



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
www.ladpw.org

JAMES A. NOYES, Director

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

April 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
SLOPE EASEMENT - CANYON COUNTRY
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 pursuant to Section 8330, et seq., of the California Streets and Highways Code that:
 - a. Pursuant to Section 8333(a) of the Streets and Highways Code, 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 Streets and Highways Code, the easement is excess right of way not required for street or highway purposes.
 - c. Pursuant to Section 8334(b) of the Streets and Highways Code, the easement lies within property under one ownership and does not continue through such ownership or end touching property of another.

3. Find pursuant to Section 2381 of the Streets and Highways Code that the slope easement to be vacated is not useful as a non-motorized transportation facility and not needed for present or prospective public use.
4. Adopt the enclosed Resolution of Summary Vacation vacating the slope easement north of Old Soledad Canyon Road (vacated), described in Exhibit "A" of the Resolution.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Sikand Engineering Associates, on behalf of JBH Development Company, the underlying fee owner, requested this vacation to eliminate an unnecessary slope easement, increase the property's buildable area, and remove from the record all public easement rights within their property. The vacation of the slope easement will not have a negative impact on any adjacent properties or to the roadway. No existing public utility easement will be affected by the proposed vacation.

The slope easement being vacated was included in the design of the road in 1964 to protect the road right of way and adjoining properties. The easement, however, became expendable when your Board adopted a Resolution in April 1996 vacating Old Soledad Canyon Road that adjoins the slope easement. The road was relocated northerly as a result of development in the area. It is therefore in the County's interest to vacate the slope easement since it no longer serves the purpose for which it was dedicated nor is it 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 the slope 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 slope easement will not have a negative fiscal impact on the County's budget. A fee of \$1,500 was paid by the applicant 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 65,000 square feet and is shown on the map attached to the Resolution.

The County, successor in interest to the State of California by State Relinquishment No. 286, acquired an easement for slope purposes in 1964. Said Relinquishment was recorded on December 8, 1964, as Instrument No. 3526 of Official Records, on file in the office of the Recorder of the County of Los Angeles. The easement is also delineated and labeled in Tract No. 45933, filed in Book 1200, pages 70 through 89, inclusive of Maps, on file in the office of the Recorder of said County.

The Public Streets, Highways, and Service Easement Vacation Law allows your Board to voluntarily relinquish the County's interest over the slope easement. Adoption by your Board of our recommendations terminates the rights of the public to the vacated area and disposes of an unnecessary County slope easement. Your action will also result in the property being unencumbered of the public easement, thereby allowing the underlying fee owner to exercise their reversionary rights over the vacated area.

ENVIRONMENTAL DOCUMENTATION

This proposed vacation is categorically exempt from the California Environmental Quality Act (CEQA), 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.

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 vacation area is not suitable for bicycle paths and trails. Vacation of the easement eliminates County maintenance responsibility to the area.

The Honorable Board of Supervisors
April 17, 2002
Page 4

CONCLUSION

This action is in the County's interest. Enclosed is a Resolution of Summary Vacation, approved as to form by County Counsel. Upon adoption of the Resolution, please return the executed original and a copy to us for further processing, retaining an executed copy for your files. Public Works will record the Resolution and will 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:mrh
5:blcyncntryrsv

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 dedicated to the County of Los Angeles for slope purposes, north of Old Soledad Canyon Road (vacated), 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 unincorporated area of Canyon Country, 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; (2) the easement is excess right of way not required for street or highway purposes; and (3) the easement lies within property under one ownership and does not continue through such ownership or end touching property of another.

BE IT FURTHER RESOLVED that the public easement in, over, and across said property for slope 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.

BE IT FURTHER RESOLVED that the right of way to be vacated is not useful for non-motorized transportation facility, that the vacation does not terminate any public service easement, and that no in-place public utility facilities that are in use would be affected by the vacation.

BE IT FURTHER RESOLVED that the County of Los Angeles 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 slope 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.

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

APPROVED AS TO FORM

LLOYD W. PELLMAN
County Counsel

By _____
Deputy

By _____
Deputy

EXHIBIT "A"

**SLOPE EASEMENT S/O SOLEDAD CANYON ROAD
(M0288106)**

That portion of Lot 155 of Tract No. 45933, in the unincorporated territory of the County of Los Angeles, State of California, as shown on the map filed in Book 1200, pages 70 to 89, inclusive of Maps in the office of the Recorder of said County, designated as "EASEMENT OF COUNTY OF LOS ANGELES SUCCESSOR TO STATE OF CALIFORNIA FOR HIGHWAY SLOPES AND DRAINAGE PURPOSES".

Total Area: 65,000± square feet

Description Approved
James A. Noyes
Director of Public Works

By _____
Deputy