



REPORT TO COUNCIL

City of Sacramento

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

CONSENT
October 5, 2010

**Honorable Mayor and
Members of the City Council**

**Title: Summary Vacation of a Portion of the Alley Bounded Between Broadway,
7th Avenue, 39th Street and Martin Luther King Jr. Boulevard.**

Location/Council District: Alley between Broadway, 7th Avenue, 39th Street and
Martin Luther King Jr. Boulevard in Council District 5.

Recommendation: Adopt the attached **Resolution** vacating a portion of the public
right-of-way between Broadway, 7th Avenue, 39th Street and Martin Luther King Jr.
Boulevard subject to the conditions in the resolution.

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

Presenters: None

Department: Transportation

Division: Engineering Services

Organization No: 15001151

Description/Analysis

Issue: Related Companies of California, LLC, on behalf of the Sacramento
Housing and Redevelopment Agency (SHRA), has requested the vacation of a
portion of the alley south of Broadway between Martin Luther King Jr. Boulevard
and 39th Street to utilize as an additional area for the proposed mixed-use senior
residential development.

Policy Considerations: The Council action recommended in this report is
consistent with the 2030 General Plan and is in compliance with California
Streets and Highways Code Sections 8334(a), which establishes that the subject
right-of-way (alley) is an excess that is not required for street and highway
purposes.

Environmental Considerations:

California Environmental Quality Act (CEQA): The Environmental Planning Services section of the Community Development Department has reviewed the previously described segment of the alley subject for vacation, and has determined that the vacation is exempt under Section 15305 in which this project consists of the minor alteration of land with a minor slope less than 20%, which does not result in any changes to land use or density.

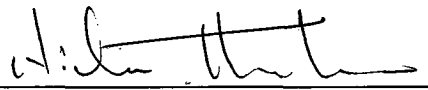
Sustainability Considerations: None.

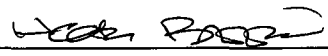
Committee/Commission Action: None.

Rationale for Recommendation: Staff, along with various agencies, supports this vacation request along with proposed use to help facilitate the approved mixed-use development.

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: 
for Jerry Way
Director of Transportation

Recommendation Approved:

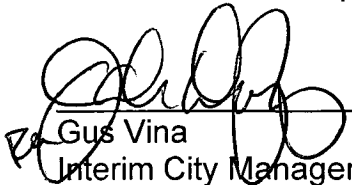

Gus Vina
Interim City Manager

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Attachment 1

Background

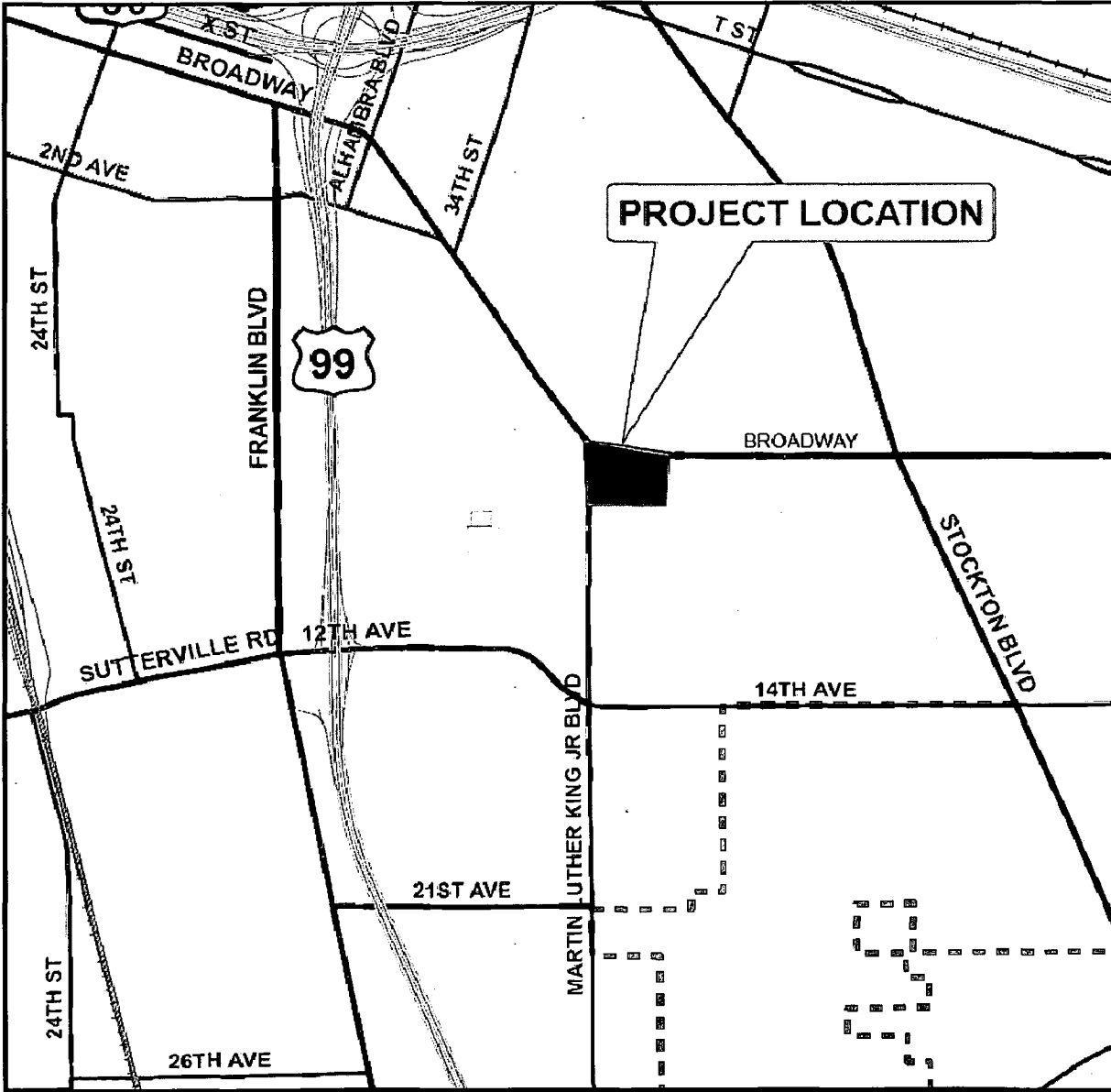
Related Companies of California, LLC on behalf of the property owners, Sacramento Housing and Redevelopment Agency (SHRA), has requested the vacation of a portion of the subject alley. The portion of the alley is part of a proposed mixed-use development located at the southeast intersection of Martin Luther King Jr. Boulevard and Broadway. The subject area will help facilitate the need for parking and building improvements for the proposed Oak Park mixed-use development (P10-042). The development will consist of senior housing units along with commercial office space.

The alley is currently unimproved and is accessible to vehicular and pedestrian traffic. The proposed mixed-use development would restrict through traffic and the remaining portion of the alley would be accessible for the adjacent property owners and tenants. This request is being processed under the Streets and Highways Code (S&HC) Sections 8334(a) as a summary vacation for City Council approval. The applicant requesting the vacation of the subject alley has submitted all documents required by the City of Sacramento's Department of Transportation to process this request.

Several utility agencies have existing services within the subject alley and have placed conditions on this vacation request. The City's Department of Utilities along with SMUD, AT&T and Comcast has required that their respective utilities within the right-of-way be relocated with new dedicated easements. In addition, the owner must have approved as well as issued building permits prior to the recordation of this subject vacation request for approval.

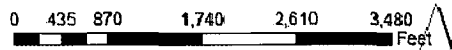
Various City departments and utility companies have reviewed this request and support the proposed vacation.

LOCATION MAP FOR Alley Vacation



Department of
TRANSPORTATION
City of Sacramento

Map Contact: T. Adams
Map Date: Sep/10



RESOLUTION NO.

Adopted by the Sacramento City Council

**SUMMARY VACATION OF A PORTION OF THE PUBLIC ALLEY BOUNDED
BETWEEN BROADWAY, 7TH AVENUE, 39TH STREET AND MARTIN LUTHER KING
JR. BOULEVARD WITHIN COUNCIL DISTRICT 5
VACATION PROCEEDING NO. VAC 10-0003**

BACKGROUND

- A. Related Companies of California, LLC, on behalf of the Sacramento Housing and Redevelopment Agency (SHRA), has requested the vacation of a portion of the public alley bounded between Broadway, 7th Avenue, 39th Street and Martin Luther King Jr. Boulevard.
- B. The City of Sacramento's 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 2030 General Plan.

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

- Section 1. Subject to the reservation below in Section 2, the portion of the alley bounded between Broadway, 7th Avenue, 39th Street and Martin Luther King Jr. Boulevard within Council District 5, more specifically described in Exhibits A and B of this Resolution is hereby ordered vacated subject to the conditions specified in Section 4.
- Section 2. The vacation of the portion of the public alleyway within Council District 3, more specifically described in Exhibits A and 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 8334(a), the City Council finds that the portion of the right-of-way (ROW), more specifically described in Exhibits A and B is an excess ROW not needed for street or highway purposes.
- Section 3. The City Council finds that the said vacation has been submitted to and reported on by the City of Sacramento's Planning Director and finds that the said vacation is consistent with the 2030 General Plan.

Section 4. This vacation is subject to the following conditions:

- a. The 8-inch combined sewer main within the alley must be relocated to the satisfaction of the Department of Utilities
- b. The relocation of SBC/AT&T's utilities must be completed and meet their standards for approval.
- c. The relocation of SMUD's Aerial facilities and any new easements must meet SMUD's standards.
- d. The relocation of Comcast utilities must be relocated and meet their standards of approval.
- e. The approved Building Permits must be issued.

Section 5. The conditions specified in Section 4 of this Resolution must be completed within two years of the date of this Resolution. If the 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 6. Once the conditions in Section 4 are met, the City Clerk shall cause a certified copy of this Resolution, attested by the City Clerk under seal, to be recorded after all conditions and fees have been satisfied. The vacation shall be effective when the City Clerk records this Resolution with the County Recorder.

Section 7. Exhibits A and B are incorporated into and made part of this resolution.

Table of Contents:

Exhibit A: Legal Description

Exhibit B: Exhibit Plat/Map of Area to be Vacated

EXHIBIT 'A'

#2662.001

**LEGAL DESCRIPTION
FOR AN
ALLEY VACATION**

A portion of Lots 72 through 77, as shown on a Map of the "H.J. Goethe Company's Addition F to Sacramento", recorded in Book 5 of Maps, Map No. 36, Sacramento County Records, in the City of Sacramento, County of Sacramento, State of California, described as follows:

Beginning at a point which is the northwesterly corner of said Lot 74; thence along the northerly boundary line of said Lot 74, South 81° 15' 07" East, a distance of 10.00 feet to the northeasterly corner of a 20.00 foot wide Alley, as shown on said Map; thence leaving said northerly boundary line and proceeding through said Lots 74, 73 and 72, respectively, along the easterly line of said Alley, South 08° 51' 05" West, a distance of 159.78 feet; thence leaving said easterly line and said Lot 72, proceeding into said Lot 77, North 81° 15' 37" West, a distance of 20.00 feet to a point of intersection with the westerly line of said Alley; thence proceeding through Lots 77, 76 and 75, respectively, along the westerly line of said Alley, North 08° 51' 05" East, a distance of 159.79 feet to a point of intersection with the northerly boundary line of said Lot 75, also being the northwesterly corner of said 20.00 foot wide Alley; thence along said northerly boundary line, South 81° 15' 07" East, a distance of 10.00 feet to the POINT OF BEGINNING.

Containing 3,196 square feet, more or less.

June 16, 2010

END OF DESCRIPTION

PREPARED BY WOOD RODGERS, INC.
SACRAMENTO, CALIFORNIA

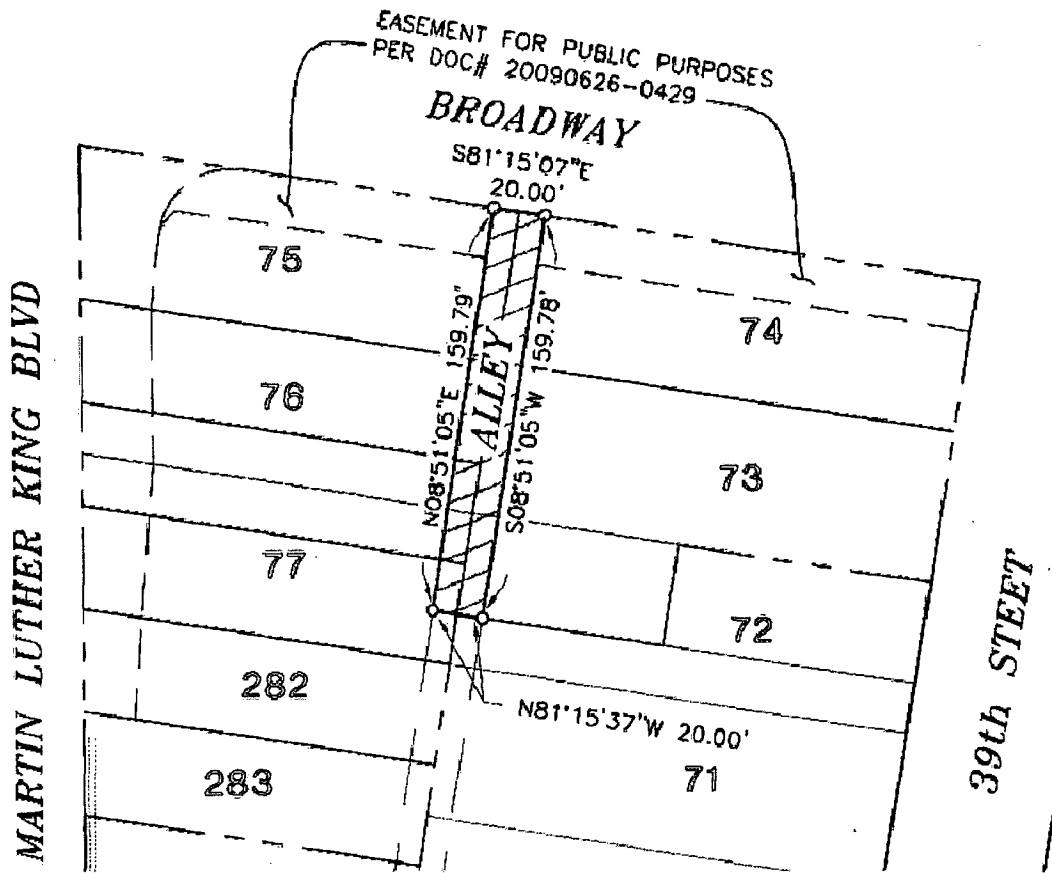


EXHIBIT B

EXHIBIT B

PLAT TO ACCOMPANY
DESCRIPTION

MLK/BROADWAY
ALLEY VACATION
PORTION OF LOTS 72 THRU 77
CITY OF SACRAMENTO, COUNTY OF SACRAMENTO
STATE OF CALIFORNIA



6/16/10

SEE DESCRIPTION FOR
COURSE INFORMATION



SCALE: 1"=60'



WOOD RODGERS
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Sacramento, CA 95816 Fax 916.341.7767
JUNE 16, 2010 2562.001 SHEET 1 OF 1

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