

APPROVED
BY THE CITY COUNCIL

DEC 16 1997

OFFICE OF THE
CITY CLERK

CONTINUED
FROM 12.9.97
TO 12.16.97



3.2

CITY OF SACRAMENTO
CALIFORNIA

DEPARTMENT OF
PUBLIC WORKS

TECHNICAL SERVICES DIVISION

DEVELOPMENT
SERVICES
1231 I STREET, STE 200
SACRAMENTO, CA
95814-2988
PH 916-264-7995
FAX 916-448-8450

November 19, 1997

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: ABANDONMENT OF THE 10' SEWER EASEMENT ON PARCEL I OF METROPOLITAN CENTER RECORDED IN BOOK 86 OF PARCEL MAP, PAGE 5 BETWEEN I-5 AND GATEWAY OAKS DRIVE; SUMMARY ABANDONMENT PROCEEDING NO. AP97-07

LOCATION AND COUNCIL DISTRICT:

Gateway Oaks Drive and US Highway I-5
Council District #1

RECOMMENDATION:

This report recommends that the City Council adopt the resolution regarding findings of fact and approve the proposed abandonment of the 10' sewer easement.

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

FOR COUNCIL MEETING OF: December 9, 1997

SUMMARY:

- The City received a request from Murray Smith and Associates on behalf of BTV Crown Equities Inc., a Delaware Corporation, the property owner, for a summary abandonment of a 10' sewer easement, between I-5 and Gateway Oaks Drive. Since the utilities within the easements are being relocated to allow for construction of a building, and no objections have been made, the abandonment is recommended.

City Council
Summary Abandonment (AP97-07)
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COMMITTEE/COMMISSION ACTION:

None required.

BACKGROUND INFORMATION:

- Murray Smith and Associates, on behalf of BTV Crown Equities Inc. have requested a summary abandonment of a 10' sewer easement. The easement presently crosses a vacant parcel of land owned by BTV Crown Equities Inc., a Delaware Corporation that will house their new apartment project known as Homestead Village.
- Utility companies and City departments have no objections to the proposed abandonment. Letters from the utility companies and City departments are on file with the Department of Public Works, Entitlements and Special Projects Section. See Exhibit A for time schedule of abandonment proceedings.
- The Public Utility Easement abandonment is classified as a Summary Abandonment because it is being superseded by relocation (Section 8333, Streets and Highways Code), and is of no foreseeable use to the City.
- The applicant has two years to comply with the condition(s) of the abandonment. If the adjoining owners fail to meet the condition(s) of the abandonment within two years, the resolution approving this abandonment will become void unless the City Council grants a time extension.
- 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 the abandonment application. There is no expense to the City.

ENVIRONMENTAL CONSIDERATIONS:

The Planning Services Division, Environmental Section, has reviewed this project and has determined that they are exempt from the California Environmental Quality Act (CEQA) under Section 15305 (c) of the CEQA Guidelines.

City Council
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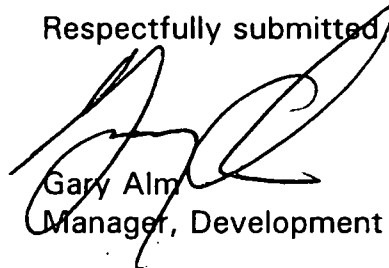
POLICY CONSIDERATION:

- Section 8333 et. seq. of the State of California Streets and Highways Code allows for abandonment of easements. This abandonment is classified as a Summary Abandonment because "the easement has been superseded by relocation".
- City policy, as stated in Resolution No. 96-176, which was approved by the City Council on May 7, 1996, provides for abandonment of local streets or easement so long as there is benefit to the community, access to other properties is not inhibited, and there is support by the majority of property owners.

MBE/WBE:

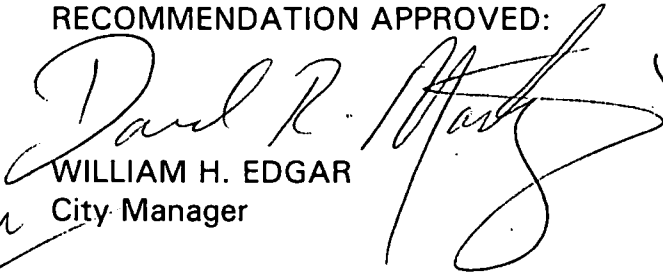
None, since no goods or services are procured with this action.

Respectfully submitted



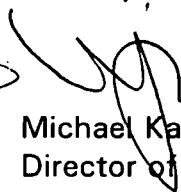
Gary Alm
Manager, Development Services

RECOMMENDATION APPROVED:



WILLIAM H. EDGAR
City Manager

Approved:



Michael Kashiwagi
Director of Public Works

GA:RP:dt
AP97-07.ccllet

Attachment

SCHEDULE FOR SUMMARY ABANDONMENT
AP97-07

LETTER TO CITY CLERK/GET ON CC AGENDA	OCT 31
DRAFT COPY OF LETTER TO PWA	NOV 19
HEARING DATE PUBLISHED IN DAILY RECORDER	NOV 13
LETTERS SENT TO PROPERTY OWNERS	NOV 20
POSTING ON ALLEYS/STREETS	NOV 20
PUBLIC HEARING AT CITY COUNCIL	DEC 9

APPROVED
BY THE CITY COUNCIL

DEC 16 1997

OFFICE OF THE
CITY CLERK

RESOLUTION NO. 97-682

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING THE SUMMARY ABANDONMENT OF THE 10' SEWER EASEMENT ON PARCEL I OF METROPOLITAN CENTER RECORDED IN BOOK 86 OF PARCEL MAP, PAGE 5 BETWEEN I-5 AND GATEWAY OAKS DRIVE

SUMMARY ABANDONMENT PROCEEDING NO. 97-07

1. WHEREAS, the City received a petition to abandon from owners of property within the City of Sacramento requesting the City Council to consider a summary abandonment of subject easements; and
2. WHEREAS, the City Council would consider the proposed abandonment in compliance with California Streets and Highway Codes, Section 8300, et. seq.

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

1. The 10' sewer easement is located in the City of Sacramento, County of Sacramento, State of California, more particularly described as follows:

That certain "10' SEWER EASEMENT" is also shown on that certain Parcel Map entitled "METROPOLITAN CENTER" filed in the office of the Recorder, County of Sacramento, State of California in Book 86 of Parcel Maps, Page 5, the northwesterly line of said Easement being coincident with the northwesterly line of Parcel 1 as said Parcel is shown on said Parcel Map.

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

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FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

2. The City Council finds that the easement may be summarily abandoned in accordance with Section 8333 (c) of the Streets and Highways Code which states "The legislative body of a local agency may summarily vacate a public service easement that has been superseded by relocation and there are no other public facilities located within the easement."
3. The City Council hereby finds that the abandonment of the easements identified in paragraph 1 above does satisfy the City Council's Review Guidelines for Street Closures adopted May 7, 1996, by Resolution No. 96-176.
4. The abandonment is subject to all existing utilities being relocated.
 - a. The main shall be relocated at the applicants expense and the plans for relocation are reviewed and approved by the Department of Utilities prior to relocation.
5. After all the conditions specified in paragraph 4 of this resolution have been satisfied, the City Clerk shall cause a certified copy of this resolution, attested by the City under seal, to be recorded. The abandonment shall be effective when the City Clerk records this resolution with the County Recorder.
6. The conditions specified in paragraph 4 of this resolution must be completed within two years of the date of this resolution. If the conditions are not completed within the two year specified, this resolution approving the abandonment shall become void, unless the City Council grants a time extension

MAYOR

ATTEST:

CITY CLERK

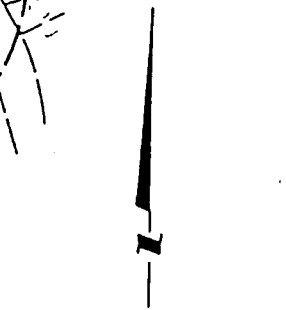
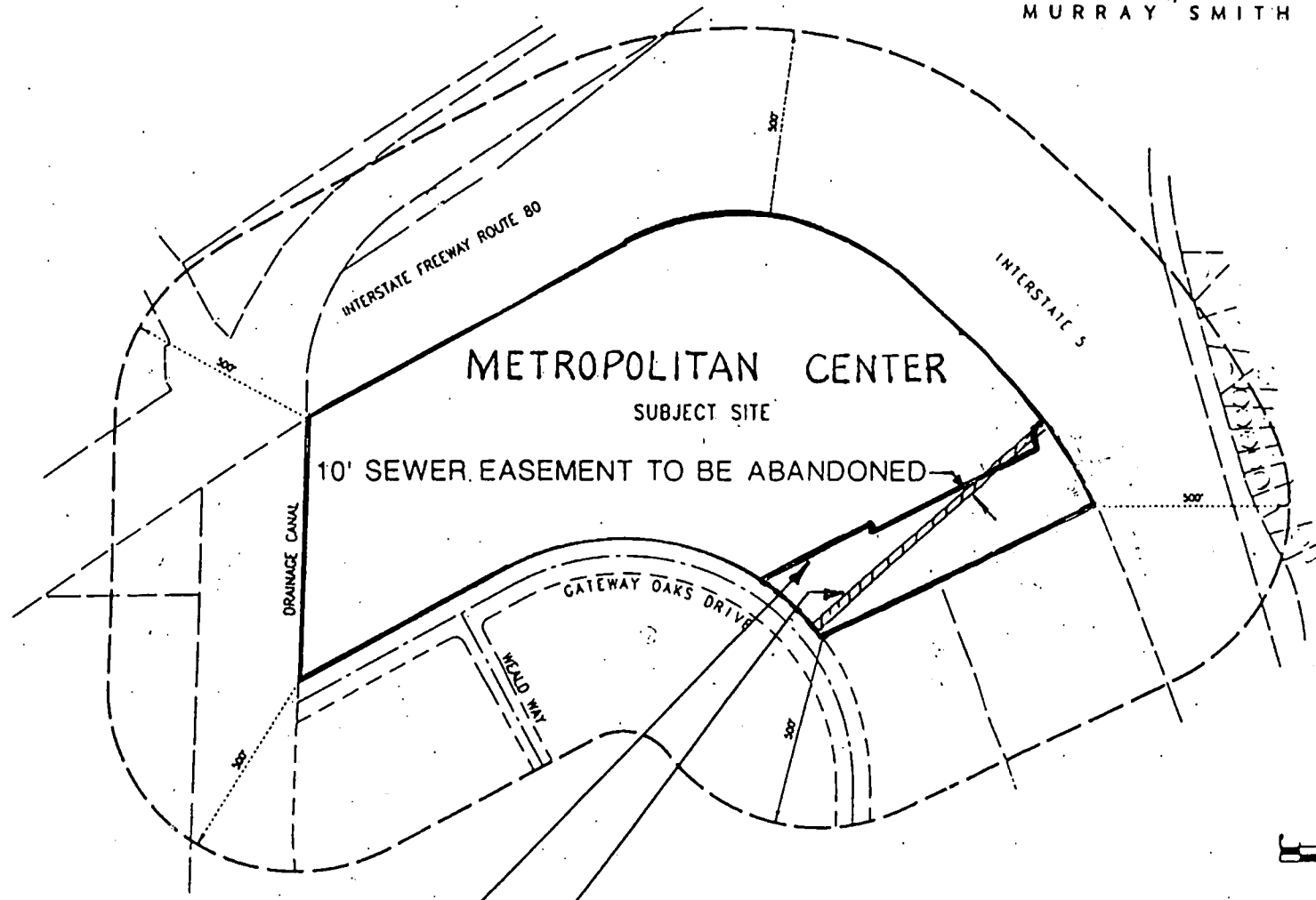
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FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

500' RADIUS MAP FOR
APN 225-0230-083 AND 084
CITY OF SACRAMENTO, CALIFORNIA
SEPTEMBER, 1997 SCALE: 1" = 200'
MURRAY SMITH & ASSOCIATES



SCALE: 1" = 200'

NORTHWESTERLY LINE OF
PARCEL 1, CERT. OF COMPLIANCE
BK. 970822 O.R. PG. 948

NORTHWESTERLY LINE OF PARCEL 1,
METROPOLITAN CENTER, 86 PM 5

EXHIBIT B