



AGENDA REPORT

Meeting Date: September 6, 2016

Item Number: F-3

To: Honorable Mayor and City Council

From: Laurence S. Wiener, City Attorney

Subject: RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
SUMMARILY VACATING PUBLIC SERVICE EASEMENT (RIGHT TO PLANT
AND MAINTAIN TREES)

Attachments: 1. Resolution

RECOMMENDATION

It is recommended that the City Council adopt the resolution entitled "RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS SUMMARILY VACATING PUBLIC SERVICE EASEMENT (RIGHT TO PLANT AND MAINTAIN TREES)."

INTRODUCTION

The City acquired the right to plant and maintain trees from the Rodeo Land and Water Company in the 1940s, which runs along private property on both sides of the alley located between N. Oakhurst Drive to the west and N. Doheny Drive to the east, and from Phyllis Street to the north and Carmelita Avenue to the south. The City has never planted trees on the easement and has no use for the easement, and staff recommends the easement be vacated.

DISCUSSION

In the 1940s, the Rodeo Land and Water Company ("RLWC") sold certain property to private property owners. As part of the conveyance of property, the RLWC reserved the right to plant and maintain trees on private property located on both sides of the alley between N. Oakhurst

Drive and N. Doheny Drive from Phyllis Street to the north and Carmelita Avenue to the south. In the 1950s, RLWC quitclaimed its easement to plant and maintain trees to the City of Beverly Hills, which was accepted by the City. The easement gives the City the right, but not the obligation, to maintain the trees. At some point in the past, the trees served as a wind and dust break at a time when Doheny was not yet developed.

The City has never planted trees on the easement and has no use for the easement, which runs along private property. Therefore, it is recommended that the easement be vacated.

FISCAL IMPACT

None.



Laurence S. Wiener, City Attorney

Attachment 1

RESOLUTION NO. 16-R- _____

RESOLUTION OF THE COUNCIL OF THE CITY OF
BEVERLY HILLS SUMMARILY VACATING PUBLIC
SERVICE EASEMENT (RIGHT TO PLANT AND MAINTAIN
TREES)

RECITALS

- A. The Rodeo Land & Water Company reserved a right to plant and maintain trees (the “Easement”) on certain private property described as follows:

“The Northerly seven and one half feet of Lot 1, the Easterly seven and one half half feet of Lot 10 and the Westerly seven and one half feet of Lots 11 to 17, inclusive, all in Block 116, of Beverly Hills, as said Block 116 is shown on map of Beverly Hills Sheet No. 21 recorded in Book 85, Page 91 of Maps in the office of County Recorder of Los Angeles County.

The Easterly seven and one half feet of Lots 1 to 8, inclusive, the Easterly seven and one half feet of Lot 10 and the Westerly seven and one half feet of Lots 11 to 25, inclusive, all in Block 117 of Beverly Hills, as said Block 117 is shown on Map of Beverly Hills Sheet No. 21 recorded in Book 85, Page 91 of Maps in the office of the County Recorder of Los Angeles County.

The Easterly seven and one half feet of Lots 1 to 16, inclusive, and the Westerly seven and one half feet of Lots 17 to 37 inclusive, all in Block 118 of Beverly Hills, as said Block 118 is shown on map of Beverly Hills Sheet No. 22 recorded in Book 85, Page 92 of Maps in the office of County Recorder of Los Angeles County.

The Northerly seven and one half feet of Lots 2 to 9, inclusive, and the Easterly seven and one half feet of Lot 9 for a distance of one hundred feet Southerly from the Northerly line of said Lot, all in Block 116 of Beverly Hills, as said Block 116 is shown on map of Beverly Hills Sheet No. 21 recorded in Book 85, Page 91 of Maps, in the office of County Recorder of Los Angeles County.

The easterly seven and one half feet of Lot 9 in Block 117 of Beverly Hills, as said Block 117 is shown on map of Beverly Hills Sheet No, 21 recorded in Book 85, Page 91 of Maps, in the office of County Recorder of Los Angeles County.”

- B. On April 4, 1950, the City of Beverly Hills accepted two quitclaim deeds, each dated March 13, 1950, from the Rodeo Land and Water Company quitclaiming the reserved Easement to the City.
- C. Consistent with the requirements of California Streets and Highways Code Section 8333(a), City staff has determined that the easement was a public service easement, but the City has not used the Easement for five (5) consecutive years, and that, consequently, the Easement should be able to be summarily vacated in accordance with California Streets and Highways Code Section 8335 by the City adopting a resolution of vacation.

D. City staff has recommended that the Easement be vacated because it is no longer needed by the City.

NOW, THEREFORE, the Council of the City of Beverly Hills does hereby state and resolve as follows:

Section 1. The vacation of the Easement is being made under Division 9, Part 3, Chapter 4 (Summary Vacation) of the California Streets and Highways Code.

Section 2. The Easement is described in Recitals A and B above, and is being vacated.

Section 3. The facts under which this summary vacation is being made are described in the above Recitals.

Section 4. From and after the date this resolution is recorded in the Official Records of Los Angeles County, California, the Easement vacated no longer constitutes a public service easement.

Section 5. The City Clerk shall certify to the adoption of this resolution and shall cause this resolution and his certification to be entered in the Book of Resolutions of the City Council of this City.

Section 6. The City Clerk shall also cause a certified copy of this Resolution of vacation, attested by the City Clerk under seal, to be recorded without acknowledgement, in the office of the County Recorder of Los Angeles for no fee, all in accordance with Streets and Highways Code Section 8336, in order to complete the vacation.

Adopted:

CITY OF BEVERLY HILLS

JOHN A. MIRISCH
Mayor of the City of Beverly Hills, California

ATTEST:

BYRON POPE
City Clerk (SEAL)

APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

MAHDI ALUZRI
City Manager