COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
http://dpw.lacounty.gov

GAIL FARBER, Director

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

August 14, 2012

ADOPTED
BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

27 August 14, 2012

SACHI A. HAMAI
EXECUTIVE OFFICER

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

Dear Supervisors:

RESOLUTION OF SUMMARY VACATION
FOR ABANDONMENT OF AN OFFER TO DEDICATE ROAD EASEMENT
EAST OF 163RD STREET EAST AND NORTH OF CHUKA AVENUE
IN THE UNINCORPORATED COMMUNITY OF LAKE LOS ANGELES
(SUPERVISORIAL DISTRICT 5)
(3 VOTES)

SUBJECT

The action will allow the County of Los Angeles to abandon an offer of dedication for road easement east of 163rd Street East and north of Chuka Avenue in the unincorporated community of Lake Los Angeles that is no longer needed for public use. The vacation has been requested by the underlying property owners to enhance their property and provide an additional buildable area.

IT IS RECOMMENDED THAT YOUR BOARD:

1. Find that this action is categorically exempt from the provisions of the California Environmental Quality Act.

2. Find that the offer of dedication for road easement east of 163rd Street East and north of Chuka Avenue in the unincorporated community of Lake Los Angeles has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation and that it may, therefore, be vacated pursuant to Section 8333(a) of the California Streets and Highways Code.

3. Terminate the offer of dedication for road easement east of 163rd Street East and north of Chuka Avenue in the unincorporated community of Lake Los Angeles and abandon the County of Los Angeles' right to accept and open the street pursuant to Section 66477.2(c) of the California Government Code.

4. Adopt the Resolution of Summary Vacation.

5. Upon approval, authorize the Director of Public Works to record the certified original resolution with the office of the Registrar-Recorder/County Clerk of the County of Los Angeles.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended actions is to find that the project is categorically exempt from the California Environmental Quality Act (CEQA) and allow the County of Los Angeles (County) to abandon the offer of dedication for road easement east of 163rd Street East and north of Chuka Avenue (Offer) in the unincorporated community of Lake Los Angeles, since the offer of dedication for road purposes has expired.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provision of Operational Effectiveness (Goal 1). The abandonment of the Offer will result in added revenue through assessment and taxation and reduce the County's exposure to potential liability.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund.

The abandonment of the Offer will not have a negative fiscal impact on the County's budget. The applicant has paid a $1,500 fee to defray the expense of the investigation. This amount has been deposited into the Road Fund. The fee was 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 of the Offer to be abandoned contains approximately 3.41 acres and is shown on the map that is attached to the enclosed Resolution of Summary Vacation.

The County’s interest in the Offer was acquired in 1967 by dedication in Tract No. 28491, filed in Book 766, pages 24 to 30, inclusive, of Maps, in the office of the Registrar-Recorder/County Clerk of the County of Los Angeles as an offer to dedicate an easement for public use for street purposes.

Ms. Zuleika Susan Ann Ellis Riebe, along with the adjacent underlying property owners, requested the abandonment to remove the restriction of the Offer to enhance their property and provide an additional buildable area.

Despite the possibility that the County may in the future seek to use the area that is subject to the Offer for a future road widening project, the Offer has effectively expired. Pursuant to Code of Civil

Procedure Section 771.010, an offer of dedication is conclusively presumed to not be accepted if the following conditions are satisfied: (a) the offer of dedication was made by filing a map only, (b) no acceptance of the dedication was made and recorded within 25 years after the map was filed, (c) the property was not used for the purpose for which the dedication was proposed within 25 years after the map was filed, and (d) the real property was sold to a third person after the map was filed and used as if free of the dedication.

Each of these conditions has been satisfied in this case. The Offer was made by filing a map in 1967, 45 years ago, and the County has neither taken action to accept the offer nor made any improvements to the area in question. Moreover, the properties have been sold to third persons who have, in some cases, built improvements within the area in question. Further, Code of Civil Procedure, Code Section 771.020, would entitle the property owners of the properties subject to the Offer to bring a legal action to clear their title.

This effectively means that the property owners are entitled to prevent the County from accepting the Offer. The Department of Public Works, therefore, believes that the best course of action is to vacate the Offer at the request of the property owners. County Counsel has reviewed the projects and confirms the conclusions above.

There were no objections to the proposed vacation of the slope easement.

Government Code Section 66477.2(c) provides "Offers of dedication which are covered by subdivision (a) may be terminated and abandoned in the same manner as prescribed for the summary vacation of streets by Part 3 (commencing with Section 8300) of Division 9 of the Streets and Highways Code."

The California Streets and Highways Code Section 8333(a) provides that the legislative body of a local agency may summarily vacate a public service easement if 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.

Adoption of the enclosed resolution and the subsequent recordation will terminate the County's rights and interest in the Offer. Your action will result in the property being unencumbered by the Offer and available to the property owners for use without restriction of the Offer.

ENVIRONMENTAL DOCUMENTATION

This action is categorically exempt from the provisions of CEQA as specified in Sections 15305 and 15321 of the State CEQA Guidelines, which state that this class of projects consisting of minor alterations in land use, limitations, and actions to revoke entitlement for use, issued and adopted by the regulatory agency, have been determined not to have a significant effect on the environment.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

This action will allow for additional property taxes through the elimination of the Offer.

CONCLUSION

Please return one adopted copy of this letter and one original and one copy of the resolution to the Department of Public Works, Survey/Mapping & Property Management Division, together with a copy of your Board's minute order. Retain one original for your files.

Respectfully submitted,

GAIL FARBER
Director

GF:SGS:mr

Enclosures

c: Auditor-Controller (Accounting Division -Asset Management)
Chief Executive Office (Rita Robinson)
County Counsel
Executive Office

RESOLUTION OF SUMMARY VACATION
FOR ABANDONMENT OF AN OFFER TO DEDICATE ROAD EASEMENT
EAST OF 163RD STREET EAST AND NORTH OF CHUKA AVENUE

THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:

1. The County of Los Angeles is the recipient of an offer of dedication for road easement purposes (hereinafter referred to as the Offer) in, over, and across the real property legally described in Exhibit A and depicted on Exhibit B, both attached hereto. The Offer, east of 163rd Street East and north of Chuka Avenue, is located in the unincorporated community of Lake Los Angeles in the County of Los Angeles, State of California.

2. The Offer has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation.

3. The Offer is hereby terminated and abandoned pursuant to Section 66477.2(c) of the California Government Code and pursuant to Chapter 4, Part 3, Division 9, of the California Streets and Highways Code, commencing with Section 8330.

4. The Director of Public Works, or her designee, is authorized to record the certified original resolution in the office of the Registrar-Recorder/County Clerk of the County of Los Angeles, at which time the Offer will be terminated, and the County's rights to accept said Offer will be abandoned.

5. From and after the date this resolution is recorded, the Offer will no longer constitute a street, highway, or public service easement.

The foregoing resolution was on the 14th day of August, 2012, 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:

JOHN F. KRATTLI
County Counsel

By Julia Weisman
Deputy

SACHI A. HAMAI
Executive Officer of the
Board of Supervisors of the
County of Los Angeles

By
Deputy

NS:mr
P:\MPPUB\ADMIN\MARIA\BOARD LETTER RESOLUTION\E 163RD ST RESOLUCTION.doc

EXHIBIT A

Project name: **FUTURE STREET EAST OF 163RD STREET EAST** **1-1ABN**

File with: 163rd Street East
A.I.N. 3074-006-001 to 038
T.G. 4199-F6
I.M. 324-317
R.D. 555
S.D. 5
M1088105

LEGAL DESCRIPTION

PARCEL NO. 1-1ABN (Abandonment of offer of dedication for public street purposes):

All those certain portions of land within Lots 81 through 118, inclusive, as shown on map of Tract No. 28491, filed in Book 766, pages 24 to 30, inclusive, of Maps, in the office of the Registrar-Recorder/County Clerk of the County of Los Angeles, shown and designated as "FUTURE STREET" on said map.

Containing: 3.41± acres

LICENSED LAND SURVEYOR
STEPHEN C. GILLON
EXP. 12/2012
NO. 7599
STATE OF CALIFORNIA

APPROVED AS TO DESCRIPTION

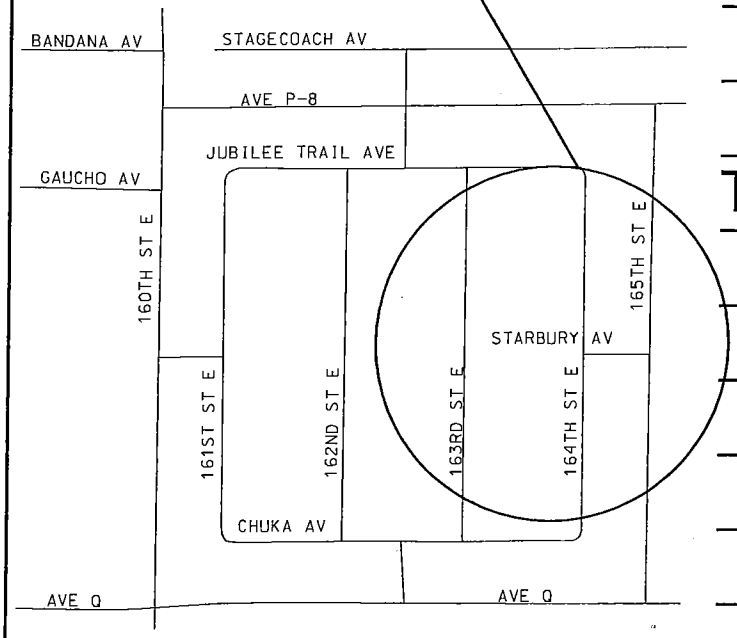
By _____
LICENSED LAND SURVEYOR
Los Angeles County Department of Public Works

Dated JULY 9, 2012

ALL IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF LOS ANGELES

RIGHT OF WAY ENGINEERING

SUBJECT LOCATION



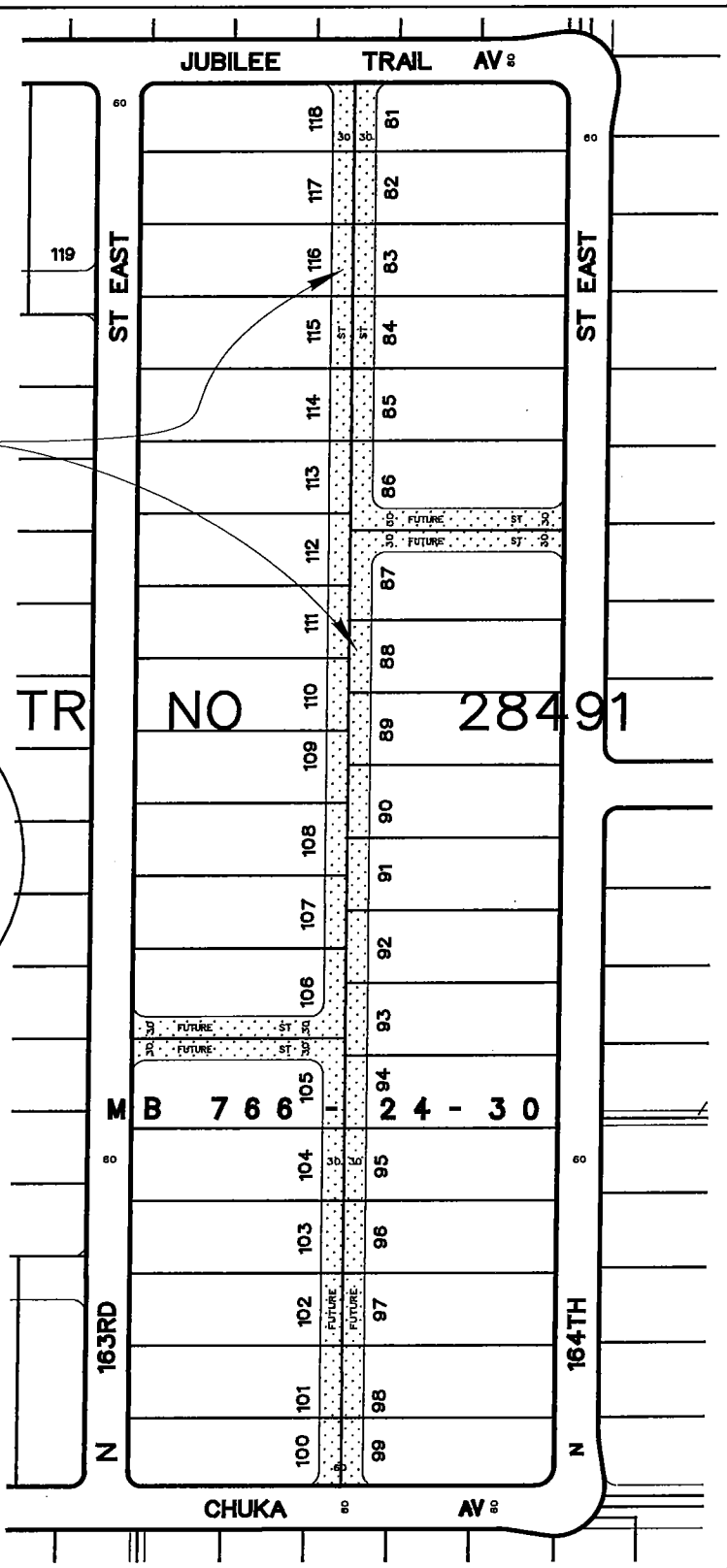


EXHIBIT B

LEGEND	
	Offer of dedication (Future Street) to be abandoned
	Total Area: 3.41± Acs

REVISION	1.	MAP PREPARED BY: N SALAZAR

DEPARTMENT OF PUBLIC WORKS — SURVEY/MAPPING & PROPERTY MANAGEMENT DIVISION

SD.	RD.	A.I.N.	T.G.		DRAWING NO.
5	555	3074-006-001 to 038	4199-F6	FUTURE STREET EAST OF 163RD ST EAST	M1088105
SCALE		DATE	I.M.		
NONE		06-20-12	324-317		

final.dgn 07/02/2012 5:12:38 PM