



DEVELOPMENT SERVICES
DEPARTMENT

CITY OF SACRAMENTO
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DEVELOPMENT ENGINEERING
AND FINANCE DIVISION

April 19, 2005

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: THE SUMMARY VACATION (ABANDONMENT) OF THE EXCESS RIGHT-OF-WAY PORTION OF EXPOSITION BOULEVARD BETWEEN TRIBUTE ROAD AND THE BUSINESS 80 SOUTHBOUND EXPOSITION BOULEVARD OFF RAMP WITHIN COUNCIL DISTRICT 3 VACATION PROCEEDING NO. VP05-03

LOCATION AND COUNCIL DISTRICT:

Exposition Boulevard between Tribute Road and the Business 80 Southbound Exposition Boulevard off ramp within Council District 3(See Attachment "A").

RECOMMENDATION:

This report recommends that the City Council adopt the attached resolution:

- Approving the vacation of the excess public road right-of-way portion of Exposition Boulevard between Tribute Road and the Business 80 Southbound Exposition Boulevard off ramp.

CONTACT PERSONS: Cesar Narvaez, Engineering Technician III, 808-7873
Jerry Lovato, Senior Engineering Technician, 808-7918

FOR COUNCIL MEETING OF: May 17, 2005

SUMMARY:

"LBD INVENSTMENT, LLC", owner of the property north of the subject public road right-of-way for vacation, requested the City to vacate the subject portion of Exposition Boulevard. The applicant intends to incorporate this portion of Exposition Boulevard to their existing property and develop the vacated portion of the road into a parking lot.

COMMITTEE/COMMISSION ACTION:

The City Planning Commission has reviewed and determined that the vacation of said public road is consistent with the City's General Plan.

BACKGROUND INFORMATION:

The applicant, "LBD INVENSTMENT, LLC", wishes to vacate the portion of Exposition Boulevard road right-of-way south of their property that is approximately 48 feet in width and 227 feet in length. This road right-of-way is a combination of City of Sacramento and State of California road right-of-ways. The west 72 feet long road right-of-way section from Tribute Road is City road right-of-way but the applicant owns the road in fee title. The remaining road right-of-way section, 155 feet long, to the ramp is State road right-of-way and the State owns the road in fee (see Attachment "A"). The City is facilitating the vacation of the 72 feet long City right-of-way. Furthermore, as part of the vacation proceeding by the City, the applicant must apply and obtain approval for the vacation of the 155 feet long State right-of-way and acquire the road in fee title from the State of California. The applicant intends to develop the vacated road into a parking lot to provide additional parking spaces for their existing office building located in the project site.

City departments and utility companies have reviewed this request for vacation. Letters regarding this vacation are on file with the Development Services Department, Development Engineering and Finance Division. Staff finds that this request for vacation is in conformance with the Streets and Highways Code (S&HC) Section 8334, being that the road is an excess right-of-way of a street or highway not required for street or highway purposes.

Following vacation, the title to the subject property is cleared of the public road right-of-way easement.

FINANCIAL CONSIDERATIONS:

The applicant is responsible for all fees required to process the vacation application and there is no cost to the City.

ENVIRONMENTAL CONSIDERATIONS:

The Development Services Department, Environmental Planning Services Division has reviewed the vacation of the excess right-of-way portion of Exposition Boulevard between Tribute Road and Business 80 and determined that this project is exempt under the provisions of the California

Environmental Quality Act (CEQA) under Class 5, Section 15305 of the CEQA Guidelines. Projects exempt under Class 5, Section 15305 consist of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density.

POLICY CONSIDERATIONS:

The Council action recommended in this report supports the City Strategic Plan and goal to promote and support economic vitality.

The State of California, Streets and Highways Code, Section 8330-8336 allows for the vacation of streets, alleys, and easements.

ESBD CONSIDERATIONS:

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

Respectfully submitted,


Edward Williams, Manager
Development Engineering And Finance

RECOMMENDATION APPROVED:

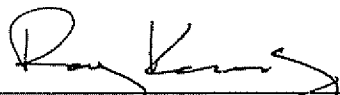
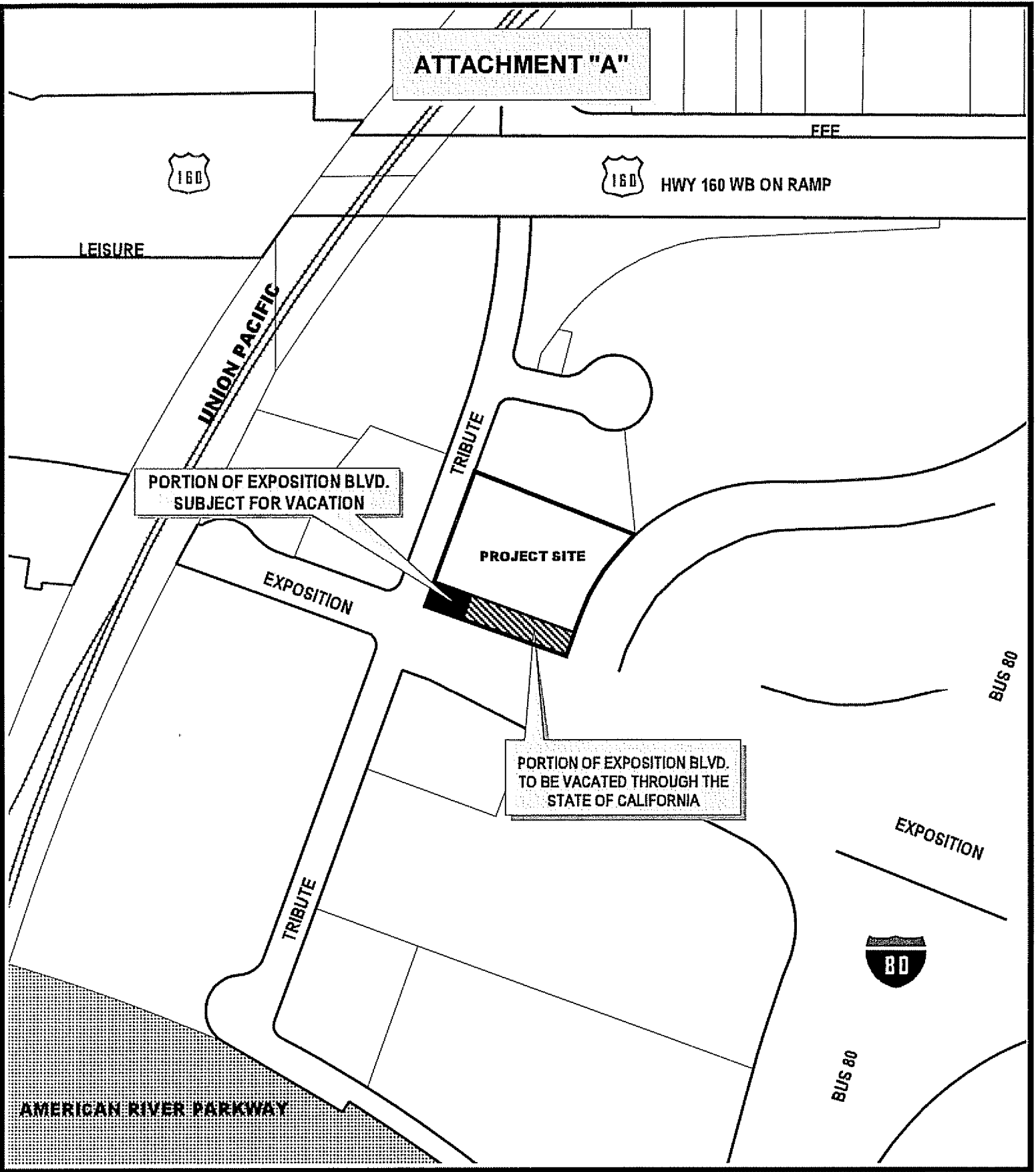

ROBERT P. THOMAS
City Manager

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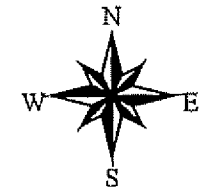
ATTACHMENT "A"



200 0 200 400 Feet

VACATION, VP05-03
Excess Right-of-way Potion of Exposition Blvd.
Between Tribute Road and Business 80
Southbound Exposition Off Ramp within
Council District 3

cmN_041205



RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF: _____

THE SUMMARY VACATION (ABANDONMENT) OF THE EXCESS RIGHT-OF-WAY PORTION OF EXPOSITION BOULEVARD BETWEEN TRIBUTE ROAD AND BUSINESS 80 SOUTHBOUND EXPOSITION BOULEVARD OFF RAMP WITHIN COUNCIL DISTRICT 3

VACATION PROCEEDING NO. VP05-03

WHEREAS, the City received a request from "LBD INVESTMENT, LLC" to vacate the subject public road right-of-way within the City of Sacramento; and

WHEREAS, the City Council would consider the vacation in compliance with the State of California, Streets and Highways Code, Section 8330-8336, and

WHEREAS, the City Planning Commission reviewed the proposed vacation pursuant to Government Code Section 65402 and concluded that said vacation would be consistent with the City General Plan and the applicable Community Plan; and

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

Portion of Exposition Boulevard between Tribute Road and Business 80 Southbound Exposition Boulevard off ramp specifically described in Exhibit "A" and Exhibit "B", is hereby ordered vacated subject to the conditions specified in this resolution.

1. The City Council hereby finds that said vacation has been submitted to and reported on by the City Planning Commission as to conformity with the City General Plan. The Council, pursuant to the State of California, Streets and Highways Code, Section 8310-8317 has considered this vacation in connection with the General and Community Plans and finds the vacation is consistent.
2. This vacation is subject to the following conditions:
 - a. The applicant must apply and obtain approval for the vacation of the portion Exposition Boulevard between the area subject for vacation and Interstate 80 off-ramp and acquire the road in fee from the State of California to the satisfaction of the Development Services Department – Development Engineering and Finance Division.

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

3. All conditions specified in paragraph 2 for this resolution must be completed within two years of the date of this resolution. If all conditions are not completed within the two years specified, this resolution approving the vacation shall become void, unless the City Council grants a time extension.
4. Once the conditions in paragraph 3 are met, the City Clerk shall cause a certified copy of this resolution, attested by the City Clerk under seal, to be recorded. The vacation shall be effective when the City Clerk records this resolution with the County Recorder.

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

EXHIBIT A

LEGAL DESCRIPTION
Right-of-Way Abandonment

PARCEL A

All that certain real property, situate in the County of Sacramento and being a portion of that certain City of Sacramento right-of-way known as Exposition Blvd as shown on that certain map entitled "Plat of Point West" being more particularly described as follows:

Commencing the northeasterly right-of-way intersection of said Exposition Blvd. and that certain road known as Tribute Road, said intersection also being the southwest corner Parcel 2 as shown on that certain Parcel Map "PARCEL G-POINT WEST", recorded in the office of the county recorder of Sacramento County on November 30, 1973 in book 15 of maps, at page 38; thence, from said point of beginning and along the northerly right-of-way of said Exposition Blvd., said right-of-way also being the southerly line of said Parcel 2, S 69° 49' 14" E 71.70 feet being the westerly terminus of that course; thence at a right angle to the south line of said Parcel 2, S 20° 10' 46" W 48.30 feet to the existing back of sidewalk in the said City of Sacramento right-of-way; thence, along the back of said sidewalk and parallel with said northerly right-of-way of said Exposition Blvd., N 69°49' 14" W 46.49 feet; thence continuing along the back of said sidewalk through the arc of a curve being concave to the northeast with a radius of 30.00 feet and subtended by a chord bearing of N 24° 49' 14" W 42.43 feet; thence continuing along said back of walk N 20° 10' 46" W 18.30 feet; thence S 69° 49' 14" E 4.79 feet to the **PONT OF BEGINNING.**

Containing 3,501.00 sq ft more or less.

Reserving a 10 foot wide easement for drainage purposes over the Northerly 10 feet of the Southerly 27 feet of the above described property.

Reserving a 10 foot wide easement for Public Utilities northeasterly and parallel to the back of said sidewalk along said Exposition Blvd. and Tribute Road.

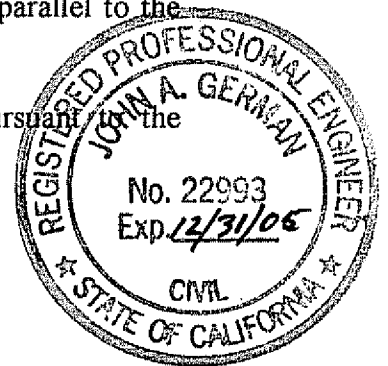
This legal description was prepared by me or under my direction pursuant to the requirements of the Professional Land Surveyor's Act.



John A. German, R.C.E. 22993
License Expires 12/31/05

3/21/05

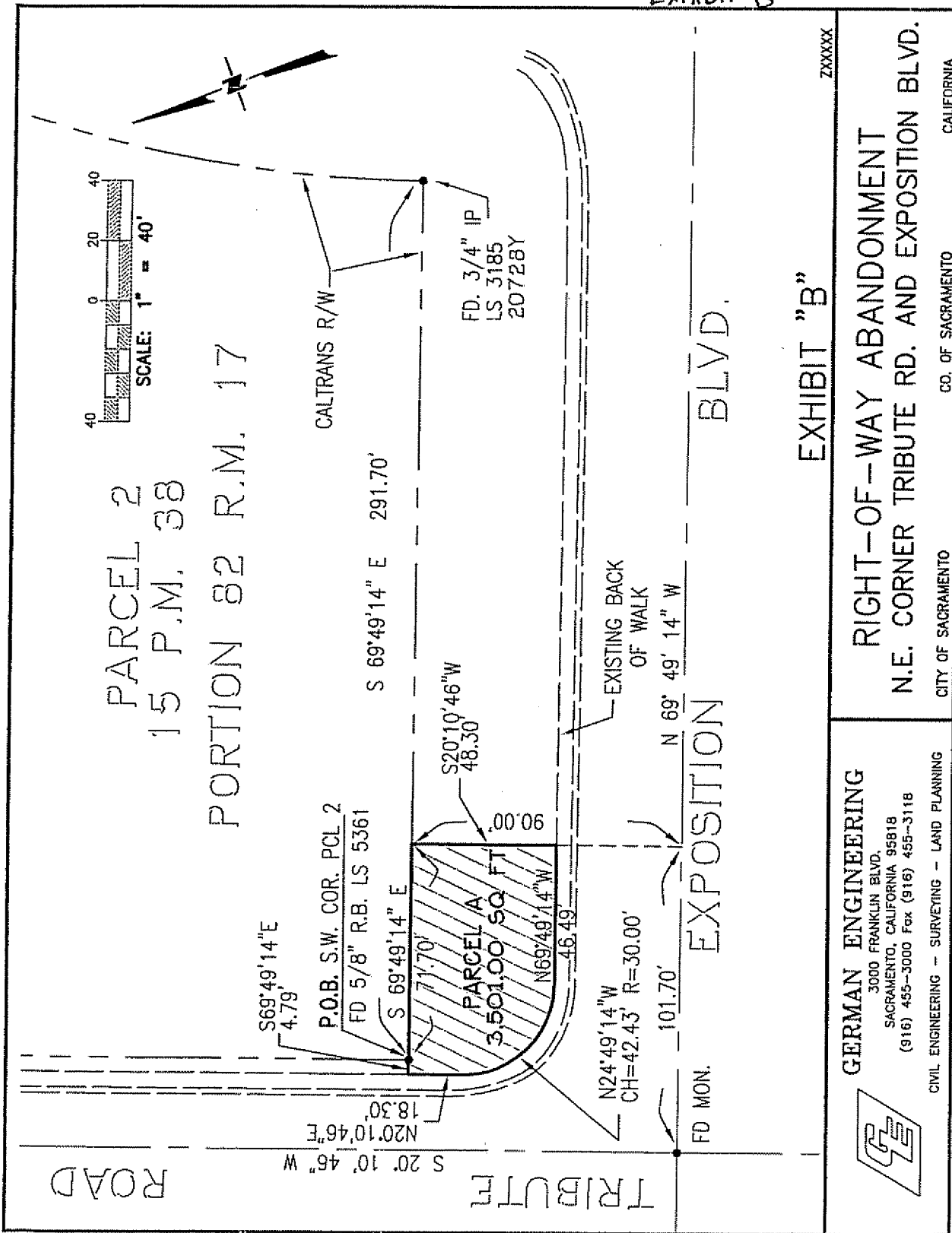
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