



REPORT TO COUNCIL

City of Sacramento

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

CONSENT
September 18, 2007

Honorable Mayor and
Members of the City Council

Title: The Summary Vacation of a Segment of the Alley Bounded by Rio Linda Boulevard, Del Paso Boulevard, El Camino Avenue and Plaza Avenue

Location/Council District: The alley bounded by Rio Linda Boulevard, Del Paso Boulevard, El Camino Avenue and Plaza Avenue is located in Council District 2 (see Attachment 2, Page 4).

Recommendation: Adopt a **Resolution** vacating a portion of the alley bounded by Rio Linda Boulevard, Del Paso Boulevard, El Camino Avenue and Plaza Avenue, subject to the conditions in the Resolution, and reserving a public service easement within the subject alley to the City.

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

Presenters: Not Applicable

Department: Development Services

Division: Development Engineering

Organization No: 4881

Description/Analysis

Issue: Petrovich Development Company requests the vacation (abandonment) of a segment of the subject alley as part of their development of a two-tenant commercial building with a drive-through facility and off-site parking.

A summary of the project's history is included in Attachment 1, Page 3.

Policy Considerations: The Council action recommended in this report supports the City Strategic Plan goal to promote and support economic vitality. The State of California, Streets and Highways Code, Section 8330-8340 allows for the vacation of streets, alleys, and easements.

Committee/Commission Action: None

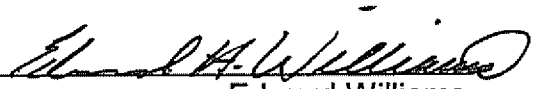
Environmental Considerations: The Environmental Planning Services section of the Development Services Department has reviewed the previously described

segment of the alley subject for vacation, and has determined that the vacation is exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines. Projects exempted under Section 15061(b)(3) are determined to have no significant effect on the environment. Any future development of the property must comply with all regulatory requirements.

Rationale for Recommendation: The vacation of a segment of the subject alley will contribute to the positive development of the community.

Financial Considerations: The applicant is responsible for all fees associated with this vacation and there will be no cost to the City.

Emerging Small Business Development (ESBD): None

Respectfully Submitted by: 
Edward Williams
Manager, Development Engineering

Approved by:  for
William Thomas
Director of Development Services

Recommendation Approved:


for RAY KERRIDGE
City Manager

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Background

Summary Vacation of a Portion of the Segment of the Alley Bounded by Rio Linda Boulevard, Del Paso Boulevard, El Camino Avenue and Plaza Avenue

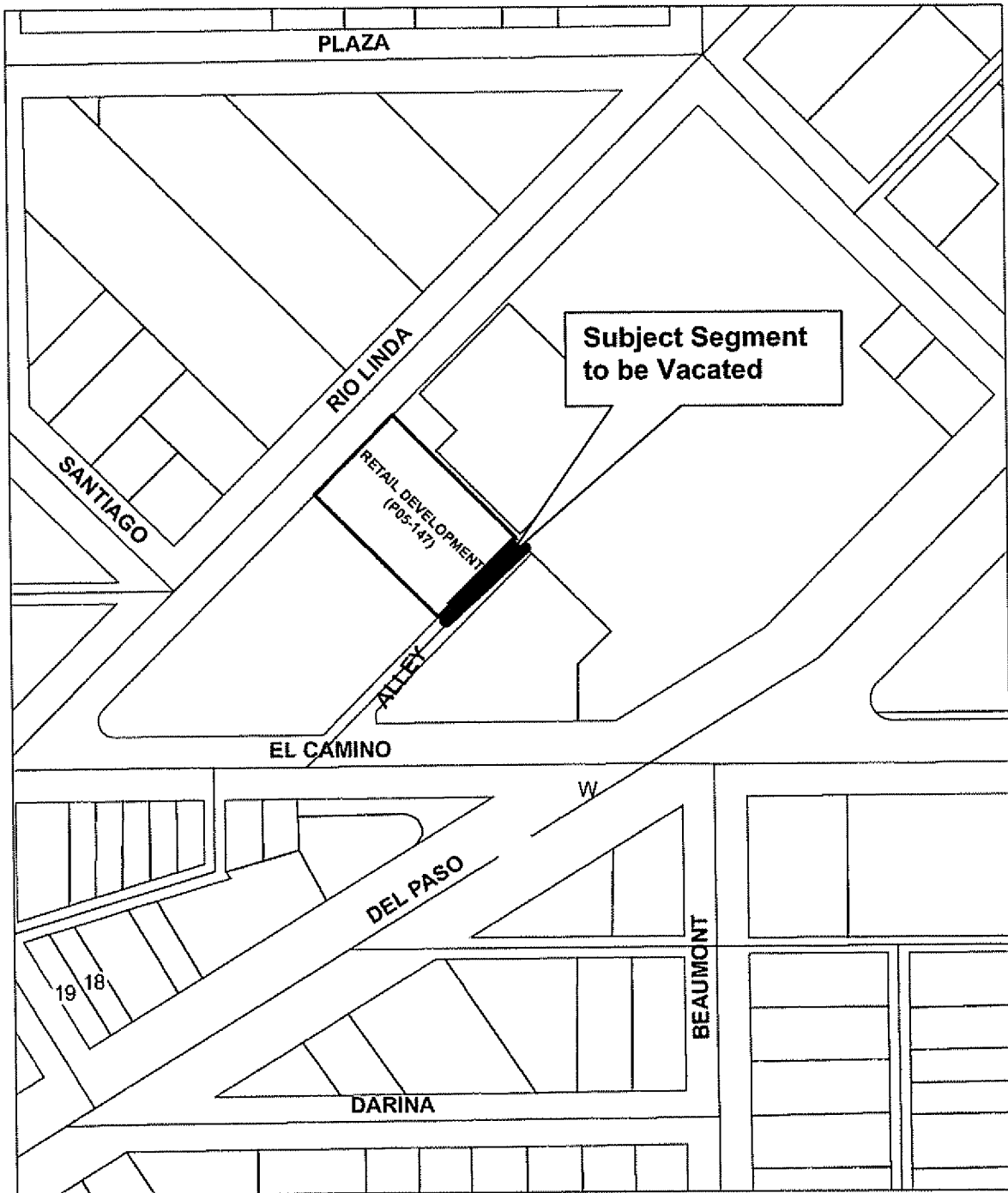
Petrovich Development Company requests the vacation of a segment of the alley to facilitate their two-tenant commercial building project with drive-through access and off-site parking(P05-147). It is recommended in the conditions of the Del Paso Retail Development (P05-147) that the applicant vacates the portion of the subject alley adjacent to the project. There are two adjacent parcels to the subject alley with two owners and no objection has been given by either owner on the subject alley's vacation.

Currently the alley is paved and accessible to pedestrian traffic and motorized vehicles. There are no obstacles limiting access to the other adjacent properties and there is no plan to limit any access when this vacation has been approved. Certain conditions have been placed with this vacation. An emergency vehicle access easement will need to be recorded and the City will retain a public service easement within the vacated portion of the alley.

Staff finds that this request for vacation is in conformance with the State of California Streets and Highways Code (S&HC) Section 8334 because this alley is an excess right-of-way not required for street or highway purposes. Various City agencies and utility companies reviewed and support this vacation.

Attachment 2

AREA MAP



Del Paso Retail Development



RESOLUTION NO.

Adopted by the Sacramento City Council

SUMMARY VACATION OF A SEGMENT OF THE ALLEY BOUNDED BY RIO LINDA BOULEVARD, DEL PASO BOULEVARD, EL CAMINO AVENUE AND PLAZA AVENUE WITHIN COUNCIL DISTRICT 2

VACATION PROCEEDING NO. VP06-14

BACKGROUND

- A. Petrovich Development Company has requested that the City vacate a segment of the alley bounded by Rio Linda Boulevard, Del Paso Boulevard, El Camino Avenue and Plaza Avenue located within the City of Sacramento.
- B. The City of Sacramento 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 City's 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 alley bounded by Rio Linda Boulevard, Del Paso Boulevard, El Camino Avenue and Plaza Avenue within Council District 2, specifically described in Exhibit A and Exhibit B of this Resolution, is hereby ordered vacated subject to the conditions specified in Section 5.
- Section 2. Pursuant to Streets and Highways Code Section 8306 and 8340, the City reserves a public service easement within the subject alley specifically described in Exhibit A and Exhibit B, for all the purposes and reasons described in Streets and Highways Code Sections 8306 and 8340 including but not limited to the 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 public road/alley right-of-way to be vacated.
- Section 3. The vacation of the segment of the alley bounded Rio Linda Boulevard, Del Paso Boulevard, El Camino Avenue and Plaza Avenue within Council

District 2, specifically described in Exhibit A and Exhibit 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, the City Council finds that the alley bounded by Rio Linda Boulevard, Del Paso Boulevard, El Camino Avenue and Plaza Avenue within Council District 2, specifically described in Exhibit A and Exhibit B is an excess right-of-way not required for street purposes.

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

Section 5. This vacation is subject to the following conditions:

a) The property owner must grant to the City of Sacramento and record an Emergency Vehicle Easement representing the subject segment of the alley described in Exhibits A and B.

Section 6. The conditions specified in Section 5 of this Resolution must be completed within two years of the date of this Resolution. If all 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 7. Once the conditions in Section 5 are met, the City Clerk shall cause a certified copy of this Resolution, attested by the City Clerk under seal, to be recorded. The vacation shall be effective when the City Clerk records this Resolution with the County Recorder.

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Exhibit A: Legal Description

Exhibit B: Map

Exhibit "A"

A portion of the 20 foot alley way as shown on the certain map entitled "Plat of North Sacramento Subdivision No 8" filed in Book 13 of Maps, Page 49, Sacramento County Records, in the City of Sacramento, Sacramento County, California, described as follows:

That portion of said 20 foot alley way lying southeasterly of and contiguous with Lot 3 in Block 7 of said "Plat of North Sacramento Subdivision No.8" more particularly described as follows:

Beginning at the most southerly corner of said Lot 3, said Point of Beginning being also a point on the northwesterly line of said 20 foot alley way;

Thence from said **Point of Beginning**, along the southeasterly line of said Lot 3 and along the northwesterly line of said 20 foot alley way, North 45°05'00" East 102.75 feet to the most easterly corner of said Lot 3, said point being also a point on the southwesterly line of Parcel 2 as described in that Certificate of Compliance recorded as Document Number 199804080993, Sacramento County Records,

Thence leaving the southeasterly line of said Lot 3 and the northwesterly line of said 20 foot alley way, along the southwesterly line of said Parcel 2, South 44°55'00" East 20.00 feet to the northerly corner of Parcel 1 as described in said Certificate of Compliance, said point being also a point on the southeasterly line of said 20 foot alley way;

Thence along the northwesterly line of said Parcel 1 and along the southeasterly line of said 20 foot alley way, South 45°05'00" West 102.75 feet;

Thence leaving the northwesterly line of said Parcel 1 and the southeasterly line of said 20 foot alley way, North 44°55'00" West 20.00 feet to the **Point of Beginning**, containing 2,055 square feet more or less.

End of description

Michael Dequine and Associates, Inc.


Michael R. Dequine, LS 5614

Expiration date 9/30/2008



Date 8-30-06

The Basis of Bearings for this description is that map entitled "Plat of North Sacramento Subdivision No.8" recorded in Book 13 of Maps, Page 49, Sacramento County Records.

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