

RESOLUTION NO. 2004-761

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF: SEP 28 2004

THE SUMMARY VACATION (ABANDONMENT) OF A PUBLIC ROAD RIGHT-OF-WAY, BEING PORTION OF GARDEN HIGHWAY BETWEEN NORTHGATE BOULEVARD AND NORTHVIEW DRIVE IN COUNCIL DISTRICT 1

VACATION PROCEEDING NO. VP03-17

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

- A. WHEREAS, the City received a request from "NSS Northgate Investors, LP" to vacate the subject public road right-of-way within the City of Sacramento; and
- B. WHEREAS, the City Council would consider the vacation in compliance with the State of California, Streets and Highways Code, Section 8330-8334.5, and
- C. WHEREAS, the City Planning Commission reviewed the proposed vacation pursuant to Government Code Section 65402 and concluded that said vacation 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:

Portion of Garden Highway between Northgate Boulevard and Northview Drive, specifically described in Exhibit "A" and Exhibit "B", is hereby ordered vacated 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 public road right-of-way to be vacated, specifically described in Exhibit "A" and shown in Exhibit "B" and attached hereto.

1. The City Council hereby finds that said vacation 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 8310-8317 has considered this vacation in connection with the General and Community Plans and finds the vacation is consistent.
2. The City Council finds that the subject public road right-of-way for vacation is unnecessary for present and prospective public use.

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3. This vacation is subject to the following conditions:
- a. The applicant shall provide and meet the following conditions to the satisfaction of the Development Services Department, Development Engineering and Finance Division:
 - i. The applicant shall construct curb, gutter and side walk on the area proposed for vacation.
 - ii. The applicant shall construct standard driveways per City Standards.
 - iii. The applicant shall apply and obtain Certificate of Compliance for the lot line adjustment of Lot 31, Lot 32, Lot 33 of the Recorded Map Book 79, Page 11 and Parcel 1 of Official Record Book 20040610, Page 2587.

The applicant shall submit public improvement plans and obtain notice to proceed from the Development Services Department to execute the above mentioned improvements.

- b. The applicant shall provide signing and striping plan and pedestrian safety improvements to the satisfaction of the Department of Transportation, Traffic Engineering Division.
 - c. The applicant shall provide continuous bike lane, travel lane(s) and curb, gutter and sidewalk to conform with the adopted streets standard to the satisfaction of the Department of Transportation, Bike and Pedestrian Coordinator.
4. All conditions specified in paragraph 3 for this resolution must be completed within two years of the date of this resolution. If all conditions are not completed within the two years specified, this resolution approving the vacation shall become void, unless the City Council grants a time extension.
5. Once the conditions in paragraph 2 are met, the City Clerk shall cause a certified copy of this resolution, attested by the City Clerk under seal, to be recorded. The vacation shall be effective when the City Clerk records this resolution with the County Recorder.

HEATHER FARGO

MAYOR

ATTEST:

SHIRLEY CONCOLINO

CITY CLERK

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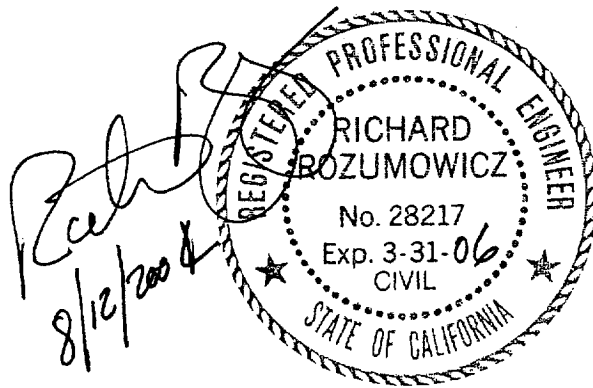
Exhibit "A"
Right-of-Way Abandonment

A strip of land, that varies in width, being a portion Lots 31, 32 and 33 as shown on the "Plat of Northgate Commercial, Portion of Section 30, T. 9 N., R. 5 E., M.D.B. & M.", filed in Book 79 of Maps, Map No. 11, Sacramento County Records (79BM11), including the southerly projection of the side lines of said Lots 31, 32 and 33 to the South line of the right-of-way deed "Public Highway or Road and All Necessary Utilities" granted to the County of Sacramento recorded in Book 769, Page 476 of Official Records, Sacramento County.

SAID STRIP of land being more particularly described as follows:

Beginning at the Southwest corner of said Lot 31, said point being on the North line of Parcel 1 as shown on the "Boundary Line Adjustment" filed in Book 20040610, Page 2587 of Official Records, Sacramento County Records (20040610/OR/2587); thence along said North line, South 82°09'57" East, 482.73 feet; thence leaving said North line, North 07°33'51" East, 13.96 feet, to a point, said point measuring 30.5 feet at right angles to the centerline of Garden Highway as shown on the Improvement Plans for "Arden-Garden Connector, Phase 2"; thence parallel to said centerline of Garden Highway, North 81°54'11" West, 484.85 feet to a point on the West line of said Lot 31, said West line being the centerline of Northview Drive as shown on said 79BM11; thence along said West line, South 00°08'40" West, 16.33 feet, to the point of beginning.

End description.

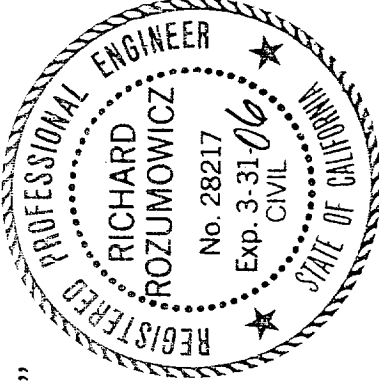


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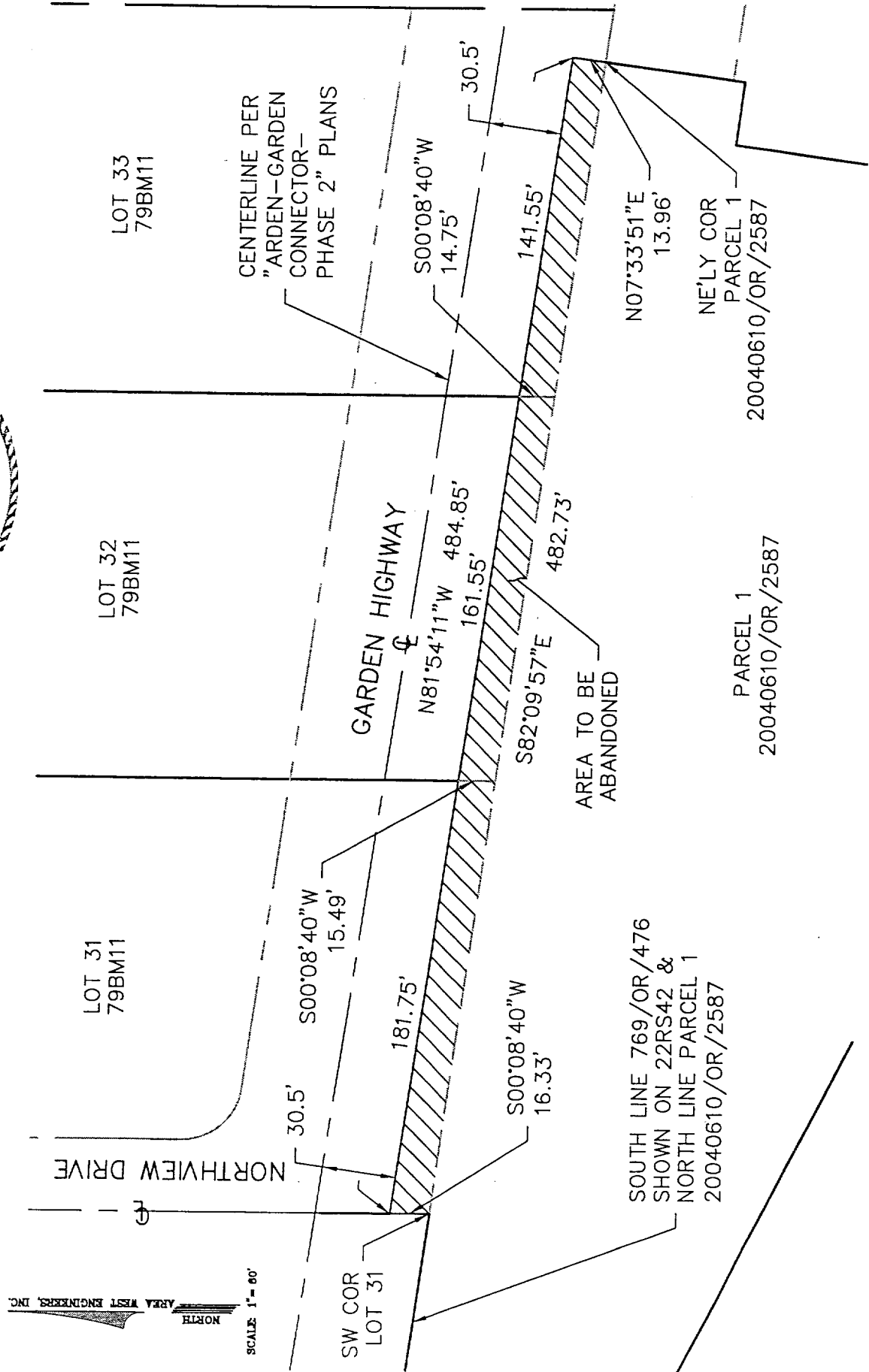
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EXHIBIT "B"



[Handwritten Signature]
8/12/2004



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