

APPROVED
BY THE CITY COUNCIL

APR 27 1999

OFFICE OF THE
CITY CLERK



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DEPARTMENT OF
PUBLIC WORKS

CITY OF SACRAMENTO
CALIFORNIA

DEVELOPMENT SERVICES
1231 I STREET
ROOM 300
SACRAMENTO, CA
95814

TECHNICAL SERVICES DIVISION

April 5, 1999

PH 916-264-7474
FAX 916-264-7480

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: RESOLUTION OF INTENTION FOR ABANDONMENT OF EXCESS RIGHT-OF-WAY ON D STREET AT 41ST STREET WITHIN COUNCIL DISTRICT 3; ABANDONMENT PROCEEDING NO. AP99-02

LOCATION/COUNCIL DISTRICT:

Right-of-way on D Street at 41st Street. Council District 3.

RECOMMENDATION:

This report recommends that the City Council adopt the Resolution of Intention to initiate the abandonment proceedings for the excess right-of-way at the location listed, and set a hearing date of May 18, 1999, at 2:00 P.M.

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

FOR COUNCIL MEETING OF: April 27, 1999

SUMMARY:

The City has received a request from John and Norma Thomason to abandon excess right-of-way in order to allow for clear title of ownership at 4017 D Street and 332 41st Street.

COMMITTEE/COMMISSION:

None required.

BACKGROUND:

Morton & Pitalo, Inc., on behalf of the property owners, has requested the abandonment of excess right-of-way on D Street at 41st Street. The abandonment will allow for transfer of ownership. Staff's intent, in conjunction with the street abandonment hearing on May 18, 1999, is to convey the excess right-of-way to the adjacent property owners.

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 this 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).

FINANCIAL CONSIDERATIONS:

The applicant provided all the documentation required for the abandonment and has paid a fee to fund staff time required to process the abandonment 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:

Abandonment of this excess right-of-way is consistent with Council priorities of public safety, and neighborhood revitalization and enhancement.

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).

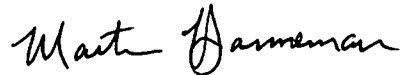
City policy, as stated in Resolution No. 96-176, which was approved by City Council on May 7, 1996, provides for abandonment of streets so long as there is a benefit to the community, it does not inhibit access to other properties, and is supported by the majority of property owners.

City Council
Resolution of Intention - AP99-02
April 12, 1999

ESBD CONSIDERATIONS:

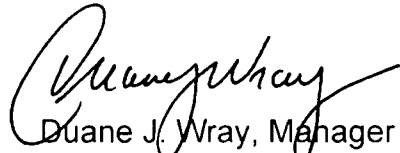
City Council adoption of the attached resolution is not affected by City policy related to the ESBD Program.

Respectfully submitted,



Marty Hanneman, Manager
Traffic Engineering & Development Services

Approved:



Duane J. Wray, Manager
Technical Services Division

RECOMMENDATION APPROVED:



ROBERT P. THOMAS
City Manager

Approved:



Michael Kashiwagi
Director of Public Works

RP:TA:jd

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Attachment

ATTACHMENT A

**SCHEDULE FOR REGULAR ABANDONMENT PROCEEDING
TO ABANDON EXCESS RIGHT-OF-WAY ON D STREET AT 41ST
STREET WITHIN COUNCIL DISTRICT 3 (AP99-02)**

Letter to City Clerk/schedule item on City Council Agenda	April 1, 1999
Resolution of Intention to be heard by City Council	April 27, 1999
Send Letters to Property Owners	April 29, 1999
Posting on Alleys/Streets	April 30, 1999
Copy of Resolution Published in Daily Recorder	April 30, 1999 & May 7, 1999
Public Hearing at City Council/Final Approval	May 18, 1999

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BY THE CITY COUNCIL

APR 27 1999

OFFICE OF THE
CITY CLERK

RESOLUTION NO. 99-193

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

**RESOLUTION OF INTENTION TO ABANDON EXCESS
RIGHT-OF-WAY ON D STREET AT 41ST STREET WITHIN
COUNCIL DISTRICT 3;**

ABANDONMENT PROCEEDING NO. AP99-02

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 Streets and Highways Code Section 8300 et seq, the City Council hereby declares its intention to abandon excess right-of-way on D Street at 41st Street within Council District 3 in the City of Sacramento, specifically described below and shown on Exhibit A.

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

Parcel A

All that portion of Lot 8, as shown on the Official Plat of Burlingame Terrace of Brooke Realty Company's Subdivision No. 108, Recorded in the office of the County Recorder of Sacramento County, February 15, 1907, in Book 8 of Maps, Map No. 4, more particularly described as follows:

Beginning at the corner common to Lot 7 and Lot 8 of said subdivision on the West line of Ashby Place (now 41st Street): Thence southerly along the West line of 41st Street South 23°25'00" West 1.00 feet; thence along a curve to the right with a radius of 5.00 feet, through an angle of 85°02'23", an arc distance of 7.42 feet, being subtended by a chord which bears South 65°56'11" West 6.76 feet; thence along the North line of "D" Street, North 71°32'37" West 121.06 feet; thence North 23°25'00" West 16.45 feet to a point on the line common to Lot 7 and Lot 8 of said subdivision; thence South 66°35'00" East 125.18 feet to the point of beginning.

Exempting therefrom a 5.00 foot Public Utilities Easement lying parallel to and Northerly of the North line of "D" Street.

Total area of abandonment = .031 Acres.

FOR CITY CLERK USE ONLY

RESOLUTION NO: _____

DATE ADOPTED: _____

2. The City Council finds that the above described public portion of the 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 will consider this proposed abandonment at a public hearing on May 18, 1999, 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 in the Daily Recorder, a newspaper published five (5) days a week, as required by law, and the Notice of Hearing shall be posted along the 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.

ATTEST:

MAYOR

CITY CLERK

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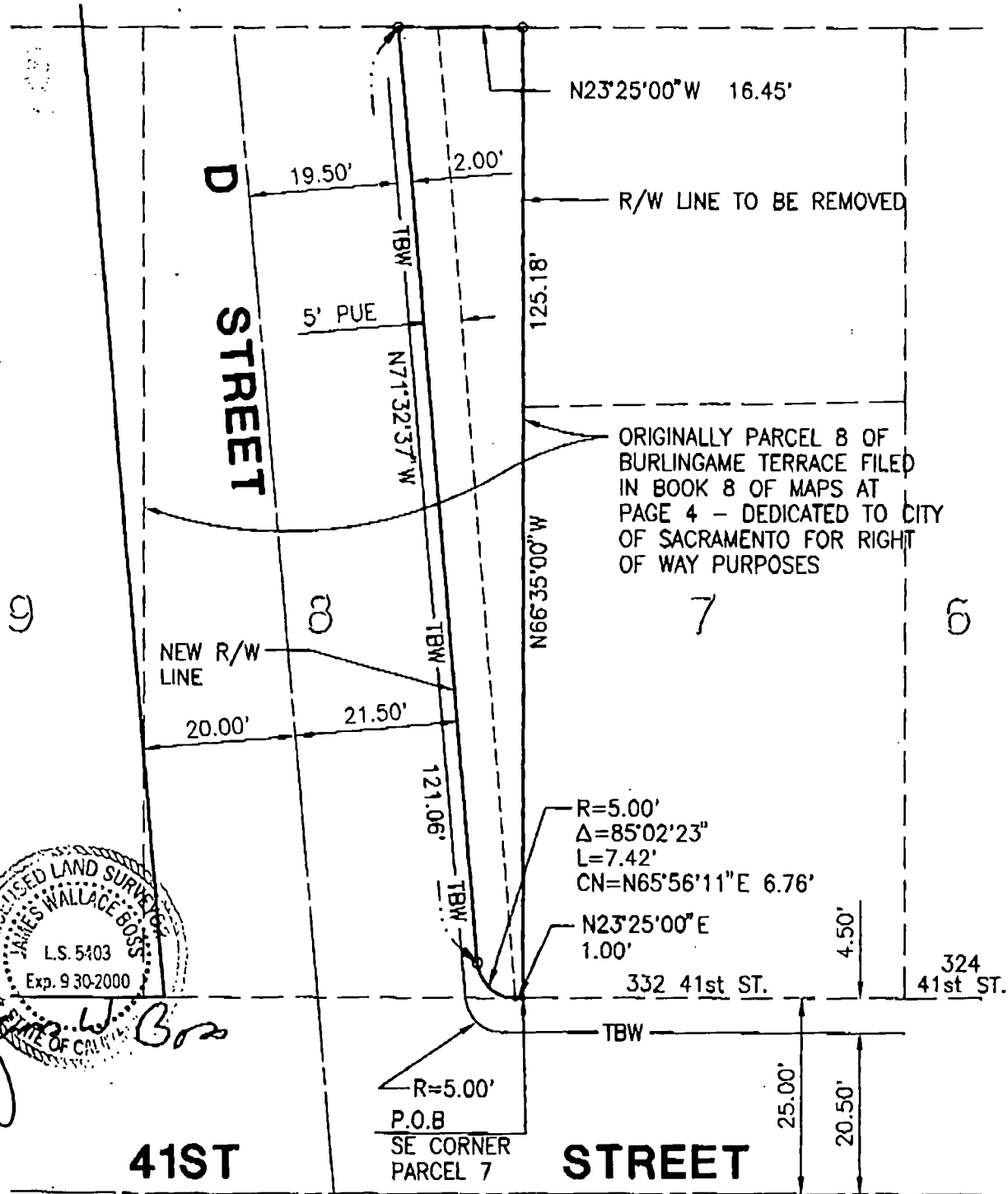
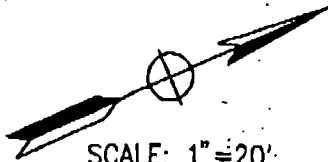
FOR CITY CLERK USE ONLY

RESOLUTION NO: _____

DATE ADOPTED: _____

EXHIBIT A

A PORTION OF LOT 8 - RM 8 PG 4



LICENSED LAND SURVEYOR
JAMES WALLACE BOSS
L.S. 5403
Exp. 9/30/2000
James W. Boss

JAMES BOSS 1788 TRIBUTE RD. PHONE: 916/927-2400 SACRAMENTO, CA	PARCEL A RIGHT OF WAY ABANDONMENT	SHEET: 1
		OF 1