

**APPROVED**  
BY THE CITY COUNCIL

**MAR 2 1999**

OFFICE OF THE  
CITY CLERK



1.2

DEPARTMENT OF  
PUBLIC WORKS

**CITY OF SACRAMENTO**  
CALIFORNIA

DEVELOPMENT SERVICES  
1231 I STREET  
ROOM 200  
SACRAMENTO, CA  
95814

TECHNICAL SERVICES DIVISION

February 10, 1999

PH 916-264-7995  
FAX 916-448-8450

City Council  
Sacramento, California

Honorable Members in Session:

**SUBJECT: GRANTING REVOCABLE ENCROACHMENT PERMIT FOR 1215 K STREET**

**LOCATION/COUNCIL DISTRICT:**

13<sup>th</sup> and K Streets  
Council District 1

**RECOMMENDATION:**

This report recommends that the City Council approve a revocable encroachment permit requested by Esquire Partners LLC for the appurtenances attached to the "Esquire Plaza Building," and art in public places within the right-of-way located at 13<sup>th</sup> and K Street (see Site Plan map, Attachment A).

**CONTACT PERSON:** Jon Blank, Associate Engineer, 264-7493

**FOR COUNCIL MEETING OF:** March 2, 1999

**SUMMARY:**

Esquire Partners has requested a revocable encroachment permit for the purpose of allowing portions of the building to overhang onto City right-of-way along 13<sup>th</sup> Street and K Street, and to allow sculptures, a water feature, and artwork within the public right-of-way at 13<sup>th</sup> Street and K Street. The Department of Public Works has coordinated the review of the application and finds that it meets all City requirements. The permit may be revoked and canceled if the terms and conditions of the permit are not met.

City Council  
Revocable Encroachment Permit for 12115 K Street  
February 10, 1999

**COMMITTEE/COMMISSION ACTION:**

None.

**BACKGROUND:**

Esquire Partners LLC has requested a revocable encroachment for the purpose of allowing appurtenances to the Esquire Plaza building to encroach into City right of way along 13th Street and K Street; and to allow sculptures, a water feature, and artwork at the intersection of 13th Street and K Street. See Exhibit "A".

13th Street is scheduled to be open for use by the public on May 1, 1999 with the opening of the Esquire Plaza Building.

Sacramento City Code, Section 12.04.110, states that Council may, by resolution, grant permits revocable at its will for minor or temporary purposes or privileges on public property subject to such terms and conditions as it deems necessary for the public interest. The use of the property by the permittee shall constitute his acceptance and agreement to be bound by the terms and conditions of the permit.

**FINANCIAL CONSIDERATIONS:**

All costs are being paid by the applicant, Esquire Partners LLC.

**ENVIRONMENTAL CONSIDERATIONS:**

An Environmental Impact report was certified by City Council as the Redevelopment Agency of the City of Sacramento on October 15, 1996.

**POLICY CONSIDERATIONS:**

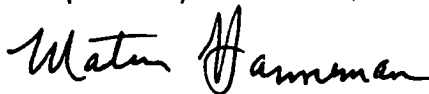
The pavement in the project area does not require special pavement restoration due to the proposed "street-cut".

City Council  
Revocable Encroachment Permit for 1215 K Street  
February 10, 1999

**MBE/WBE:**

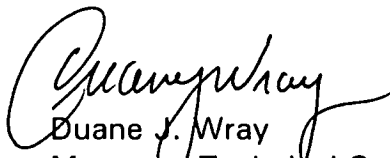
None, since no goods or services are being procured with this action.

Respectfully submitted,



Marty Hanneman  
City Traffic Engineer

Approved:



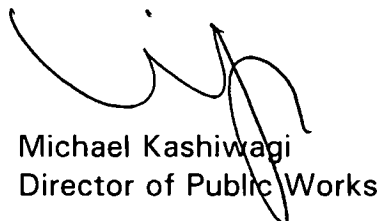
Duane J. Wray  
Manager, Technical Services

RECOMMENDATION APPROVED:

Approved:



WILLIAM H. EDGAR  
City Manager



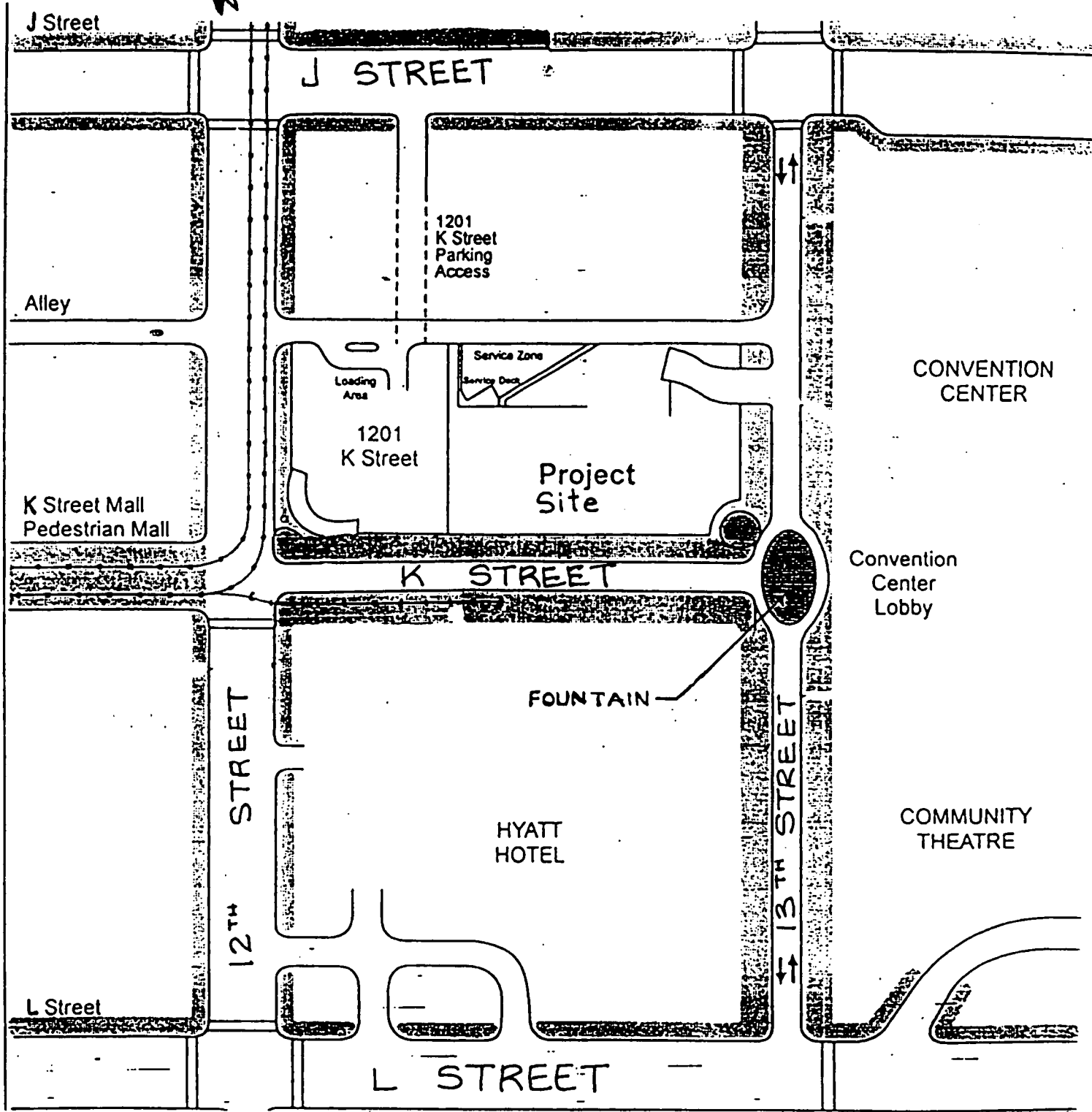
Michael Kashiwagi  
Director of Public Works

JB:dt  
s:techassist/projdel/jblank/p96035 cclet/esquire  
02.1099.1

Attachment

ATTACHMENT A

SITE PLAN MAP



**APPROVED**  
BY THE CITY COUNCIL

**MAR 2 1999**

OFFICE OF THE  
CITY CLERK

**RESOLUTION NO. 99-085**

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

**RESOLUTION GRANTING REVOCABLE ENCROACHMENT PERMIT  
FOR 1215 K STREET**

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

That a Revocable Encroachment Permit be granted to Esquire Partners LLC of 1215 K Street, Sacramento, CA 95814, for appurtenances and overhangs attached to the "Esquire Plaza Building," and for sculptures, a water feature, and artwork in public places within the right-of-way located at 13<sup>th</sup> Street and K Street.

This encroachment is described as follows:

See attached Exhibit "A" and Exhibit "B."

This permit is granted subject to the "General Provisions - Revocable Encroachment Permit," which were adopted by the City Council in Resolution No. 81-845 dated November 17, 1981. This permit shall be effective only after the applicant files with the Risk Management Division of the City of Sacramento, the insurance certificates required by the General Provisions.

**SPECIAL CONDITIONS**

Esquire Partners LLC and its successors in interest are solely responsible for:

1. All maintenance, repair, and replacement of all slot drains and leads from slot drains to storm drain manholes.
2. All restoration and maintenance to the fountain and appurtenances including but not limited to electrical, water pumps, filters, drains, sumps and associated equipment, fixtures, and installations.
3. Maintaining the fountain in a clean and fully functioning condition.
4. Any repair or restoration of artwork, pavement treatments, subbase, and appurtenances.

**FOR CITY CLERK USE ONLY**

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

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

5. Indemnification; Waiver and Release.

- (a) Permittee, for itself and its successors and assigns, agrees and covenants to, and shall fully indemnify, defend and hold harmless City and its elective and appointive boards, commissions, officers, employees and agents (hereafter collectively referred to as "City"), from and against any and all liabilities, penalties, losses, damages, costs, expenses (including reasonable attorneys' fees, whether for outside counsel or the City Attorney), causes of action, claims, or judgements (collectively, "Claims") arising by reason of any death, bodily injury, personal injury, property damage or violation of any law or regulation to the extent arising from any actions or omissions in connection with Permittee's use, occupation, or maintenance of the permit area and improvements thereon, including without limitation a work or works of art and all associated equipment, fixtures and installations relating thereto; provided that if a final decision or judgement allocates liability for any such Claims by determining that any portion of damages awarded is attributable to the CITY's negligence or willful misconduct, the CITY shall pay the portion of damages which is allocated to the CITY's negligence or willful misconduct.
- (b) Permittee's obligations under this indemnity provision shall be binding upon Permittee's assignees, transferees and successors in interest.
- (c) The parties further agree and understand as follows: a party does not and shall not be deemed to, waive any rights against the other party which it may have by reason of the aforesaid indemnity and hold harmless agreements because of any insurance coverage available; the scope of the aforesaid indemnity and hold harmless agreements is to be construed broadly and liberally to provide the maximum coverage in accordance with their terms; no specific term or word contained in this section shall be construed as a limitation on the scope of the indemnification and defense rights and obligations of the parties unless specifically so provided.
- (d) Nothing in this section shall be construed to supercede or otherwise limit in any manner other provisions of this revocable encroachment permit, including without limitation the "General Provisions--Revocable Encroachment Permit."

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

6

FOR CITY CLERK USE ONLY

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

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

**EXHIBIT "A"**  
**DESCRIPTION OF AREAS OF ENCROACHMENT**

Page 1 of 4

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

A portion of K Street bounded by 12<sup>th</sup> and 13<sup>th</sup> Street and a portion of 13<sup>th</sup> Street bounded by K Street and the Alleyway as shown on the Official Map of the City of Sacramento, more particularly described as follows:

Area 1 (See Exhibit B-1)

A strip of land the uniform width of 0.58 feet above the elevation of 30.65 feet, the Northerly line of which is described as follows:

BEGINNING at a point on the Northerly line of said K Street from which the intersection of said Northerly line with the Westerly line of said 13<sup>th</sup> Street bears South 71°32'40" East 223.60 feet; thence from the point of beginning and along the Northerly line of said K Street North 71°32'40" West 42.74 feet and the terminus of the herein described encroachment.

Area 2 (See Exhibit B-2)

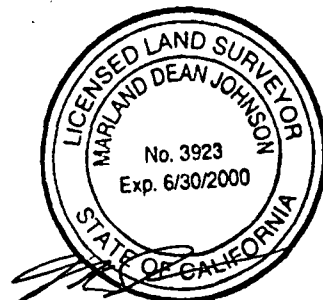
A strip of land the uniform width of 12.15 feet above the elevation of 30.65 feet, the Northerly line of which is described as follows:

BEGINNING at a point on the Northerly line of said K Street from which the intersection of said Northerly line with the Westerly line of said 13<sup>th</sup> Street bears South 71°32'40" East 178.58 feet; thence from the point of beginning and along the Northerly line of said K Street North 71°32'40" West 45.02 feet and the terminus of the herein described encroachment..

Area 3 (See Exhibit B-3)

A strip of land the uniform width of 7.69 feet above the elevation of 41.55 feet, the Northerly line of which is described as follows:

BEGINNING at a point on the Northerly line of said K Street from which the intersection of said Northerly line with the Westerly line of said 13<sup>th</sup> Street bears South 71°32'40" East 181.48 feet; thence from the point of beginning and along the Northerly line of said K Street North 71°32'40" West 2.00 feet and the terminus of the herein described encroachment.



**EXHIBIT "A"**  
**DESCRIPTION OF AREAS OF ENCROACHMENT**

Page 2 of 4

Area 4 (See Exhibit B-4)

A strip of land the uniform width of 0.58 feet above the elevation of 30.65 feet, the Northerly line of which is described as follows:

BEGINNING at a point on the Northerly line of said K Street from which the intersection of said Northerly line with the Westerly line of said 13<sup>th</sup> Street bears South 71°32'40" East 161.58 feet; thence from the point of beginning and along the Northerly line of said K Street North 71°32'40" West 17.00 feet and the terminus of the herein described encroachment.

Area 5 (See Exhibit B-5)

A strip of land the uniform width of 8.50 feet above the elevation of 31.55 feet, the Northerly line of which is described as follows:

BEGINNING at a point on the Northerly line of said K Street from which the intersection of said Northerly line with the Westerly line of said 13<sup>th</sup> Street bears South 71°32'40" East 125.77 feet; thence from the point of beginning and along the Northerly line of said K Street North 71°32'40" West 30.36 feet and the terminus of the herein described encroachment.

Area 6 (See Exhibit B-6)

A strip of land the uniform width of 11.83 feet above the elevation of 32.05 feet, the Northerly line of which is described as follows:

BEGINNING at a point on the Northerly line of said K Street from which the intersection of said Northerly line with the Westerly line of said 13<sup>th</sup> Street bears South 71°32'40" East 50.50 feet; thence from the point of beginning and along the Northerly line of said K Street North 71°32'40" West 57.00 feet and the terminus of the herein described encroachment.



**EXHIBIT "A"**  
**DESCRIPTION OF AREAS OF ENCROACHMENT**

Page 3 of 4

Area 7 (See Exhibit B-7)

All that certain real property above the elevation of 306.76 feet more particularly described as follows:

BEGINNING at the intersection of the Northerly line of said K Street with the Westerly line of said 13<sup>th</sup> Street; thence from the point of beginning and along the Westerly line of said 13<sup>th</sup> Street North 18°32'31" East 6.50 feet; thence leaving said Westerly line South 71°27'29" East 1.00 feet; thence South 18°32'31" West 7.50 feet; thence North 71°32'40" West 7.50 feet; thence North 18°27'20" East 1.00 feet to a point on the Northerly line of said K Street; thence along said Northerly line South 71°32'40" East 6.50 feet to the point of beginning and the terminus of the herein described encroachment.

Area 8 (See Exhibit B-8)

A strip of land the uniform width of 11.83 feet above the elevation of 32.05 feet, the Westerly line of which is described as follows:

BEGINNING at a point on the Westerly line of said 13<sup>th</sup> Street from which the intersection of said Westerly line with the Northerly line of said K Street bears South 18°32'31" West 50.50 feet; thence from the point of beginning and along the Westerly line of said 13<sup>th</sup> Street North 18°32'31" East 57.00 feet and the terminus of the herein described encroachment.

Area 9 (See Exhibit B-9)

A strip of land the uniform width of 0.25 feet above the elevation of 23.88 feet, the Southerly line of which is described as follows:

BEGINNING at a point on the the South line of the alley between K Street and J Street, between 12<sup>th</sup> Street and 13<sup>th</sup> Street, from which the intersection of the West line of 13<sup>th</sup> Street and the North line of K Street bears along the South line of said alley South 71°30'56" East 30.17 feet and along the West line of 13<sup>th</sup> Street South 18°32'31" West 160.96 feet; thence from the point of beginning, along the South line of said alley North 71°30'56" West 10.33 feet to the Westerly terminus of the herein described encroachment.

**EXHIBIT "A"**  
**DESCRIPTION OF AREAS OF ENCROACHMENT**

Page 4 of 4

Area 10 (See Exhibit B-10)

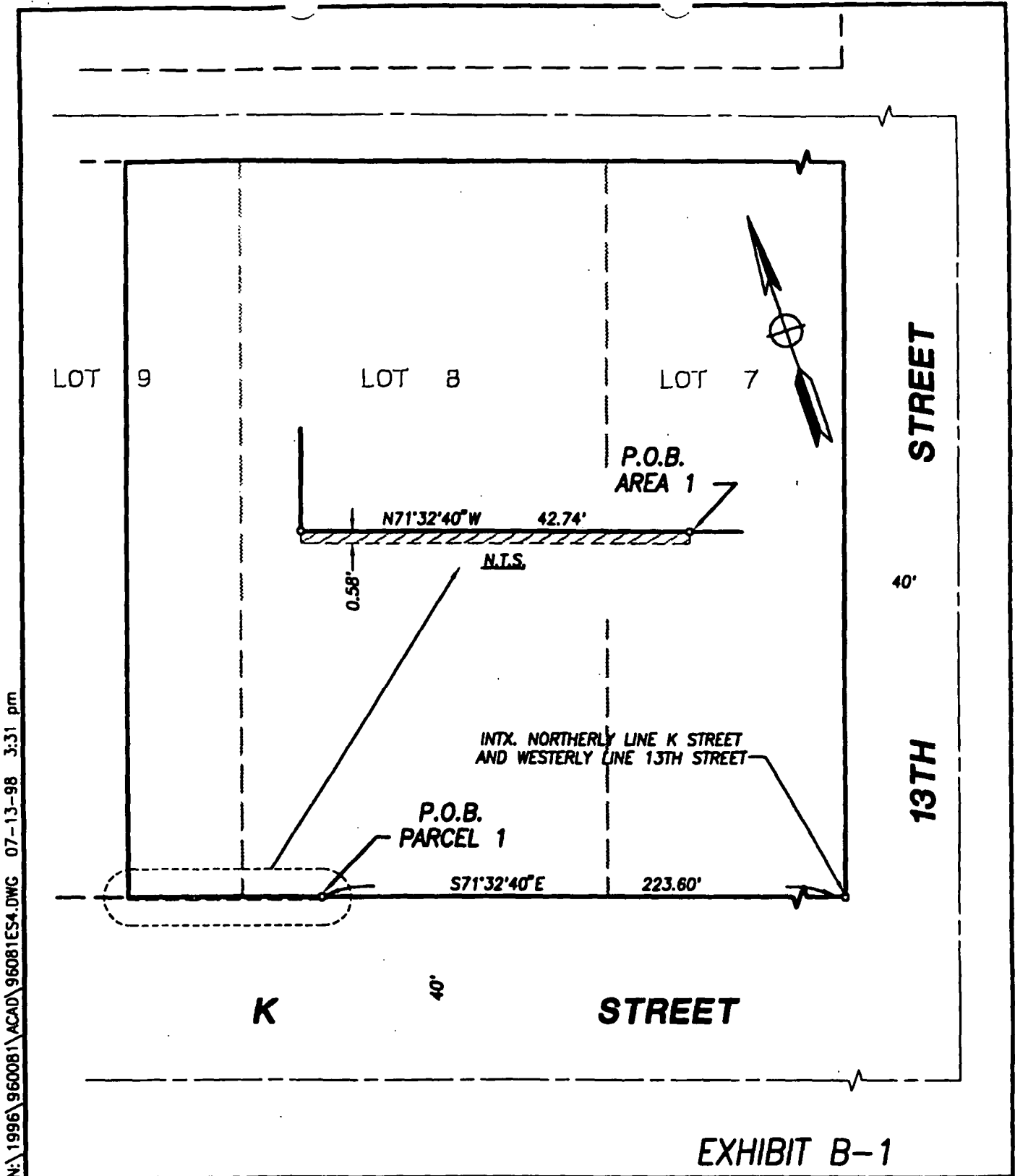
A strip of land the uniform width of 0.25 feet above the elevation of 23.88 feet, the Southerly line of which is described as follows:

BEGINNING at a point on the the South line of the alley between K Street and J Street, between 12<sup>th</sup> Street and 13<sup>th</sup> Street, from which the intersection of the West line of 13<sup>th</sup> Street and the North line of K Street bears along the South line of said alley South 71°30'56" East 166.83 feet and along the West line of 13<sup>th</sup> Street South 18°32'31" West 160.96 feet; thence from the point of beginning, along the South line of said alley North 71°30'56" West 12.67 feet to the Westerly terminus of the herein described encroachment.

Area 11 (See Exhibit B-11)

BEGINNING at the intersection of the Northerly line of said K Street with the Westerly line of said 13<sup>th</sup> Street; thence from the point of beginning and along the Westerly line of said 13<sup>th</sup> Street North 18°32'31" East 32.31 feet; thence leaving said Westerly line along the arc of a curve to the right, concave to the Southwest, having a radius of 33.50 feet and being subtended by a chord bearing South 59°11'24" East 16.54 feet; thence along the arc of a curve to the right, concave to the Southeast, having a radius of 282.35 feet and being subtended by a chord bearing North 37°02'34" East 43.60 feet; thence North 18°32'31" East 21.15 feet; thence South 71°27'29" East 20.00 feet; thence South 18°32'31" West 21.11 feet; thence along the arc of a curve to the right, concave to the Northwest, having a radius of 282.35 feet and being subtended by a chord bearing South 18°31'21" West 220.25 feet; thence South 18°30'13" West 21.11 feet; thence North 71°29'47" West 20.00 feet; thence North 18°30'13" East 21.15 feet; thence along the arc of curve to the right, concave to the East, having a radius of 282.35 feet and being subtended by a chord bearing North 07°39'04" East 118.15 feet; thence along the arc of a curve to the right, concave to the Northeast, having a radius of 33.50 feet and being subtended by a chord bearing North 31°09'22" West 52.51 feet to a point on the Northerly line of said K Street; thence along said Northerly line South 71°32'40" East 32.29 feet to the point of beginning.

All elevations are referred to Sacramento City benchmark Number 297-04A, a Hilti Nail at light base, at the Southeast corner of 16<sup>th</sup> and "J" Streets. Elevation 20.21 feet.



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**mmp** **MORTON & PITALO, INC.**  
 CIVIL ENGINEERING • PLANNING • SURVEYING  
 1788 TRIBUTE ROAD • SUITE 200 • SACRAMENTO, CA 95815  
 PHONE. 916/927-2400 • FAX. 916/567-0120

DRAWN:	JOB NO:	960081
CHECKED:	DATE:	JULY 1998
SCALE:	SHEET:	1 of 11

1"=30'

PLAT TO ACCOMPANY

**ENCROACHMENT AREA 1**  
 (FASCIA)  
**ESQUIRE PLAZA**

SACRAMENTO      CALIFORNIA

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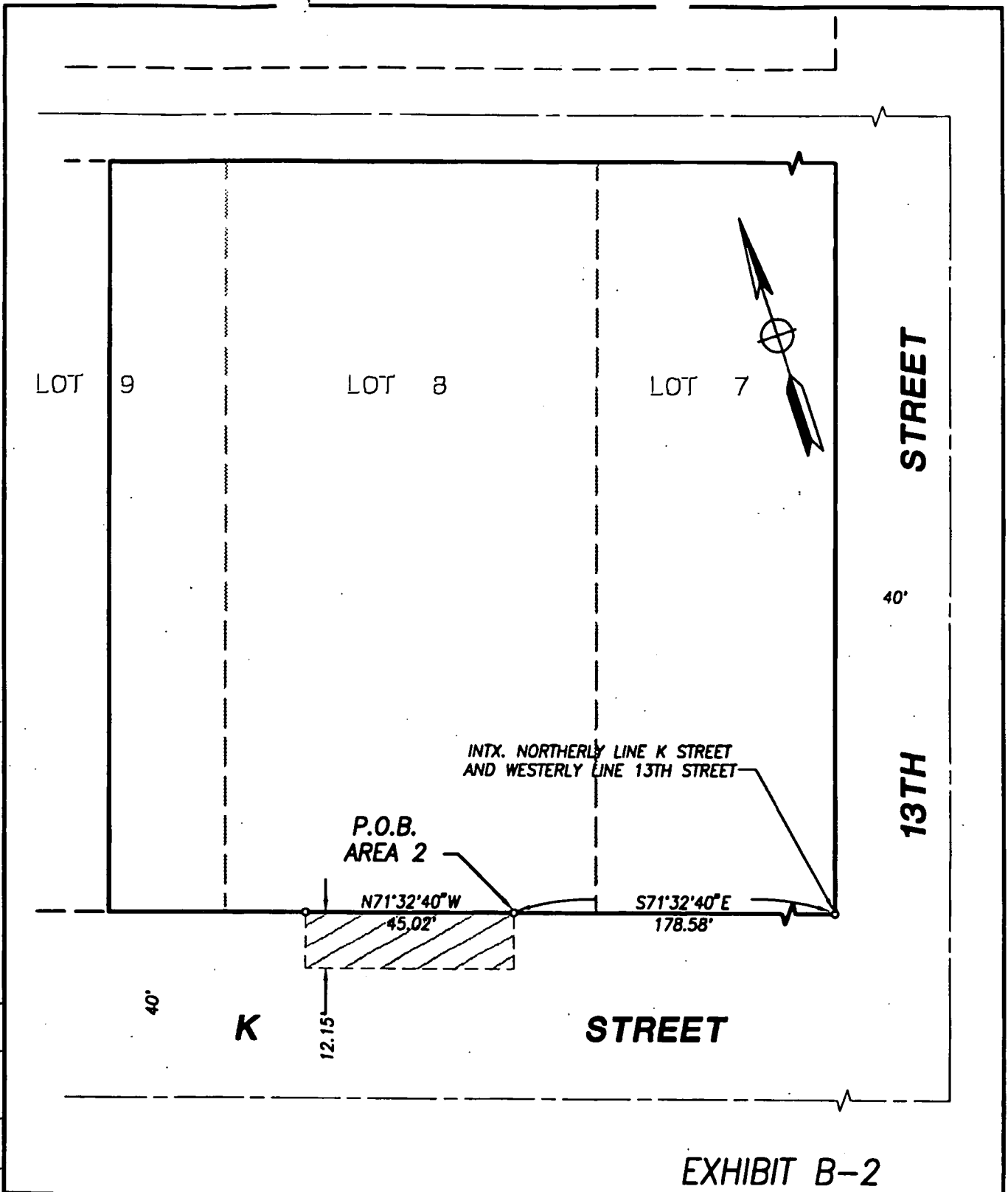



EXHIBIT B-2

 <b>MORTON &amp; PITALO, INC.</b> CIVIL ENGINEERING • PLANNING • SURVEYING 1788 TRIBUTE ROAD • SUITE 200 • SACRAMENTO, CA 95815 PHONE, 916/927-2400 • FAX, 916/567-0120	
DRAWN: CHECKED: SCALE:	JOB NO: 960081 DATE: JULY 1998 SHEET: 2 of 11
1" = 30'	

PLAT TO ACCOMPANY

**ENCROACHMENT AREA 2**  
 (OVERHANG)  
 ESQUIRE PLAZA

SACRAMENTO      CALIFORNIA

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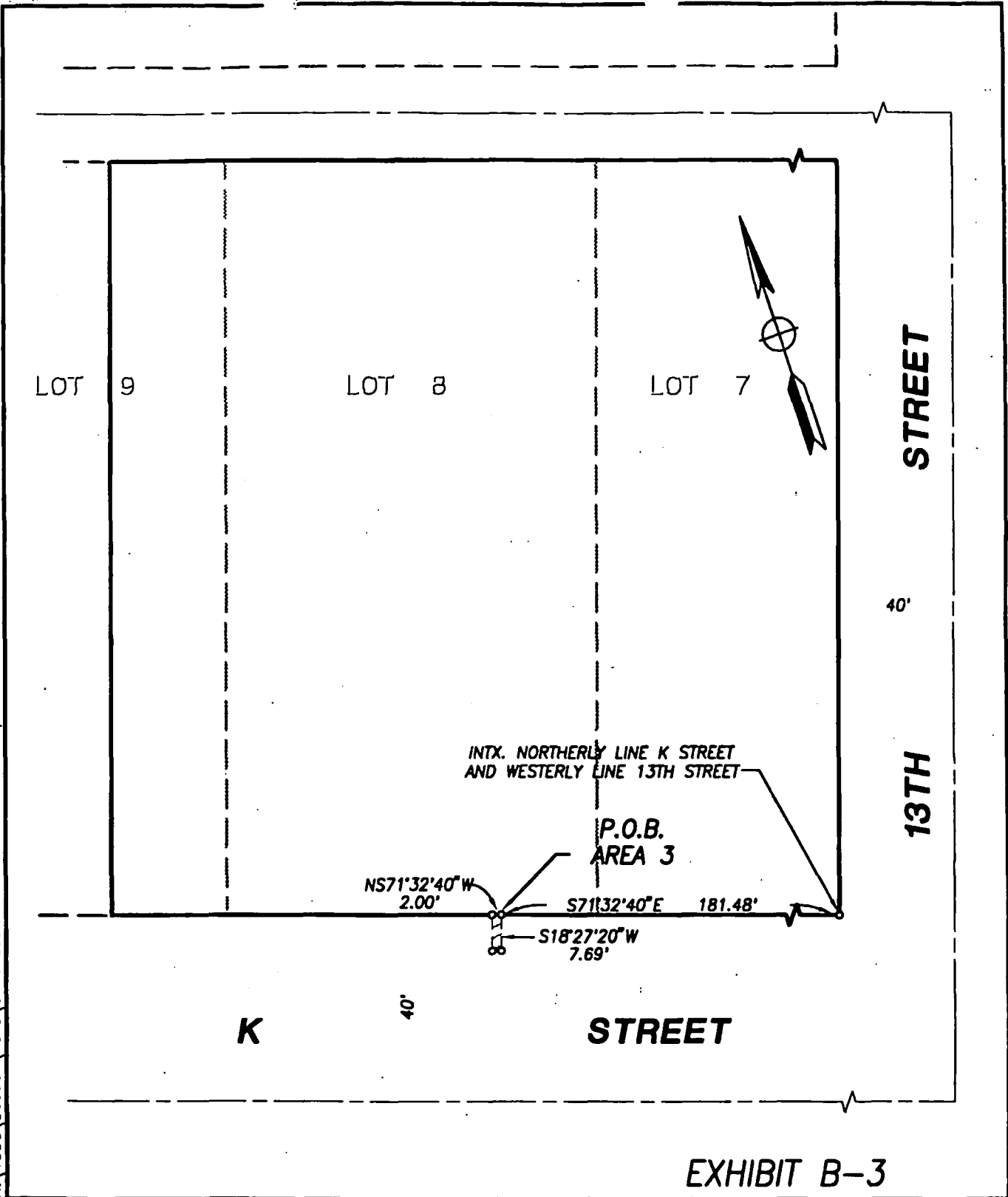



EXHIBIT B-3

 <b>MORTON &amp; PITALO, INC.</b> CIVIL ENGINEERING • PLANNING • SURVEYING 1788 TRIBUTE ROAD • SUITE 200 • SACRAMENTO, CA 95815 PHONE: 916/927-2400 • FAX: 916/567-0120		JOB NO: 960081 DATE: JULY 1998	
		DRAWN: CHECKED: SCALE: 1" = 30'	SHEET: 3 of 11

PLAT TO ACCOMPANY

**ENCROACHMENT AREA 3**  
 (MARQUIS)  
**ESQUIRE PLAZA**

SACRAMENTO CALIFORNIA

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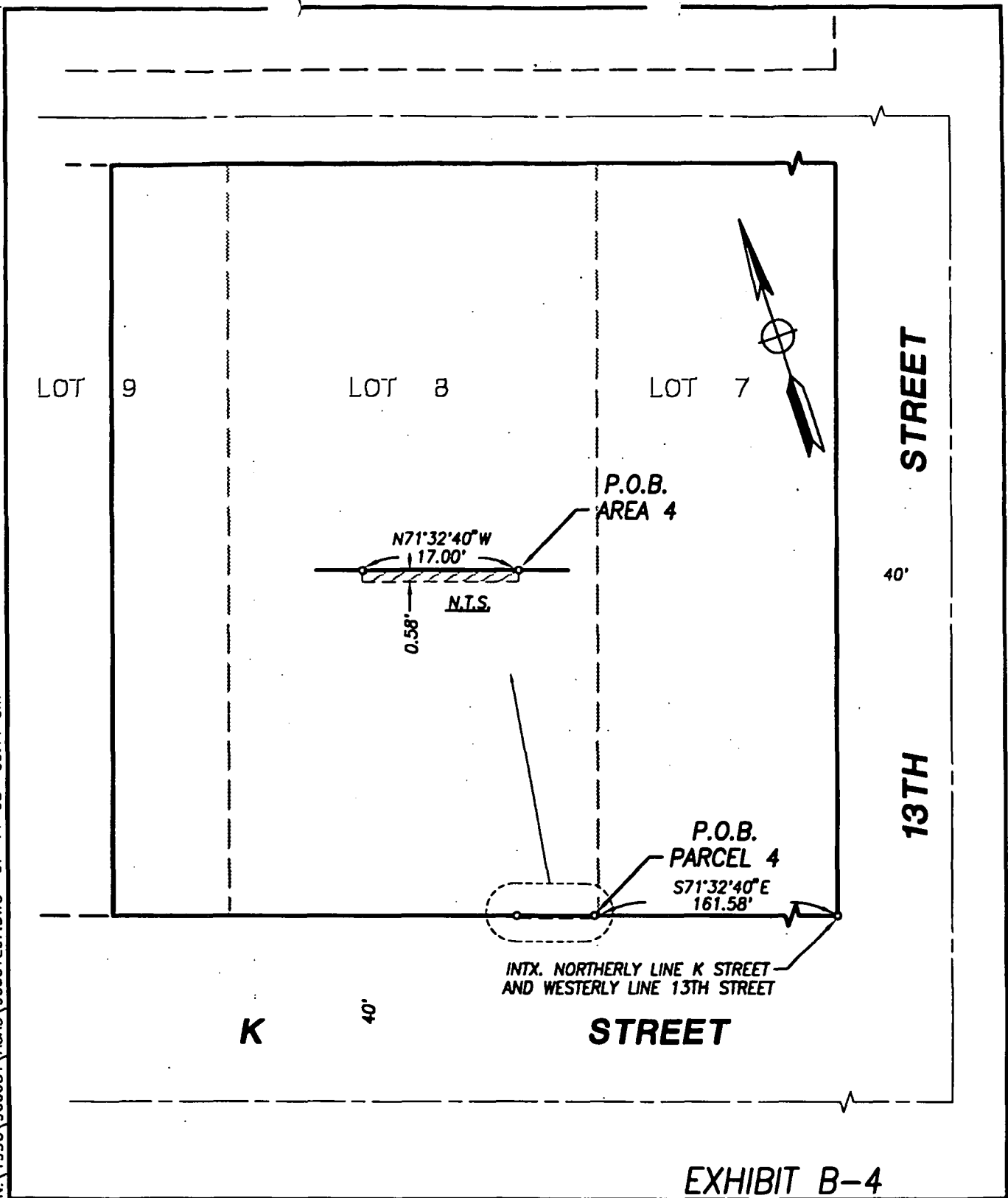



EXHIBIT B-4

 <b>MORTON &amp; PITALO, INC.</b> CIVIL ENGINEERING • PLANNING • SURVEYING 1788 TRIBUTE ROAD • SUITE 200 • SACRAMENTO, CA 95815 PHONE. 916/927-2400 • FAX. 916/567-0120	
DRAWN: CHECKED: SCALE:      1" = 30'	JOB NO:      960081 DATE:      JULY 1998 SHEET:      4 of 11

PLAT TO ACCOMPANY

**ENCROACHMENT AREA 4**  
 (FASCIA)  
**ESQUIRE PLAZA**

SACRAMENTO      CALIFORNIA

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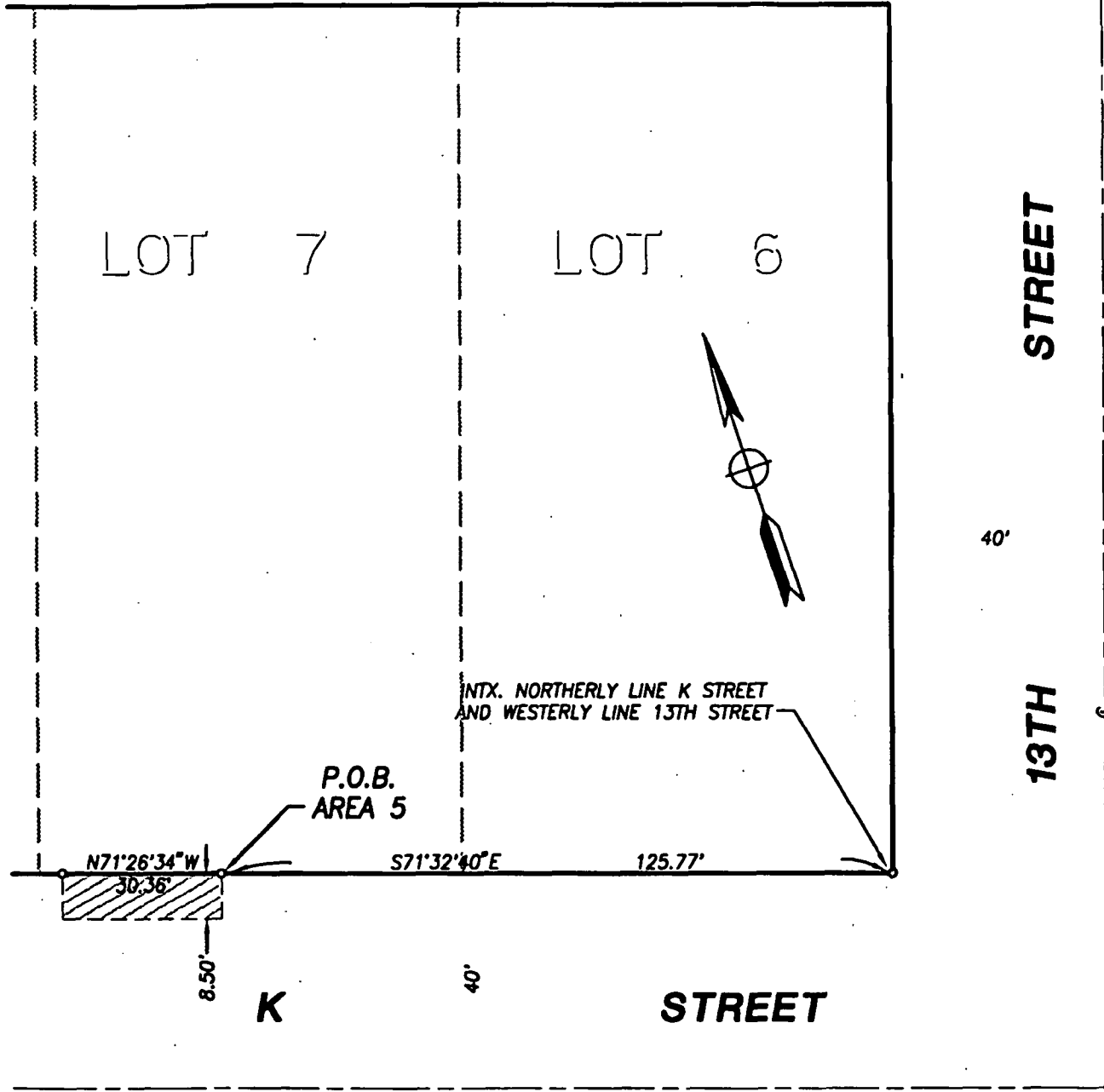


EXHIBIT B-5



**MORTON & PITALO, INC.**

CIVIL ENGINEERING • PLANNING • SURVEYING

1788 TRIBUTE ROAD • SUITE 200 • SACRAMENTO, CA 95815  
PHONE: 916/927-2400 • FAX: 916/567-0120

DRAWN:  
CHECKED:  
SCALE: 1" = 30'

JOB NO: 960081  
DATE: JULY 1998  
SHEET: 5 of 11

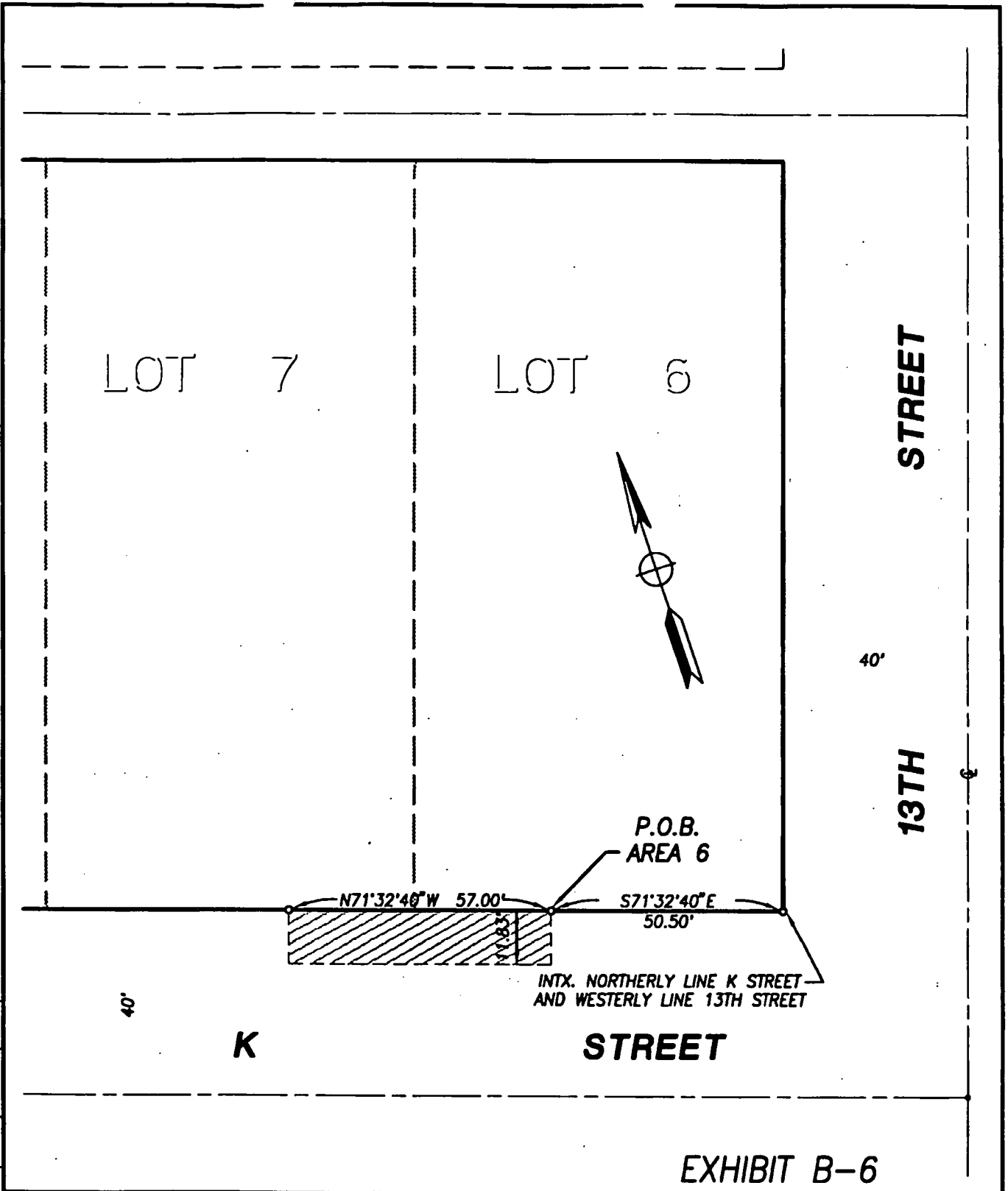
PLAT TO ACCOMPANY

**ENCROACHMENT AREA 5**  
**(OVERHANG)**  
**ESQUIRE PLAZA**

SACRAMENTO

CALIFORNIA

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**mmp** **MORTON & PITALO, INC.**  
 CIVIL ENGINEERING • PLANNING • SURVEYING  
 1788 TRIBUTE ROAD • SUITE 200 • SACRAMENTO, CA 95815  
 PHONE. 916/927-2400 • FAX. 916/567-0120

DRAWN:	JOB NO:	960081
CHECKED:	DATE:	JULY 1998
SCALE: 1" = 30'	SHEET:	6 of 11

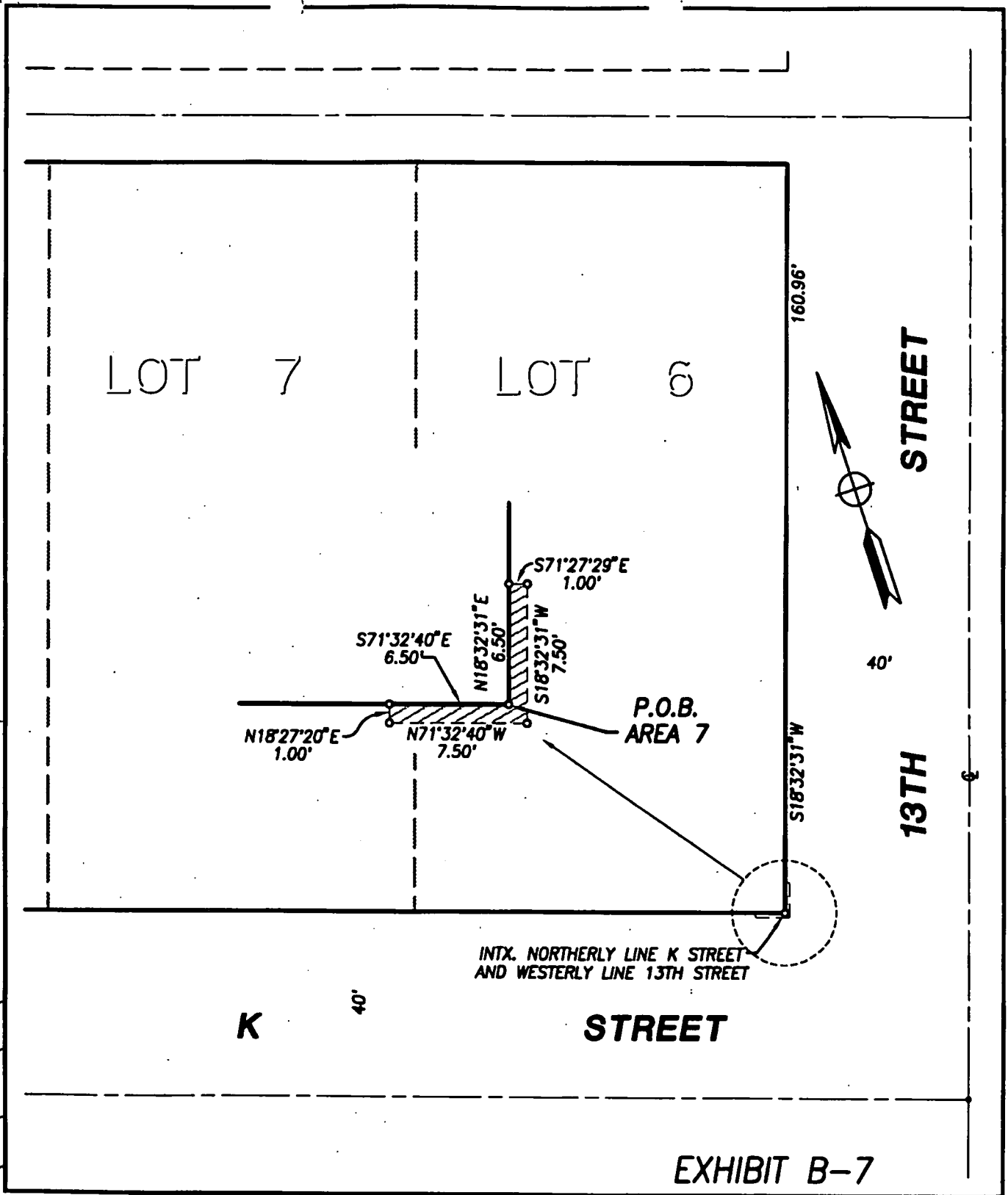
PLAT TO ACCOMPANY


**ENCROACHMENT AREA 6**  
 (OVERHANG)  
 ESQUIRE PLAZA

SACRAMENTO CALIFORNIA



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 <b>MORTON &amp; PITALO, INC.</b> CIVIL ENGINEERING • PLANNING • SURVEYING 1788 TRIBUTE ROAD • SUITE 200 • SACRAMENTO, CA 95815 PHONE: 916/927-2400 • FAX: 916/567-0120		DRAWN: CHECKED: SCALE:	
		JOB NO: 960081 DATE: JULY 1998 SHEET: 7 of 11	1" = 30'

PLAT TO ACCOMPANY

**ENCROACHMENT AREA 7**  
 (WINDOW FRAMES)  
 ESQUIRE PLAZA

SACRAMENTO CALIFORNIA

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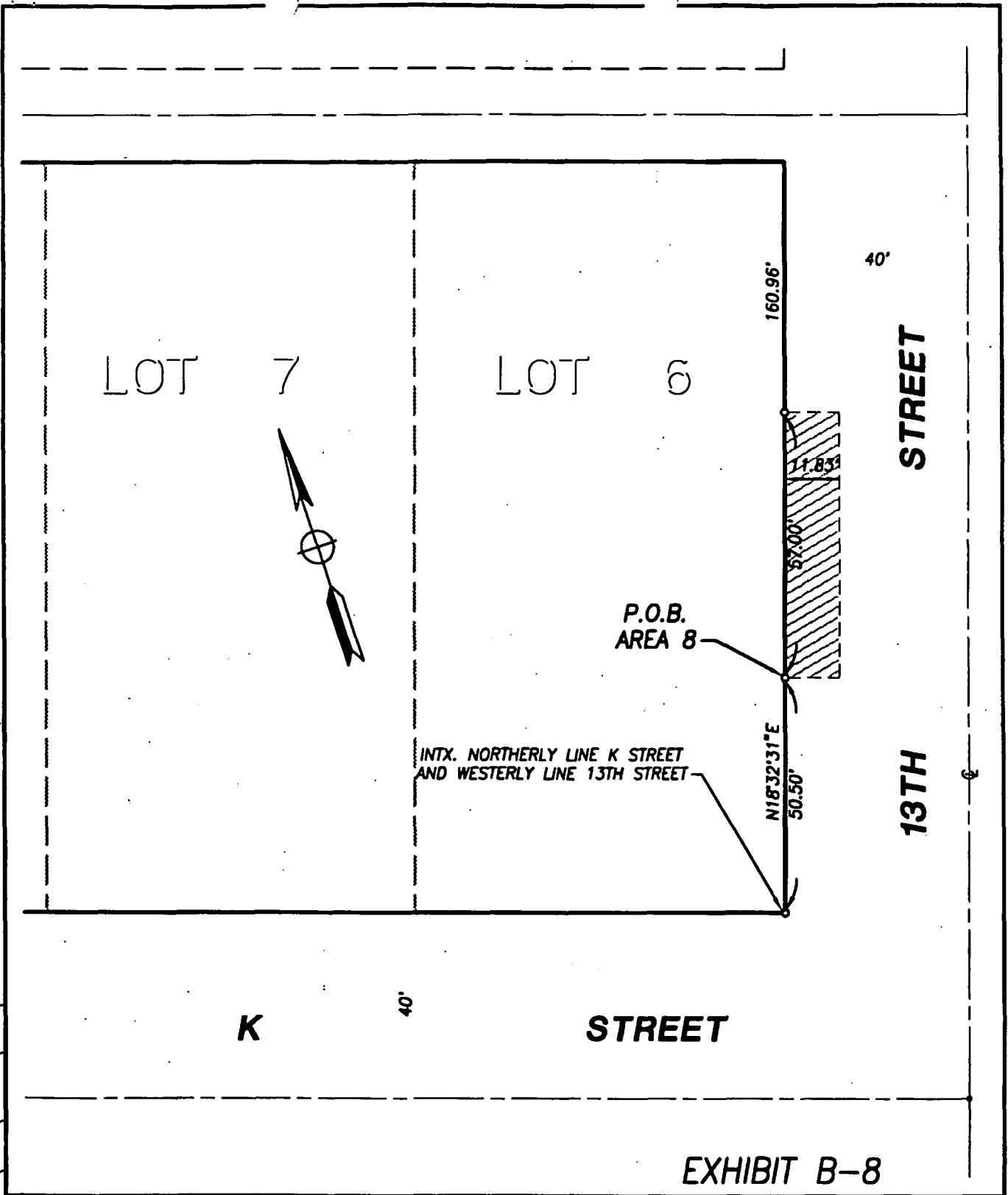



EXHIBIT B-8

 <b>MORTON &amp; PITALO, INC.</b> CIVIL ENGINEERING • PLANNING • SURVEYING 1788 TRIBUTE ROAD • SUITE 200 • SACRAMENTO, CA 95815 PHONE: 916/927-2400 • FAX: 916/567-0120		DRAWN: CHECKED: SCALE:	
		JOB NO: 960081 DATE: JULY 1998 SHEET: 8 of 11	1" = 30'

PLAT TO ACCOMPANY

**ENCROACHMENT AREA 8**  
 (OVERHANG)  
 ESQUIRE PLAZA

SACRAMENTO CALIFORNIA

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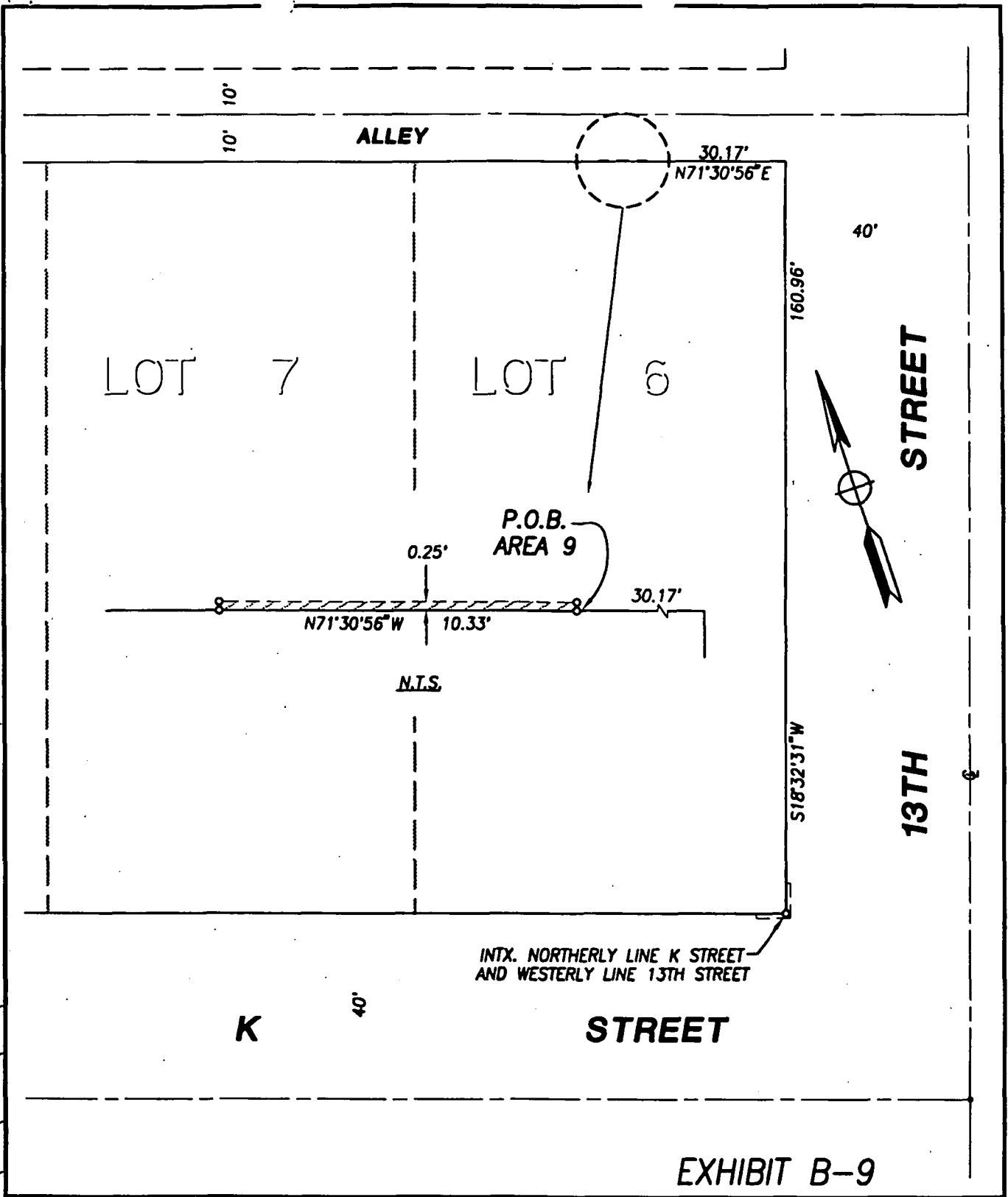


EXHIBIT B-9

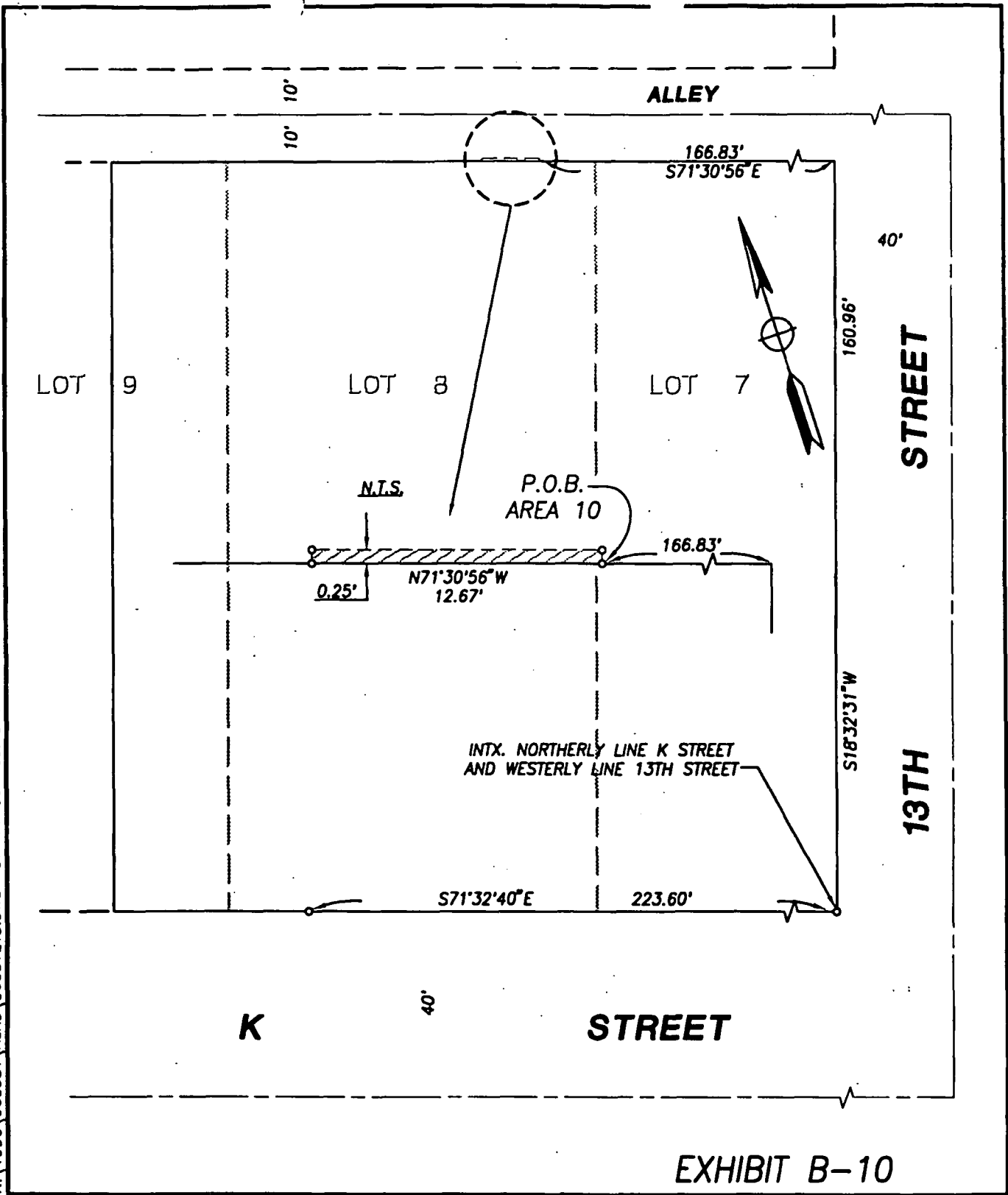
**mmp** **MORTON & PITALO, INC.**  
 CIVIL ENGINEERING • PLANNING • SURVEYING  
 1788 TRIBUTE ROAD • SUITE 200 • SACRAMENTO, CA 95815  
 PHONE: 916/927-2400 • FAX: 916/567-0120

DRAWN:	JOB NO:	960081
CHECKED:	DATE:	JULY 1998
SCALE: 1" = 30'	SHEET:	9 of 11

PLAT TO ACCOMPANY

**ENCROACHMENT AREA 9**  
 (HAND RAILS)  
 ESQUIRE PLAZA

SACRAMENTO CALIFORNIA



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EXHIBIT B-10



**MORTON & PITALO, INC.**

CIVIL ENGINEERING • PLANNING • SURVEYING  
 1788 TRIBUTE ROAD • SUITE 200 • SACRAMENTO, CA 95815  
 PHONE: 916/927-2400 • FAX: 916/567-0120

DRAWN:  
 CHECKED:  
 SCALE: 1" = 30'

JOB NO: 960081  
 DATE: JULY 1998  
 SHEET: 10 of 11

PLAT TO ACCOMPANY

**ENCROACHMENT AREA 10**  
 (HAND RAILS)  
 ESQUIRE PLAZA

SACRAMENTO

CALIFORNIA

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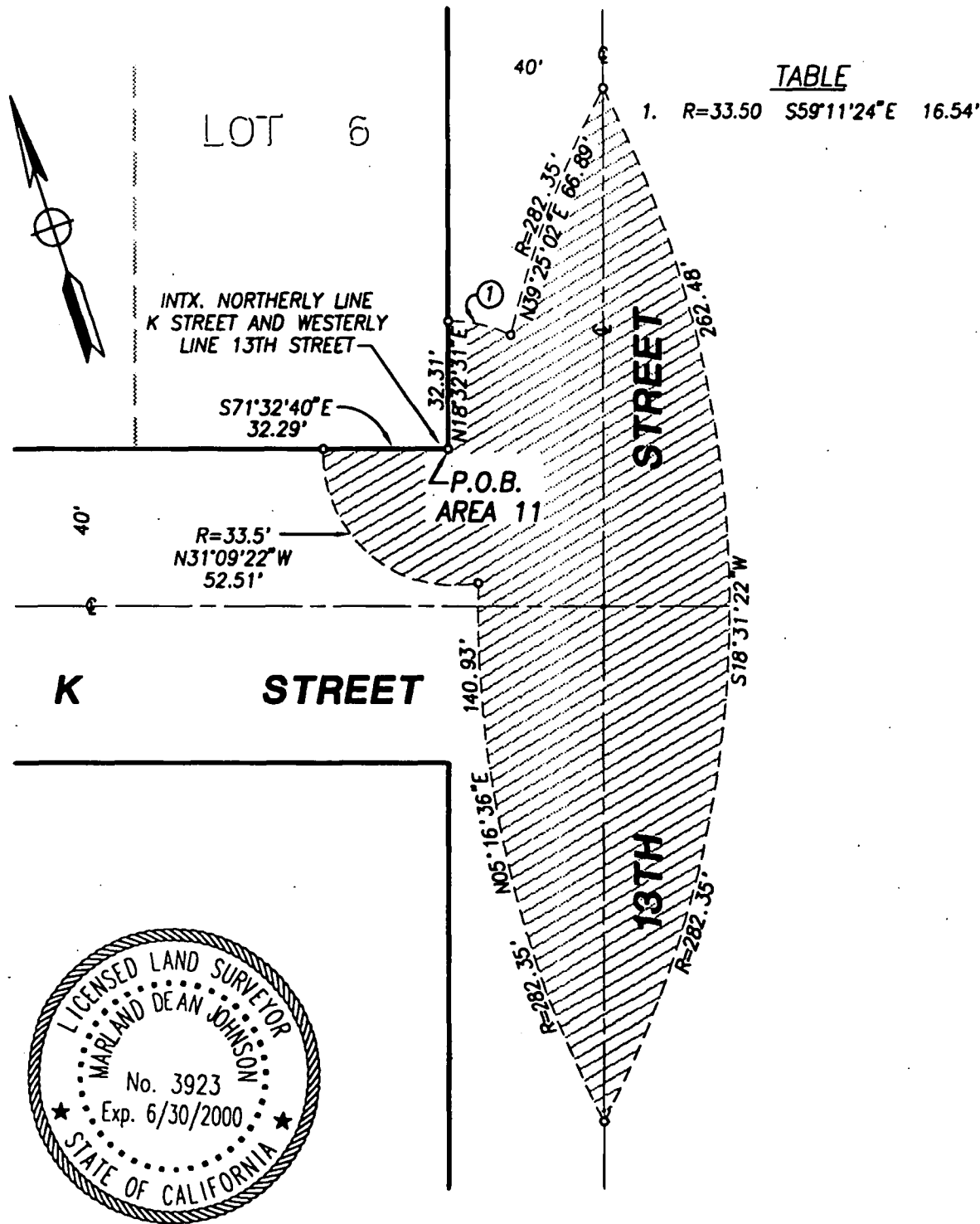


EXHIBIT B-11

**mmp** **MORTON & PITALO, INC.**  
CIVIL ENGINEERING • PLANNING • SURVEYING  
1788 TRIBUTE ROAD • SUITE 200 • SACRAMENTO, CA 95815  
PHONE: 916/927-2400 • FAX: 916/567-0120

DRAWN:	JOB NO:	960081
CHECKED:	DATE:	JULY 1998
SCALE: 1"=40'	SHEET:	1 of 1

PLAT TO ACCOMPANY  
**ENCROACHMENT AREA 11**  
(FOUNTAIN)  
ESQUIRE PLAZA  
SACRAMENTO, CALIFORNIA



OFFICE OF THE  
CITY CLERK

VALERIE A. BURROWES, CMC/AAE  
CITY CLERK

VIRGINIA K. HENRY, CMC/AAE  
ASSISTANT CITY CLERK

CITY OF SACRAMENTO  
CALIFORNIA

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March 4, 1999

Esquire Partners LLC  
1215 K Street  
Sacramento, Ca 95814

On March 4, 1999, the City Council adopted Resolution No. 99-085 granting the following Revocable Encroachment Permit. This is in accordance with "General Provisions - Revocable Encroachment Permit," adopted by City Council Resolution No. 81-845 as amended.

The permit is for the purpose of appurtenances and overhangs attached to the "Esquire Plaza Building," and for sculptures, a water feature, and artwork in public places within the right-of-way located at 13th Street and K Street.

This permit shall be effective only after you file the insurance certificates required by the General Provisions. These can be filed with the Risk Management Division at 926 J Street, Room 310, Sacramento, California 95814.

Sincerely,

Nancy Allen  
Typist Clerk III

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cc: Risk Management