

APPROVED
BY THE CITY COUNCIL

JUN 30 1999

OFFICE OF THE
CITY CLERK



3.1

DEPARTMENT OF
PUBLIC WORKS

CITY OF SACRAMENTO

CALIFORNIA

DEVELOPMENT SERVICES

1231 I STREET

ROOM 300

SACRAMENTO, CA

95814

TECHNICAL SERVICES DIVISION

June 16, 1999

PH 916-264-7474

FAX 916-264-7480

City Council
Sacramento, California

Honorable Members in Session:

**SUBJECT: HEARING ON ABANDONMENT OF 45th STREET NORTH OF 2ND AVENUE
WITHIN COUNCIL DISTRICT 5; ABANDONMENT PROCEEDING NO. AP99-03**

LOCATION AND COUNCIL DISTRICT:

45th Street North of 2nd Avenue. Council District 5.

RECOMMENDATION:

This report recommends that the hearing be closed and that the attached resolution adopting Findings of Fact and approving the abandonment for the development of the Hotel Project (Camellia Inn) at the location listed be adopted.

CONTACT PERSON:

Ronald Perry, Engineering Technician III, 264-8298
Theresa Arnold, Associate Engineer, 264-5514

FOR COUNCIL MEETING OF: June 30, 1999

SUMMARY:

The City received a request from JTS Engineering to abandon 45th Street in order to allow development of a Hotel (Camellia Inn) at 45th Street and 2nd Avenue.

COMMITTEE/COMMISSION ACTION:

None required.

City Council
Hearing of Abandonment No. AP99-03
June 16, 1999

BACKGROUND INFORMATION:

JTS Engineering, on behalf of the property owners, has requested the abandonment of 45th Street north of 2nd Avenue. The abandonment will create a larger site to facilitate the construction of a Hotel (Camellia Inn) on the corner of 2nd Avenue and 45th Street.

City departments and the utility companies have reviewed this request for abandonment and have no objections. Letters regarding this abandonment are on file with the Department of Public Works, Development Services. See Attachment A for the time schedule for this abandonment.

Staff has reviewed the request to abandon and finds it in conformance with City Guidelines for Street Closures (City Resolution No. 95-667) and the State of California, Streets and Highways Code (Section 8300 et. seq.). Approval of the request to abandon is recommended subject to conditions.

The Neighborhoods, Planning and Development Services Department has found the proposed abandonment in conformance with the General Plan and the Community Plan (Section 65402 review). The proposed abandonment conforms with the City's General Plan and is consistent with the General Plan policy "to enhance and maintain the quality of the life of its citizens."

A Resolution of Intention (ROI) was adopted by the City Council on June 15, 1999, which established this date as the hearing for the proposed abandonments. Letters to the property owners and residents adjacent to the abandonment were mailed on June 16, 1999. Notice of the abandonment was posted along the subject right-of-way on June 17, 1999, and the Resolution of Intention was published in the Daily Recorder on June 18, 1999, and June 25, 1999. The Engineer's report relating additional facts of the abandonment is on file with the City Clerk's office.

Following abandonment, ownership of the street will return to the original property owners based on underlying title.

Approval of the request to abandon is recommended.

FINANCIAL CONSIDERATIONS:

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

ENVIRONMENTAL CONSIDERATIONS:

The Neighborhoods, Planning and Development Services Department has reviewed this project and has determined that this activity is exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15305 (c) of the CEQA Guidelines. The

project involves the alteration of an existing public right-of-way with no expansion of the existing use and no substantial change to existing traffic flow or physical features on the City.

POLICY CONSIDERATIONS

Abandonment of this excess right-of-way will be 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. The local governing body is the approving authority and may reserve such rights as may be needed (e.g., retaining the utility easement when approving a street abandonment).
3. City policy, as stated in Resolution No. 96-176 (approved by the City Council on May 7, 1996), provides for abandonment of streets and alleys so long as there is a benefit to the community, it does not inhibit access to other properties and would be supported by the majority of the property owners.
4. The proposed abandonment is consistent with these policies.

City Council
Hearing of Abandonment No. AP99-03
June 16, 1999

ESBD CONSIDERATIONS:

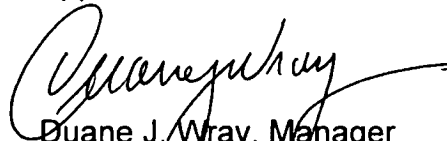
City Council adoption of the attached resolution is not affected by City policy related to the ESBD Program.

Respectfully submitted,



Merty Hanneman
Transportation Manager

Approved:



Duane J. Wray, Manager
Technical Services Division

RECOMMENDATION APPROVED:



ROBERT P. THOMAS
City Manager

Approved:



Michael Kashiwagi
Director of Public Works

RP:dt

S:\TECHSVC\Project Delivery\Dev Svs\Council\AP99-03\CC-AP99-03 hearingltr.wpd

ATTACHMENT A

**SCHEDULE FOR REGULAR ABANDONMENT PROCEEDING
TO ABANDON 45TH STREET NORTH OF 2ND AVENUE
WITHIN COUNCIL DISTRICT 5 (AP99-03)**

Letter to City Clerk/schedule item on City Council Agenda	May 14, 1999
Resolution of Intention heard by City Council	June 15, 1999
Letters sent to property owners	June 16, 1999
Posting on Alleys/Streets	June 17, 1999
Copy of Resolution Published in Daily Recorder	June 18, 1999 & June 25, 1999

Public Hearing at City Council/Final Approval

June 30, 1999

APPROVED
BY THE CITY COUNCIL

JUN 30 1999

OFFICE OF THE
CITY CLERK

RESOLUTION NO. 99-389

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

**RESOLUTION ADOPTING FINDINGS OF FACT AND
APPROVING ABANDONMENT OF 45th STREET NORTH
OF 2ND AVENUE WITHIN COUNCIL DISTRICT 5**

ABANDONMENT PROCEEDING NO. AP99-03

- A. WHEREAS, the City received a petition to abandon from owners of property within the City of Sacramento requesting the City Council to consider abandonment of the subject property;
- 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.
- C. WHEREAS, the Neighborhoods, Planning and Development Services 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. 45th Street north of 2nd Avenue, specifically described below, is hereby ordered abandoned subject to the conditions and reservations specified in this resolution:

All that certain real property situated in the City of Sacramento, County of Sacramento, State of California, described as follows:

Parcel 1:

All that portion of Stafford Avenue (currently known as 45th Street) as shown on the plat of Stafford Place recorded in Book 10 of Maps, Map Number 38 Official Records, Sacramento County, lying northerly of the easterly prolongation of the northerly line of 2nd Avenue as described in deed recorded April 28, 1998, Series No. 199804280690 Official Records Sacramento County.

FOR CITY CLERK USE ONLY

RESOLUTION NO: _____

DATE ADOPTED: _____ 6

Parcel 2:

All those portions of the six (6) foot wide strips reserved for sidewalk purposes as shown on the plat of Stafford Place recorded in Book 10 of Maps, Map Number 38 Official Records Sacramento County, lying northerly of the easterly prolongation of the northerly line of 2nd Avenue as described in deed recorded April 28, 1998 Series No. 199804280690 Official Records Sacramento County.

Parcel 3:

All that certain three (3) foot strip as described in deed recorded December 9, 1955 in Book 2975, Page 459, Series No. 89204 Official Records Sacramento County.

Total area of abandonment = .3228 Acres.

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

2. The City Council finds that the above-described street and utility easement is not necessary for present or prospective public use in that:
 - a. It is not necessary for through traffic circulation;
 - b. The City Engineer has reviewed said abandonment and found that it will not interfere with the traffic flow in the area or affect the aesthetics of the neighborhood;
 - c. The parcels adjacent to the abandoned right-of-way described above have other access and said abandonment will not create any land-locked parcels; and
 - d. The street and the utility easement to be abandoned is not necessary or useful as a non-motorized transportation facility as defined in Section 156 of the Streets and Highways Code.
3. The City Council hereby finds that said abandonment has been submitted to and reported on by the Neighborhoods, Planning and Development Services 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 consistent with them in that: The abandonment of the street and utility easement identified in paragraph 1 above does satisfy the City Council's "Review Guideline for Street and Alley Closure," adopted May 7, 1996, by Resolution No. 96-176.

FOR CITY CLERK USE ONLY

RESOLUTION NO: _____

DATE ADOPTED: _____ 7

4. This abandonment is subject to the following conditions:

a. Public Works Department

1. Construct street improvement pursuant to Section 40.12.1211 of the City Code, closing the entrance into 45th Street on the north side of 2nd Avenue, and apply for a driveway permit.
2. Street lights are existing on 2nd Avenue, which is adjacent to the proposed location of the abandonment. Modification to the existing lighting might be necessary due to the improvements, and if so, must be part of the improvement plans.

b. Utilities Department

1. The 4 inch water main in 45th Street shall be abandoned north of 2nd Avenue. The Department of Utilities will abandon the water main for a fee.
5. This abandonment shall not be recorded until all fees for the preparation of the abandonment have been paid. Upon payment, the City Clerk shall record a certified copy of this resolution with the Sacramento County Recorder.
6. All conditions specified in paragraph 4 and 5 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.

MAYOR

ATTEST:

CITY CLERK

S:techsvc/projdel/devsvs/council/ap99-03hearltr

FOR CITY CLERK USE ONLY

RESOLUTION NO: _____

DATE ADOPTED: _____ 8

ABANDONMENT EXHIBIT "A"

Y STREET

011-0183-003

011-0183-004

011-0183-005

011-0183-006

011-0183-007

011-0183-008

011-0183-009

011-0183-010

011-0183-011

011-0183-012

011-0183-013

011-0183-002

011-0183-015

WATER EASEMENT 3.00'
PER BK 2975 OR PC459

011-0200-063

STOCKTON BLVD

011-0191-001
S/W EASEMENT 8.00'
PER PLAT OF STAFFORD
PLACE TO BM 38

011-0191-002

011-0191-003

011-0191-004

011-0191-005

011-0191-019

011-0192-008

011-0200-063

011-0191-023

011-0191-022

10.00'

6.00' S/W EASEMENT
PER PLAT OF STAFFORD
PLACE TO BM 38

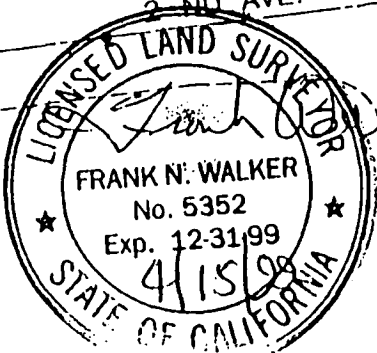
011-0200-063

NORTH LINE OF 2ND AVE.
PER DEED RECORDED 4/28/98
SERIES NO. 199804280690

45TH STREET PER
PLAT OF STAFFORD PLACE
TO BM 38

2 ND AVE.

SCALE: 1"=100'



JTS ENGINEERING CONSULTANTS, INC.
1808 J STREET
SACRAMENTO CALIFORNIA 95814 (916) 441-6708

EXHIBIT "A"