DATE: May 14, 2019

TO: Mayor and Council Members

FROM: Public Works Department

SUBJECT: Amended and Restated Resolution No. 18-69 Vacation of the Alley between Florence Ave. And Regent St., east of La Brea Ave., and west of Market St.

RECOMMENDATION:
It is recommended that the Mayor and Council Members adopt an Amended and Restated Resolution No. 18-69 to amend, clarify, confirm, modify, and restate the vacation of the alley between Florence Avenue and Regent Street, east of La Brea Avenue, and west of Market Street.

BACKGROUND:
On October 6, 2016, the City of Inglewood entered into an exclusive negotiating agreement with developer Thomas Safran & Associates Development, Inc. (“TSA”), to develop the D-3 site bounded by La Brea Avenue on the west, Regent Street on the south, Market Street on the east, and Florence Avenue on the north. This site includes a former alley of about 7,540 square feet bisecting said land. This alley was the subject of a summary vacation under Resolution No. 18-69 pursuant to Streets & Highways Code sections 8331, 8334, and 8335, which was passed, approved and adopted by the City Council on April 24, 2018, so that the TSA D-3 development may proceed.

The Planning Commission previously rendered its report as to the conformity with the general plan on April 5, 2018. The summary vacation was implemented pursuant to Streets & Highways Code sections 8331, 8334, and 8335 as the alley was impassable for vehicular travel for a period of five consecutive years or more and no public money was expended for the maintenance of the alley during that period. This alley was, among other things, an excess right-of-way. However, to date Resolution No. 18-69 has not been recorded with the Official Records of the Los Angeles County Recorder (“Official Records”).

DISCUSSION:
Following an application for title insurance and payment of the purchase price by TSA for the D-3 site, staff received a title report from First American Title Insurance Company on or about January 22, 2019, showing a slightly different legal description than that used in Exhibit “A” on Resolution No. 18-69. After consultation with TSA and First American Title Insurance Company, staff was asked to amend, clarify, confirm, modify, and restate Resolution No. 18-69 in the form attached to make the legal description in the Resolution consistent with that contained in the title report provided by the title insurer, dated January 22, 2019. It should also be noted Resolution No. 18-69 depicted the correct location of the alley in Exhibit “B” but did not reflect the correct
legal description in Exhibit “A” and described the alley as bounded by parcels 1 through 11 when in fact the alley is bounded on the east by lots 3 through 18, and bounded on the west by lots 19 through 32. Now that First American Title Insurance Company has provided the correct legal description, it is recommended by staff that due to the ministerial nature of this legal description revision, the legal description be amended, clarified, confirmed, modified, and restated in the form of the resolution attached. Moreover, this requested revision will assure that the title insurer accurately reflects the street vacation in the Official Records. Additionally, the amended and restated resolution number 18-69 is also reflective of TSA’s professional land surveyor work product (i.e., the Exhibit “A” legal description dated March 4, 2019, and the Exhibit “B” plat depiction) that is consistent with the First American Title Insurance Company title report.

The City Council has legal authority to pass, approve, and adopt the proposed amended and restated Resolution No. 18-69 pursuant to Streets & Highways Code sections 8331, 8334, and 8335, as confirmed in Resolution No. 18-69. Also, as the Planning Commission addressed Resolution No. 18-69 on April 5, 2018, and found conformity with the General Plan, the proposed resolution further complies with Government Code section 65402(a)—requiring the Planning Commission review a priori. Therefore, because the proposed amended and restated Resolution No. 18-69 only makes a non-substantive clarification and ministerial change to the lot/parcel numbers abutting the “paper alley,” there is no need to return this amended and restated resolution to the City Planning Commission. Furthermore, a notice of exemption under the California Environmental Quality Act (CEQA) was also previously filed as this action is categorically exempt under CEQA guidelines 15301(c), and 15061(b) and only entails a minor alteration of an existing public alley that is not currently constructed or in use and no possibility of causing a significant effect on the environment with its vacation.

The proposed action amends, clarifies, confirms, modifies, and restates Resolution No. 18-69 as shown in the attached reflecting the revised legal description and depiction setting out the alley as bounded on the east by lots 3 through 18 and bounded on the west by lots 19 through 32.

The matter was taken up April 16, 2019, by the City Council with an older version of the resolution. It returns to the City Council with the appropriate resolution.

In conclusion, staff recommends this action to assure the TSA development moves forward as approved. The attached resolution has been re-checked and is staff-approved.

FINANCIAL/FUNDING ISSUES AND SOURCES:
None.

LEGAL REVIEW VERIFICATION:  
Administrative staff has verified that the legal documents accompanying this report have been submitted to, reviewed, and approved by, the Office of the City Attorney and special counsel to the City, Kane, Ballmer & Berkman.
FINANCE REVIEW VERIFICATION:
Administrative staff has verified that this report, in its entirety, has been submitted to, reviewed, and approved by, the Finance Department.

DESCRIPTION OF ANY ATTACHMENTS:
Attachment No. 1 – Proposed Amended and Restated Resolution: Mayor and Council
APPROVAL VERIFICATION SHEET

PREPARED AND REVIEWED BY:
Louis A. Atwell, P.E., Assistant City Manager, Public Works Director
Boytrese Osias, Senior Engineer
Joi L. Aldridge, Management Assistant to Director

COUNCIL PRESENTER:
Louis A. Atwell, P.E., Assistant City Manager, Public Works Director

DEPARTMENT HEAD APPROVAL: ____________________________
Louis A. Atwell, Asst. City Mgr./PW Director

CITY MANAGER APPROVAL: ____________________________
Artie Fields, City Manager
ATTACHMENT NO. 1
AMENDED AND RESTATED RESOLUTION NO.: 18-69

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
INGLEWOOD, CALIFORNIA, SUMMARILY VACATING THE ALLEY
BETWEEN FLORENCE AVENUE AND REGENCY STREET, EAST OF LA
BREA AVENUE AND WEST OF MARKET STREET, AS WELL AS
AMENDING, CLARIFYING, CONFIRMING, MODIFYING, AND
RESTATING RESOLUTION NO. 18-69 ORIGINALLY PASSED,
APPROVED, AND ADOPTED APRIL 24, 2018 REVISING THE LEGAL
DESCRIPTION AND DEPICTION OF THE ALLEY AND MADE
PURSUANT TO STREETS & HIGHWAYS CODE SECTIONS 8331,
8334(a), AND 8335 AND GOVERNMENT CODE SECTION 65402(a).

WHEREAS, on October 6, 2016, the City of Inglewood entered into an
exclusive negotiating agreement with Thomas Safran & Associates Development, Inc. to
develop a mixed-use project on the parcels of land between La Brea Avenue on the west,
Regent Street on the south, Market Street on the east, and Florence Avenue (formerly
Inglewood Avenue) on the north (the “Project”); pursuant to which, said developer entered
into a disposition and development agreement, which was amended and restated to
implement the Project on September 25, 2018 as agreement number 16-218 amendment
number 1 with the successor-in-interest to aforesaid developer, Inglewood Market Gateway,
LLC; and

WHEREAS, within the Project, there is an alley, also referred to as a “paper alley,”
bisecting the Project land area that is listed on the Los Angeles County Assessor’s parcel map
as bearing Los Angeles County Assessor’s Parcel No. 4015-028-023; and

WHEREAS, said alley is a known as a “paper alley” because it has been impassable for
vehicular travel, not used, nor physically appeared in at least the last fifteen years, no public
money was expended for its maintenance: thus making it eligible for summary vacation under
Streets & Highways Code section 8331; and
WHEREAS, the alley is also an excess right-of-way of a street and not required for street purposes additionally making it eligible for summary vacation under Streets & Highways Code section 8334(a); and

WHEREAS, the City vacated said “paper alley” under the summary vacation procedure under Streets & Highways Code sections 8331, 8334, and 8335 pursuant to that certain Resolution No. 18-69 on April 24, 2018 (the “Original Resolution”); and

WHEREAS, on January 22, 2019, the City of Inglewood staff was informed that while the alley in the Original Resolution was appropriately depicted on Exhibit “B” therein, the legal description in Exhibit “A” to the Original Resolution did not fully coincide with the legal description identified in a recent title search paid for and performed at the request of the developer in 2019; and

WHEREAS, more specifically, while the Original Resolution depicted the alley as bisecting the Project land area as shown in Exhibit “B” of the Original Resolution, the description contained in Exhibit “A” therein stated the alley was bounded by Parcels 1 through 11, inclusive, in the Project; and

WHEREAS, the developer and the City staff received an ALTA Commitment for Title Insurance from First American Title Insurance Company dated as of January 22, 2019 bearing File No. NCS-926053-A-LA2 (the “Title Report”) showing the “paper alley” is bounded on the east by Lots 3 through 18, inclusive, and bounded on the west by Lots 19 through 32, inclusive, and that the “paper alley” does not lie adjacent to Parcels 1 to 11, inclusive; and

WHEREAS, as a result, said developer and First American Title Insurance Company have requested, for purposes of obtaining title insurance, that the Original Resolution be amended, clarified, confirmed, modified, and restated to accurately set out the legal description of the “paper alley” in Exhibit “A” to conform with the legal description set out in the Title Report and depicted in Exhibit “B” to the Original Resolution; and

WHEREAS, in response to the request by the developer and First American Title Insurance Company, City staff recommends that the City Council pass, approve, and adopt this Amended and Restated Resolution No. 18-69 (the “Amended and Restated Resolution”) to
amend, clarify, confirm, modify, and restate the Original Resolution to replace the legal
description in Exhibit “A” of the Original Resolution with the legal description attached hereto
as Exhibit “A” which describes the “paper alley” as follows:

An unnamed alley, 20 feet in width, in Block 305 of the plat of the Townsite of
Inglewood, in the City of Inglewood, County of Los Angeles, State of California, as per
map recorded in Book 34, Pages 19 through 36, inclusive, of Miscellaneous Records, in
the office of the county recorder of said county, bounded on the east by Lots 3 through
18, inclusive, bounded on the west by Lots 19 through 32, inclusive, bounded on the
north by Florence Avenue (Formerly Inglewood Avenue) and bounded on the south by
Regent Street.

WHEREAS, the City Council desires to now amend, clarify, confirm, modify, and restate
the Original Resolution with this Amended and Restated Resolution which contains a revised
alley legal description in harmony with the Title Report as well as a revised alley depiction to
show how this “paper alley” bisects the corresponding lots illustrated therein and set out in
the prior paragraph along with the square footage and Los Angeles County Assessor’s Parcel
Number; the description and depictions attached to this Amended and Restated Resolution as
Exhibits “A” and “B” were most recently revised by the developer’s professional land surveyor
last month to conform with the Title Report; and

WHEREAS, the City Council desires to amend and restate the Original Resolution to
replace Exhibits “A” and “B” therein with the description and depictions in Exhibits “A” and “B”
of this Amended and Restated Resolution which amend, clarify, confirm, modify, and restate
the “paper alley” summarily vacated; and

WHEREAS, the City Council desires to further state the “paper alley” is summarily
vacated by this Amended and Restated Resolution pursuant to Streets and Highways Code
sections 8331, 8334(a), and 8335 as the “paper alley” has been impassable for vehicular travel,
not used, nor physically appeared in at least the last fifteen years without any public money
expended for maintenance of said alley as required under section 8331 of the Streets and
Highways Code and is also an excess right-of-way of a street and not required for street purposes under Streets & Highways Code section 8334(a); and

WHEREAS, on April 5, 2018, the City Planning Commission passed and approved its Resolution No. 1780 pursuant to Planning Commission Review 2017-01 a finding that the summary vacation of the “paper alley” was in conformance with the City of Inglewood Comprehensive General Plan under Government Code section 65402. Therefore, because this Amended and Restated Resolution only makes a non-substantive clarification and ministerial change to the lot/parcel numbers abutting the “paper alley,” there is no need to return this Amended and Restated Resolution to the City Planning Commission;

WHEREAS, a Notice of Exemption dated June 12, 2017 was filed pursuant to categorical exemptions under section 15301(c) and 15061(b) of the California Environmental Quality Act (CEQA) guidelines as the vacation of the “paper alley” entails a minor alteration of an existing public alley that is not currently constructed or in use and there is no possibility that a vacation may have a significant effect on the environment; and

WHEREAS, the Planning Commission resolution and notice of exemption noted above, along with the Original Resolution, are on file with the City Clerk for the City of Inglewood; and

WHEREAS, pursuant to this request by the developer and First American Title Insurance Company, the City Council desires to amend and restate the Original Resolution to conform with the January 22, 2019 title work performed by First American Title Insurance Company; and

WHEREAS, the City Council initially took up this item on April 16, 2019 and seeks to now complete the action with the appropriate Amended and Restated Resolution; and

WHEREAS, the City Council finds that there will be public benefits from the summary vacation proposed in the Original Resolution as amended, clarified, confirmed, modified, and restated in this Amended and Restated Resolution at no cost to the City.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Inglewood, California does hereby declare as follows:

SECTION 1. The recitals are true and correct and are incorporated herein by this
reference as if set forth in full.

SECTION 2. That the proposed vacation is made pursuant to Sections 8331, 8334(a), and 8335 of Article 1, of Chapter 4, of Part 3 of Division 9, of the California Streets and Highway Code.

SECTION 3. That the proposed vacation area is described by Exhibit “A,” which consists of a single-page, and shown on Exhibit “B,” which also consists of a single-page, both of which are incorporated herein by this reference as if set forth in full herein.

SECTION 4. That said area has been impassible for vehicular travel and not been used for public right-of-way purposes for at least five consecutive years preceding this action.

SECTION 5. That no public money was expended for maintenance of the alley described and depicted herein during such period.

SECTION 6. That the proposed vacated area is excess and not required for street or highway purposes.

SECTION 7. That the proposed vacation area, described in Exhibit “A” and depicted on Exhibit “B,” both attached hereto, is summarily vacated.

SECTION 8. That the City Clerk shall cause a certified copy of this Amended and Restated Resolution, with Exhibits “A” and “B” affixed hereto, and attest under seal, to be recorded without acknowledgment, certificate of acknowledgement or further proof in the office of the recorder of the Los Angeles County (“Official Records”).
PASSED, APPROVED, AND ADOPTED at a regular meeting of the City Council of the City of Inglewood, California, this ________ day of ________ 2019.

________________________________________
James T. Butts, Jr., Mayor
City of Inglewood

ATTEST:

________________________________________
Yvonne Horton, City Clerk
City of Inglewood
EXHIBIT “A”
DESCRIPTION
ASSESSOR’S PARCEL NO. 4015-028-023

A VACATION OF THAT CERTAIN UNNAMED ALLEY, 20 FEET IN WIDTH, IN BLOCK 305 OF THE PLAT OF THE TOWNSITE OF INGLEWOOD, IN THE CITY OF INGLEWOOD, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 34, PAGES 19 THROUGH 36, INCLUSIVE, OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BOUNDED ON THE EAST BY LOTS 3 THROUGH 18, INCLUSIVE, BOUNDED ON THE WEST BY LOTS 19 THROUGH 32, INCLUSIVE, BOUNDED ON THE NORTH BY FLORENCE AVENUE (FORMERLY INGLEWOOD AVENUE) AND BOUNDED ON THE SOUTH BY REGENT STREET.

ALL PER THE CITY OF INGLEWOOD RESOLUTION NO. 18-69 FOR ALLEY VACATION.

ALL AS SHOWN ON EXHIBIT “B”, ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

CONTAINING 7,540 SQUARE FEET, MORE OR LESS.

Chris Nelson, PLS 6386
DATED: March 04, 2019

JOB NO. 18-4801
EXHIBIT B
ALLEY VACATION
ASSessor'S PARCEL NO. 4015-028-023
TOWNSITE OF INGLEWOOD, BLOCK 305,M.R. 34, PGS. 19-36.