



APPROVED  
BY THE CITY COUNCIL

AUG 7 1997

OFFICE OF THE  
CITY CLERK

1.6

CITY OF SACRAMENTO  
CALIFORNIA

DEPARTMENT OF  
PUBLIC WORKS

TRANSPORTATION AND  
DEVELOPMENT DIVISION

ADMINISTRATION &  
CIP PLANNING  
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SACRAMENTO, CA  
95814-2819  
PH 916-264-5707  
FAX 916-264-8357

TRANSPORTATION  
PLANNING AND  
ENTITLEMENTS &  
SPECIAL PROJECTS  
1231 I STREET, STE 300  
SACRAMENTO, CA  
95814-2904  
PH 916-264-7474  
FAX 916-264-7185

July 29, 1997

City Council  
Sacramento, California

ENGINEERING  
SERVICES  
1231 I STREET, STE 200  
SACRAMENTO, CA  
95814-2988  
PH 916-264-7995  
FAX 916-264-7046

Honorable Members in Session:

**SUBJECT:** RESOLUTION OF INTENTION FOR ABANDONMENT OF A PORTION OF AN  
ALLEY WITHIN COUNCIL DISTRICT 5; ABANDONMENT PROCEEDINGS NO.  
AP #97-02

**LOCATION/COUNCIL DISTRICT:**

A portion of the alley bounded by 11th Avenue, 42nd Street, 12th Avenue and 40th Street  
Council District 5

**RECOMMENDATION:**

This report recommends that the City Council adopt the Resolution of Intention to initiate  
the abandonment proceedings for the alley at the location listed and set a hearing date of  
August 19, 1997, at 2:00 p.m.

**CONTACT PERSON:**

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

**FOR COUNCIL MEETING OF:** August 7, 1997

**SUMMARY:**

The Neighborhoods, Planning and Development Services Department, on behalf of the  
adjoining property owners, has requested that the portion of the alley bounded by 11th  
Avenue, 42nd Street, 12th Avenue and 40th Street be abandoned to assist in curbing illegal  
activities.

City Council  
Resolution of Intention of Abandonment (AP97-02)  
July 29, 1997

**COMMITTEE/COMMISSION:**

None required.

**BACKGROUND:**

The alley portion is within the Citywide Alley Abandonment and Temporary Closure Program to curtail illegal activities in alleys. The State of California Streets and Highways Code and City Resolution No. 96-176 require that the following findings be made and actions be taken:

- Utility companies and City departments have no objections to the proposed abandonment, provided a public service easement is retained over the entire alley for public service facilities. Letters from the utility companies and City departments regarding the abandonment are on file with the Department of Public Works, Development Services.
- The abandonment is classified a regular abandonment according to Section 8300 of the Streets and Highways Code. The portion of the alley is of no foreseeable use to the City.
- The Planning Services Division, Environmental Section has found the proposed abandonments in conformance with the General Plan and the Community Plan (Section 65402 review). The proposed portion of the alley for abandonment conforms with the City's General Plan and is consistent with General Plan policy "to enhance and maintain the quality of life of its citizens."
- The abandonment is supported by the majority of the adjacent property owners as evidenced by letters on file with the Department of Public Works, Development Services.

Following abandonment:

- the alleys will return to the property owners, based on underlying title.
- the property owners will be responsible for maintaining the area being abandoned.

Approval of the request to abandon is recommended.

City Council  
Resolution of Intention of Abandonment (AP97-02)  
July 29, 1997

**FINANCIAL CONSIDERATIONS:**

Staff time has been charged to the General Fund since no fees have been collected. The cost of the actual physical closure will be paid by the property owners.

**ENVIRONMENTAL CONSIDERATIONS:**

The Planning Services Division, Environmental Section, 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 © of the CEQA Guidelines. The project involves the alteration of an existing public right-of-way with no expansion of the use presently existing and no substantial change to existing traffic flow or physical features on the City.

**POLICY CONSIDERATIONS:**

Abandonment of a portion of the alley is consistent with Council priorities of public safety and neighborhood revitalization and enhancement.

- Section 8300 et. seq. of the State of California Streets and Highways Code allows for abandonment of streets, alleys, and easements that are no longer needed for public use. These abandonment are classified as regular abandonments.
- 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).
- City policy, as stated in Resolution No. 96-176 which was approved by the City Council on May 7, 1996, provides for abandonment of 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 property owners.
- This abandonment is consistent with these policies.

City Council  
Resolution of Intention of Abandonment (AP97-02)  
July 29, 1997

**MBE/WBE EFFORTS:**

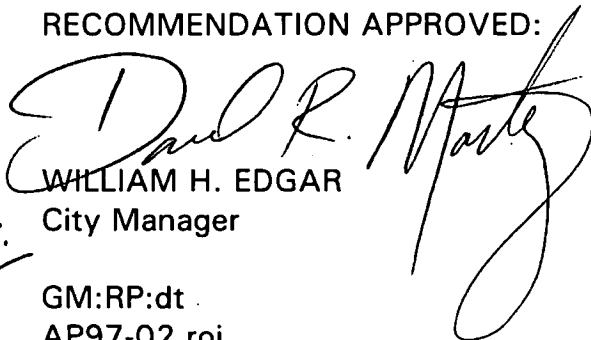
None, since no goods or services are procured with this actions.

Respectfully submitted,



Gary Alm  
Manager, Development Services

RECOMMENDATION APPROVED:



WILLIAM H. EDGAR  
City Manager

APPROVED:



Michael Kashiwagi  
Director of Public Works, Technical Services

*for:*

GM:RP:dt  
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07.2997.1

APPROVED  
BY THE CITY COUNCIL

AUG 7 1997

OFFICE OF THE  
CITY CLERK

**RESOLUTION NO. 97-447**

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

**RESOLUTION OF INTENTION TO ABANDON A PORTION OF THE  
ALLEY BOUNDED BY 11TH AVENUE, 42ND STREET, 12TH AVENUE  
AND 40TH STREET**

**ABANDONMENT PROCEEDING NO. AP96-04**

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

1. Pursuant to the standards and procedures provided in the Public Streets, Highways and Service Easements Vacation law, California and Highway Code Section 8300 et seq., the City Council hereby declares its intention to abandon a portion of the alley bounded by 11th Avenue, 42nd Street, 12th Avenue and 40th Street within Council District 5, in the City of Sacramento, County of Sacramento, State of California, to wit:

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

All that portion of alley 20 feet in width bounded by 40th Street (formerly known as Pine Avenue), 11th Avenue (formerly known as Myrtle Avenue), 42nd Street (formerly known as Sycamore Avenue), and 12th Avenue (formerly known as Palmeto Avenue), as shown on the Plat of Bonita Vista, recorded on 1-27-1906 in book 6 of Maps, Map No. 46, and on the Plat of Park Terrace, recorded on 5-15-1904 in Book 5 of Maps, Map No. 43, Official Records of Sacramento County, described as follows:

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RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

Beginning at the southwest corner of Lot 5507 of said Plat of Bonita Vista; thence along the northerly line of said alley East 520 feet to the westerly right-of-way of 42nd Street; thence South 20 feet along the westerly right-of-way of 42nd Street to the southerly line of said alley; thence west 520 feet along the southerly line of the said alley, thence leaving the southerly line of said alley, North 20 feet to the point of beginning, containing 0.24 acres more or less.

RESERVING HOWEVER, a public service easement (as defined in Section 8306 and 8340 of the California Streets and Highways Code) the full width of the existing alley 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 the alley to be abandoned.

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, located at 1231 I Street, Room 300.

2. The City Council finds that the above described public portion of the alley 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 alley described above have other access and said abandonment will not create any land-locked parcels; and
  - d. The portion of the alley 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 will consider this proposed abandonment at a public hearing on August 19, 1997 at 2:00 p.m., in the Council Chambers, City Hall, 915 I Street, Sacramento, California.

4. The City Clerk is directed to publish the Notice of Hearing of the proposed vacation of said alley in the Daily Recorder, a newspaper published five (5) days a week, as required by law, and that the Notice of Hearing be posted along said alley to be vacated in accordance with the provisions of Sections 8322 and 8323 of the Streets and Highways Code of the State of California.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

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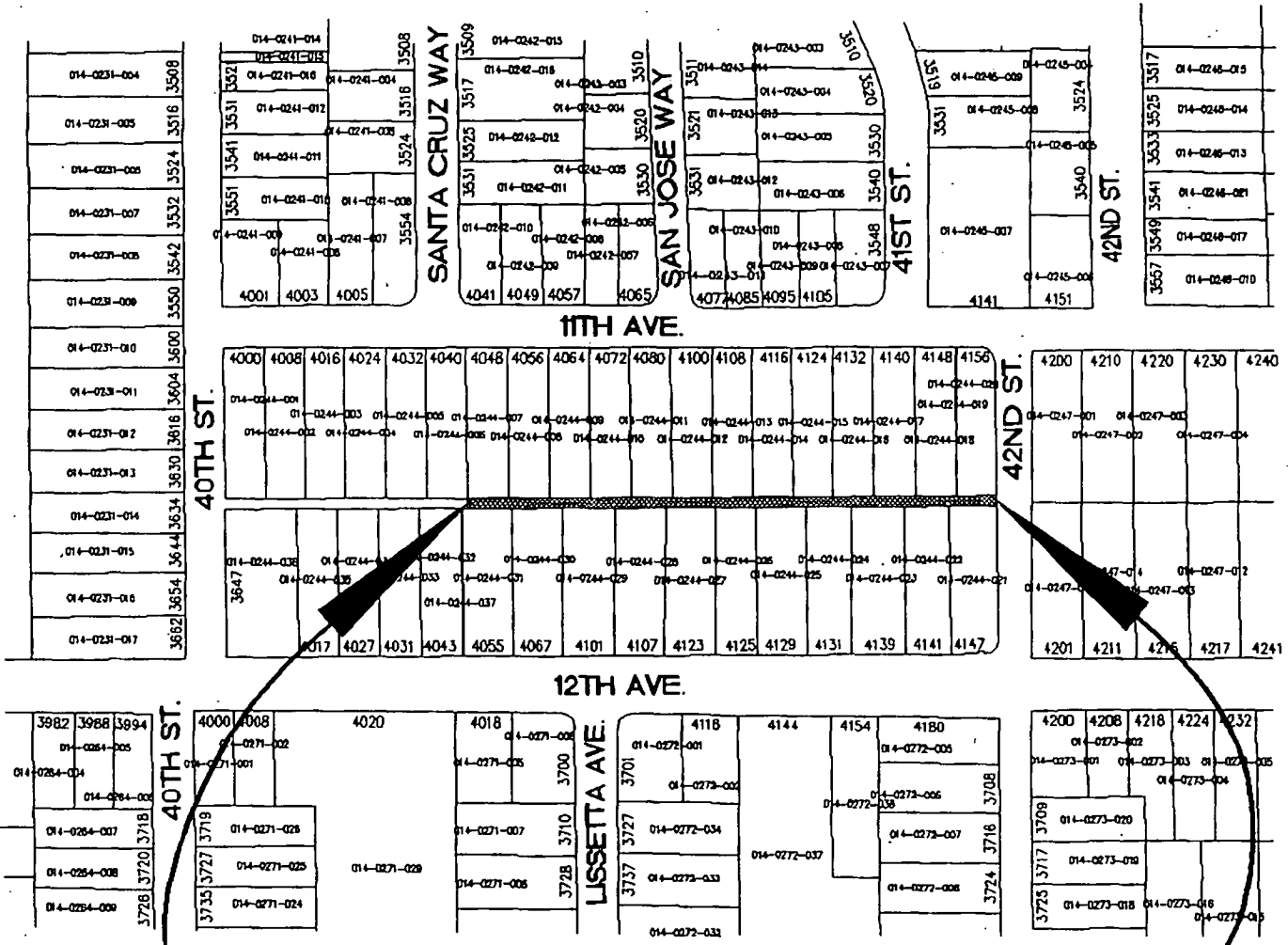
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**FOR CITY CLERK USE ONLY**

RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

# EXHIBIT A

## SUBJECT PORTION OF ALLEY (AP 97-02)



PORTION OF ALLEY  
BEING ABANDONED