



JAMES A. NOYES, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

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September 17, 2002

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

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 MIDDLESEX TRAIL - GLENVIEW SUPERVISORIAL DISTRICT 3 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 8331 (a) of the Streets and Highways Code, the street or highway has been impassable for vehicular and pedestrian traffic for a period of five consecutive years.
  - b. Pursuant to section 8331 (b) of the Streets and Highways Code, no public monies were expended for the maintenance of the street during that period.
  - c. Pursuant to Section 8334 (a) of the Streets and Highways Code, the street right of way is excess and not required for street or highway purposes.
  - d. Pursuant to Section 8334 (b) of the Streets and Highways Code, the street lies within properties under one ownership and does not continue or end touching another property.

3. Find pursuant to Section 2381 of the Streets and Highways Code that the street to be vacated is not useful as a nonmotorized transportation facility and is not needed for present or prospective public use.
4. Adopt the enclosed Resolution of Summary Vacation to vacate the portion of Middlesex Trail east of Tiger Trail as described in Exhibit "A" of the Resolution.

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

Mr. Philip Dane requested this vacation to consolidate properties separated by an unimproved road and increase the property's buildable area. Middlesex Trail is currently physically consolidated with Mr. Dane's properties. The residential structure owned by Mr. Dane has encroached on the proposed vacation area for decades. The vacation of the unimproved road will not have any negative impact on any adjacent properties or the County Highway Plan. No existing public utility easements will be affected by the proposed vacation.

Middlesex Trail was dedicated to the County for public road in February 1925 but was never constructed or used as a public road. It is in the County's interest to vacate the street since it no longer serves the purposes for which it is dedicated and is not required for general public access, circulation, or for bicycle paths and trails.

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

This action is consistent with the County Strategic Plan Goal of Fiscal Responsibility as the vacation of this portion of Middlesex Trail 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 street will not have any negative fiscal impact on the County's budget. The applicant has paid a fee of \$1,000 to defray the expense 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 1,100 square feet and is shown on the map attached to the Resolution.

The County's interest was acquired as an easement for road purposes by dedication on the maps of Tract No. 8545 recorded in Book 108, pages 75 through 77, inclusive, of Maps, on file in the office of the Recorder of the County of Los Angeles.

At the Board of Supervisors' meeting held on January 4, 2000, your Board considered the proposed vacation. However, on motion of Supervisor Yvonne Brathwaite Burke, Public Works' recommendations were referred back to the Department due to the owner's inability to comply with a condition put forward by Supervisor Zev Yaroslavsky that the four parcels that make up the applicant's properties be merged into one parcel. Since Mr. Dane's primary residence is in Paris, France, the affidavit that would satisfy the condition could not be executed in a timely fashion.

We now have a recorded copy of that document, in compliance with the above condition, merging Mr. Dane's properties into one parcel. The merger will prohibit sale, breakdown, and development of the individual parcel, thereby restricting future development of the merged properties.

The Public Streets, Highways, and Services Easement Vacation Law allows your Board to voluntarily relinquish the County's interest over the street. Adoption by your Board of this Department's recommendation terminates the rights of the public to the vacated area and disposes of an unnecessary 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**

With respect to requirements of the CEQA, this proposed vacation is categorically exempt as specified in Class 21(a) of the Environmental Document Reporting Procedures and Guidelines adopted by your Board on November 17, 1987, Synopsis 57, and Section 15321 of State CEQA Statutes and Guidelines.

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**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 does not conflict with the County-adopted General Plan and that the proposed vacation area is not suitable for bicycle paths and trails.

**CONCLUSION**

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

One approved copy of this letter is requested.

Respectfully submitted,

JAMES A. NOYES  
Director of Public Works

CVC:fr  
5/BLMidsex

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 Middlesex Trail east of Tiger Trail legally described in Exhibit "A" and as shown by the map in Exhibit "B" attached hereto and incorporated herein by this reference, which right of way is located in the vicinity of Glenview, 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) that the subject right of way (street) has been impassable for vehicular traffic for a period of five consecutive years and that no public monies were expended for maintenance on the right of way during that period; (2) that the right of way is an excess right of way not required for street or highway purposes and that the right of way lies within properties under one ownership and does not continue through such ownership or end touching property of another; and (3) that the right of way is not required for general public access, circulation, or for bicycle paths or trails; and

BE IT FURTHER RESOLVED that the right of way in, over, and across said property for street and highway purposes legally described in Exhibit "A" is hereby vacated pursuant to Chapter 4, Part 3, Division 9 of the Streets and Highways Code, State of California, commencing with Section 8330; and

BE IT FURTHER RESOLVED that said vacation does not terminate any public service easements.

BE IT FURTHER RESOLVED that the Department of Public Works be authorized to record the certified original Resolution in the office of the Recorder of the County of Los Angeles, at which time the area vacated will no longer be a public highway/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 of the governing body of all other special assessment and taxing districts, agencies, and authorities for which said Board so acts.

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

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

APPROVED AS TO FORM:

LLOYD W. PELLMAN  
County Counsel

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

EXHIBIT A

**MIDDLESEX TRAIL VACATION**

**M9988104**

That portion of Middlesex Trail, 15 feet and variable width, 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. 8545 recorded in Book 108, pages 75 through 77 inclusive, of maps, in the office of the Recorder of said County, lying southerly of and adjoining Block 14, of said tract.

Description Approved:

JAMES A. NOYES  
Director of Public Works

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

CVC:fr  
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