



The Mystery of Harlem Place Alley

How to determine ownership

BY MICHAEL F. YOSHIBA, ESQ.

In 1994, a nondescript 20-foot-wide alley separated an old private office building from the State of California, Department of Transportation (Caltrans) District 7 headquarters office in downtown Los Angeles. No street signage or markings identified this as anything more than a private alley that functioned as service access to the backdoors of the private office building and its tenants. After all, the Caltrans office at the end of the alley was only a building wall with no doors or windows on the ground level.

Most assumed that the alley was owned and in place for use by the private office building. The length of the alley was only two hundred feet or so and the back alley had a dead-end at the north side of the Caltrans building. The alley appeared to be an oddly shaped and undevelopable remnant parcel remaining after Caltrans (then called the State Division of Highway) headquarters was built in 1941. I later learned that this nondescript alley had a formal name, Harlem Alley.

Headquarters Building

On January 17, 1994, the Southern California area suffered the infamous 6.5 magnitude Northridge earthquake, which caused severe damage to many key parts of the local transportation infrastructure, including collapsed freeway bridges and buckled roadways. In addition, Caltrans quickly learned that its rapidly aging and functionally obsolete downtown headquarters required a complete seismic retrofitting or replacement. Caltrans documentation indicated there were fire, life safety and handicapped accessibility deficiencies in the building. As such, the building was seismically strengthened immediately following the Northridge earthquake.

Originally constructed in 1941, the Caltrans headquarters building occupied most of the entire city block. Caltrans made the necessary seismic repairs while awaiting the results of a preliminary study to decide between a more extensive retrofitting or complete replacement building. One option in the preliminary study proposed a replacement building on the then-existing footprint of the Caltrans building, which was about three-quarters of the entire City block. The proposed project did not require an acquisition of the adjacent private office building.

History of Ownership

I received a request for a legal opinion to review Caltrans' building design options and to determine if they could use Harlem Alley in the project. Caltrans was able to locate a set of old right of way maps that identified Harlem Alley before and after the Caltrans headquarters building and annex were constructed. Title research of State-owned property can be tricky because not all State property information gets recorded in the local county recorder's office. Fortunately, old State right of way maps depicted Harlem Alley extending for several blocks south and well beyond the truncated alley that existed in 1994. Research of Caltrans internal records revealed that Caltrans acquired Harlem Alley through a condemnation action in 1958 in fee simple and after the Caltrans building was constructed. The condemnation in this case eliminated any easement, access or abutter's rights previously claimed by adjoining property owner.

It was clear that over the course of time, the adjacent private office building tenants were the only ones regularly using Harlem Alley to receive store deliveries. A subsequently recorded easement was found benefitting the private building owner over Harlem Alley. However, further investigation showed that in 1958, the private property



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owner unilaterally recorded a “Grant of Easement” and claim of Abutter’s rights to Harlem Alley for their own benefit. This was an invalid attempt at reserving or somehow securing rights to Harlem Alley. The mere giving of notice through recordation of the document is not a valid transfer of a State-owned interest in property and has no legal effect. By law such State-owned property cannot be acquired by adverse possession. The State can only transfer title to property by Director’s Deed. The easement rights were not transferred by this attempted easement grant.

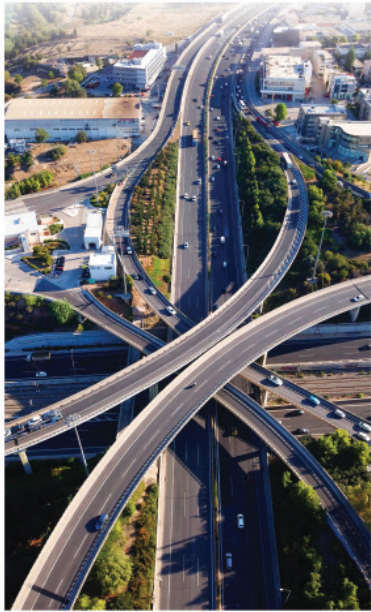
Lastly, it was also discovered that the private building owner had initiated a formal request for Caltrans to vacate or alternatively sell Harlem Alley to them as excess land because it was not being used. Caltrans was actually mid-process in preparing to approve a proposed agreement to vacate or sell Harlem Alley. Not unexpectedly, Caltrans Excess Land Department immediately

withdrew from negotiations to sell the Harlem Alley property rights shortly thereafter. It was a truly ironic twist of fate that the Northridge earthquake ceased any movement that would have resulted in the sale of the Harlem Alley to the adjacent private property owners.

A Lesson Learned

With the current development boom being experienced in downtown Los Angeles, there are surely many such soon-to-be abandoned alleys with interesting stories that will disappear as fast as the new buildings rise. This section of Harlem Alley did not become the site for a new Caltrans headquarters and is now only a memory. The new Caltrans headquarters building is located at First and Main Street, and it was opened in 2004. Harlem Alley was eventually subsumed into what is now the new Los Angeles Police Department Headquarters that opened in 2017. ⚡

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