

RESOLUTION NO. 2007-536

Adopted by the Sacramento City Council

July 17, 2007

VACATING THE PUBLIC SERVICE EASEMENT LOCATED WITHIN THE VACATED PORTION OF THE ALLEY BOUNDED BY 3RD STREET, 5TH STREET, "X" STREET AND BROADWAY LOCATED IN COUNCIL DISTRICT 4 VACATION PROCEEDING NO. VP06-12

BACKGROUND

- A. G.C. Wallace of California, Inc. on behalf of Broadway SPC, LLC, the property owner of 401 Broadway requested that the City vacate the subject Public Service Easement (PSE) located within the City of Sacramento.
- 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 and applicable Community Plan.

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

- Section 1. The Public Service Easement located within the vacated portion of the alley bounded by 3rd Street, 5th Street, X Street and Broadway specifically described in Exhibit "A" and Exhibit "B", is unnecessary for present or prospective public use, is not useful as a nonmotorized transportation facility and is hereby ordered vacated subject to the conditions specified in Section 3 of this resolution.
- Section 2. The City Council hereby finds that said vacation has been submitted to and reported on by the City Planning Division and finds that said vacation is consistent with the City's General Plan and applicable Community Plan.
- Section 3. This vacation is pursuant to the following conditions:
 - a. The applicant must relocate the 12-inch combined sewer main and the 6-inch water main located within proposed vacated area to the satisfaction of the Department of Utilities.
 - b. The applicant must also provide the Department of Utilities acceptable drainage patterns with grade information for the non-vacated portion of the alley with drawings displaying all existing and proposed mains associated with this vacation.

- c. The applicant must also relocate AT&T's aerial and underground facilities within the vacated area of the PSE at cost to the applicant.
- d. The applicant must ensure that the water flow from fire hydrant #801 is not compromised with any relocation or changes of the utility services, and that the resulting water flow be no less than its current level.

Section 4. The conditions specified in Section 3 of 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 one or more time extensions.

Section 5. Once the conditions in Section 3 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.

Table of Contents:

Exhibit A: Legal Description

Exhibit B: Exhibit Plat/Map

Adopted by the City of Sacramento City Council on July 17, 2007 by the following vote:

Ayes: Councilmembers, Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters, and Mayor Fargo.

Noes: None.

Abstain: None.

Absent: None.



Mayor, Heather Fargo

Attest:



Shirley Concolino, City Clerk

EXHIBIT "A"
LEGAL DESCRIPTION
UTILITIES EASEMENT ABANDONMENT

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF SACRAMENTO, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, BEING ALL OF A 20-FOOT WIDE UTILITIES EASEMENT, AS DESCRIBED IN BOOK 4810 AT PAGE 210 OF OFFICIAL RECORDS OF SACRAMENTO COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 7 OF THE BLOCK BOUNDED BY "X", "Y" (NOW BROADWAY), 4TH AND 5TH STREETS, AS SHOWN ON THAT CERTAIN MAP ENTITLED "MAP OF SACRAMENTO CITY AND WEST SACRAMENTO", FILED IN BOOK 1 OF SUBDIVISION MAPS AT PAGE 3, SACRAMENTO COUNTY RECORDS; THENCE ALONG THE EASTERLY LINE OF SAID LOT 7, NORTH 18°29'43" EAST 160.99 FEET TO THE POINT OF BEGINNING, SAID POINT OF BEGINNING BEING THE NORTHEAST CORNER OF SAID LOT 7, AS SHOWN ON SAID MAP; THENCE ALONG THE SOUTHERLY LINE OF A 20-FOOT WIDE ALLEY, AS SHOWN ON SAID MAP, NORTH 71°20'26" WEST 160.64 FEET TO THE NORTHWEST CORNER OF LOT 8 OF SAID BLOCK, AS SHOWN ON SAID MAP; THENCE ALONG THE EASTERLY LINE OF 4TH STREET, AS SHOWN ON SAID MAP, NORTH 18°28'49" EAST 20.00 FEET TO THE SOUTHWEST CORNER OF LOT 1 OF SAID BLOCK, AS SHOWN ON SAID MAP; THENCE ALONG THE NORTHERLY LINE OF SAID 20-FOOT WIDE ALLEY, SOUTH 71°20'26" EAST 160.65 FEET TO THE SOUTHEAST CORNER OF LOT 2 OF SAID BLOCK, AS SHOWN ON SAID MAP; THENCE ALONG THE SOUTHERLY PROLONGATION OF THE EASTERLY LINE OF SAID LOT 2, SOUTH 18°29'43" WEST 20.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,213 SQUARE FEET OR 0.074 ACRES, MORE OR LESS.

THE PROPERTY DESCRIBED HEREON IS SHOWN ON THE ATTACHED EXHIBIT "B" AND BY THE REFERENCE MADE A PART HEREOF.

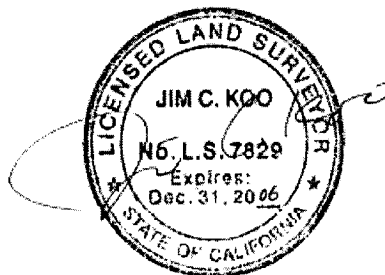
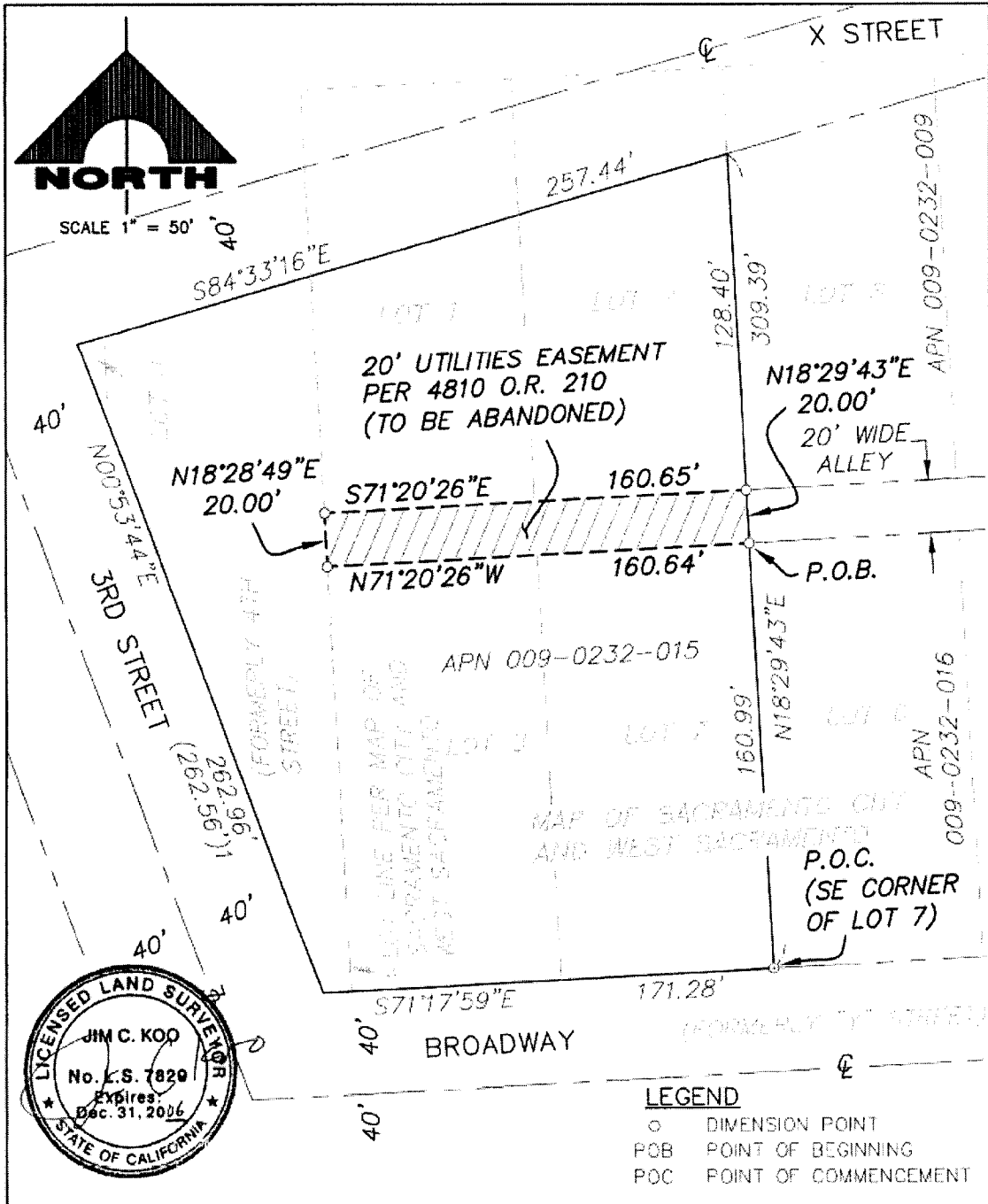


EXHIBIT B



<p>G.C. WALLACE OF CALIFORNIA, INC. Engineers/Planners/Surveyors 2150 River Plaza Dr., Ste. 100, Sacramento, CA 95833 Telephone: (916) 286-7600 Fax: (916) 286-7601</p>	<p>EXHIBIT "B" EASEMENT ABANDONMENT 401 BROADWAY SELF-STORAGE CITY OF SACRAMENTO, CA BRYANT MANAGEMENT, LLC</p>	<p>0 25 1 SCALE IN FEET</p> <p>DATE: 3-27-08 SHEET 1 of 1</p>
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