

APPROVED
BY THE CITY COUNCIL

NOV 18 1997

OFFICE OF THE
CITY CLERK



3.1

CITY OF SACRAMENTO
CALIFORNIA

DEPARTMENT OF
PUBLIC WORKS

TRANSPORTATION AND DEVELOPMENT
DIVISION

1231 I STREET
ROOM 300
SACRAMENTO, CA
95814

PH 916-264-7474
FAX 916-264-7185

October 14, 1997

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: HEARING ON ABANDONMENT OF A PORTION OF AN ALLEY BOUNDED BY
18TH AVENUE, 19TH AVENUE, 36TH STREET AND 38TH STREET WITHIN
COUNCIL DISTRICT 5; ABANDONMENT PROCEEDINGS NO. AP #97-03

LOCATION AND COUNCIL DISTRICT:

A portion of the alley bounded by 18th Avenue, 19th Avenue, 36th Street and 38th Street
Council District #5.

RECOMMENDATION:

This report recommends that the hearing be closed and that the attached resolutions
adopting Findings of Fact and approving the abandonment of the alley at the location listed
be adopted.

CONTACT PERSON:

Ronald Perry, Engineering Technician III, 264-8298
Theresa Arnold, Associate Engineer, 264-5514

FOR COUNCIL MEETING OF: November 18, 1997

SUMMARY:

The Neighborhoods, Planning and Development Services Department, on behalf of the
adjoining property owners, has requested that the portion of the alley bounded by 18th
Avenue, 19th Avenue, 36th Street and 38th Street be abandoned to assist in curbing illegal
activities.

City Council
Hearing of Abandonment No. 97-03
October 14, 1997

COMMITTEE/COMMISSION ACTION:

None required.

BACKGROUND INFORMATION:

The alley portion is within the Citywide Alley Abandonment and Temporary Closure Program to curtail illegal activities in alleys. The State of California Streets and Highways Code and City Resolution No. 96-176 require that the following findings be made and actions be taken:

- Utility companies and City departments have no objections to the proposed abandonments, provided a public service easement is retained over the entire alley for public service facilities. Letters from the utility companies and City departments regarding the abandonments are on file with the Department of Public Works, Development Services.
- These abandonments are classified as regular abandonments according to Section 8300 of the Streets and Highways Code. The portion of the alley is of no foreseeable use to the City.
- The Planning Services Division, has reviewed the proposed abandonment and has the following comments:
 - These alleys are surrounded by single family residential development. The alley portion is unimproved, poorly maintained and difficult to pass through. The primary entrances to the residential dwellings are from public streets. No entrances are from the alleys. Abandonment of the alley portion will provide for adjoining residents to have increased security within their neighborhood and community.
 - The proposed portion of the alley for abandonment conforms with the City's General Plan and is consistent with the General Plan policy "to enhance and maintain the quality of life of its citizens."
- This abandonment is supported by the majority of the adjacent property owners as evidenced by letters on file with the Department of Public Works, Development Services.
- A Resolution of Intention (ROI) was adopted by the City Council on October 28, 1997, which established this date as the hearing for the proposed abandonment. Letters to the property owners and residents adjoining the portion of the alley bounded by 18th Avenue,

City Council
Hearing of Abandonment No. 97-03
October 14, 1997

19th Avenue, 36th Street and 38th Street were mailed by the City Clerk on October 29, 1997. Notices of the abandonments were posted along the subject alleys on October 29, 1997, and the Resolution of Intention was published in the Daily Recorder on October 31, 1997 and November 7, 1997. Attached is the Engineer's Report relating the facts of the abandonment.

Following abandonment:

- ownership of the portion of the alley will return to the original property owners based on underlying title.
- the property owners will be responsible for maintaining the areas being abandoned.

Approval of the request to abandon is recommended.

FINANCIAL CONSIDERATIONS:

Staff time has been charged to the General fund since no fees have been collected. The cost of the actual physical closure will be paid by the property owners.

ENVIRONMENTAL CONSIDERATIONS:

The Environmental Services Section, 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 use presently existing and no substantial change to existing traffic flow or physical features on the City.

POLICY CONSIDERATIONS:

Abandonment of a portion of the alley is consistent with Council priorities of public safety and neighborhood revitalization and enhancement.

- Section 8300 et. seq. of the State of California Streets and Highways Code allows for abandonment of streets, alleys, and easements that are no longer needed for public use. These abandonments are classified as regular abandonments.
- 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).

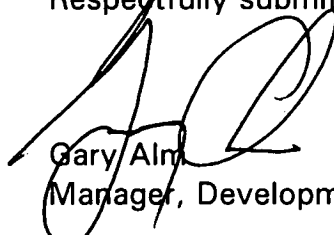
City Council
Hearing of Abandonment No. 97-03
October 14, 1997

- City policy as stated in Resolution 96-176, which was approved by the City Council on May 7, 1996, provides for abandonment of alleys so long as there is a benefit to the community, it does not inhibit access to other properties and would be supported by the majority of property owners.
- The proposed abandonment is consistent with these policies.

MBE/WBE:

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

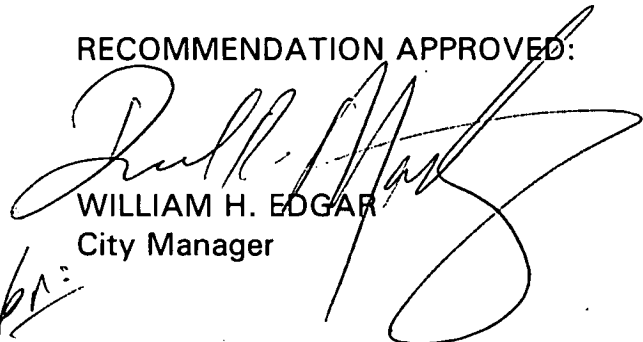
Respectfully submitted,



Gary Alm
Manager, Development Services

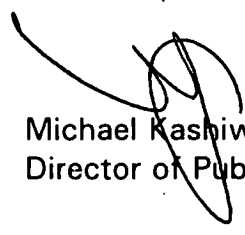
RECOMMENDATION APPROVED:

Approved:



WILLIAM H. EDGAR
City Manager

kr:



Michael Kashiwagi
Director of Public Works

GA:RP:dt
AP97-03.he
09.1097.1

CITY COUNCIL OF THE CITY OF SACRAMENTO
November 13, 1997

In the Matter of Abandonment)
Proceeding No. 97-03 Abandonment) **ENGINEER'S REPORT**
of a portion of the alley bounded by)
18th Avenue, 19th Avenue, 36th Street and)
38th Street)

A Public Hearing is scheduled for this date pertaining to the proposed abandonment of the portion of the alley bounded by 18th Avenue, 19th Avenue, 36th Street and 38th Street. The proposed abandonment have been undertaken due to the following facts:

1. That on September 8, 1997, the Planning Services Division found the abandonment consistent with the General Plan policy "to enhance and maintain the quality of life of the citizens."
2. A request from the Neighborhoods, Planning and Development Services Department, on behalf of the adjoining property owners, was presented to the City Council on October 28, 1997.
3. That on October 28, 1997, the Director of Public Works presented to the Council the Resolution of Intention for the abandonment for approval. On that date, the Council did approve said Resolution of Intention, which set a hearing date on the abandonment for this date.
4. That on October 29, 1997, a copy of the Resolution of Intention was mailed to all persons adjoining said abandonment notifying them of the hearing set for this date.
5. That on October 31, 1997, and November 7, 1997, the Resolution of Intention was published in the Daily Recorder.
6. That on October 29, 1997, notices were posted along the proposed abandonments.
7. The abandonment would consist of abandoning a portion of the alley bounded by 18th Avenue, 19th Avenue, 36th Street and 38th Street.
8. Utility companies and City departments have reviewed the proposed abandonment, and letters are on file with the Department of Public Works, Development Services Section, indicating they have no objections provided certain conditions are met.
9. That as of November 13, 1997, no protests were received.
10. It is my intention that said abandonment will not affect the aesthetics of the neighborhood or cause any undue hardship to the City.

Executed this 13th day of November, 1997.

MICHAEL KASHIWAGI
Director of Public Works

APPROVED
BY THE CITY COUNCIL

NOV 18 1997

OFFICE OF THE
CITY CLERK

RESOLUTION NO. 97-637

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

**RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING
THE ABANDONMENT OF A PORTION OF AN ALLEY
BOUNDED BY 18TH AVENUE, 19TH AVENUE, 36TH STREET AND 38TH STREET**

ABANDONMENT PROCEEDINGS NO. AP #97-03

1. WHEREAS, the City received a petition to abandon from owners of property within the City of Sacramento requesting the City Council to consider abandonment of subject property:
2. WHEREAS, a notice that the City Council would consider the proposed abandonment at a Public Hearing was given in compliance with California Streets and Highways Code, Section 8300, et. seq.
3. WHEREAS, the Planning Services Division, Environmental Section reviewed the proposed abandonment pursuant to Government Code Section 65402 and concluded that said abandonment would be consistent with the City General Plan and the applicable Community Plan.

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

1. A portion of the public alley bounded by 18th Avenue, 19th Avenue, 36th Street and 38th Street located within Council District 5 in the City of Sacramento, specifically described below, is hereby ordered abandoned:

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

All that portion of alley 20 feet in width bounded by 18th Avenue (formerly Berry Avenue), 19th Avenue (formerly San Francisco Avenue), 36th Street (formerly Hickory Street), 38th Street (formerly Chestnut Street), as shown on the Plat of

6

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

Gould recorded on 1908 in Book 8 Of Maps, Map No. 46, and on Plat of Comet Subdivision, recorded on 5.11.1910 in Book 10 of Maps, Map No. 33, Official Records of Sacramento County, described as follows:

Beginning at the southeast corner of Lot 25 of said Plat of Comet subdivision; thence along the northerly line of said alley West 509 feet, more or less, to a point which bears 190 feet westerly of the southeast corner of Lot 41 of Plat of Supplemental Plat of Louisiana Tract, recorded in Book 3 of Maps, Map No. 5; thence South 20 feet of the northwest corner of Lot 4 of said Plat of Gould; thence East 504 feet along the southerly line of the said alley to the southeast corner of Lot 15 of said Plat of Gould; thence North 20 feet to the point of beginning, containing 0.13 acres more or less.

RESERVING HOWEVER, a public service easement (as defined in Section 8306 and 8340 of the California Streets and Highways Code) the full width of the existing portion of the alley and right at any time, or from time to time to construct, maintain, operate, replace, remove, or renew any public service facilities in, upon, or over and across the portion of the alley to be abandoned.

A map or plan of the proposed abandonment is attached as Exhibit A and is on file with the Department of Public Works, Development Services, located at 1231 I Street, Room 300.

2. The City Council finds that the above-described public portion of the alley 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 alley described above have other access and said abandonment will not create any land-locked parcels; and
 - d. The portion of the alley 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.

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

3. The City Council hereby finds that the said abandonment has been submitted to and reported on by the Planning Services Division as to conformity with the City General Plan. The Council, pursuant to Streets and Highways Code Section 8300 et. seq., has considered this portion of this alley abandonment in connection with the General and Community Plans and finds the abandonment consistent with them in that: The closure of the portion of this alley identified in paragraph 1, above, does satisfy the City Council's "Review Guideline for Street and Alley Closures," adopted May 7, 1996, by Resolution No. 96-176.

4. The City Clerk shall cause a certified copy of this Resolution, attested by the City Clerk under seal, to be recorded. The abandonment shall be effective when the City Clerk records this Resolution with the County Recorder.

MAYOR

ATTEST:

CITY CLERK

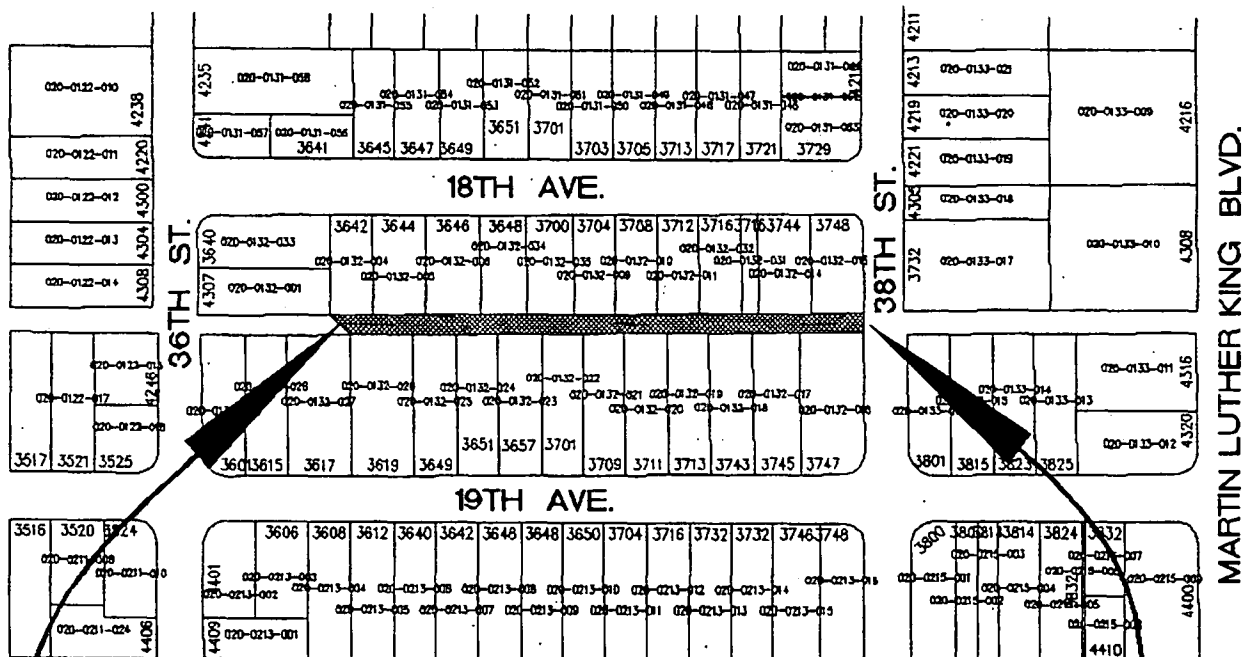
AP97-02.he

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____
DATE ADOPTED: _____

EXHIBIT A

SUBJECT PORTION OF ALLEY (AP 97-03)



PORTION OF ALLEY
BEING ABANDONED

3.1



CITY OF SACRAMENTO
CALIFORNIA

DEPARTMENT OF
PUBLIC WORKS

TECHNICAL SERVICES DIVISION

DEVELOPMENT
SERVICES
1231 I STREET, STE 200
SACRAMENTO, CA
95814-2988
PH 916-264-7993
FAX 916-264-7046

September 10, 1997

MEMORANDUM

TO: Virginia Henry, City Clerk's Office
FROM: Deborah Talbot, Development Services
SUBJECT: VERIFICATION OF COUNCIL DATES FOR THE RESOLUTION OF INTENTION AND THE HEARING FOR ABANDONMENT NO. AP97-03

This memo is to confirm our conversation stating that the Resolution of Intention Abandonment titled: "Resolution of Intention for Abandonment of a Portion of an alley bound by 18th Avenue, 19th Avenue, 36th Street and 38th Street within Council District 5; Abandonment Proceeding No. 97-03" is scheduled on October 28, 1997, at 2:00 p.m.; and that the Hearing date for the same Abandonment is scheduled on November 13, 1997.

Thank you and if there are any questions or changes, please call me at x8241.

DT
AP97-03.cle
09.1097.1

Post-It® Fax Note	7671	Date	9-11	# of pages	
To	Virginia	From	Deborah		
Co./Dept.	Dev Serv	Co.	Development Services		
Phone #	TAX 264-7672	Phone #			
Fax #	264-7046	Fax #	264-7046		

ROI
PREP DATE: _____
HEARING DATE: 10-28-97 Council
11-13-97 afternoon
FINAL COUNCIL ACTION DATE: _____

Nov. 4th

1874

CITY OF SACRAMENTO

NOTICE OF HEARINGS

PUBLIC NOTICE is hereby given that on the date of November 13, 1997, at the hour of 2:00 p.m., the following hearing(s) will be held in the City Council Chambers, City Hall, Second Floor, 915 I Street, Sacramento, California:

Resolution of Intention for Abandonment of a portion of an alley bounded by 18th Avenue, 19th Avenue, 36th Street and 38th Street within Council District 5; Abandonment Proceeding No. 97-03

Further information may be obtained from the Office of the City Clerk, 915 "I" Street, Room 304, Sacramento, California (916) 264-5426.

SACRAMENTO CITY COUNCIL

**BY: VALERIE A. BURROWES
CITY CLERK**

AD NO. 8541
RUN 1 TIME: 9-18-97
2 PUB PROOFS