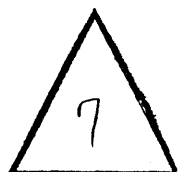
\_\_\_\_\_  
Mayor Jim Dear

ATTEST:

\_\_\_\_\_  
City Clerk Helen S. Kawagoe

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney



# PSOMAS

## EXHIBIT "A-1"

### LEGAL DESCRIPTION

#### Gardner Street (West Portion)

That portion of Gardner Street, 25.00 feet wide, as shown on Tract 33947, in the City of Carson, County of Los Angeles, State of California, recorded in Book 1009, Pages 32 and 33, of Maps in the office of the County Recorder of said county, bounded on the north by the southerly line of said Tract 33947; bounded on the east by the northeasterly prolongation of westerly line of Parcel 2 as shown on Parcel Map 20380 recorded in Book 227, Page 44, of Parcel Maps of said City, County, and State; bounded on the south by the northerly line of Lot 1, Block M as shown on Tract Map 8245 recorded in Book 93, Pages 36 through 38, inclusive, of Maps in the office of the County Recorder of said county; and bounded on the west by a line parallel with and 25.00 feet easterly of the centerline of Shearer Avenue, 50.00 feet wide, as shown on said Tract Map 8245.

Contains 2,180 square feet, more or less.

See Exhibit 'B-1' attached hereto and made a part hereof.

This legal description is not intended for use in the division and/or conveyance of land in violation of the Subdivision Map Act of the State of California.

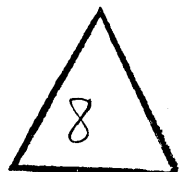
This legal description has been prepared by me or under my direction:

David A. Moritz

David A. Moritz, P.L.S. 7388

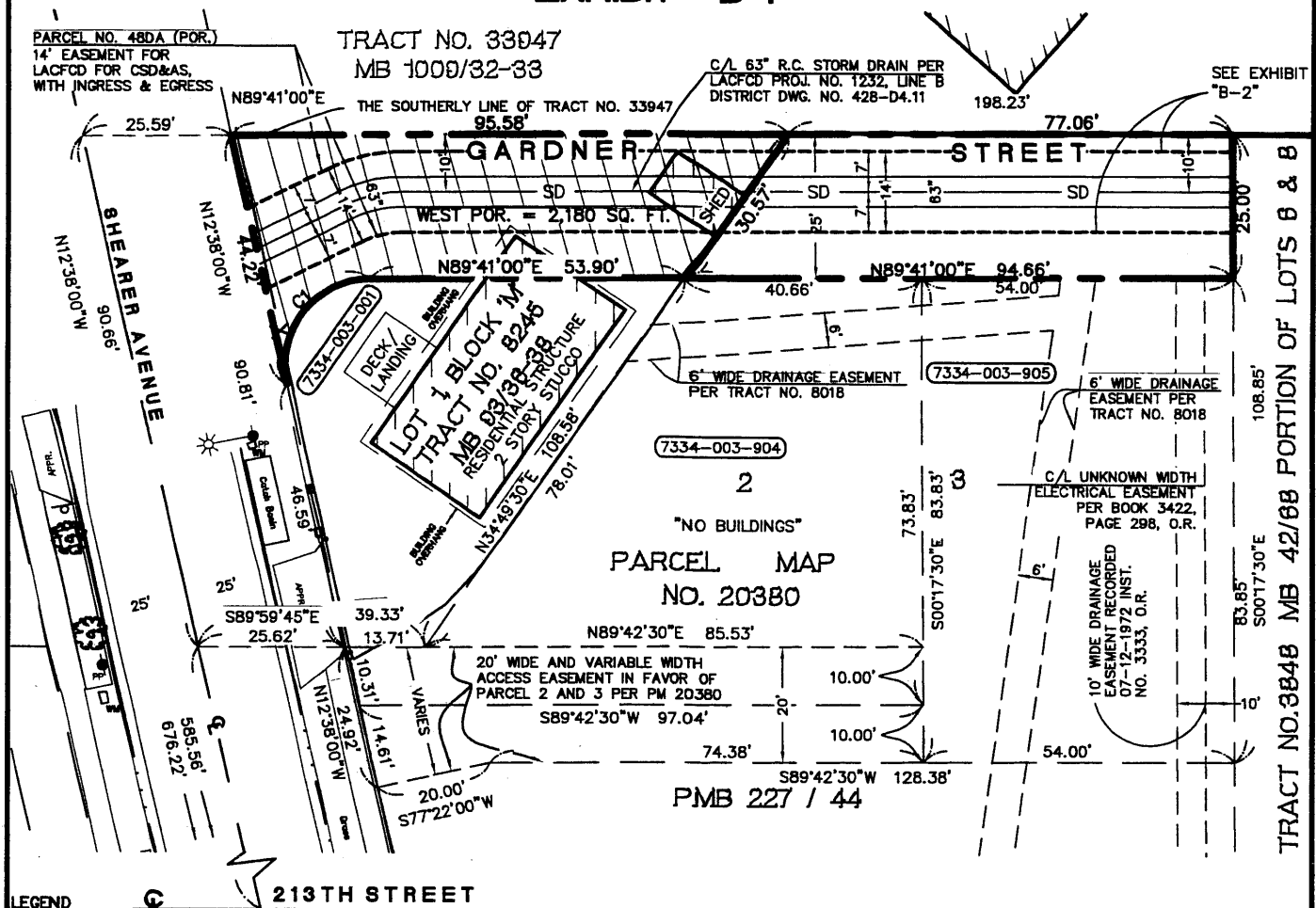
License Expires 12/31/11

5/11/2011  
Date





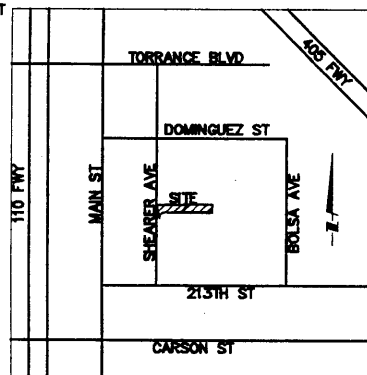
# EXHIBIT 'B-1'



## Note:

The Basis of Bearing shown hereon is based on the Bearing North 12°38'00" West of the centerline Shearer Ave as shown on MB 1009/32-33.

PORTION OF GARDNER STREET TO BE VACATED



VICINITY MAP  
NOT TO SCALE

0' 15' 30'

SCALE: 1" = 30'

CURVE TABLE			
CURVE	Δ	RADIUS (FT)	LENGTH (FT)
C1	102°19'00"	15.00	26.79'

DESCRIPTION:  
Portion of Gardner Street as shown on Tract No. 8245,  
Map Book 93, Pages 36-38.

WEST PORTION OF GARDNER STREET  
AREA = 2,180 SQ. FT. (0.049 ACRE)

LOCATION:  
City of Carson  
County of Los Angeles  
State of California

**PSOMAS**  
3 Hutton Centre Drive #200  
Santa Ana, California 92707  
(714) 751-7373 www.psomas.com

SHEET 1 OF 1

SCALE: 1" = 30'

DRAFTED: KVO

CHECKED: DAM

DATE: 06-17-11

JOB NO: 2CAR111900-T3

# PSOMAS

## EXHIBIT "A-2"

### LEGAL DESCRIPTION

#### Gardner Street (East Portion)

That portion of Gardner Street, 25.00 feet wide, as shown on Tract 33947, in the City of Carson, County of Los Angeles, State of California, recorded in Book 1009, Pages 32 and 33, of Maps in the office of the County Recorder of said county, bounded on the north by the southerly line of said Tract 33947; bounded on the east by the northerly prolongation of the easterly line of Parcel 3 as shown on Parcel Map 20380 recorded in Book 227, Page 44, of Parcel Maps of said City, County, and State; bounded on the south by the northerly lines of Parcels 2 and 3 of said Parcel Map 20380; and bounded on the west by the northeasterly prolongation of the westerly line of Parcel 2 of said Parcel Map 20380.

Contains 2,147 square feet, more or less.

See Exhibit 'B-2' attached hereto and made a part hereof.

This legal description is not intended for use in the division and/or conveyance of land in violation of the Subdivision Map Act of the State of California.

This legal description has been prepared by me or under my direction:

*David A. Moritz*

David A. Moritz, P.L.S. 7388

License Expires 12/31/11

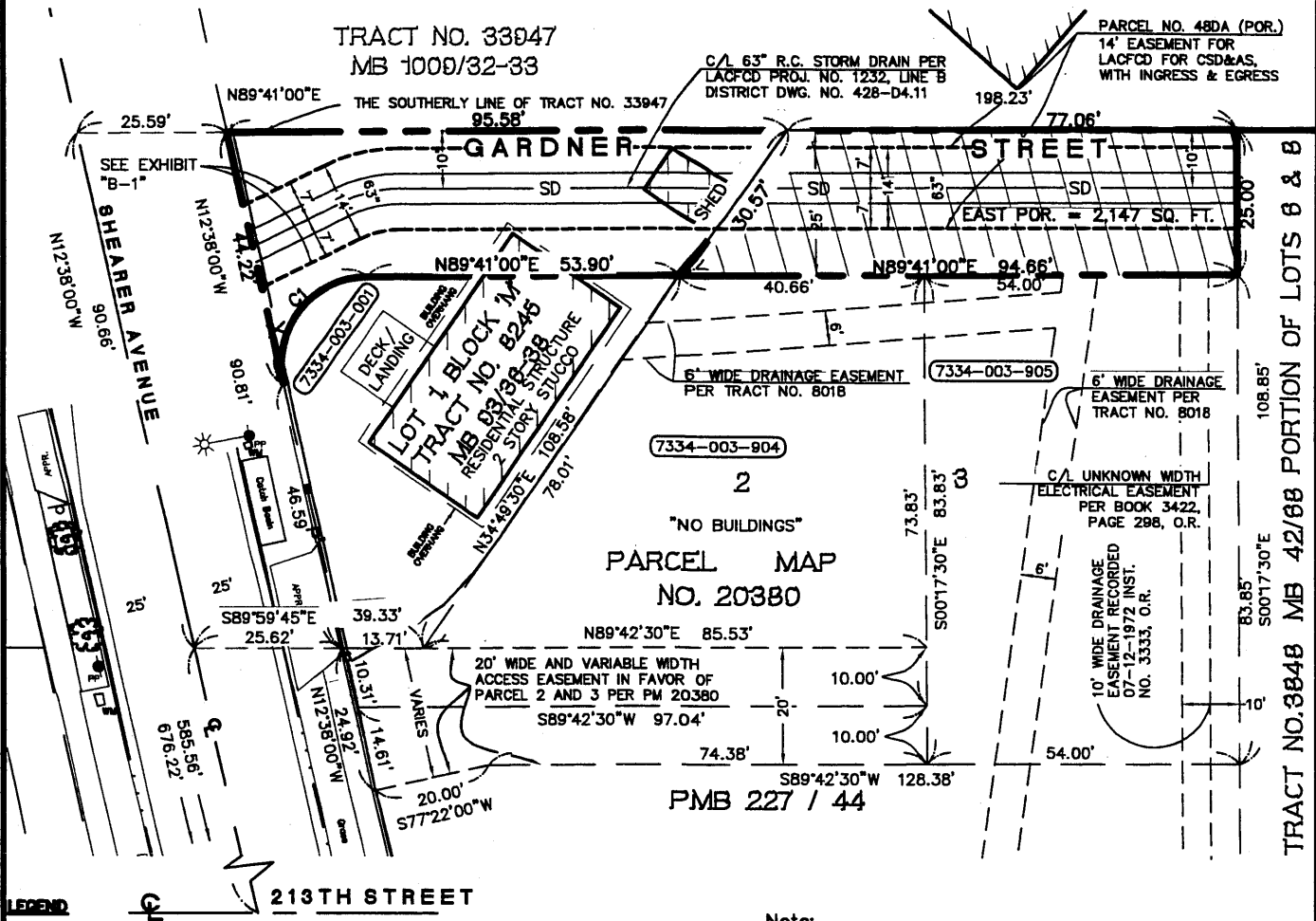
5/11/2011  
Date



**EXHIBIT "B-2"**

TRACT NO. 33947  
MB 1000/32-33

**PARCEL NO. 48DA (POR.)  
14' EASEMENT FOR  
LACFD FOR CSD&AS,  
WITH INGRESS & EGRESS**



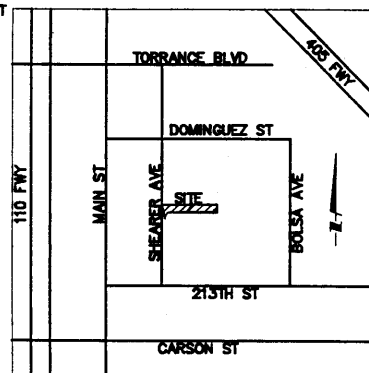
### LEGEND

-----	PROPERTY / BOUNDARY LINE	10'-H	FIRE HYDRANT
-----	LOT LINE / PARCEL LINE	•	GUARD POST
-----	LACFCD EASEMENT LINE	✱	PARKING LOT LIGHT
-----	CENTERLINE	•	POWER POLE
-----	STREET RIGHT-OF-WAY LINE	10'-H ✱	POWER POLE WITH STREET LIGHT
-----	CURB LINE	•	SIGN
-----	FLOW LINE	•	SURVEY MONUMENT AS NOTED
-----	EDGE OF GUTTER LINE	✱	TREE
-----	BUILDING OUTLINE	⌒	WATER METER
----- X -----	FENCE - CHAINLINK	APPR.	DRIVEWAY APPROACH
=====	WALL - BLOCK	PL	PROPERTY LINE
----- SD -----	C/L STORM DRAIN (PER PLAN)	(R)	RADIAL
LACFCD -	LOS ANGELES COUNTY FLOOD CONTROL DISTRICT	()	RECORD DATA
CSD&AS -	COVERED STORM DRAIN & APPURTENANT STRUCTURES		

**Note:**


The Basis of Bearing shown hereon is based on the Bearing North 12°38'00" West of the centerline Shearer Ave as shown on MB 1009/32-33.

 PORTION OF GARDNER STREET TO BE VACATED



**VICINITY MAP**  
**NOT TO SCALE**

0' 15' 30'



SCALE: 1"=30'

CURVE TABLE			
CURVE	Δ	RADIUS (FT)	LENGTH (FT)
C1	102°19'00"	15.00	26.79'

**DESCRIPTION:**  
Portion of Gardner Street as shown on Parcel Map No. 20380, Parcel Map Book 227, Page 44.

**EAST PORTION OF GARDNER STREET**  
AREA = 2,147 SQ. FT. (0.049 ACRE)

LOCATION:  
City of Carson  
County of Los Angeles  
State of California

**PSOMAS**  
3 Hutton Centre Drive #200  
Santa Ana, California 92707  
(714) 751-7373 [www.psomas.com](http://www.psomas.com)

SHEET	1	OF	1
SCALE:	1" = 30'		
DRAFTED:	KVO		
CHECKED:	DAM		
DATE:	06-17-11		
JOB NO:	2CAR11	1900-T3	