

APPROVED
SEP 02 2009

REPORT OF GENERAL MANAGER

NO. 09-227

DATE September 2, 2009

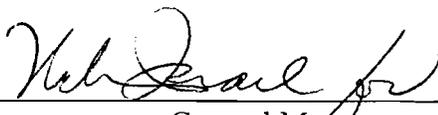
**BOARD OF RECREATION
and PARK COMMISSIONERS**

C.D. 11

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: PENMAR GOLF COURSE - VACATION OF FREDERICK STREET FROM
COMMONWEALTH AVENUE TO THE ALLEY NORTHWESTERLY
THEREOF

| | | | |
|------------|-------|-----------|-----------|
| R. Adams | _____ | J. Kolb | _____ |
| H. Fujita | _____ | F. Mok | _____ |
| S. Huntley | _____ | K. Regan | _____ |
| V. Israel | _____ | *M. Shull | <u>mf</u> |



 General Manager

Approved _____ Disapproved _____ Withdrawn _____

RECOMMENDATION:

That the Board:

1. Authorize staff to prepare an inter-departmental memorandum to the City's Bureau of Engineering (BOE), consenting to the vacation of a portion of Frederick Street from Commonwealth Avenue to the alley northwesterly thereof;
2. Authorize staff to work with the City Attorney to prepare document(s) imposing conditions on the subject street vacation applicant, releasing the City of any future liability related to said applicant's property and that portion of Fredrick Street being vacated; and,
3. Authorize the General Manager to execute the Consent and Waiver Form attached hereto, provided by the BOE as part of the street vacation proceedings.

SUMMARY:

Kenneth D. Donaldson, owner of a residential property located at 899 Commonwealth Avenue, Los Angeles, California 90291, and legally described as Lot 79 of Tract 5109, in the community of Venice, has submitted an application to the Bureau of Engineering (BOE) requesting the vacation of a portion of Frederick Street adjacent to the applicant's property and the Department of Recreation and Park's (Department) Penmar Golf Course. The subject street vacation area is an unimproved right-of-way, also known as a "paper street", located between the applicant's property and the Department's Penmar Golf Course.

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The proposed street vacation proceedings were initiated by City Council (Council File No. 06-2463) in accordance with City approved procedures. The procedures direct BOE to investigate the feasibility of the proposed street vacation and to prepare a report of its finding for consideration by the Public Works Committee.

The City Engineer's report, dated March 28, 2007, states that the applicant has submitted his request in order to transform the unimproved portion of the vacation area adjacent to his residence into a safe, usable side yard. The applicant has agreed to erect a thirty (30) foot high barrier net at the fence line in order to mitigate the potential of bodily injury and/or property damage due to errant golf balls coming from the Penmar Golf Course, and has agreed to waive liability for any and all damage that may be caused by errant golf balls. The proposed vacation will have no impact on the Department's Penmar Golf Course.

On July 25, 2007, the City Council approved the Public Works Committee's recommendations to find that the street vacation is acceptable and categorically exempt from the California Environmental Quality Act of 1970, pursuant to Article III, Class 5(3) of the City of Los Angeles Environmental Guidelines.

Staff from the Department's Golf Operations has consulted with the Real Estate and Asset Management Section and concurs with this report's recommendations.

FISCAL IMPACT STATEMENT:

Consent to the proposed street vacation will not have any direct fiscal impact to the Department. Any costs associated with the street vacation, including application fees and any/all City-required improvements are the responsibility of the applicant.

This report was prepared by Gregory Clark, Management Analyst II, Real Estate and Asset Management Section.

CONSENT AND WAIVER FORM FOR VACATION PROJECTS

City Engineer
Attention: Street Vacation Section
Land Development Group
201 North Figueroa Street, Suite 200
Los Angeles, CA 90012

Date:

Work Order: VAC-E1401010

Council File No.: 06-2463

(Rev 3-6-02)
Dear Sir:

The undersigned hereby certifies to be the owner(s) of the property in the City of Los Angeles, County of Los Angeles, State of California, legally described as:

Lot 79 of Tract No. 5109

I (We) am (are) informed that proceedings for the vacation of the Frederick Street from Commonwealth Avenue to the alley northwesterly thereof, which lies southwesterly of and adjoins my (our) property, have been instituted by the City of Los Angeles under Council File No. 06-2463.

I (We) hereby consent to this vacation and waive any and all damages that may accrue to my (our) property by reason of said vacation.

It being understood that the above waiver relates solely to the vacating of the public easement over the above mentioned public right of way pursuant to the "Public Streets, Highways, and Service Easements Vacation Law" of the California Streets and Highways Code. This Consent and Waiver is binding upon the undersigned, their heirs, successors in interest and assignees.

| NAME (Print and Sign) | ADDRESS: | DATE: |
|-----------------------|----------|-------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

..... Attach Notarial Acknowledgement Below