

RESOLUTION NO. 7592

**CITY OF SOUTH GATE
LOS ANGELES COUNTY, CALIFORNIA**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF SOUTH GATE ORDERING THE VACATION OF RAYO
AVENUE NORTH OF REISNER WAY AND REISNER WAY
EAST OF RAYO AVENUE TO SHULTZ PROPERTIES,
INC., IN THE AMOUNT OF \$115,925**

WHEREAS, the City Council of the City of South Gate adopted Resolution No. 7576 on December 10, 2013 declaring its intention to vacate, pursuant to the provisions of the Public Street, Highways and Service Easements Vacation law (California Streets and Highways Code Sections 8300 et seq.), Rayo Avenue north of Reisner Way and Reisner Way east of Rayo Avenue to Shultz Properties, Inc., as described in Exhibits A and B attached hereto and as shown on the map attached hereto as Exhibits A-1 and B-1; and

WHEREAS, a duly noticed public hearing concerning this matter was held as required by law on March 25, 2014, and a notice of public hearing relating to the proposed vacation proceedings was published in *The Press* on February, 6, 2014 and February 13, 2014. The notice of public hearing and a copy of the adopted Resolution of Intention were posted on February 4, 2014, in the manner and form of and within and for the times required respectively, by Sections 8322 and 8323 of the Streets and Highways Code ("Street Vacation Law"); and

WHEREAS, the City Council held a duly noticed Public Hearing on April 22, 2014, ordering the vacation of Rayo Avenue north of Reisner Way and Reisner Way east of Rayo Avenue to Shultz Properties, Inc.; and

WHEREAS, proceedings for vacations of the Rayo Avenue and Reisner Way will be conducted pursuant to and in conformity with Chapter 3 of Part 3 of Public Streets, Division 9 of the California Streets and Highways Code commencing at Section 8300, et seq. (the "Street Vacation Law"); and

WHEREAS, reservation of utility easements have been requested by the Gas Company, Los Angeles County Flood Control District, and the City of South Gate;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH GATE DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council hereby finds and determines that the recitals set forth in this Resolution are true and correct.

SECTION 2. The City Council hereby finds and determines that the subject streets may be vacated pursuant to the summary vacation authority and procedure set forth in the Street Vacation Law.

SECTION 3. The City Council concurs with the findings of the Planning Commission action of August 12, 2012, that the vacation is in conformance with the General Plan of the City.

SECTION 4. Pursuant to Section 8324 of the Street Vacation Law, the City Council finds, from all evidence submitted, that vacation of Rayo Avenue north of Reisner Way and Reisner Way east of Rayo Avenue as described in Exhibits A and B and included herein and in the Resolution of Intention (Resolution No. 7576) is unnecessary for present or prospective public use and that the vacation of said streets is in the public interest.

SECTION 5. The City Council hereby orders the vacation of Rayo Avenue north of Reisner Way and Reisner Way east of Rayo Avenue, in the City of South Gate as described in Exhibits A, A-1, B and B-1 provided however that pursuant to Section 8324 of the Streets and Highways Code, recordation of said street vacations shall occur only upon satisfaction of the following by Shultz Properties, Inc.:

(a) Reserve an easement on Rayo Avenue for public utilities over, under, and across Rayo Avenue in favor of the City of South Gate; and

(b) Reserve an easement in favor of The Gas Company for their facilities over, under, and across Rayo Avenue and Reisner Way; and

(c) Reserve an easement in favor of Southern California Edison for their facilities over, under, and across Rayo Avenue and Reisner Way; and

(d) Reserve an easement for drainage facilities in favor of Los Angeles Flood Control District over, under, and across Reisner Way; and

(e) Provide to the Director of Public Works for approval and recordation satisfactory documents establishing the required easement reservation referenced under Section 5(a), 5(b), 5(c) and 5(d); and

(f) Payment of all City fees associated with said street vacations and public improvements associated with the creation of a new cul-de-sac at the corner of Rayo Avenue and Reisner Way as described in Exhibit C and shown on Exhibit C-1; and

(g) Preparation of street and other associated public improvement plans associated with said street vacations and creation of a new cul-de-sac at the corner of Rayo Avenue and Reisner Way as described in Exhibit C and shown on Exhibit C-1 subject to approval of the Director of Public Works and the Los Angeles County Fire Department; and

(h) Dedication of adequate easement for public street purposes as shown on Exhibit C-1 subject to approval of the Director of Public Works; and

(i) Receipt by the Director of Public Works of a Performance Bond Agreement and a performance bond in the amount of \$148,800.00, insuring the completion of the construction of the new cul-de-sac as shown on Exhibit C-1 to the satisfaction of the Director of Public Works; and

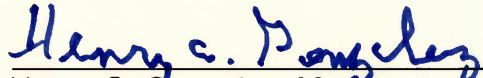
(j) Payment to the City in the sum of \$115,925 within 60 days of the recordation of this Resolution, but no sooner than the delivery of the quitclaim deeds for the street vacations by the City. This sum reflects a negotiated credit of \$19,450 to resolve an uncertainty whether the City received a payment of \$38,900 in 1985 from Shultz Properties, Inc.'s predecessor, Reisner Metal, in a related transaction affecting Reisner Way. In no event shall the quitclaim deeds be recorded prior to receipt by the City Clerk of the above sum. The recording of the vacation quitclaim deeds shall evidence the receipt of the above sum and no further proof shall be required. The purchase price of said street vacations is allocated as follows: Rayo Avenue vacation: \$71,350 and Reisner Way vacation: \$44,575.

SECTION 6. Pursuant to the Streets and Highways Code, Section 8325, the City Clerk is directed to cause a certified copy of this Resolution to be recorded in the Official Records, County of Los Angeles, California only upon receipt of written authorization from the Director of Public Works and upon satisfaction of all items specified under Section 5 above.

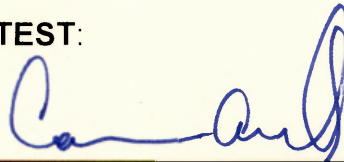
SECTION 7. The City Clerk shall certify to the adoption of this Resolution which shall be effective upon its adoption.

PASSED, APPROVED, and ADOPTED this 22th day of April 2014.

CITY OF SOUTH GATE:


Henry C. Gonzalez, Mayor

ATTEST:


Carmen Avalos, City Clerk
(SEAL)

APPROVED AS TO FORM:


Raul F. Salinas, City Attorney

EXHIBIT "A"

Legal Description
Rayo Avenue Vacation (Portion)

That portion Rayo Avenue, in the City of South Gate, County of Los Angeles, State of California, as shown on Parcel Map No. 20371 filed in Book 222, Pages 1 through 4, inclusive, of Parcel Maps, in the Office of the County Recorder of said County, lying northerly of the following described line:

Commencing at the centerline intersection of Rayo Avenue and Reisner Way as shown on said parcel map; thence westerly at a right angle to the centerline of said Rayo Avenue, North $82^{\circ}46'42''$ West a distance of 32.00 feet to the westerly line of said Rayo Avenue, thence northerly along said westerly line, North $07^{\circ}13'18''$ East a distance of 14.30 feet to the True Point of Beginning; thence leaving said westerly line, North $76^{\circ}46'07''$ East a distance of 24.67 feet to the beginning of a curve concave southwesterly and having a radius of 50.00 feet; thence easterly along said curve an arc distance of 42.22 feet through a central angle of $48^{\circ}22'37''$ to the easterly line of said Rayo Avenue.

Contains 26,064 square feet, more or less.

As shown on Exhibit "A-1" attached hereto and by this reference made a part hereof

Prepared under my supervision:

David O. Knell 1-16-2014
David O. Knell PLS 5301 Date

