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**DEPARTMENT OF
PUBLIC WORKS**

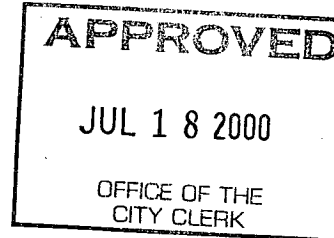
TECHNICAL SERVICES

**CITY OF SACRAMENTO
CALIFORNIA**

DEVELOPMENT SERVICES

1231 I Street
SACRAMENTO, CA
95814
PH 916-264-7474
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June 28, 2000



City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: HEARING ON ABANDONMENT OF A PORTION OF 7TH AVENUE EAST OF FREEPORT BOULEVARD; ABANDONMENT PROCEEDING NO. AP99-04

LOCATION/COUNCIL DISTRICT: 7th Avenue East of Freeport Boulevard
Council District 5.

RECOMMENDATION:

This report recommends that after hearing testimony, the City Council close the hearing and adopt the attached resolution adopting and approving the abandonment of a portion of 7th Avenue East of Freeport Boulevard.

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

FOR COUNCIL MEETING OF: July 18, 2000

SUMMARY:

The City has received a request from Los Rios Community College District to abandon a portion of 7th Avenue east of Freeport Boulevard in order to allow for the expansion of the new Sacramento City College Cold Storage parking area.

City Council
Abandonment of Seventh Avenue East of Freeport- AP99-04
June 28, 2000

COMMITTEE/COMMISSION:

None required.

BACKGROUND INFORMATION:

- Los Rios Community College District has requested the abandonment of a portion of 7th Avenue east of Freeport Boulevard. The abandonment will allow for the expansion of the new Sacramento City College cold storage parking area.
- City of Sacramento 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. See Attachment A for a 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).
- A Resolution of Intention (ROI) was adopted by the City Council on June 20, 2000, which established this date as the hearing for the proposed abandonment. Letters to the property owners and residents adjacent to the abandonment were mailed on June 22, 2000. Notice of the abandonment was posted along the subject right-of-way on June 23, 2000, and the Resolution of Intention was published in the Daily Recorder on June 23, 2000 and June 30, 2000. 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 street will return to the original property owners based on underlying title.

FINANCIAL CONSIDERATIONS:

The applicant provided all 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:

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 in the City.

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. 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.

ESBD CONSIDERATIONS:

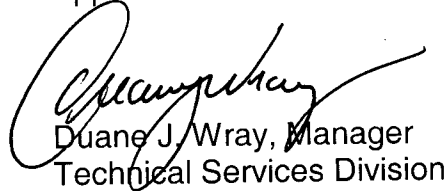
City Council adoption of the attached resolution is not affected by City policy related to the ESBD Program.

Respectfully submitted,



Gary Alm, Manager
Development Services

Approved:



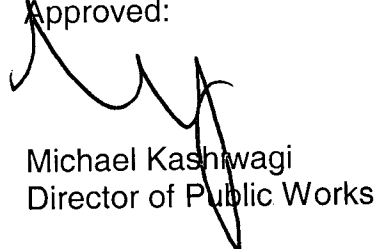
Duane J. Wray, Manager
Technical Services Division

RECOMMENDATION APPROVED:



ROBERT P. THOMAS
City Manager

Approved:



Michael Kashwagi
Director of Public Works

ATTACHMENT A

**SCHEDULE FOR REGULAR ABANDONMENT PROCEEDING
TO ABANDON A PORTION OF 7TH AVENUE EAST OF FREEPORT
BOULEVARD WITHIN COUNCIL DISTRICT 5 (AP99-04)**

| | |
|--|----------------------------------|
| Resolution of Intention | June 20, 2000 |
| Send Letters to Property Owners | June 22, 2000 |
| Posting on Alleys/Streets | June 23, 2000 |
| Copy of Resolution Published in Daily Recorder | June 23, 2000 & June 30, 2000 |
| Public Hearing at City Council/Final Approval | July 18, 2000 |

APPROVED
JUL 18 2000
OFFICE OF THE
CITY CLERK

RESOLUTION NO. 2000-439

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

**RESOLUTION OF ADOPTING FINDINGS OF FACT AND APPROVING
ABANDONMENT OF A PORTION OF 7TH AVENUE EAST OF FREEPORT
BOULEVARD WITHIN COUNCIL DISTRICT 5**

ABANDONMENT PROCEEDING NO. AP99-04

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

- 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; 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 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; and

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

- 1. The portion of 7th Avenue east of Freeport Boulevard in the City of Sacramento, specifically described below, is hereby ordered abandoned subject to the conditions and reservation specified in this resolution:

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

All that certain real property situated in the City of Sacramento, County of Sacramento, State of California, being a portion of 7th Avenue as said avenue is shown on the record of survey filed in Book 50 of Surveys at Page 28, Sacramento County Records, said real property being more particularly described as follows:

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

COMMENCING at the most northerly corner of Lot 21 of "College Terrace" as said lot is shown on said record of survey, said point being on the general southerly line of 7th Avenue; thence along said general southerly line of 7th Avenue South 76°18'12" East 23.01 feet to the point of beginning; thence from said point of beginning along a line that is perpendicular to the preceding course North 13°41'48" East 50.00 feet to a point on the northerly line of said 7th Avenue; thence along last said line also being the southerly line of Lot 19 of "College Terrace" as said lot is shown on said record of survey South 76°18'12" east 59.31 feet to a point on the easterly line of said 7th Avenue, said easterly line also being the westerly line of Union Pacific Railroad; thence along last said line south 13°38'42" east 170.20 feet to an angle point in the right-of-way of 7th Avenue; thence leaving said westerly line and proceeding along said general southerly line of 7th Avenue the following three (3) courses: 1) North 76°18'12" West 45.03 feet, 2) North 13°38'42" West 113.91 feet, and 3) North 76°18'12" West 40.13 feet to the point of beginning.

The bearing of North 13°38'42" West for said westerly line of Union Pacific Railroad as shown on the record of survey filed in Book 15 of Surveys at Page 11, Sacramento County Records, was taken as the basis of bearings shown hereon.

RESERVING AND EXCEPTING from said abandonment a public service easement (as defined in Section 8306 and 8340 of the California Streets and Highways Code) the full width of the existing street and right at any time, or from time to time to construct, maintain, operate, replace, remove, or renew any public services facilities in, upon, or over and across the street to be abandoned.

Total area of abandonment = .188 Acres.

A map or plan of the proposed abandonment is attached as Exhibit A 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 street 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 portion of the street described above have other access and said abandonment will not create any land-locked parcels; and
 - d. The portion of the street 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.

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RESOLUTION NO.: _____
DATE ADOPTED: _____

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 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.

4. This abandonment is subject to the following conditions which shall be fulfilled at no cost to the City:

A: Public Works Department:

1. Construct standard street improvements pursuant to section 40.12.1211 of the City Code. Vertical curb shall be used.
2. Construct a cul-de-sac with right-of-way radius of 40' and 33' to face of vertical curb. No sidewalk in cul-de-sac, a 7' planter shall be constructed, and maintained.
3. 24' Emergency use only driveway, for Police, Fire, and Regional Transit.
4. Relocate existing street light. Relocated street light, shall be painted. Coordinate street light design with the City's Public Works Electrical Section.
5. Construct drainage for new cul-de-sac if needed.
6. Dedicate right-of-way for the realigned 7th Avenue cul-de-sac.
7. Construct a (8) eight-foot high solid masonry, brick, or other similar material wall, with decorative face towards residential zoned area, around the perimeter of the property consistent with requirements found in Section 5-C1 of the City's Zoning Ordinance.
8. Construct a 30-foot rod-iron sliding gate at emergency driveway.

B. Utilities Department:

1. An easement that overlies the original right-of-ways is retained for the purposes of operating, maintaining, and constructing any existing or future water, sewer, or drainage facilities. The Department of Utilities' Personnel shall have unlimited and unrestricted access to these easements at all times.

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RESOLUTION NO.: _____

DATE ADOPTED: _____

C. Fire:

1. The cul-de-sac radius to be marked as a fire lane, no parking.
2. Install an approved knock lock to the emergency rod-iron gate.
3. Gates will be positioned to insure that a 45-degree (inner) and 55-degree (outer) turning radius is obtainable upon entering the campus parking lot.

D. Police:

Access to the approved knock lock to the emergency rod-iron gate.

E. Regional Transit:

Access to the approved knock lock to the emergency rod-iron gate, for emergency access in case of derailments or accidents on the Union Pacific Railroad.

5. After all the conditions in paragraph 4 of this resolution have been fulfilled and 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.

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

