



City Council Report

915 I Street, 1st Floor

Sacramento, CA 95814

www.cityofsacramento.org

File ID: 2019-00944

July 23, 2019

Public Hearing Item 46

Title: Vacation of a Portion of the Public Utility Easement at 1525 Endres Court, Within Council District 5 Proceeding No. VAC18-0005 [Noticed 07/09/2019 & 07/17/2019]

Location: District 5

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution to vacate a portion of the public utility easement bordering the northerly and easterly property lines of 1525 Endres Court to facilitate the construction of a retaining wall.

Contact: Jair Bautista, Engineering Technician, (916) 808-7929; Jennifer Johnson, Supervising Engineer, (916) 808-7754, Department of Public Works

Presenter: None

Attachments:

1-Description/Analysis

2-Resolution

Description/Analysis

Issue Detail: To allow the reconstruction of a retaining wall along the property lines of 1525 Endres Court that borders Bing Maloney Golf Course and Chorley Park, the property owner of said property is requesting the vacation of the 10-foot public utility easement (PUE) as dedicated on the map "Golf Course Estates Unit No. 2" (65 B.M. 31). There is an urgency to vacate this easement as the existing retaining wall is deteriorating due to age.

Policy Considerations: The action recommended in this report is consistent with the Sacramento 2035 General Plan and in compliance with the California Streets and Highways Code Sections 8300-8325.

Economic Impacts: None.

Environmental Considerations: The Community Development Department, Environmental Planning Services Division has reviewed this vacation/abandonment of public road and public utility easement to allow development to proceed as approved with the Sacramento Convention Center and Renovation and Expansion project (Project). All work related to the Project was evaluated pursuant to the requirements of the California Environmental Quality Act (CEQA) and the City Council certified an Environmental Impact Report (EIR) on June 19, 2018 (Resolution No. 2018-0252). This vacation/abandonment is consistent with the proposed project that was evaluated in the certified EIR and none of the circumstances identified in CEQA Guidelines section 15162 are present. No further environmental review is required.

Sustainability: Not applicable

Commission/Committee Action: None

Rationale for Recommendation: Approval of this vacation request will allow the property owner of 1525 Endres Court to obtain a building permit for the purpose of constructing and replacing their deteriorating retaining wall. City staff, along with various agencies, supports the vacation request.

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

Local Business Enterprise (LBE): Not applicable

RESOLUTION NO. 2019-

Adopted by the Sacramento City Council

July 23, 2019

Vacation of a Portion of the Public Utility Easement at 1525 Endres Court

BACKGROUND

- A. Property owner of 1525 Endres Court has a retaining wall at the back of property along the northerly and easterly property lines abutting Bing Maloney Golf Course and Chorley Park.
- B. Said existing retaining wall is deteriorating and a 10' wide public utility easement lies along the same northerly and easterly property lines on which the retaining wall is located.
- C. Said public utility easement was dedicated on the map "Golf Course Estates Unit No. 2" (65 B.M. 31).
- D. Property owner of 1525 Endres Court is requesting the vacation of said public utility easement to facilitate the construction of a new retaining wall as well as future maintenance. Building permits will not be issued for the construction of a retaining wall unless the public utility easement is vacated.
- E. The City of Sacramento's Planning Director reviewed this vacation proceeding pursuant to Sacramento City Code 17.912.030 and State of California Government Code Section 65402 and concluded that this vacation is consistent with the City of Sacramento's General Plan.

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

- Section 1. A portion of the public utility easement at 1525 Endres Court, more specifically described in Exhibits A and B of this Resolution, is vacated subject to the conditions specified in Section 3 of this Resolution.
- Section 2. The vacation of the portion of the public utility easement, more specifically described in Exhibits A and B, is made pursuant to the State of California Streets and Highways Code, Division 9, Part 3, Chapters 2 & 3, Sections 8310-8325.

Section 3. The vacation is subject to the following condition:

The applicant shall grant SMUD an easement to maintain and service SMUD facilities to the satisfaction of SMUD.

Section 4. The City Council finds that the vacation has been submitted to and reported on by the City of Sacramento's Planning Director and finds that the vacation is consistent with the City of Sacramento's 2035 General Plan.

Section 5. Once this Resolution has been approved, the City Clerk shall cause a certified copy of this Resolution, attested by City Clerk under seal to be recorded. The vacation shall be effective when a City designee records this Resolution in the office of the County Recorder.

Section 6. Exhibits A and B are incorporated into and made part of this resolution.

Table of Contents:

Exhibit A – Legal Description of Area to be Vacated

Exhibit B – Plat/Map of Area to be Vacated

Adopted by the City of Sacramento City Council on [Date Adopted], by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Attest:

The presence of an electronic signature certifies that the foregoing is a true and correct copy as approved by the Sacramento City Council.

EXHIBIT "A"
LEGAL DESCRIPTION
ABANDONMENT OF A PORTION OF A PUBLIC
UTILITY EASEMENT AT
1525 ENDRES COURT

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF SACRAMENTO, COUNTY OF SACRAMENTO, STATE CALIFORNIA AS DESCRIBED AS FOLLOWS

BEING A PORTION OF THAT CERTAIN REAL PROPERTY OF THE LANDS OF GOLF COURSE ESTATES UNIT NO. 2, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED IN THE OFFICE OF THE RECORDER OF SACRAMENTO COUNTY, CALIFORNIA, ON JUNE 16, 1961, IN BOOK 65 OF MAPS, MAP NO. 31 LOT 103 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER ON THE SOUTH LINE OF SAID PROPERTY OF THE LAND CONVEYED TO THE RUDOLPH - JOHNSON FAMILY TRUST, RECORDED MARCH 6, 2018, LOT 103 OF GOLF COURSE ESTATES UNIT NO. 2, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED IN THE OFFICE OF THE RECORDER OF SACRAMENTO COUNTY, CALIFORNIA, ON JUNE 16, 1961, IN BOOK 65 OF MAPS, MAP NO. 31, THENCE NORTH 62°15'32" EAST, A DISTANCE OF 118.43 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 103 BEING ALSO THE SOUTHEAST CORNER OF THE EASEMENT FOR PUBLIC UTILITIES, THENCE ALONG THE EAST LINE OF SAID PROPERTY, NORTH 00°16'10" WEST, A DISTANCE OF 32.50 FEET, THE **TRUE POINT OF BEGINNING**, THENCE THE FOLLOWING SEVEN (7) COURSES AND DISTANCES

1. ALONG SAID EAST LINE, NORTH 00°16'10" WEST, A DISTANCE OF 42.50 FEET,
2. THENCE LEAVING SAID EAST LINE, SOUTH 89°43'50" WEST, ALONG NORTH LINE, A DISTANCE OF 98.00 FEET,
3. THENCE SOUTH 17°06'57" WEST, A DISTANCE OF 10.44 FEET, LEAVING SAID NORTH LINE,
4. THENCE NORTH 89°43'50" EAST, A DISTANCE OF 91.12 FEET,
5. THENCE SOUTH 00°16'10" EAST, A DISTANCE OF 32.62 FEET,
6. THENCE CONTINUING, NORTH 89°43'50" EAST, A DISTANCE OF 10.00 FEET, **TO THE TRUE POINT OF BEGINNING**

CONTAINING 1,321 SQ FT MORE OR LESS.

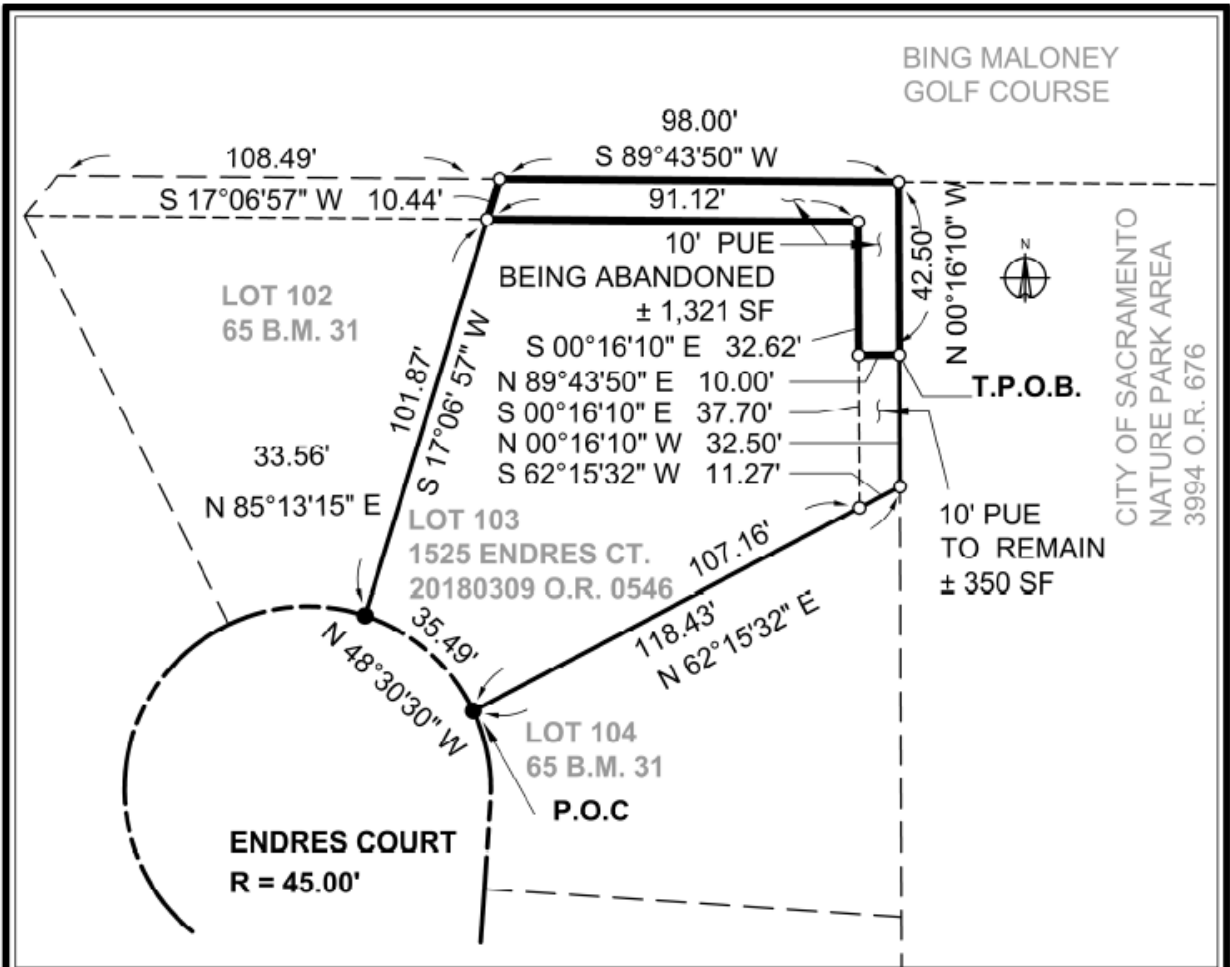
SEE EXHIBIT "B", PLAT TO ACCOMPANY DESCRIPTION, ATTACHED HERETO AND MADE A PART HEREOF.

THE BASIS OF BEARINGS IS IDENTICAL TO THAT OF THE PLAT OF "GOLF COURSE ESTATES" RECORDED IN THE OFFICE OF RECORDER OF SACRAMENTO COUNTY IN BOOK 45 OF MAPS, MAP NO. 36.

PREPARED BY LEVY J. DUMAS, P.E., C022077, UC. EXP. 9/30/19



LEVY J. DUMAS



ALL DISTANCES SHOWN ON
CURVED LINES
ARE CHORD MEASUREMENTS

EXHIBIT B

ABANDONMENT OF A PORTION OF A PUBLIC UTILITY EASEMENT AT 1525 ENDRES COURT

LEGEND

- DIMENSION POINT
(NOTHING FOUND OR SET)
 - FOUND CHISELED MARK TOP OF CURB
- PUE = PUBLIC UTILITY EASEMENT

SCALE: 1" = 40'

LOT 103 OF GOLF COURSE ESTATES UNIT NO.2,
ACCORDING TO THE OFFICIAL PLAT THEREOF,
FILED IN THE OFFICE OF THE RECORDER OF
SACRAMENTO COUNTY, CA ON JUNE 16, 1961,
IN BOOK 65 OF MAPS, MAP NO. 31.

BASIS OF BEARINGS

BASIS OF BEARINGS IS IDENTICAL TO THAT OF THE PLAT
OF "GOLF COURSE ESTATES" RECORDED IN THE OFFICE OF
RECORDER OF SACRAMENTO COUNTY IN BOOK 45 OF MAPS,
MAP NO 36.



DATE: 06/25/19

1 of 1