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ANTONIO R. VILLARAIGOSA
MAYOR

FEB 1 3 2008

To the Public Works Committee
Of the Honorable Council
Of the City of Los Angeles

Council File No. 07-4026 -
Council District: 9 -
Contact Person: Don Sakamoto
Phone #(213) 977-6192.

Public Works Committee

Transmittal:

Transmitted herewith, is the City Engineer's report dated FEB 1 3 2008 for Council review and approval of:

VACATION APPROVAL - VAC-E1401093 - Council File No. 07-4026 - Hill Street (Airspace) and 36th Street Vacation District.

RECOMMENDATIONS:

1. Adopt the findings by the City Engineer on the attached City Engineer report relative to initiating vacation proceedings. This vacation is exempt from the California Environmental Quality Act of 1970 pursuant to Article III, Class 5(3) of the City's Environmental Guidelines.

2. Adopt the City Engineer's report dated FEB 1 3 2008 with the conditions contained therein.

3. Fiscal Impact Statement:

   To date, no charges have been expended in the investigation and processing of this proceeding. Since Section 7.46 of the Administrative Code which exempts all governmental agencies from payment of fees, the processing of this report will be absorbed by the Bureau of Engineering.

4. That there is a public benefit to this vacation. Upon vacation of the street, the City is relieved of its ongoing obligation to maintain the right-of-way. In addition, the City is relieved of any potential liability that might result from continued ownership of the involved street easement.

PUBLIC WORKS
FEB 2 6 2008

Recyclable and made from recycled waste.

5. There were no objections to the vacation submitted for this project.

Attachment:

Edmond Yew, Manager
Land Development Group

EY/DS/gt
H:\ldg4\gtwp718

Office of the City Engineer

Los Angeles, California

To the Public Works Committee

Of the Honorable Council

Of the City of Los Angeles

FEB 13 2008

Honorable Members: C. D. No. 9

SUBJECT:

Vacation Approval - VAC-E1401093 - Council File No. 07-4026 - Hill Street (Airspace) and 36th Street Vacation District.

RECOMMENDATIONS:

A. That street vacation proceedings pursuant to the Public Streets, Highways and Service Easements Vacation Law be instituted for the vacation of the public rights-of-way indicated below and shown colored blue on the attached Exhibit "A":

1. 36th Street between Hill Street and Broadway.

2. The limited airspace of a portion of Hill Street between approximately 302 feet to approximately 317 feet northerly of the centerline of 36th Place, lying approximately 17.25 feet to 31.25 feet above the finished street surface.

B. That the limits of the vacation airspace area be allowed to be adjusted, horizontally and vertically, to final alignments and datums, approved by the City Engineer.

C. That the Council find that the vacation is exempt from the California Environmental Quality Act of 1970, pursuant to Article III, Class 5(3) of the City's Environmental Guidelines.

D. That there is a public benefit to this vacation. Upon vacation of the street, the City is relieved of its ongoing obligation to maintain the right-of-way. In addition, the City is relieved of any potential liability that might result from continued ownership of the involved street easement.

E. That, in conformance with Section 556 of the City Charter, the Council make the findings that the vacation is in substantial conformance with the purposes, intent and provisions of the General Plan.

F. That, in conformance with Section 892 of the California Streets and Highways Code, the Council determine that the vacation areas are not needed for nonmotorized transportation facilities.

G. That, in conformance with Section 8324 of the California Streets and Highways Code, the Council determines that the vacation areas are not necessary for present or prospective public use.

H. That the Council adopt the City Engineer's report with the conditions contained therein.

I. That the City Clerk schedule the vacation for public hearing at least 30 days after the Public Works Committee approval so the City Clerk and Engineering can process the public notification pursuant to Section 8324 of the California Streets and Highways Code.

J. That the payment of fees for the vacation proceedings be waived in accordance with Section 7.46 of the Administrative Code which exempts all governmental agencies.

FISCAL IMPACT STATEMENT

To date, no charges have been expended in the investigation and processing of this proceeding. Since Section 7.46 of the Administrative Code which exempts all governmental agencies from payment of fees, the processing of this report will be absorbed by the Bureau of Engineering. Maintenance of the public easement by City Forces will be eliminated.

NOTIFICATION:

That notification of the time and place of the Public Works Committee and the City Council meetings to consider this request be sent to:

Los Angeles Unified School District
Attn: Mike Scinto
1055 W. 7th Street, 7th Floor
Los Angeles, CA 90017

CONDITIONS FOR STREET VACATION:

The Conditions specified in this report are established as the requirements to be complied with by the petitioner for this vacation. Vacation proceedings in which the conditions have not been completed within 2 years of the Council's action on the City Engineer's report, shall be terminated, with no further Council action.

1. That a suitable map, approved by the Central District Engineering Office, delineating the limits including bearings and distances of the areas to be vacated, be submitted to the Land Development Group of the Bureau of Engineering prior to preparation of the Resolution to Vacate.

2. That a suitable legal description describing the areas being vacated and all easements to be reserved, including copies of all necessary supporting documentation, be submitted to the Land Development Group of the Bureau of Engineering prior to the preparation of the Resolution to Vacate.

3. That a title report indicating the vestee of the underlying fee title interest in the areas to be vacated be submitted to the City Engineer.

4. That the following dedications be provided adjoining the petitioner's properties in a manner satisfactory to the City Engineer:

   a) Dedicate 12-foot and 2-foot wide strips of land as necessary to provide for a 52-foot wide street dedication as public street along the southeasterly side of Grand Avenue (Major Highway Class II Standards) together with a 20-foot radius property line return or a 15-foot by 15-foot property line cut corner at the easterly corner of the intersection of Grand Avenue and 37th Street.

   b) Dedicate 15 feet where necessary as public street along the northeasterly side of 37th Street to obtain a uniform 45-foot half right-of-way together with either a 20-foot radius property line return or a 15-foot by 15-foot property line cut corner at the northerly corner of its intersection with Hill Street.

c) Dedicate either 20-foot radii property line returns or 15-foot by 15-foot property line cut corners as public street at the southerly corner of the intersection with Hill Street with 35th Street and at the northerly corner of the intersection of Hill Street with 36th Place.

d) Dedicate either a 20-foot radius or 15-foot by 15-foot property line cut corners as public street at the westerly corner of the intersection of 35th Street with Broadway and at the northerly corner of the intersection of 36th Place with Broadway.

5. That arrangements be made with the Department of Water and Power, AT&T, and the Southern California Gas Company for the removal of affected facilities or the providing of easements or rights for the protection of affected facilities to remain in place.

6. That satisfactory arrangements be made with the City Engineer for the relocation or abandonment of the existing sewer facilities located within the areas to be vacated, unless easements are reserved from the vacation for their protection.

7. That street lighting facilities be installed as may be required by the Bureau of Street Lighting.

8. That street trees be planted and tree wells be installed as may be required by the Street Tree Division of the Bureau of Street Services.

9. That the petitioner records a Covenant and Agreement to run with the land pertaining to the pedestrian bridges over Hill Street to include the following:

a) That the owners be required to maintain and support all elements of the pedestrian bridge within the proposed airspace vacation as well as structures in the private property for safety and usability to the satisfaction of the City Engineer. The City shall be given reasonable access to the structure within and adjacent to the vacation area for this purpose upon request during normal business hours. The City may request the owners to repair or replace damaged, defective or unsafe structural elements or to correct unacceptable

conditions at the owners' expense. The City may make such repairs at the owner's expense if the owner elects not to do so or does not respond within a reasonable time. Owners shall grant reasonable access to the City's contractor to make said repairs.

b) That the owners be required to limit use of the structure within the vacated airspace to pedestrian traffic. No other storage of combustibles will be allowed, nor will any other use or occupancy be allowed except as approved in writing by the Department of Building and Safety and the Department of Public Works.

c) That the owners obtain approval of the City Engineer for any substantial structural modification within the vacation area and for any structural element outside the vacation area which provides lateral or vertical support to the structures within the vacated area.

d) That plans of structural details shown on standard size City sheets and structural calculations of the bridge structures, both signed by a Civil or Structural Engineer registered in the State of California, be submitted to the City Engineer for review and approval.

e) That a Class "B" permit be obtained from the Bureau of Engineering and that a deposit be made with said Bureau sufficient to cover the City's cost for plan checking, construction inspection, and incidental costs relative thereto.

f) That a Waiver of Damages agreement and an Indemnification Agreement and Right of Ingress and Egress - Covenant to run with the land be executed by the owners and submitted to the Bureau of Engineering for approval, and subsequently be recorded relieving the City of any liability arising from the construction, maintenance and use of the proposed structure. The forms to be used for these agreements shall be obtained from the Bureau of Engineering, Central District office, 201 N. Figueroa Street, Counter B, Los Angeles, California 90012.

g) That a minimum clearance of 17 feet under the bridge to the roadway of Hill Street be provided at all points of the bridge from curb to curb in the vehicular lanes.

h) If applicable, that street lighting plans be submitted to and approved by the Bureau of Street Lighting as to the relocation of any existing electroliers and the installation of any additional electroliers.

TRANSMITTAL:

Application dated September 24, 2007 from Mike Scinto.

DISCUSSION:

Request: The petitioner, Mike Scinto of the Los Angeles Unified School District, owner or proposed owner of the properties shown outlined in yellow on Exhibit "A", is requesting the vacation of the public street area shown colored blue and the airspace vacation shown crosshatched in blue. The purpose of the vacation request is to consolidate the vacation area with the adjoining properties for the construction of the Central Los Angeles Area New Middle School #4.

This vacation procedure is being proposed under Council File No. 01-1459 adopted by the Los Angeles City Council on March 5, 2002.

Resolution to Vacate: The Resolution to Vacate will be recorded upon compliance with the conditions established for this vacation.

Previous Council Action: The City Council on January 21, 2004, under Council File No. 02-2614 conditionally approved a street vacation request over the vacation area. Those proceedings were cancelled due to non-completion of the conditions within the allotted time. On December 19, 2007, a motion was adopted by the City Council under Council File No. 07-4026 to initiate the current vacation proceedings.

Zoning and Land Use: The properties adjoining the vacation area to the north, south and west are all zoned MR1-2 and are developed with manufacturing businesses and for parking.

Description of Areas to be Vacated: The areas sought to be vacated are 36th Street between Hill Street and Broadway and the limited airspace of a portion of Hill Street between approximately 302 feet to approximately 317 feet northerly of the centerline of 36th Place, lying approximately 17.25 feet to 31.25 feet above the finished street surface.

Adjoining Streets: Grand Avenue is an improved major highway dedicated 80 feet and 90 feet wide with a 56-foot wide roadway. 37th Street is an improved secondary highway dedicated variable width with a 20-foot half roadway. Hill Street is an improved secondary highway dedicated 92 feet wide with a 62-foot roadway. Broadway is an improved secondary highway dedicated 90 feet wide with a 60-foot wide roadway. 35th Street is a fully improved

local street dedicated 60 feet wide with a 40-foot wide roadway. 37th Street is an improved local street dedicated 60 feet wide with a 40-foot wide roadway.

Effects of Vacation on Circulation and Access: By vacating 36th Street, access between Hill Street and Broadway will no longer be possible. However, the vacation of this area is essential to the development of the proposed elementary school. The street is not needed for use of pedestrians, bicyclists or equestrians.

Objections to the Vacation: There were no objections to the vacation submitted for this project.

Reversionary Interest: No determination of the underlying fee interest of the vacation areas has been made as to title or reversionary interest.

Dedications and Improvements: It will be necessary that the petitioner provides for the dedications as outlined under Conditions. There are no improvements required.

Sewers and Storm Drains: There are no existing storm drain facilities within the area proposed to be vacated. There are, however, existing sewer facilities within this area.

Public Utilities: The Department of Water and Power, Southern California Gas Company and AT&T did not respond to the Bureau of Engineering's referral letter dated December 3, 2007.

Tract Map: Since there are no improvements required, and the required dedication can be acquired by separate instrument, the requirement for the recordation of a new tract map could be waived.

City Department of Transportation: The Department of Transportation did not respond to the Bureau of Engineering's referral letter dated December 3, 2007.

City Fire Department: The Fire Department states that the subject property has been investigated by their members and that they have no objections to the vacation request.

Department of City Planning: The Planning Department did not respond to the Bureau of Engineering's referral letter dated December 3, 2007.

Conclusion: The vacation of the public street and airspace areas as shown colored blue and cross-hatched on the attached Exhibit "A" could be conditionally approved based upon the following:

1. They are unnecessary for present or prospective public use.

2. They are not needed for vehicular circulation or access.

3. They are not needed for nonmotorized transportation purposes.

Report prepared by:

Respectfully submitted,

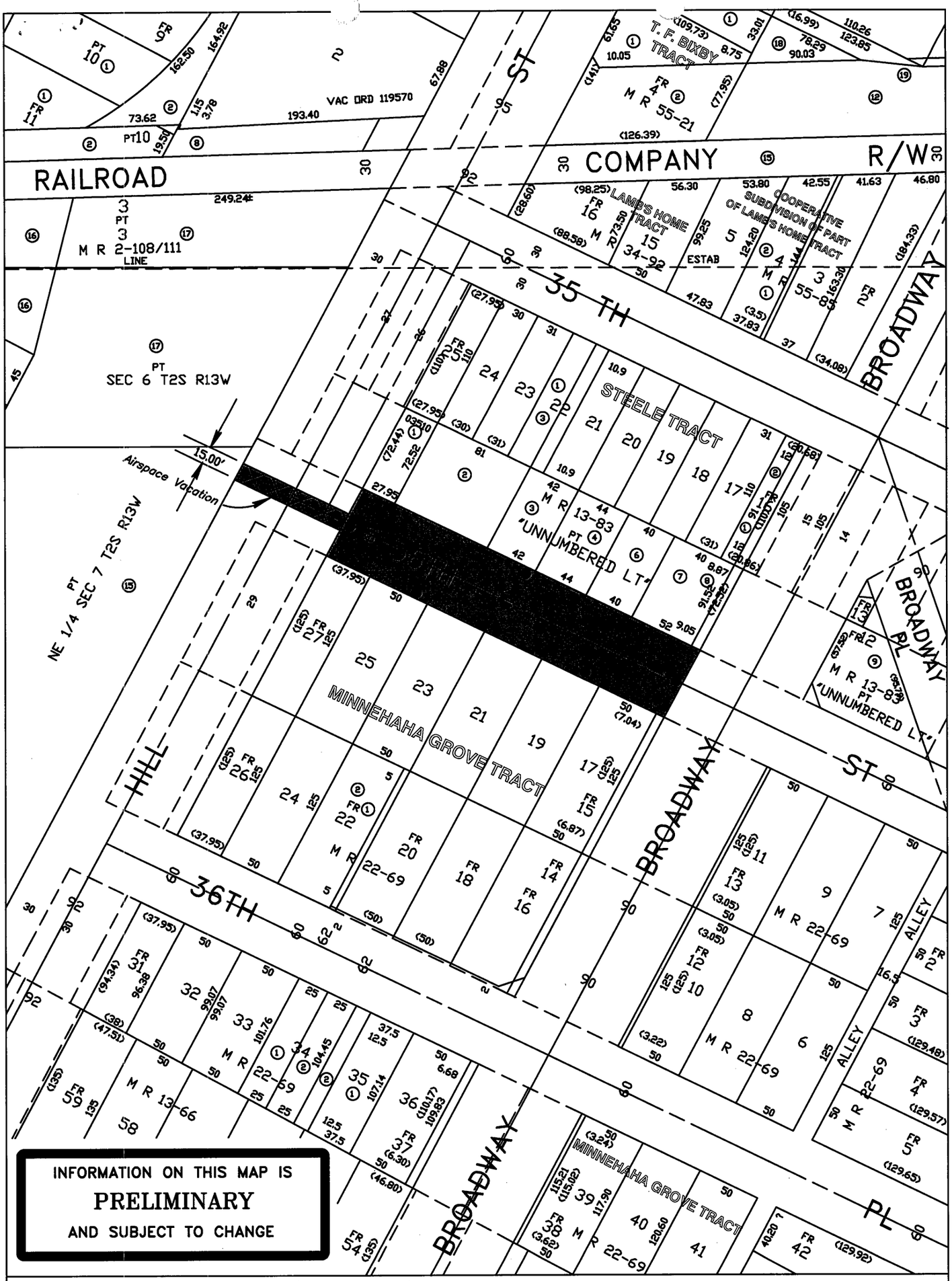
Edmond Yew

Edmond Yew, Manager
Land Development Group
Bureau of Engineering

LAND DEVELOPMENT GROUP

Don Sakamoto
Civil Engineering Associate III
(213) 977-6192

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TITLE: HILL STREET (AIRSPACE) AND 36TH STREET VACATION DISTRICT,

WORK ORDER NO. VAC- E1401093
COUNCIL FILE NO. 07-4026
COUNCIL DIST. 09 **DIV. INDEX** 162
ENG. DIST. CENTRAL **T.G.** 674-C1
DISTRICT MAP 117A203 & 118-5A203

DEPT. OF PUBLIC WORKS

BUREAU OF ENGINEERING

CITY OF LOS ANGELES

EXHIBIT A

Legend: Vacation boundary as shown