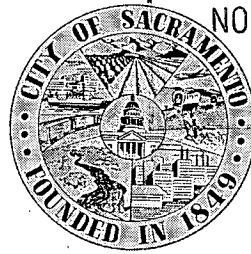


APPROVED



NOV 27 2001

OFFICE OF THE
CITY CLERK

3.1

DEPARTMENT OF
PUBLIC WORKS

DEVELOPMENT SERVICES

CITY OF SACRAMENTO
CALIFORNIA

SPECIAL DISTRICTS
1231 I Street, ROOM 300
SACRAMENTO, CA 95814
PH 916-264-7474
FAX 916-264-7480

November 9, 2001

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: HEARING ON ABANDONMENT OF A 10' PUBLIC UTILITIES EASEMENT EAST OF
BELOIT DRIVE, SOUTH OF REYNOLDS WAY; ABANDONMENT PROCEEDING NO.
AP01-17

LOCATION/COUNCIL DISTRICT: Beloit Drive and Reynolds Way
Council District 2

RECOMMENDATION:

This report recommends that the City Council adopt the attached resolution approving the abandonment of a public utilities easement.

CONTACT PERSONS: Ron Perry, Engineering Technician III, 264-8298

FOR COUNCIL MEETING OF: November 27, 2001

SUMMARY:

The City has received a request from Tower Development Corporation, to abandon a public utilities easement. See attached map labeled Exhibit "B". The abandonment is needed to facilitate the development of two warehouses.

Department of
PUBLICWORKS
CITY OF
SACRAMENTO

City Council
Abandonment of a 10' PUE, Beloit Drive and Reynolds Way – AP01-17
November 9, 2001

COMMITTEE/COMMISSION:

None required.

BACKGROUND INFORMATION:

City of Sacramento departments and utility companies have reviewed this request for the abandonment. Letters regarding this abandonment are on file with the Department of Public Works, Development Services.

Staff has reviewed the request to abandon and finds it in conformance with City Guidelines for Streets, Alley and Easement Abandonment (City Resolution No. 95-667) and the State of California, Streets and Highways Code (Section 8300 et seq).

Letters to the property owners and residents within 500 feet of the abandonment were mailed by the City on November 7, 2001. Notice of the abandonment was posted along the subject right-of-way on November 7, 2001, and the Public Hearing Date was published in the Daily Recorder on November 7, 2001 and November 16, 2001. The Engineer's report relating additional facts of the abandonment is on file with the City Clerk's office. See Attachment "A" for the time schedule for this abandonment.

Following abandonment, ownership of the easement will no longer exist.

FINANCIAL CONSIDERATIONS:

The applicant provided all of the documentation required for the abandonment and has paid a fee to fund staff time required to process the abandonment application. There is no expense to the City.

ENVIRONMENTAL CONSIDERATIONS:

On March 12, 1998, the City Planning Commission ratified a Negative Declaration for the entitlements related to the Beloit Drive Warehouse Buildings (P98-001). Potentially significant environmental issues relating to the construction of this facility were evaluated. Mitigation measures were included relating to noise and cultural resources. The currently proposed Public Utilities Easement (PUE) abandonment was included and evaluated in the previous environmental document. No new issues or new information are known that would trigger additional environmental analysis. In addition, an addendum for a lot line merger (P01-010) was prepared for this project and was subsequently approved by the City Planning Commission on May 24, 2001. Section 15162 of the Guidelines for Implementation of the California Environmental Quality Act Public Resources Code provides that an additional Negative Declaration need not be prepared unless subsequent changes are proposed in the project, substantial changes occur with respect to the project circumstances, or new information of substantial importance to the project becomes known or available. The proposed PUE abandonment is within the scope of the prior environmental document. Therefore, no additional environmental document is required.

POLICY CONSIDERATIONS:

The proposed abandonment is consistent with Council priorities of public safety, and neighborhood revitalization and enhancement.

1. Section 8300 et. Seq. of the Streets and Highways Code allows for abandonment of streets, alleys, and easements that are no longer needed for public use. These abandonments are classified as regular abandonments.
2. City policy, as stated in Resolution No. 96-176 (approved by the City Council on May 7, 1996), provides for abandonment of streets, alleys, and public utility easements so long as there is a benefit to the community and would be supported by the majority of the property owners.
3. The proposed abandonment is consistent with these policies.

ESBD CONSIDERATIONS:

City Council adoption of the attached resolution is not affected by City policy related to the ESBD Program.

Respectfully submitted,



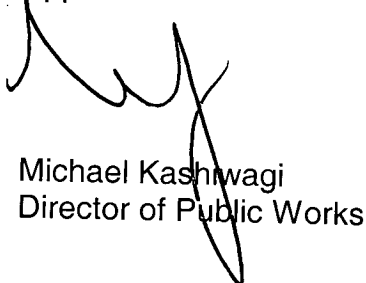
Gary Alm, Manager
Development Services

RECOMMENDATION APPROVED:



ROBERT P. THOMAS
City Manager

Approved:



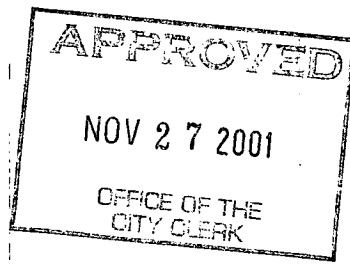
Michael Kashiwagi
Director of Public Works

ATTACHMENT A

**SCHEDULE FOR REGULAR ABANDONMENT PROCEEDING TO ABANDON A 10'
PUBLIC UTILITIES EASEMENT EAST OF BELOIT DRIVE, SOUTH OF REYNOLDS WAY.
COUNCIL DISTRICT 2 (AP01-17)**

Notices prepared and posted; Letters mailed to property owners and residents	November 7, 2001
Notice Published first time in Daily Recorder by Clerk's Office	November 7, 2001
Notice is published second time in Daily Recorder by Clerk's Office	November 16, 2001

Public Hearing at City Council	November 27, 2001
---------------------------------------	--------------------------



RESOLUTION NO. 2001-778

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

**RESOLUTION OF ADOPTING FINDINGS OF FACT AND APPROVING
ABANDONMENT OF A 10' PUBLIC UTILITIES EASEMENT EAST OF BELOIT DRIVE
SOUTH OF REYNOLDS WAY WITHIN COUNCIL DISTRICT 2 - ABANDONMENT
PROCEEDING NO. AP01-17**

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

- A. WHEREAS, the City received a request from OWNERS OF PROPERTY WITHIN THE city of Sacramento requesting the City Council to consider abandonment of the subject property; and
- B. WHEREAS, a notice that the City Council would consider the proposed abandonment at a Public Hearing was given in compliance with California Streets and Highways Code, Section 8300, et. seq.; and
- C. WHEREAS, the Planning and Building Department reviewed the proposed abandonment pursuant to Government Code Section 65402 and concluded that said abandonment would be consistent with the City General Plan and the applicable Community Plan.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

- 1. The 10' public utilities easement east of Beloit Drive and south of Reynolds Way, specifically described in Exhibit "A" and shown in Exhibit "B" attached hereto, is hereby ordered abandoned subject to the conditions and reservation specified in this resolution.

A map or plan of the proposed abandonment is attached as Exhibit "B" and is on file with the Department of Public Works, Development Services Section, located at 1231 I Street, Room 300.

- 2. The City Council finds that the above described public utilities easement is not necessary for present or prospective public use.
- 3. The City Council hereby finds that said abandonment has been submitted to and reported on by the Planning and Building Department as to conformity with the City General Plan. The Council, pursuant to Streets and Highways Code Section 8300 et. Seq., has considered this abandonment in connection with the General and Community Plans and finds the abandonment

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATED ADOPTED: _____

consistent with them in that it satisfies the City Council's "Review Guideline for Street and Alley Closure," adopted May 7, 1996, by Resolution No. 96-176.

4. This abandonment is subject to the following conditions which shall be fulfilled at no cost to the city.
 - A. Department of Utilities
 1. Owner shall record a private drainage easement for the benefit of property to the south.
 2. Construct a manhole at the point of service on Beloit Drive.
5. After all fees have been paid, the City Clerk shall cause a certified copy of this resolution, attested by the City Clerk under seal, to be recorded. The abandonment shall be effective when the City Clerk records this resolution with the County Recorder.
6. All conditions specified in paragraph 4 of this resolution must be completed within two years of the date of this resolution. If all the conditions are not completed within the two years specified, this resolution approving the abandonment shall become void, unless the City Council grants a time extension.

ATTEST:

MAYOR

CITY CLERK

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATED ADOPTED: _____

EXHIBIT "A"

**LEGAL DESCRIPTION
FOR 10' PUE ABANDONMENT**

ALL THAT REAL PROPERTY SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF SACRAMENTO, CITY OF SACRAMENTO, DESCRIBED AS FOLLOWS:

THAT CERTAIN 10' PUE EXTENDING FROM EAST BOUNDARY OF LOT 13 TO ITS WESTERLY BOUNDARY (RIGHT OF WAY OF BELOIT DRIVE WITHIN LOT 13) AS SHOWN ON THE PLAT OF "I-80 INDUSTRIAL PARK," RECORDED IN BOOK 185 OF MAPS, MAP NO. 18 RECORDS OF SACRAMENTO COUNTY.

END OF DESCRIPTION

PREPARED FROM RECORD DATA BY JTS ENGINEERING CONSULTANTS, INC.

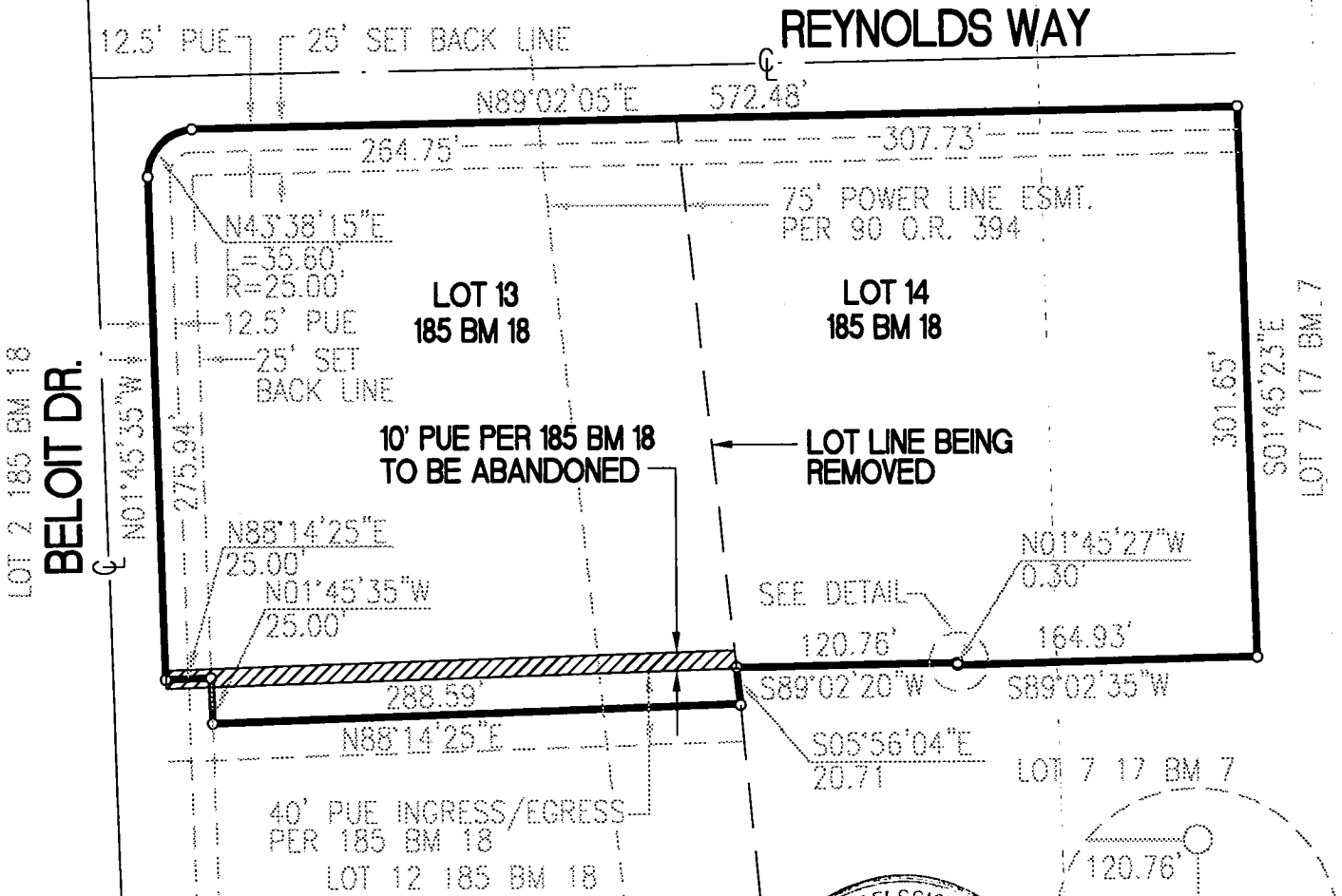
Javed T. Siddiqui
JAVED T. SIDDIQUI, P.E., RCE 25924 DATE: 10/29/01



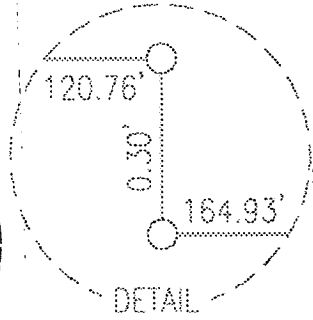
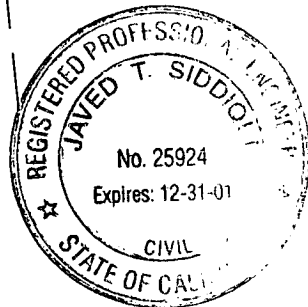
EXHIBIT FOR 10' P.U.E. ABANDONMENT

LOTS 13 AS SHOWN ON "THE PLAT OF I-80 INDUSTRIAL PARK", FILED AT THE OFFICE
OF THE RECORDER OF SACRAMENTO COUNTY, IN BOOK 185 OF MAPS PAGE 18

PARCEL 3 32 PM 35



JTS ENGINEERING CONSULTANTS
 1808 J STREET
 Sacramento California 95814
 (916) 441-6708



(IN FEET)
 1 inch = 100 ft.

NOTE:
 THIS EXHIBIT IS PREPARED FROM RECORD
 DATA AND IS NOT BASED ON A SURVEY.

PREPARED BY: *Javed Siddiqui* 10/29/01
 JAVED T. SIDDIQUI P.E. RCE 25924