



# REPORT TO COUNCIL

## City of Sacramento

915 I Street, Sacramento, CA 95814-2671  
[www. CityofSacramento.org](http://www.CityofSacramento.org)

**PUBLIC HEARING**  
**April 29, 2008**

Honorable Mayor and  
Members of the City Council

**Title: The Sheraton Garage Alley Right of Way Vacation**

**Location/Council District:** Alleyway located east of 12<sup>th</sup> Street running north to south between I Street and J Street located in Council District 3 (Attachment 2, Page 5)

**Recommendation:** Adopt a **Resolution** vacating the Alley Public Right of Way of the north to south extension bounded between 12<sup>th</sup> and 13<sup>th</sup> streets and I and J streets.

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

**Presenters:** Thomas Adams

**Department:** Transportation

**Division:** Development Engineering

**Organization No:** 4887

**Description/Analysis**

**Issue:** The City of Sacramento has approved the sale of the parking garage and the garage encroaches into this subject alley's Public Right Of Way (PROW). In order to transfer fee title of the garage, the City proposes to vacate the PROW and retain an ingress and egress public access easement over the vacated area of the PROW. This will allow vehicular access for service vehicles to maintain utilities and allow ingress and egress traffic from 12<sup>th</sup> street and I street.

A summary of the project's history is included in Attachment 1, Page 4.

**Policy Considerations:** The Council action recommended in this report is consistent with the City's Strategic Plan to promote and support economic vitality and is in compliance with the State of California, Streets and Highways Code, Section 8310-8325 that provides the procedure for the vacation of streets, alleys and easements.

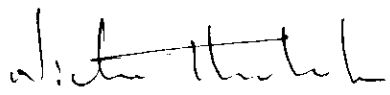
**Committee/Commission Action:** The City Planning Division has reviewed and determined that the vacation of the subject Public Right of Way is consistent with the City's General Plan.


**Environmental Considerations:** The Environmental Planning Services section of the Development Services Department has reviewed the previously described Public Right of Way for vacation, and has determined that it is exempt under the provisions of the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA guidelines. Exempt projects that fall 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 subject alley Public Right of Way will have the same public access after the garage has been sold.

**Financial Considerations:** The Economic Development Department of the City of Sacramento (applicant) is responsible for all fees required to process the vacation application and holds all financial responsibility of any conditions placed on this vacation request.

**Emerging Small Business Development (ESBD):** None

Respectfully Submitted by:   
Nicholas Theocharides  
Engineering Services Manager

Approved by:   
Jerry Way  
Director of Transportation

Recommendation Approved:

  
RAY KERRIDGE  
City Manager

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  - Exhibit B: Exhibit Plat/Map

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**Attachment 1**

**Background**

**The Sheraton Garage Alley Right of Way Abandonment**

The Economic development department of the City of Sacramento has requested the vacation of the Public Right of Way (PROW) of the north to south alleyway located south of I street and bounded between 12<sup>th</sup> and 13<sup>th</sup> streets. The alleyway is adjacent to parking garage located at 1223 J street (Attachment 2, Page 5).

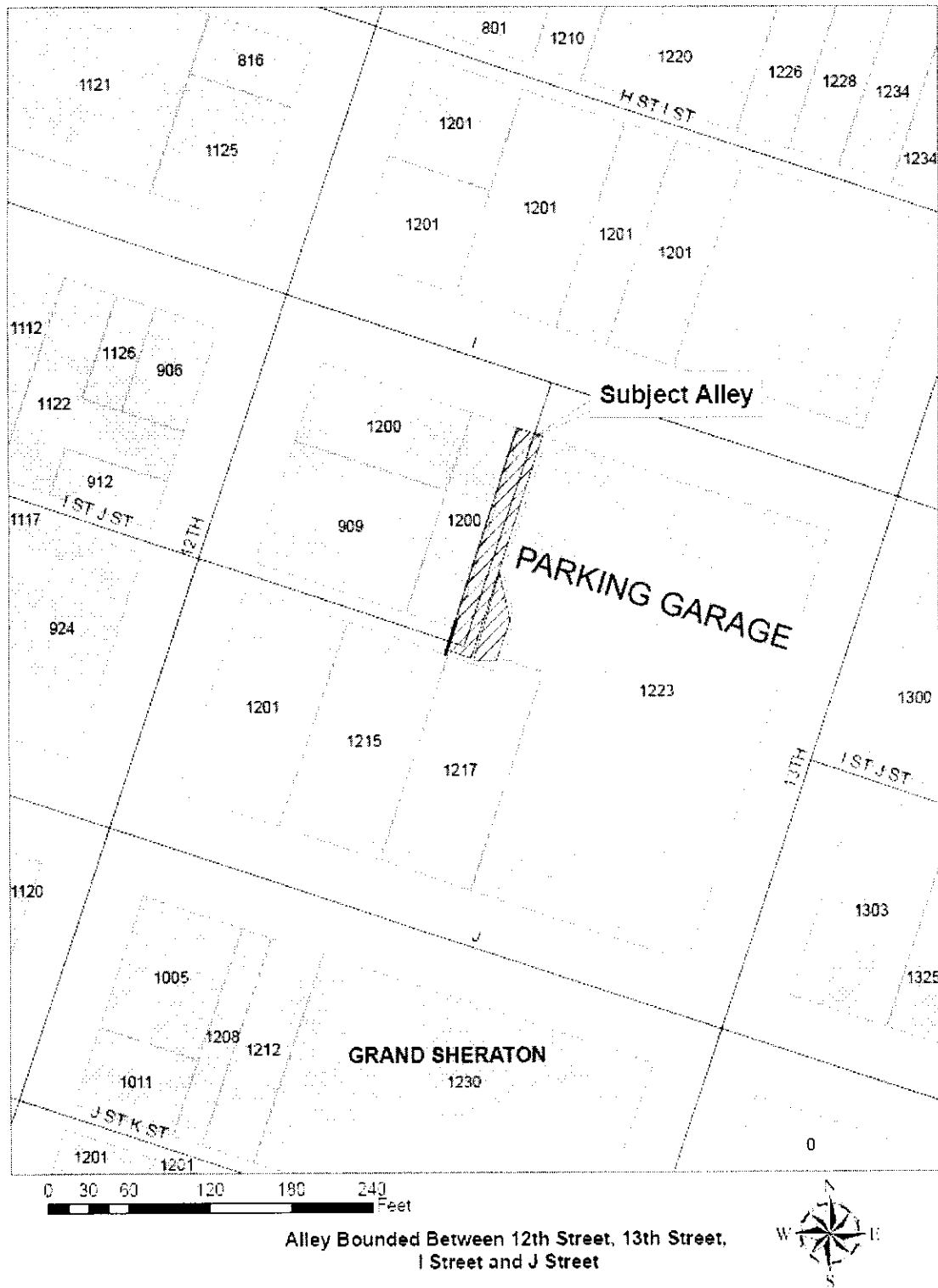
The subject public alleyway was established and recorded under Resolution number 419, Book 66-10-10 Page 408 respectively in the year of 1966 (Attachment 3, Page 6). This alleyway is an extension of the portion of the west to east alley from 12<sup>th</sup> street for public travel.

This request for vacation of this subject alleyway is in conjunction with the sale of the adjacent parking garage. In order to transfer fee title of the parking garage the buyer has required that the City of Sacramento remove and resolve the encroachment of the building into the subject public alleyway. In compliance to complete sale of the garage the economic development department has requested the vacation of the subject alleyway with reserving all public utility easements and incorporating an ingress and egress easement over the subject alleyway.

After the alleyway has been vacated there will be no encroachment issue and the sale and transfer of fee title can be completed.

Staff finds that this request for vacation is in conformance with the State of California Streets and Highways Code (S&HC) Sections 8310-8325. Staff recommends that the City Council approve this vacation request. Various City agencies and utility companies reviewed and support this vacation. In addition the City Clerk is directed to publish the Notice of Hearing of the proposed vacation, and the Notice of Hearing has been posted at the subject alleyway site as required by law pursuant to Streets and Highways Code Sections 8222 and 8223 respectively.

### Alley Vacation



Alley Bounded Between 12th Street, 13th Street,  
I Street and J Street

BOOK 66-10-10 PAGE 408

OFFICIAL RECORDS  
SACRAMENTO COUNTY, CALIF.

OCT 10 1 24 PM 1966

**RESOLUTION No. 419**

Adopted by The Sacramento City Council on date of  
OCT - 6 1966

81352

*Edward J. Johnson*  
COUNTY RECORDER

**NO FEE**

**RESOLUTION AFFIRMING THE ESTABLISHMENT  
OF A CERTAIN ALLEY IN THE CITY OF  
SACRAMENTO**

WHEREAS, the construction of a city-owned offstreet parking lot on the easterly portion of the block bounded by 12th, 13th, I and J Streets, in the City of Sacramento, caused the vacation and abandonment of the easterly 200 feet of the then existing alley in said block; and

WHEREAS, on July 12, 1957, the City did complete the improvement of a north-south extension of the remaining portion of said alley to I Street, and did open said extension to the travel of the public and property owners in said block, and has at all times since maintained said extension as an alley and public right-of-way; and

WHEREAS, it is desirable that a public record thereof be established;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

That the north-south extension of the east-west alley in the block bounded by 12th, 13th, I and J Streets, in the City of Sacramento, is hereby acknowledged to be a public alley and right-of-way; and that the existing alley in said block, including the north-south extension thereof to I Street is more particularly shown on the map prepared by the City Engineer and attached to and made a part of this resolution.

WALTER CHRISTENSEN  
MAYOR

ATTEST:

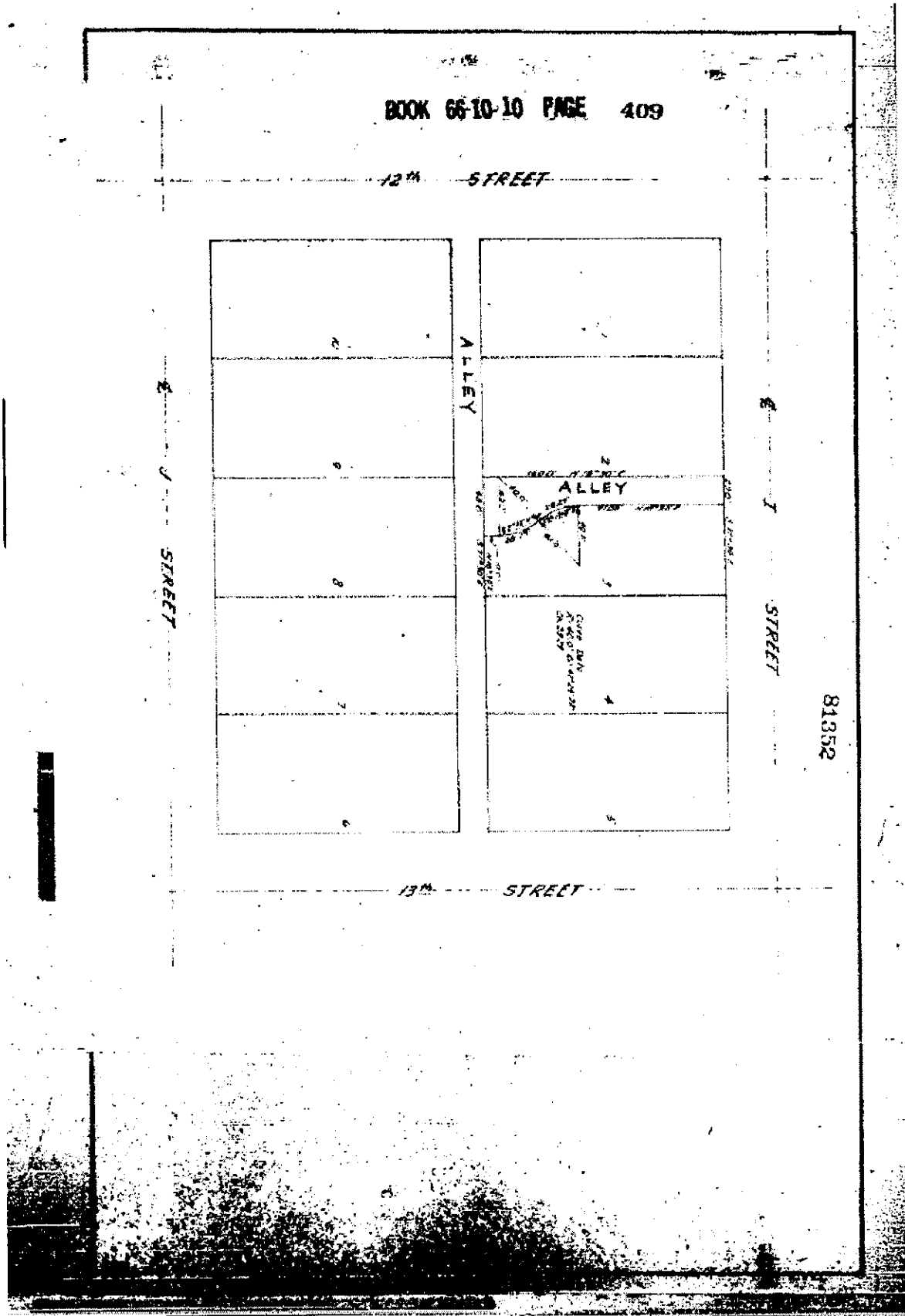
ELMER C. CLAYLAND  
CITY CLERK

CONTINUED AS TRUE COPY  
OF Resolution # 419.  
OCT - 7 1966  
DATE CERTIFIED

WHEN RECORDED RETURN TO:  
City of Sacramento, Real Estate Div.  
Rm. 207, City Hall, Sacramento, CALIF.

*Edmund C. Clayland*  
CITY CLERK OF SACRAMENTO

81352  
OCT 1 9 1966



BOOK 66-10-10 PAGE 409

12<sup>th</sup> STREET

ALLEY

J STREET

J STREET

81352

13<sup>th</sup> STREET

ALLEY

OWNER'S COPY  
NOT TO BE REPRODUCED  
WITHOUT PERMISSION

**RESOLUTION NO.**

Adopted by the Sacramento City Council

**RESOLUTION VACATING THE SHERATON GARAGE ALLEY  
RIGHT OF WAY LOCATED IN COUNCIL DISTRICT 3  
VACATION PROCEEDING NO. VAC08-009**

**BACKGROUND**

- A. The Economic Development Department of the City of Sacramento has requested that the Public Right of Way of the subject alleyway be vacated 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. The parking garage building at 1223 J street adjacent to the Public Right of Way of the subject alleyway located south of I street between 12<sup>th</sup> and 13<sup>th</sup> streets specifically described in Exhibit "A" and Exhibit "B", is encroaching into the subject alleyway. The encroachment of this building within the public alleyway will affect the sale and fee title transfer to the prospective buyer. No physical change to the access of this alleyway will be rendered and is hereby now ordered vacated subject to the conditions specified in Section 4 of this resolution.
- Section 2. Pursuant to Streets and Highways Code Section 8306 an 8340, the City of Sacramento reserves a Public Service Easement along the vacated portion of the subject alley which are more specifically described in Exhibit A and B of this resolution 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 subject property to be vacated.
- Section 3. The City Council hereby finds that said vacation has been submitted to and reported on by the City Planning Division and finds that said vacation will be consistent with the City's General Plan.



Section 4. This vacation is pursuant to the following condition:

- a. A drafted public access ingress and egress easement agreement to the City of Sacramento, to the satisfaction of the Department of Transportation be recorded.

Section 5. The conditions specified in Section 4 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 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. 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: Exhibit Plat/Map

**EXHIBIT A**

**To Be Delivered**

**EXHIBIT B**

**To Be Delivered**