



APPROVED
DEC 14 1999
OFFICE OF THE
CITY CLERK

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DEPARTMENT OF
PUBLIC WORKS
TECHNICAL SERVICES DIVISION

CITY OF SACRAMENTO
CALIFORNIA

927 - 10TH STREET
SUITE 100
SACRAMENTO, CA
95814-2702

November 17, 1999

PH 916-264-8300
FAX 916-264-8281

City Council
Sacramento, California

Honorable Members in Session:

**SUBJECT: HEARING ON ABANDONMENT OF "A" STREET WEST OF AHERN STREET.
ABANDONMENT PROCEEDING NO. AP99-08.**

LOCATION/COUNCIL DISTRICT:

"A" Street West of Ahern Street. Council District 1.

RECOMMENDATION:

This report recommends that the hearing be closed and that the attached resolution adopting findings of fact and approving the abandonment for the street at the location listed be adopted.

CONTACT PERSON:

Ron Perry, Engineering Technician III, 264-8298

FOR COUNCIL MEETING OF:

December 14, 1999

SUMMARY:

The City has received a request from Morton & Pitalo Inc. Engineering to abandon the street in order for Sacramento Housing and Redevelopment Agency to construct a Social Service Campus.

COMMITTEE/COMMISSION:

None.

BACKGROUND:

- Morton & Pitalo Engineering, on behalf of the property owners, has requested the abandonment of "A" Street west of Ahern Street. The abandonment will create a larger site to facilitate the construction of a Social Service Campus.

PUBLICWORKS

"Serving the community with quality!"

City Council

Hearing of Abandonment No. AP99-08

November 17, 1999

- 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 the 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.).
- The proposed abandonment is consistent with the City's General Plan Residential Land Use Element Goal A, "to maintain and improve the quality and character of residential neighborhoods in the City," as well as Section 65402. The abandonment is proposed to facilitate construction of a social service campus.
- A Resolution of Intention (ROI) was adopted by the city Council on November 23, 1999, which established this date as the hearing. Letters to the property owners, and residents adjacent to the abandonment, were mailed on November 29. Notice of the abandonment was posted along the subject street on November 29, and the Resolution of Intention was published in the Daily Recorder on November 29 and December 6. The Engineer's report relating additional facts of the abandonment is on file with the City Clerk's office.
- Following recordation of the abandonment, ownership of the street will return to the original property owners based on underlying title.

FINANCIAL CONSIDERATIONS:

The applicant provided all documentation required for the abandonment and has paid a fee to fund staff time required to process the 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 will be consistent with council priorities of public safety, neighborhood revitalization and enhancement.

- 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

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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 City Council on May 7, 1996, provides for abandonment of streets so long as there is a benefit to the community; it does not inhibit access to other properties and is supported by the majority of property owners.

ESBD CONSIDERATIONS:

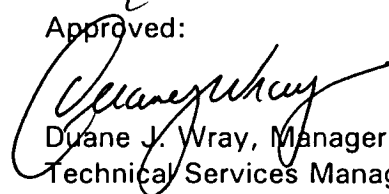
City Council adoption of the attached resolution is not affected by City policy related to the ESBD Program.

Respectfully submitted:



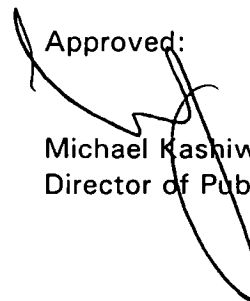
Gary Alm, Manager
Development Services Manager

Approved:



Duane J. Wray, Manager
Technical Services Manager

Approved:



Michael Kashiwagi
Director of Public Works

RECOMMENDATION APPROVED:



ROBERT P. THOMAS
City Manager

Attachment

ATTACHMENT A

**SCHEDULE FOR REGULAR ABANDONMENT PROCEEDING
TO ABANDON "A" STREET WEST OF AHERN STREET
WITHIN COUNCIL DISTRICT 1 (AP99-08)**

| | |
|---|---------------------------------------|
| Application was submitted on | September 14, 1999 |
| Resolution of Intention to be heard by City Council | November 23, 1999 |
| Send Letters to Property Owners | November 29, 1999 |
| Posting on Alley/Streets | November 29, 1999 |
| Copy of Resolution Published in Daily Recorder | November 29, 1999 December 6, 1999 |

| | |
|---|-------------------|
| Public Hearing at City Council/Final Approval | December 14, 1999 |
|---|-------------------|

RESOLUTION NO. 99-733

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____



RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING ABANDONMENT OF "A" STREET WEST OF AHERN STREET WITHIN COUNCIL DISTRICT 1; ABANDONMENT PROCEEDING NO. AP99-08

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;
- B. WHEREAS, a notice that the City Council would consider the proposed abandonment at 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. "A" Street west of Ahern Street in the City of Sacramento, 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:

All that portion of A Street as shown on that certain Record of Survey filed in book 47 of Surveys, Page 5, Official Records of Sacramento County, described as follows:

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____ 5

BEGINNING at a point in the Southerly right-of-way line of said A Street from which point a found concrete nail marking the intersection of the centerlines of said A Street and 14th Street as shown on said Record of Survey bears North 19°36'46" East 40.00 feet distant; thence from said point of beginning, along the Southerly right-of-way line of said A Street North 70°30'55" West 40.00 feet to a point in the Westerly right-of-way line of said 14th Street; thence along said Westerly right-of-way line the following two (2) courses: (1) North 19°36'54" East 40.00 feet and (2) North 19°34'41" East 40.00 feet to a point in the Northerly right-of-way line of said A Street; thence along said Northerly right-of-way line the following two (2) courses: (1) South 70°30'55" East 40.00 feet and (2) South 70°29'38" East 172.52 feet; thence leaving said Northerly right-of-way line, along the arc of a curve to the left, concave Northeasterly, having a radius of 66.00 feet, subtended by a chord bearing South 19°22'14" East 102.76 feet to a point in the Southerly right-of-way line of said A Street; thence along said Southerly right-of-way line North 70°29'38" West 237.14 feet to the point of beginning.

RESERVING AND EXCEPTING from said abandonment a public service easement (as defined in Section 8306 and 8340 of the California Streets and Highways Code) in, upon, over and under and across all that portion of A Street as shown on that certain Record of Survey filed in Book 47 of Surveys, Page 5, Official Records of Sacramento County, described as follows:

BEGINNING at the intersection of the centerlines of said 14th Street and A Street as shown on that certain Record of Survey filed in book 47 of Surveys, Page 5, Official Records of Sacramento County; thence from said point of beginning, along the centerline of said A Street North 70°30'55" West 30.00 feet; thence leaving said centerline, South 19°36'54" West 40.00 feet to a point in the Southerly right of way line of said A Street; thence along the Southerly right of way line of A Street along the Westerly right of way line of 14th Street, (abandoned) and along the Northerly right of way line of A Street, the following five (5) courses: (1) North 70°30'55" West 10.00 feet; (2) North 19°36'54" East 40.00 feet; (3) North 19°34'41" East 40.00 feet; (4) South 70°30'55" East 40.00 feet and (5) South 70°29'38" East 172.52 feet; thence leaving said Northerly right of way line of A Street, along the arc of a curve to the left, concave Easterly, having a radius of 66.00 feet, subtended by a chord bearing South 14°01'46" West 40.18 feet to a point in the aforementioned centerline of said A Street; thence along said centerline, North 70°29'38" West 176.40 feet to the point of beginning.

A map or plan of the proposed abandonment and reserved public utility easement are

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DATE ADOPTED: _____ 6 _____

attached as Exhibit A & B and both are on file with the Department of Public Works, Development Services Section, located at 1231 I Street, Room 300.

Total area of abandonment = 0.409 Acres.

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.
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:
 - a) Construct street improvement pursuant to Section 40.12.1211 of the City Code, closing the entrance into "A" Street on the west side of Ahern Street and apply for a driveway permit.
 - b) Street lights are existing on "A" Street. Modification to existing lighting will be necessary. Lights within the abandon street will be removed and

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DATE ADOPTED: _____ 7 _____

delivered to the City Corporation Yard, 5730 24th Street. Contact person, Robert Howerter, Phone: 264-8300.

- c) Fire alarm system will be modified. Contact person, Robert Howerter, Phone: 264-8300.
 - d) That General Produce Company and Union Pacific Railroad company obtain right-of-temporary ingress and egress over the roadway to be abandoned to the intersection of Ahern Street and "A" street for purposes of construction and remediation.
 - e) That General Produce Company obtain right-of-ingress and egress for passenger cars over the roadway to be abandoned to the intersection of Ahern Street and "A" Street if General Produce Company does not merge its existing property with the adjacent property located on the south and north side of abandoned "A" Street.
5. This abandonment shall not be recorded until the conditions specified in paragraph 4 have been fulfilled and all fees for the preparation of the abandonment have been paid, whereas, 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

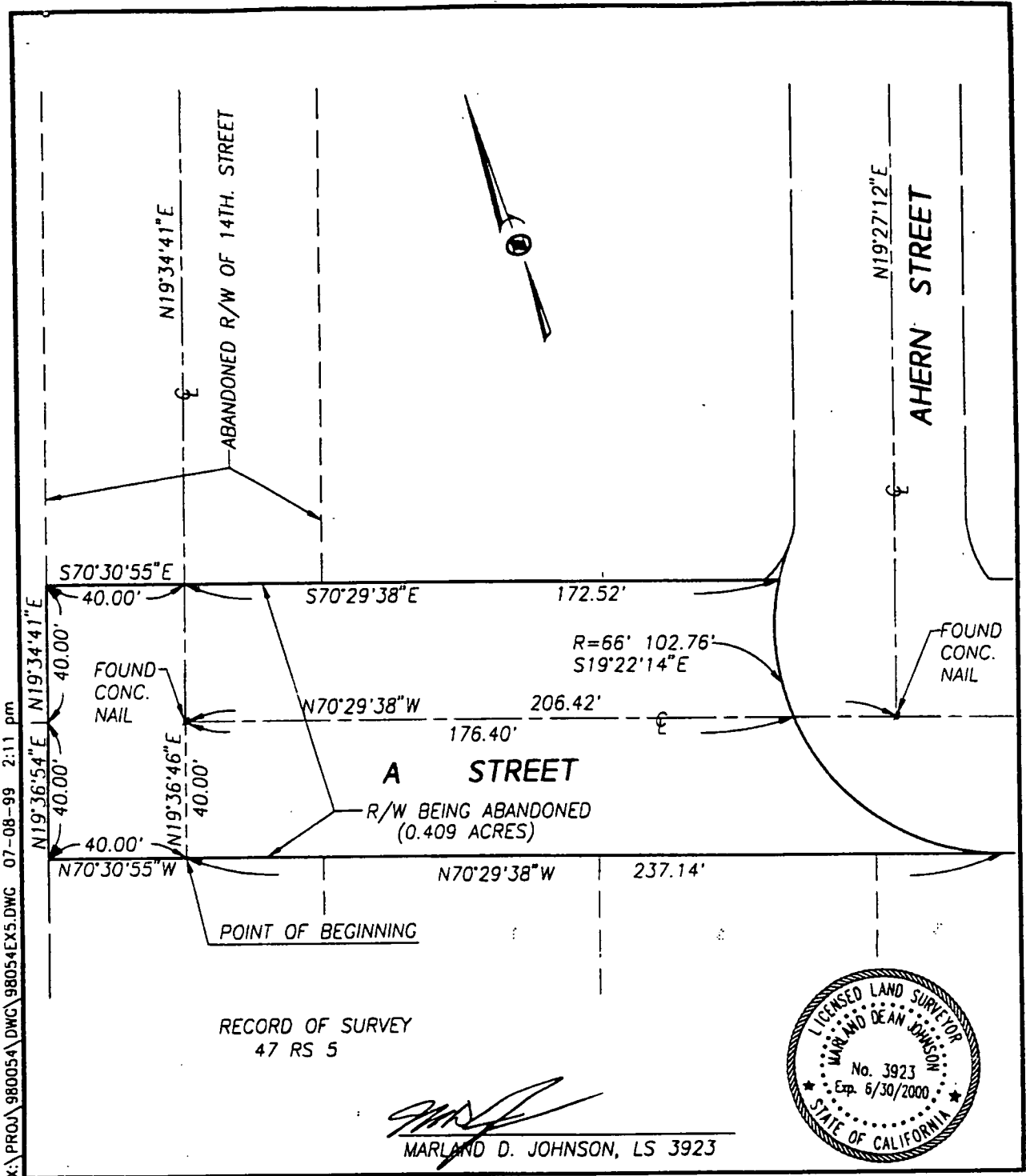
ATTEST:

CITY CLERK

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RESOLUTION NO.: _____

DATE ADOPTED: _____ 8



X:\PROJ\980054\DWG\98054EX5.DWG 07-08-99 2:11 pm

RECORD OF SURVEY
47 RS 5

[Signature]
MARLAND D. JOHNSON, LS 3923



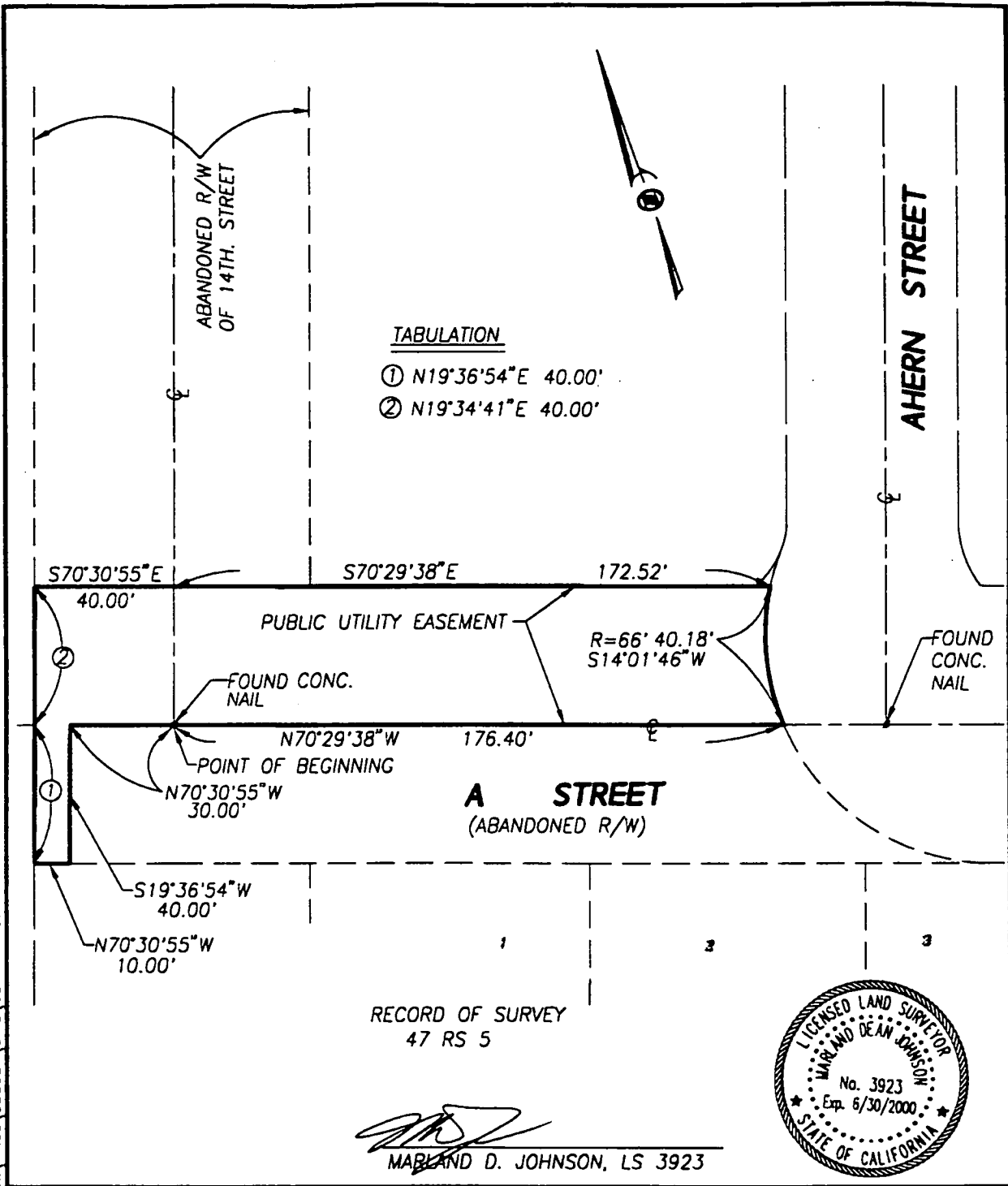
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|---|---|---|--|
| | | MORTON & PITALO, INC. CIVIL ENGINEERING • PLANNING • SURVEYING 1788 TRIBUTE ROAD • SUITE 200 • SACRAMENTO, CA 95815 PHONE: 916/927-2400 • FAX: 916/567-0120 | |
| DRAWN: RB CHECKED: RB SCALE: 1" = 40' | JOB NO: 980054 DATE: JULY, 1999 SHEET: 1 of 1 | | |

EXHIBIT "A"
R/W ABANDONMENT
BETWEEN 14TH STREET AND
AHERN STREET
 CITY OF SACRAMENTO, CALIFORNIA

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____
 DATE ADOPTED: _____

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TABULATION

- ① N19°36'54"E 40.00'
- ② N19°34'41"E 40.00'

RECORD OF SURVEY
47 RS 5

[Signature]
MARLAND D. JOHNSON, LS 3923



| | | | |
|---|---------------------|---|--|
| <p>MORTON & PITALO, INC. CIVIL ENGINEERING • PLANNING • SURVEYING 1788 TRIBUTE ROAD • SUITE 200 • SACRAMENTO, CA 95815 PHONE: 916/927-2400 • FAX: 916/567-0120</p> | | EXHIBIT "B" | |
| | | <p>PUBLIC UTILITY EASEMENT</p> <p>CITY OF SACRAMENTO, CALIFORNIA</p> | |
| DRAWN: RB | JOB NO: 980054 | | |
| CHECKED: RB | DATE: OCTOBER, 1999 | | |
| SCALE: 1"=40' | SHEET: 1 of 1 | | |

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____