



# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

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IN REPLY PLEASE  
REFER TO FILE: **MP-5**

June 9, 2005

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

Dear Supervisors:

**RESOLUTION OF SUMMARY VACATION  
A PORTION OF FUTURE SLOPE EASEMENT EAST OF SHALLOW SPRING ROAD  
AND NORTH OF PENHAVEN LANE - LEONA VALLEY  
SUPERVISORIAL DISTRICT 5  
3 VOTES**

**IT IS RECOMMENDED THAT YOUR BOARD:**

1. Find this action categorically exempt from the provisions of the California Environmental Quality Act (CEQA).
2. Find that:
  - a. Pursuant to Section 8333 (a) of the California Streets and Highways Code, a portion of future slope easement (hereafter referred to as the Easement) has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation.
  - b. Pursuant to Section 8334 (a) of the California Streets and Highways Code, the Easement is excess and not required for street or highway purposes.

- c. Pursuant to Section 892 of the California Streets and Highways Code, the Easement to be vacated is not useful as a nonmotorized transportation facility and is not needed for present or prospective public use.
3. Adopt the enclosed Resolution of Summary Vacation to vacate the Easement east of Shallow Springs Road and north of Penhaven Lane, as described in Exhibit A and depicted in Exhibit B of the Resolution.

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

Mr. and Mrs. Michael Cannon, the underlying fee owners, requested this vacation to extinguish public rights and County interest over the unused Easement within the applicant's property. This vacation will eliminate the Easement encumbering the property, and increase the buildable area. Vacation of the Easement will not have any negative impact on any adjacent properties or on the adjoining road.

The Easement was dedicated to the County in 1969 by Tract No. 28381. We have concluded that the Easement is excess to the County's slope requirement needs relative to site topography. The stability of the slope and the protection of the future road will not be compromised by the proposed vacation. It is in the County's interest to vacate the Easement since it is no longer required for public access, circulation, or as a nonmotorized transportation facility.

### **Implementation of Strategic Plan Goals**

This action is consistent with the County Strategic Plan Goal of Fiscal Responsibility as the vacation of the Easement will result in added revenue through assessment and taxation, eliminates unnecessary maintenance costs, and removes possible County exposure to liability.

### **FISCAL IMPACT/FINANCING**

Vacation of the Easement will not have a negative fiscal impact on the County's budget. A fee of \$1,500 was paid by the owners to defray the expenses of the investigation. The fee is authorized by your Board in a Resolution adopted May 4, 1982, Synopsis 62 (Fee Schedule), and as prescribed in Section 8321 (d) of the California Streets and Highways Code.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The area to be vacated contains approximately 3,270 square feet and is shown on the map attached to the Resolution.

The County's interest in the Easement was acquired by dedication on Tract No. 28381, recorded in Book 784, pages 28, 29, and 30, of Maps, in the Registrar-Recorder/County Clerk's Office.

The Public Streets, Highways, and Service Easement Vacation Law allows your Board to relinquish the County's interest over the Easement. Adoption by your Board of Public Works' recommendation terminates the rights of the public to the vacated area and disposes of excess County right of way. Your action will also result in the property being unencumbered of the public easement, thereby, allowing the underlying fee owners to exercise their reversionary rights over the vacated area.

### **ENVIRONMENTAL DOCUMENTATION**

This proposed vacation is categorically exempt from CEQA as specified in Sections 15305 and 15321 of the State CEQA Statutes and Guidelines and as specified in Classes 5 and 21 of the Environmental Document Reporting Procedures and Guidelines adopted by your Board on November 17, 1987, Synopsis 57.

### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

The County of Los Angeles Fire Department has found that no fire protection facilities will be affected by the proposed vacation. The County of Los Angeles Regional Planning Commission has determined that the proposed vacation is not in conflict with the County-adopted General Plan and that the vacation area is not suitable for bicycle paths and trails.

### **CONCLUSION**

This action is in the County's best interest. Enclosed are two Resolutions of Summary Vacation, approved as to form by County Counsel. Upon adoption of the Resolution, please return one executed original and a copy to us for further processing. We will record the Resolution and return the executed original Resolution to you when recorded. In the interim, please retain one executed original for your files.

The Honorable Board of Supervisors  
June 9, 2005  
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One approved copy of this letter is requested.

Respectfully submitted,

DONALD L. WOLFE  
Acting Director of Public Works

JLS:psr  
P5:\BD LTR LEONA VALLEY

Enc.

cc: Chief Administrative Office  
County Counsel

**RESOLUTION OF SUMMARY VACATION**

BE IT RESOLVED by the Board of Supervisors of the County of Los Angeles that it is hereby found and determined that the portion of real property designated as FUTURE EASEMENT TO THE COUNTY OF LOS ANGELES FOR SLOPE PURPOSES (hereafter referred to as the Easement) east of Shallow Spring Road and north of Penhaven Lane, legally described in Exhibit A and as shown by the map in Exhibit B, both attached hereto and incorporated herein by this reference, which right of way (Easement) is located in the unincorporated area of Leona Valley, in the County of Los Angeles, State of California, is no longer needed for present or prospective public use based upon the following facts:(1) the Easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation; and (2) the Easement is excess right of way not required for street or highway purposes;

BE IT FURTHER RESOLVED that the Easement in, over, and across Lot 8 of Tract No. 28381, legally described in Exhibit A and as shown by the map in Exhibit B, is hereby vacated pursuant to Chapter 4, Part 3, Division 9 of the Streets & Highways Code, State of California, commencing with Section 8330.

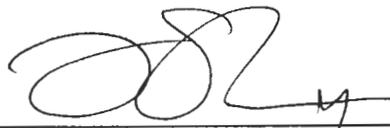
BE IT FURTHER RESOLVED that the Easement to be vacated is not useful as a nonmotorized transportation facility and that no in-place public utility facilities that are in use would be affected by the vacation.

BE IT FURTHER RESOLVED that the Department of Public Works be authorized to record the certified original Resolution in the Office of the Registrar-Recorder/County Clerk, at which time the Easement vacated will no longer be a public easement.

The foregoing Resolution was on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, adopted by the Board of Supervisors of the County of Los Angeles, and ex officio the governing body of all other special assessment and taxing districts for which said Board so acts.

APPROVED AS TO FORM

RAYMOND G. FORTNER, JR.,  
County Counsel

By  \_\_\_\_\_  
Deputy

VIOLET VARONA-LUKENS  
Executive Officer of the  
Board of Supervisors of the  
County of Los Angeles

By \_\_\_\_\_  
Deputy

EXHIBIT A

SLOPE EASEMENT  
E/O SHALLOW SPRING ROAD  
APN 3205-032-033  
T.G. 4194-A2  
I.M. 324-197  
S.D. FIFTH  
R.D. 551  
M0588106

Legal Description

That certain portion of Future Easement for Slope Purposes in the unincorporated territory of the County of Los Angeles, State of California, as shown on and dedicated to said county by map of Tract No. 28381, recorded in Book 784, pages 28, 29 and 30, of Maps, in the Office of the Registrar-Recorder/County Clerk of said county, within a strip of land 15 feet wide, the easterly line of which is described as follows:

Beginning at the intersection of a line parallel with and 117 feet easterly, measured at right angles, from that straight line portion in the westerly boundary of Parcel A described in deed recorded on April 5, 1991, as Document No. 91-485593, of Official Records in said office, and a line parallel with and 92 feet northerly, measured at right angles, from the southerly line of said Parcel A; thence northerly along said first mentioned parallel line to the northerly line of said Parcel A.

The westerly side line of the above-described 15-foot-wide strip of land shall be prolonged or shortened northerly so as to terminate in the northerly line of said Parcel A.

Containing: 3,270± S.F.



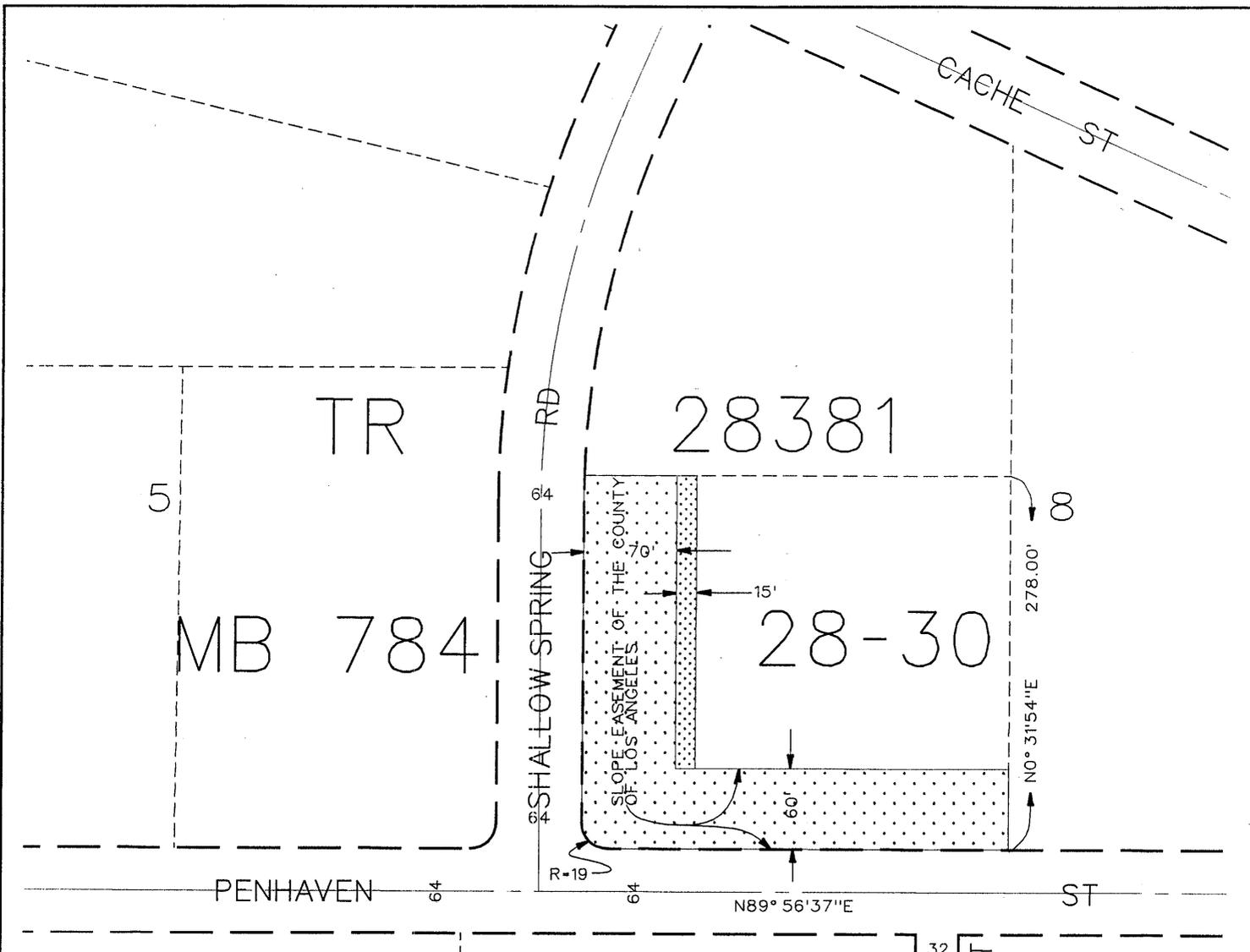
Description Approved

6/8, 20 05

DONALD L. WOLFE  
Acting Director of Public Works

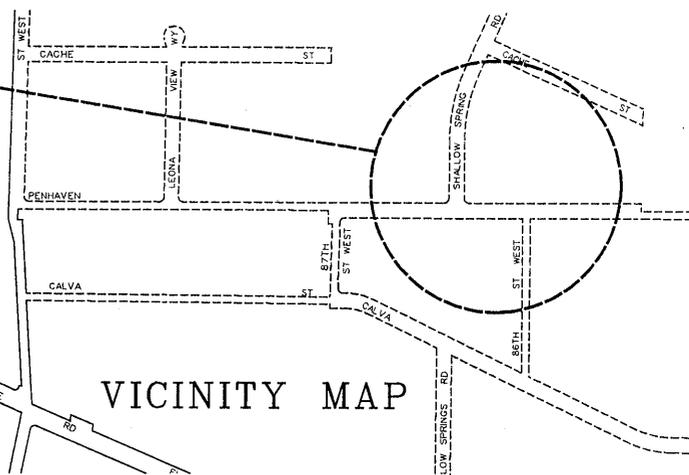
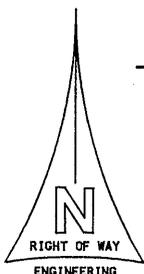
By 

Land Surveyor  
Mapping & Property Management Division



**SUBJECT LOCATION**

**EXHIBIT B**



| LEGEND   |   |
|--|---|
|  | Slope easement to be vacated<br>Total Area 3,270 ± s.f. |
|  | Slope easement to be retained                           |

|           |            |           |    |
|-----------|------------|-----------|----|
| REVISIONS | 1.10-20-04 | 2.06-6-05 | 3. |
|-----------|------------|-----------|----|

|                            |  |  |  |  |  |
|----------------------------|--|--|--|--|--|
| DEPARTMENT OF PUBLIC WORKS |  |  |  | MAPPING & PROPERTY MANAGEMENT DIVISION |  |
|----------------------------|--|--|--|--|--|

|               |            |                        |                 |  |                         |
|---------------|------------|------------------------|-----------------|--|-------------------------|
| SD.<br>5      | RD.<br>551 | A.M.B.<br>3205-032-033 | T.G.<br>4194-A2 | SLOPE EASEMENT<br>E/O<br>SHALLOW SPRING<br>N/O PENHAVEN LN | DRAWING NO.<br>M0588106 |
| SCALE<br>NONE |            | DATE<br>8-05-04        | I.M.<br>324-197 |  |                         |