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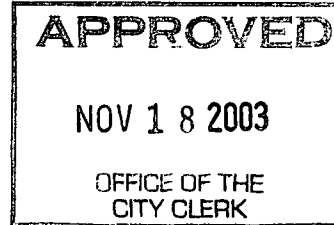
DEPARTMENT OF
PUBLIC WORKS

CITY OF SACRAMENTO
CALIFORNIA

Abandonments
1231 I Street, Room 200
Sacramento, CA 95814
PH 916-264-7873
FAX 916-264-5786

DEVELOPMENT SERVICES

October 22, 2003



City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: THE REGULAR ABANDONMENT OF A PORTION OF 3RD STREET NORTH OF SMITH SCHOOL PARK, EAST OF INTERSTATE 5, WEST OF 5TH STREET, AND SOUTH OF 1ST AVENUE WITHIN COUNCIL DISTRICT 4 (ABANDONMENT PROCEEDING NO. AP03-07)

LOCATION AND COUNCIL DISTRICT:

A portion of 3rd Street north of Smith School Park, east of Interstate 5, west of 5th Street, and south of 1st Avenue within Council District 4 (see attachment "A").

RECOMMENDATION:

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

- Approving the regular abandonment of a portion of 3rd Street north of Smith School Park, east of Interstate 5, west of 5th Street, and south of 1st Avenue within Council District 4.

CONTACT PERSONS: Robert T. Robinson, Supervising Surveyor, 264-8970
Cesar Narvaez, Engineering Technician, 264-7873

FOR COUNCIL MEETING OF: November 18, 2003

SUMMARY:

Setzer Forest Products Inc. has requested that the City abandon a portion of 3rd Street north of Smith School Park, east of Interstate 5, west of 5th Street, and south of 1st Avenue. The intended use of the abandoned street is to serve as a private driveway and private access to the adjoining buildings.

COMMITTEE/COMMISSION ACTION:

The City Planning Commission has reviewed and determined that the subject abandonment is consistent with the City's General Plan.

BACKGROUND INFORMATION:

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

Staff has reviewed the request for abandonment and finds the abandonment in conformance with City guidelines for Street Closures, City Resolution No. 96-176 and the State of California, Streets and Highways Code, Section 8300-8325.

The City mailed letters to the property owners and residents within 500 feet of the abandonment. Notice of the abandonment was posted along the subject right-of-way on October 31, 2003 and the Public Hearing Date was published in the Daily Recorder on October 31, 2003 and November 10, 2003 (see attachment "B" for the time schedule for this abandonment).

Following abandonment, the titles to the subject properties are cleared of the public road easement.

FINANCIAL CONSIDERATIONS:

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

ENVIRONMENTAL CONSIDERATIONS:

The Planning and Building Department, Environmental Planning Services has reviewed the subject abandonment and has determined that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15061 (b) of the CEQA Guidelines. Projects exempted under Section 15061 (b), consist of activities covered by the general rule that CEQA applies only to projects, which have the potential for causing significant impact to the environment. The current request includes the abandonment of right-of-way easements from the City to the adjacent property owners for additional acreage to their property. Any future development of the property must comply with all regulatory requirements.

POLICY CONSIDERATIONS:

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

The City guidelines for Street Closures, City Resolution No. 96-176 and the State of California, Streets and Highways Code, Section 8300-8325 allows for the abandonment of streets, alleys, and easements. This abandonment is classified as a regular abandonment.

ESBD CONSIDERATIONS:


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

Respectfully submitted,



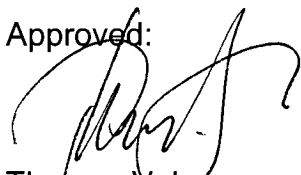
Gary Alm,
Development Services Manager

RECOMMENDATION APPROVED:



ROBERT P. THOMAS
City Manager

Approved:



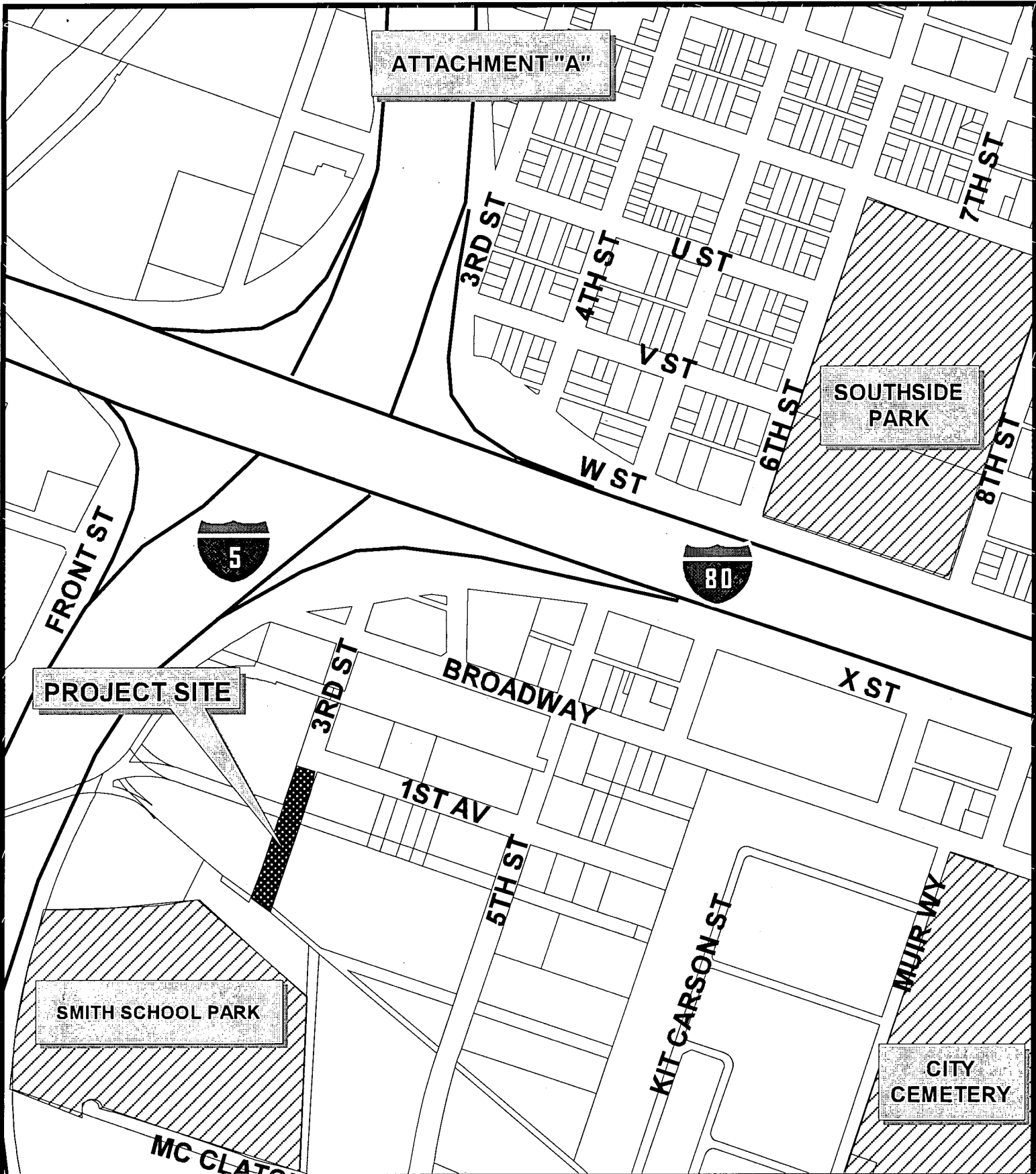
Thomas V. Lee
Deputy City Manager

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- 5) Exhibit B, Area to be Abandoned, pg. 11
- 6) Exhibit C, Private Access Easement, pg. 12

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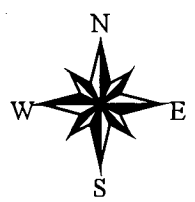
RR/sr



400 0 400 800 Feet

Department of
PUBLICWORKS
 CITY OF
 SACRAMENTO
 CESAR 101403

REGULAR ABANDONMENT, AP03-07
 Portion of 3rd Street North of Smith School Park,
 East of Interstate 5, West of 5th Street, and
 South of 1st Avenue within Council District 4

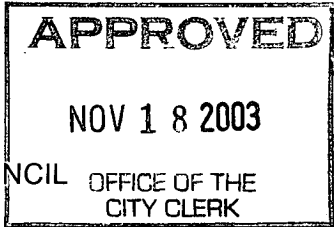


ATTACHMENT B

ABANDONMENT PROCEEDING NO. AP03-07

Copy of Resolution Published in Daily Recorder	October 31, 2003
2 nd Copy of Resolution Published in Daily Recorder	November 10, 2003
Mail Notices	October 31, 2003
Posting on Alleys/Streets	October 31, 2003

Public Hearing at City Council	November 18, 2003
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RESOLUTION NO. 2003-816

ADOPTED BY THE SACRAMENTO CITY COUNCIL

OFFICE OF THE CITY CLERK

ON DATE OF _____

RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING THE REGULAR ABANDONMENT OF A PORTION OF 3RD STREET NORTH OF SMITH SCHOOL PARK, EAST OF INTERSTATE 5, WEST OF 5TH STREET, AND SOUTH OF 1ST AVENUE WITHIN COUNCIL DISTRICT 4

ABANDONMENT PROCEEDING NO. AP03-07

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

- A. WHEREAS, the City received a request from the Setzer Forest Products Inc. to abandon the public road easement within the City of Sacramento; and
- B. WHEREAS, the City Council would consider the abandonment in compliance with the City guidelines for Street Closures, City Resolution No. 96-176 and the State of California, Streets and Highways Code, Section 8300-8325, and
- C. WHEREAS, the City Planning Commission 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; and

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

- 1. A portion of 3rd Street north of Smith School Park, east of Interstate 5, west of 5th Street, and south of 1st Avenue, specifically described in Exhibit "A" and shown in Exhibit "B" attached hereto, is hereby ordered abandoned subject to the conditions specified in this resolution.

Reserving however, a public service easement (as defined in Section 8306 and 8340 of the California Streets and Highways Code) and right at any time, or from time to time to construct, maintain, operate, replace, remove, or renew any public service facilities in, upon, or over and across that portion of 3rd Street north of Smith School Park, east of Interstate 5, west of 5th Street, and south of 1st Avenue to be abandoned, specifically described in Exhibit "A" and shown in Exhibit "B" attached hereto.

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

A map or plan of the regular abandonment is attached as Exhibit "B" and is on file with the Department of Public Works, Development Services Division, located at 1231 I Street, Room 200.

2. The City Council hereby finds that said abandonment 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 8300-8325 has considered this abandonment in connection with the General and Community Plans and finds the abandonment is consistent.
3. The City Council approves the access to the adjoining properties to the abandoned street, namely properties with APN Numbers: 009-0270-009, 009-0270-029, 009-0270-033, 009-0270-032, 009-0030-45, 009-0286-013, 009-0286-012, 009-0286-018, 009-0286-001, provided through the private access easement between the said adjoining properties to the abandoned street as depicted and shown on Exhibit "C"
4. This Abandonment is subject to the following conditions:
 - a. Construct the following improvements to the satisfaction of the Department of Public Works:
 - I. Proper signage shall be installed to the entrance of the abandoned street at 3rd Street.
 - II. A gate shall be placed 20 feet behind the right of way. The gate shall swing away from the right of way, and shall be equipped with a Knox lock.
 - III. The drainage and the structural section of the street to be abandoned shall be maintained.
 - IV. At no cost to the adjoining properties to the abandoned street, provide proof of reciprocal ingress, egress and maneuvering easement/agreement between the adjoining properties to the abandoned street to the satisfaction of Department of Public Works, namely properties with APN Numbers: 009-0270-009, 009-0270-029, 009-0270-033, 009-0270-032, 009-0030-45, 009-0286-013, 009-0286-012, 009-0286-018, 009-0286-001. As required by the City of Sacramento Code Section 17.68.030C the private street access must be approved by the City Council and such approval shall be contained within the abandonment resolution.
 - b. The following conditions shall be met to the satisfaction of the Fire Department:

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

- I. Fire Apparatus Access. Plans for fire department access roads shall be submitted to the fire department for review and shall be approved prior to the start of construction. CFC901.2.2.1
 - II. Dimensions. Fire apparatus access roads shall have an unobstructed width of lot not less than 20 feet and unobstructed vertical clearance of not less than 13 feet 6 inches. CFC 902.2.2.1
 - III. Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a roadbed consisting of material unaffected by the introduction of water based of upon fire flow or rain based on 25 year storm and a surface consisting of a minimum of a single layer of asphalt. CFC902.2.2.2
 - IV. Turning radius. All turning radius for fire access shall be designed as 45' inside and 55' outside. Cul-de-sac shall be 45' radius or city standard hammerhead. CFC 902.2.2.3
 - V. Key boxes. When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life saving or firefighting purposes, or where the building is served by a fire alarm system which is monitored by a central station, the chief is authorized to require approved key switches, key boxes or padlocks to be installed in approved accessible locations or areas in order to permit immediate fire department access. CFC 902.4
 - VI. Gates and barriers. Plans shall be submitted for review and approval prior to the installation of gates, barriers and access control devices, which are to be, constructed on or within fire department apparatus access roadways. CFC 902.2.4.3
 - VII. Gated system. Shall be reviewed by fire single gate 20' clear width, dual gate 16' each side.
5. 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.

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

6. 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.

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

January 31, 2003
030014

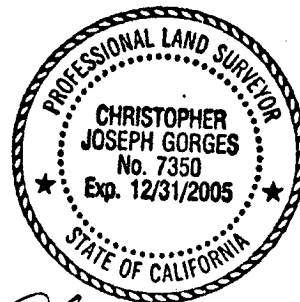
EXHIBIT "A"

LEGAL DESCRIPTION
PORTION OF 3rd STREET BEING ABANDONED

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

All that portion of 3rd Street as shown on the Plat of Wright & Kimbrough Industrial Tract filed in Book 19 of Maps, Map No. 17, Official Records of Sacramento County, described as follows:

Beginning at the intersection of the Westerly right-of-way line of said 3rd Street with the Southerly line of said Wright & Kimbrough Industrial Tract; thence from said point of beginning, along said Westerly right-of-way line North 18°46'00" East 492.37 feet to a point eighty (80.00) feet distant Westerly along the prolongation of the Southerly right-of-way line of First Avenue as shown on said Plat; thence leaving said Westerly right-of-way line of 3rd Street, along said prolongation of said Southerly right-of-way line South 71°01'30" East 80.00 feet to the Northwest corner of Lot 45 as shown on said Plat, said corner being on the Easterly right-of-way line of said 3rd Street; thence along said Easterly right-of-way line South 18°46'00" West 523.85 feet to a point in the aforementioned Southerly line of said Plat; thence along said Southerly line North 49°34'30" West 86.08 feet to the point of beginning.



Christopher J. Gorges

10-23-03

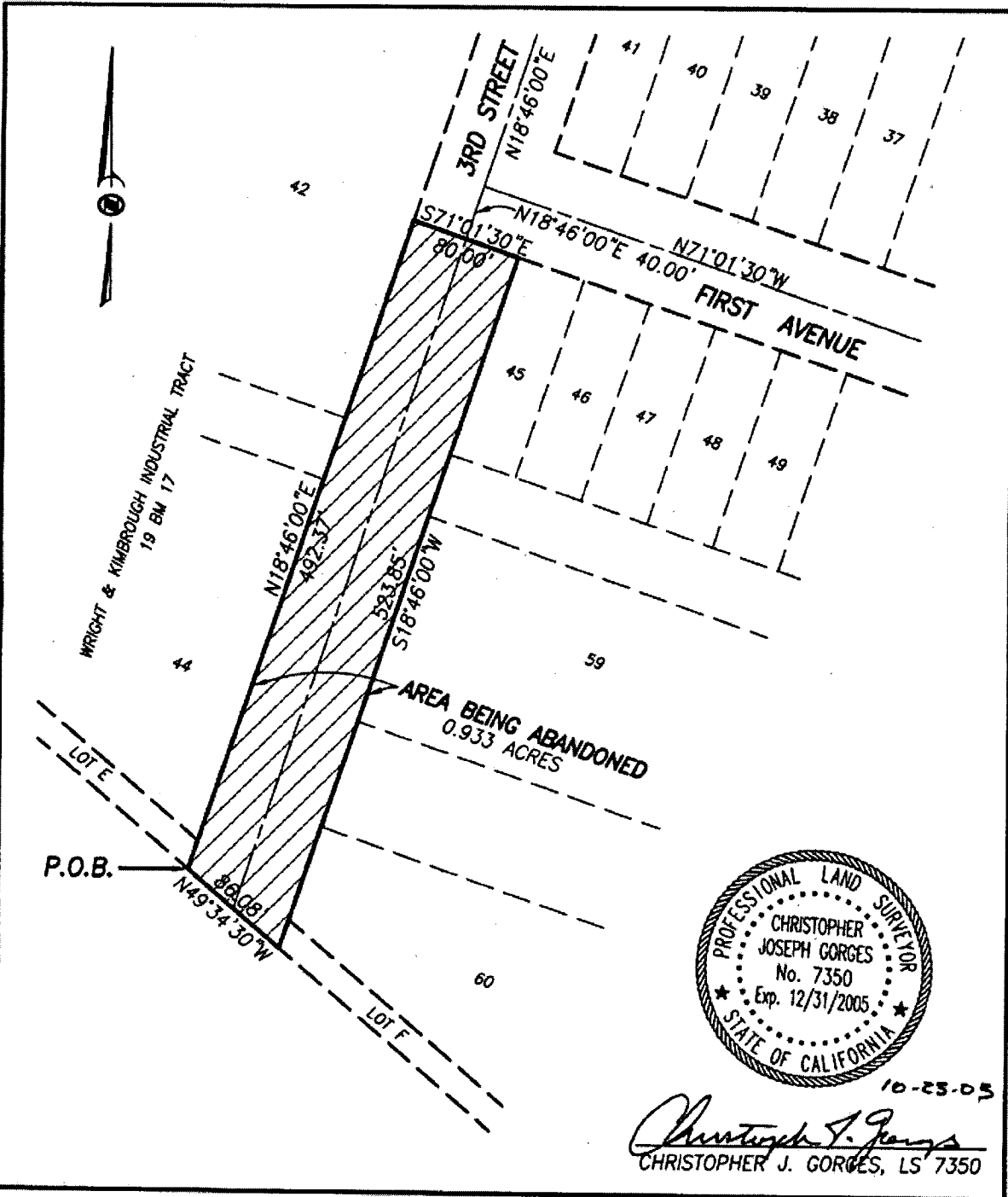
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FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

EXHIBIT B



A:\2003\03001\45\W\03001\EX1.DWG 10-23-03 08:52 am - CGorges

	MORTON & PITALO, INC. CIVIL ENGINEERING • PLANNING • SURVEYING 1788 Tribute Road, Suite 200 • Sacramento, CA 95815 phone: 916.927.2400 • fax: 916.567.0120 • survey fax: 916.927.1185 email: engr@mpengr.com • web: www.mpengr.com			
	DRAWN:	RB	JOB NO:	030014
	CHECKED:	RB	DATE:	FEB., 2003
	SCALE:	1"=100'	SHEET:	1 of 1

EXHIBIT "B"

R/W ABANDONMENT
PORTION OF 3RD STREET-W & K
IND. TRACT-19 BM 17

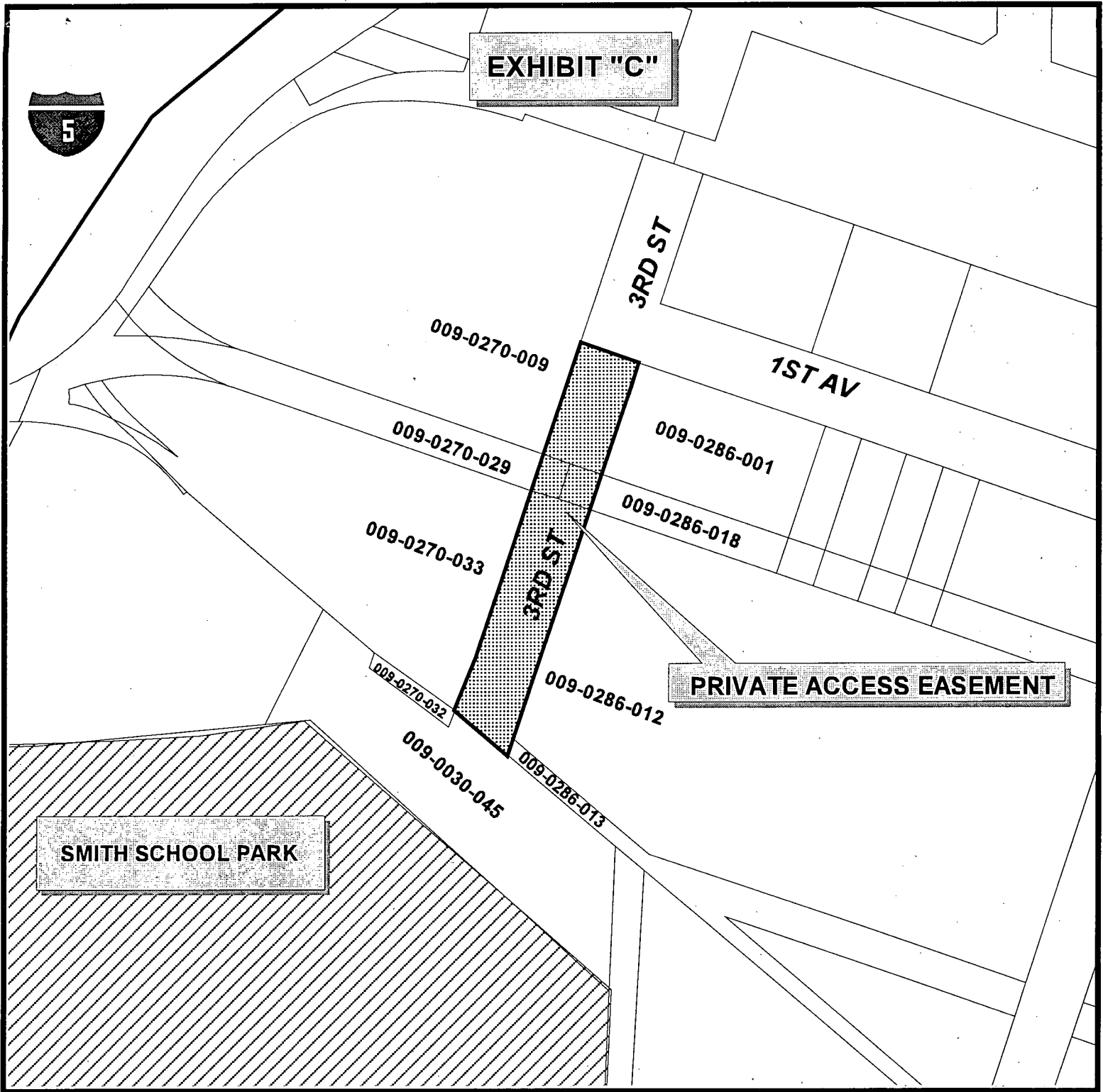
CITY OF SACRAMENTO, CALIFORNIA

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

EXHIBIT "C"



SMITH SCHOOL PARK

PRIVATE ACCESS EASEMENT

400 0 400 800 Feet

Department of
PUBLICWORKS
CITY OF
SACRAMENTO
CESAR 102203

**PRIVATE ACCESS EASEMENT
BETWEEN THE ADJOINING PROPERTIES TO
THE ABANDONED STREET**



FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____