



## REPORT TO COUNCIL City of Sacramento

915 I Street, Sacramento, CA 95814-2671  
www.CityofSacramento.org

PUBLIC HEARING  
September 9, 2008

Honorable Mayor and  
Members of the City Council

**Title:** Vacation of a Portion of the Public Right of Way at 30<sup>th</sup> and Q Streets

**Location/Council District:** The East Side of 30<sup>th</sup> Street between Q Street and the R Street Alleyway in Council District 3 (see Attachment 1).

**Recommendation:** Conduct a public hearing and upon conclusion, adopt the attached **Resolution** vacating 28 inches of the public right-of-way on the east side of 30<sup>th</sup> Street between Q Street and the Q Street/R Street Alley within Council District 3 described in Exhibit A and B.

**Contact:** Jerry Lovato, Senior Engineering Technician, (916) 808-7918; Thomas Adams, Engineering Technician, (916) 808-7929

**Presenters:** Thomas Adams

**Department:** Transportation

**Division:** Engineering Services

**Organization No:** 15001181

### Description/Analysis

**Issue:** The property owners of the newly constructed Mercy Medical Group Midtown office building located at 3000 Q Street have requested the vacation of 28 inches of the public right-of-way to correct the building's encroachment into the right of way. During preparation of an as built survey for the project the applicant noted the face/wall of the building along with the third floor façade, building footings and lighting fixtures were encroaching into the public right-of-way. A vacation of the buildings encroachment into the right-of-way is needed to meet City standards. The vacation of the 28 inches will allow the owner the ability to move forward to obtain the necessary sign-offs for completion to occupy the building.

A summary of the project's history is included in Attachment 1, Page 3.

**Policy Considerations:** The Council action recommended in this report is consistent with the City's Strategic Plan to promote infill development, rehabilitation, and reuse that contributes positively to the surrounding areas and assists in meeting neighborhood and other City goals.



**Environmental Considerations:**

**California Environmental Quality Act (CEQA):** Status is exempt under Section 15061(b)(3) in which this activity has no potential of causing any significant effect on the environment.

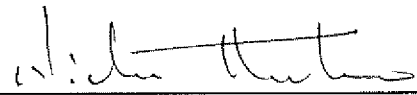
**Sustainability Considerations:** None

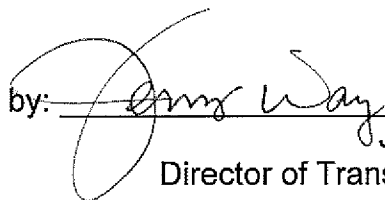
**Committee/Commission Action:** None

**Rationale for Recommendation:** This action is necessary to ensure that private development complies with development standards and easement rights to not have buildings encroaching into the public right-of-way within the City of Sacramento.


**Financial Considerations:** The applicant is responsible for all fees required to process this application and there is no cost to the City.

**Emerging Small Business Development (ESBD):** None

Respectfully Submitted by:   
Nicholas Theocharides  
Engineering Services Manager

Approved by:   
Jerry Way  
Director of Transportation

Recommendation Approved:

  
Ray Kerridge  
City Manager

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**Attachment 1**

**Background**

**The Vacation of a Portion of the Public Right of Way at 30<sup>th</sup> and Q Streets**

JTS Engineering Consultants, Inc. on behalf of the property owners of the newly developed Mercy Medical Group Midtown Office located at 3000 Q Street has requested the vacation of the subject 28 inches of the right-of-way located within the City of Sacramento. This subject portion of right of way along 30<sup>th</sup> Street was once part of the state highway system that was relinquished to the City of Sacramento and recorded in 1967. (see attachment) This request is being processed under the Streets and Highways Code (S&HC) Section 8320-8325 as a vacation for City Council approval.

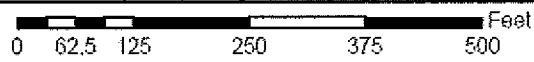
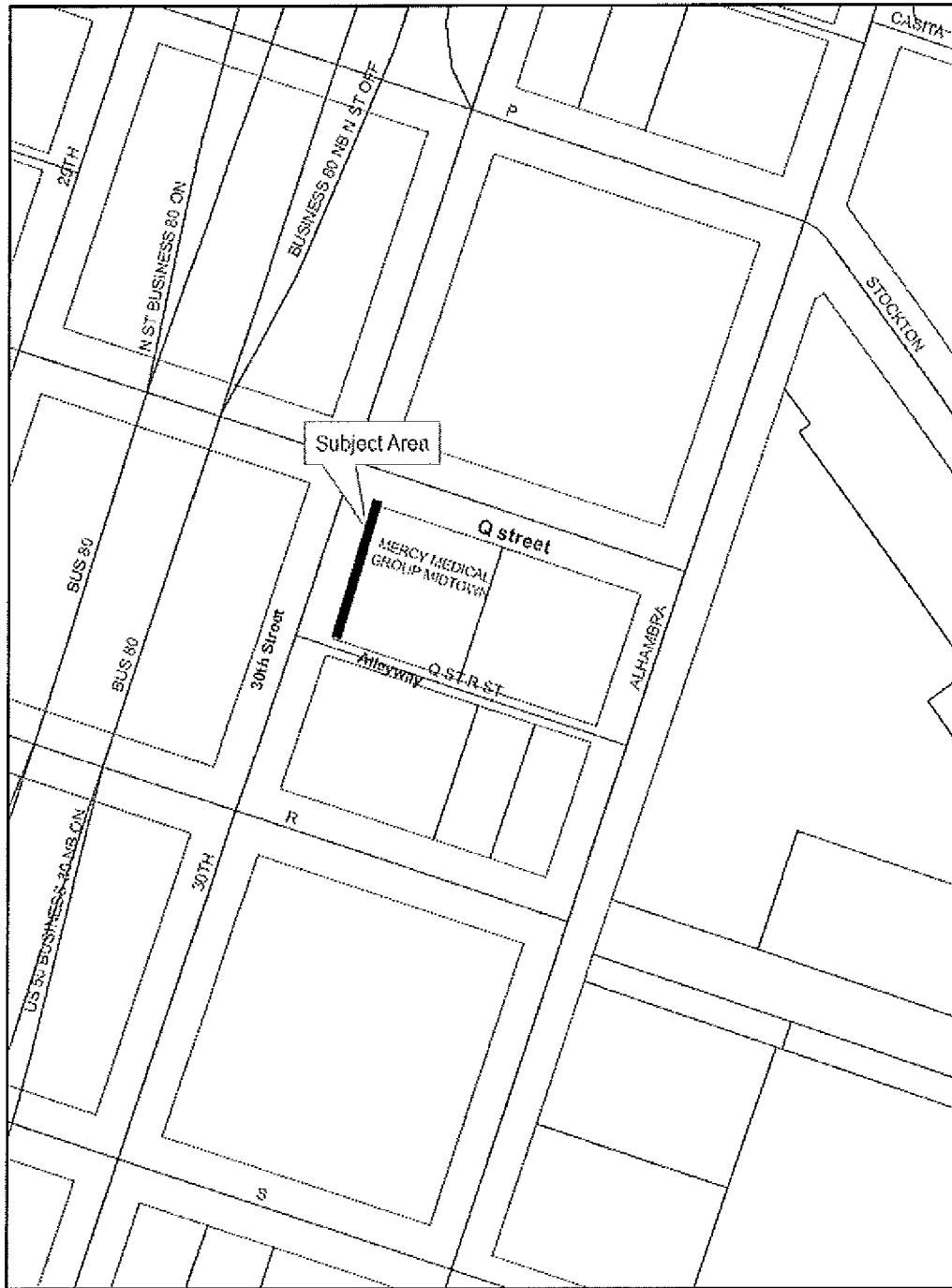
During preparation of an as built survey for the project the applicant noted the face/wall of the building along with the third floor façade, building footings and lighting fixtures were encroaching into the public right-of-way. The applicant notified the City of Sacramento's Department of Transportation of the findings and came to the understanding that in the best interest for the City of Sacramento and the owner that the encroached area be vacated.

Of the 28 inches requested for vacation, 13 inches encompass the actual building's encroachment into the right-of-way. The other 15 inches covers the buildings footings, 3<sup>rd</sup> floor facade and lighting fixtures. To meet the City of Sacramento's satisfaction the owner must grant a 15 inch pedestrian and sidewalk easement to the City of Sacramento. The 15 inch easement will encompass the buildings footings, top architectural design and lighting fixtures that extend past the actual face (wall) of the building. The sidewalk area will be affected by reducing its width to 7 feet 6 inches along the adjacent area of the subject vacation. This width is more than the five feet required by the City of Sacramento's Design and Procedures Manual.

Various City agencies and utility companies have reviewed this request and support the proposed vacation. In addition the City Clerk has published the Notice of Hearing of the proposed vacation, and the Notice of Hearing has been posted at the subject site as required by law pursuant to Streets and Highways Code Sections 8222 and 8223 respectively.

**Attachment 2**

Right of Way  
Vacation



Attachment 3

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Division of Highways  
P. O. Box 911  
Marysville, California

OFFICIAL CERTIFICATE  
SACRAMENTO COUNTY, CALIF.

HIGHWAY COMMISSION  
RESOLUTION NO.

R 977

JUL 3 1 49 PM 1957

Passed by C.H.C.

JUN 21 1957

*Richard J. Horner*  
COUNTY RECORDER

Document Entered On R/W Maps
By <i>WSP</i>
Date <i>7/25/67</i>

43838

*no fee*

RELINQUISHMENT OF SUPERSEDED STATE HIGHWAY  
IN THE CITY OF SACRAMENTO, ROAD 03-SAC-99, 80-22.9, 3.3  
REQUEST NO. 20598-X

WHEREAS, portions of the State highway within the City of Sacramento, along 30th Street between U Street and Q Street and along 29th Street between T Street and P Street, road 03-Sac-99, 80, hereinafter particularly described, have been superseded by a change in the location of said highway; and

WHEREAS, this Commission has found and determined, and does hereby find and determine, that it is desirable and in the public interest that said portions of the State highway so superseded be relinquished to the City of Sacramento for use as city streets;

NOW, THEREFORE, IT IS VOTED by the California Highway Commission that it relinquish, and it does hereby relinquish, to the City of Sacramento, effective upon the recordation of a certified copy hereof with the Recorder of Sacramento County, all of the State of California's right, title and interest in and to those portions of superseded State highway in said city, together with the right of way and appurtenances thereof, described as follows:

43838

SEP 11 1957

BOOK 57-07-03 PAGE 256

All those portions of superseded State Highway indicated by shading and designated as Segment Nos. 1, 2, and 3 as shown on those certain highway layout sheets filed for record on January 16, 1967 in State Highway Map Book No. 4, on pages 156 to 158 inclusive, Records of Sacramento County.

EXCEPTING and RESERVING to the State of California any and all rights of ingress to and egress from the superseded highway hereby relinquished in and to the adjacent freeway lying Easterly of said Segment Nos. 1 and 2 and Westerly of said Segment No. 3, except at such points as now are or may be established by this Commission.

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THIS IS TO CERTIFY that the foregoing is a full and correct copy of the original resolution duly passed by the California Highway Commission at its meeting regularly called and held on the 21st day of June, 1967, in the City of Eureka.

Dated this 23rd day of June, 1967.

*Robert T. Martin*  
 ROBERT T. MARTIN  
 ASSISTANT SECRETARY OF THE  
 CALIFORNIA HIGHWAY COMMISSION

EST. 3932 2682-500 7-66 PH 02A

## **RESOLUTION NO.**

Adopted by the Sacramento City Council

### **THE VACATION OF A PORTION OF THE PUBLIC RIGHT OF WAY AT 30<sup>TH</sup> AND Q STREETS WITHIN COUNCIL DISTRICT 3 VACATION PROCEEDING NO. VAC 08-016**

#### **BACKGROUND**

- A. JTS Engineering on behalf of the property owners of the parcel (APN: 007-0352-011) has requested the vacation of the public right-of-way located on the east side of 30<sup>th</sup> Street between Q Street and the R Street alley.
- B. The City of Sacramento Planning Director reviewed this vacation proceeding pursuant to Sacramento City Code 2.112.080 and State of California Government Code Section 65402 and concluded that this vacation is consistent with the City's General Plan.

#### **BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:**

- Section 1. Subject to the condition below in Section 2, the right of way located on the East side of 30<sup>th</sup> Street between Q Street and the R Street alleyway within Council District 3, more specifically described in Exhibit A and Exhibit B of this resolution is hereby ordered vacated.
- Section 2. This vacation is pursuant to the following condition:  
  
The owner must grant the City of Sacramento a Pedestrian and Sidewalk easement over the most westerly 15 inches of the subject area to be vacated to the satisfaction of Department of Transportation.
- Section 3. The vacation of the right of way within Council District 3, more specifically described in Exhibit A and Exhibit B is made pursuant to State of California Streets and Highways Code, Division 9, Part 3, Chapter 4. Pursuant to California Streets and Highways Code Section 8320, the City Council finds that the right of way, more specifically described in Exhibit A and Exhibit B has been petitioned for vacation by an interested person.
- Section 4. The City Council finds that the said vacation has been submitted to and reported on by the City's Planning Division and finds that the said vacation is consistent with the City's General Plan.



Section 5. The conditions specified in Section 2 of this Resolution must be completed within 90 days of the date of this Resolution. If all conditions are not completed within 90 days of the date of this Resolution, this Resolution approving the vacation shall become void, unless the City Council grants one or more time extensions.

Section 6. 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.

**Table of Contents:**

Exhibit A: Legal Description

Exhibit B: Exhibit Plat/Map

EXHIBIT "A"  
LEGAL DESCRIPTION  
OF  
RIGHT OF WAY ABANDONMENT

ALL THAT CERTAIN PROPERTY SITUATED IN THE CITY OF SACRAMENTO, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, BEING A PORTION OF LAND LYING WITH IN 30TH STREET, A 80-FOOT WIDE PUBLIC STREET, ADJACENT TO LOT 1 IN THE BLOCK BOUNDED BY 'Q' STREET, 'R' STREET, 30TH STREET AND ALHAMBRA BOULEVARD (FORMERLY 31ST STREET) OF THE CITY OF SACRAMENTO, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEING A STRIP OF LAND OF UNIFORM WIDTH OF 2.33 FEET (28.00 INCHES), THE EASTERLY LINE OF WHICH IS THE WESTERLY LINE OF SAID LOT 1, SAID WESTERLY LINE IS BEING THE EXISTING EASTERLY RIGHT OF WAY OF SAID 30 TH STREET;

END OF LEGAL DESCRIPTION

PREPARED BY JTS ENGINEERING CONSULTANTS, INC. FROM RECORD DATA.

  
8/20/08

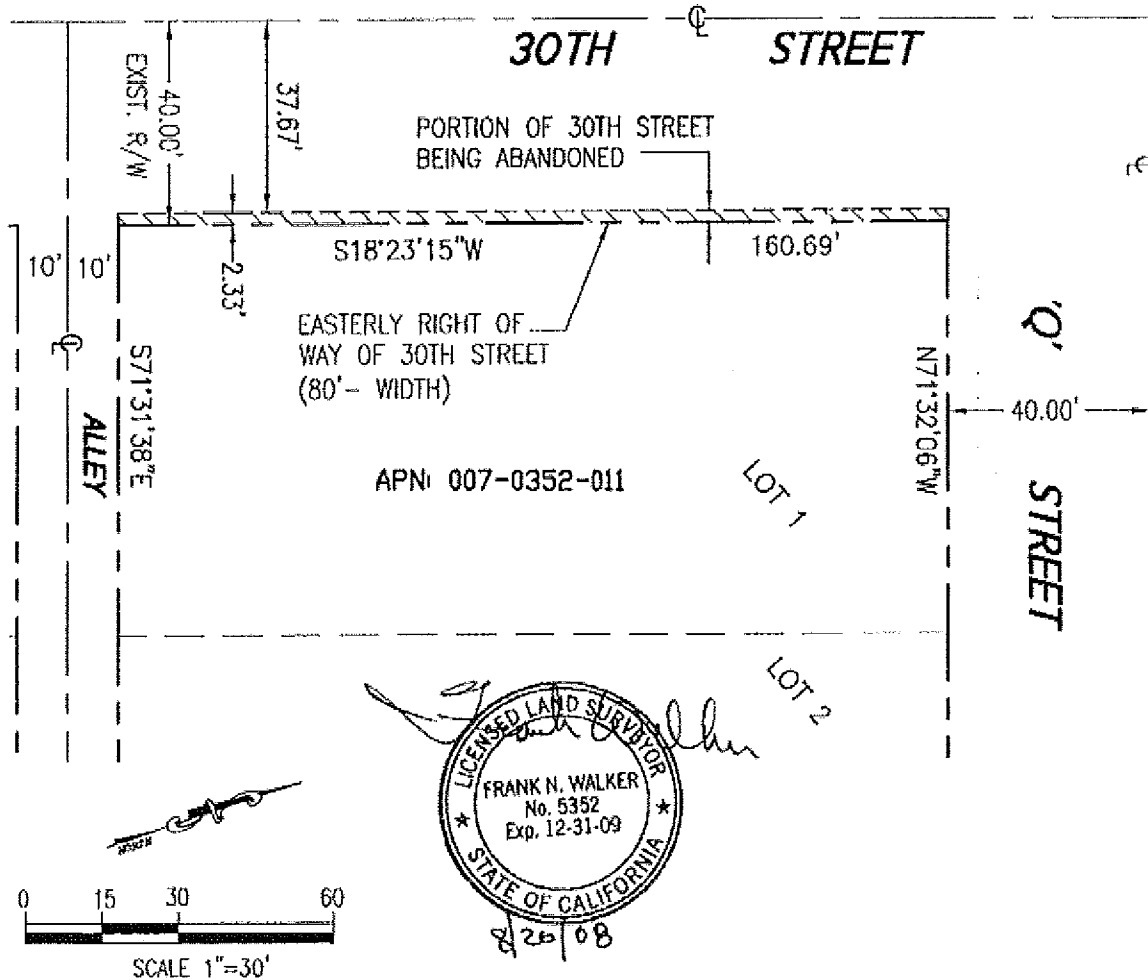
CITY OF SACRAMENTO  
SHEET 1 OF 1

EXHIBIT 'B'  
ABANDONMENT EXHIBIT

CALIFORNIA  
AUGUST 2008

PORTION OF 30TH STREET WITHIN BLOCK BOUNDED BY  
'Q' & 'R' STREETS AND ALHAMBRA BLVD. & 30TH STREET

**JTS** ENGINEERING  
CONSULTANTS, INC.



FOR CITY CLERK USE ONLY

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

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

