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**DEPARTMENT OF
PUBLIC WORKS**

Development Services Division

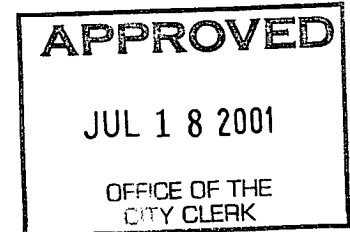
**CITY OF SACRAMENTO
CALIFORNIA**

SPECIAL DISTRICTS
1231 I Street, Room 300
SACRAMENTO, CA 95814
PH 916-264-7474
FAX 916-264-7480

June 28, 2001

City Council
Sacramento, California

Honorable Members in Session:



**SUBJECT: HEARING ON ABANDONMENT OF A 5 FOOT PUBLIC UTILITY EASEMENT SOUTH OF
2ND AVENUE AND WEST OF 51ST STREET (UCD M.I.N.D. INSTITUTE PROJECT);
ABANDONMENT PROCEEDING NO. AP01-10**

LOCATION/COUNCIL DISTRICT: 2nd Avenue and 51st Street
Council District 3

RECOMMENDATION:

This report recommends that the City Council adopt the attached resolution abandoning a 5 foot public utility easement south of 2nd Avenue and west of 51st Street (UCD M.I.N.D. Institute). See exhibit A to resolution.

CONTACT PERSONS: Ron Perry, Engineering Technician III, 264-8298

FOR COUNCIL MEETING OF: July 18, 2001

SUMMARY:

The City has received a request from Omni-Means Engineers to abandon a 5 foot public utility easement south of 2nd Avenue and west of 51st Street (UCD M.I.N.D. Institute).

COMMITTEE/COMMISSION:

None required.

BACKGROUND INFORMATION:

- City of Sacramento departments and utility companies have reviewed this request for abandonment. Letters regarding this abandonment are on file with the Department of Public Works, Development Services.
- Staff has reviewed the request to abandon and finds it in conformance with City Guidelines Easement Abandonment (City Resolution No. 95-667) and the State of California, Streets and Highways Code (Section 8300 et seq).
- Notice of the abandonment was posted along the subject right-of-way on July 6, 2001, and the Public Hearing Date was published in the Daily Recorder on July 6, 2001 and July 13, 2001. The Engineer's report relating additional facts of the abandonment is on file with the City Clerk's office. See Attachment A for the time schedule for this abandonment.
- Following abandonment, ownership of the easement will no longer exist.

FINANCIAL CONSIDERATIONS:

The applicant provided all of the documentation required for the abandonment and has paid a fee to fund staff time required to process the abandonment application. There is no expense to the City.

ENVIRONMENTAL CONSIDERATIONS:

The Planning and Building Department 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 © of the CEQA Guidelines. The project involves the alteration of an existing public right-of-way with no expansion of the existing use and no substantial change to existing traffic flow of physical features in the City.

POLICY CONSIDERATIONS:

The proposed abandonment is consistent with Council priorities of public safety, and neighborhood revitalization and enhancement.

1. Section 8300 et. Seq. of the 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.
2. City policy, as stated in Resolution No. 96-176 (approved by the City Council on May 7, 1996), provides for abandonment of a public utility easement so long as there is a benefit to the community and would be supported by the majority of the property owners.

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3. The proposed abandonment is consistent with these policies.

ESBD CONSIDERATIONS:


City Council adoption of the attached resolution is not affected by City policy related to the ESBD Program.

Respectfully submitted,



Gary Alm, Manager
Development Services

RECOMMENDATION APPROVED:



ROBERT P. THOMAS
City Manager

Approved:



Michael Kashiwagi
Director of Public Works

**SCHEDULE FOR REGULAR ABANDONMENT PROCEEDING
TO ABANDON A 5 FOOT PUBLIC UTILITY EASEMENT SOUTH OF 2ND AVENUE AND WEST
OF 51ST STREET (UCD M.L.N.D. INSTITUTE)
COUNCIL DISTRICT 3 (AP01-10)**

Posting on Alleys/Streets

July 6, 2001

Copy of Resolution Published in Daily Recorder

July 6, 2001 &
July 13, 2001

Public Hearing at City Council/Final Approval

July 18, 2001

JUL 18 2001

OFFICE OF THE
CITY CLERK

RESOLUTION NO. 2001-501

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF

**RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING ABANDONMENT
OF A 5 FOOT PUBLIC UTILITY EASEMENT SOUTH OF 2ND AVENUE AND WEST OF 51ST
STREET (UCD M.I.N.D. INSTITUTE PROJECT)**

**COUNCIL DISTRICT 3
ABANDONMENT PROCEEDING NO. AP01-10**

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

- A. 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 the subject property; and
- B. 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.; and
- C. WHEREAS, the Planning and Building Department 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; and

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

- 1. The 5 foot Public Utility Easement south of 2nd Avenue, west of 51st Street (UCD M.I.N.D. Institute Project), specifically described below, is hereby ordered abandoned subject to the conditions and reservation specified in this resolution:

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

All that portion of the Public Utility Easement offered for dedication and accepted on that certain subdivision map entitled "Sacramento Business Park" filed for record in Book 104 of maps at Page 14, Sacramento County Records; described as follows:

FOR CITY CLERK USE ONLY

RESOLUTION NO: _____

DATE ADOPTED: _____

Being a five-foot wide strip more particularly described as follows:

All that portion of said Public Utility Easement lying South of the southerly Right of Way line of 2nd Avenue cul-de-sac, dedicated and conveyed to the City of Sacramento on said map of "Sacramento Business Park" and as shown on that certain parcel map, filed for record in Book 100 of Parcel Maps, at Page 16, Sacramento County Records.

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 Section, located at 1231 I Street, Room 300.

2. The City Council finds that the above described public utility easement is not necessary for present or prospective public use.
3. The City Council hereby finds that said abandonment has been submitted to and reported on by the Planning and Building Department as to conformity with the City General Plan. The Council, pursuant to Streets and Highways Code Section 8300 et. Seq., has considered this abandonment in connection with the General and Community Plans and finds the abandonment consistent with them in that: The abandonment of the public utility easement identified in paragraph 1 above does satisfy the City Council's "Review Guideline for Street and Alley Closure," adopted May 7, 1996, by Resolution No. 96-176.
4. After fees have been paid, 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

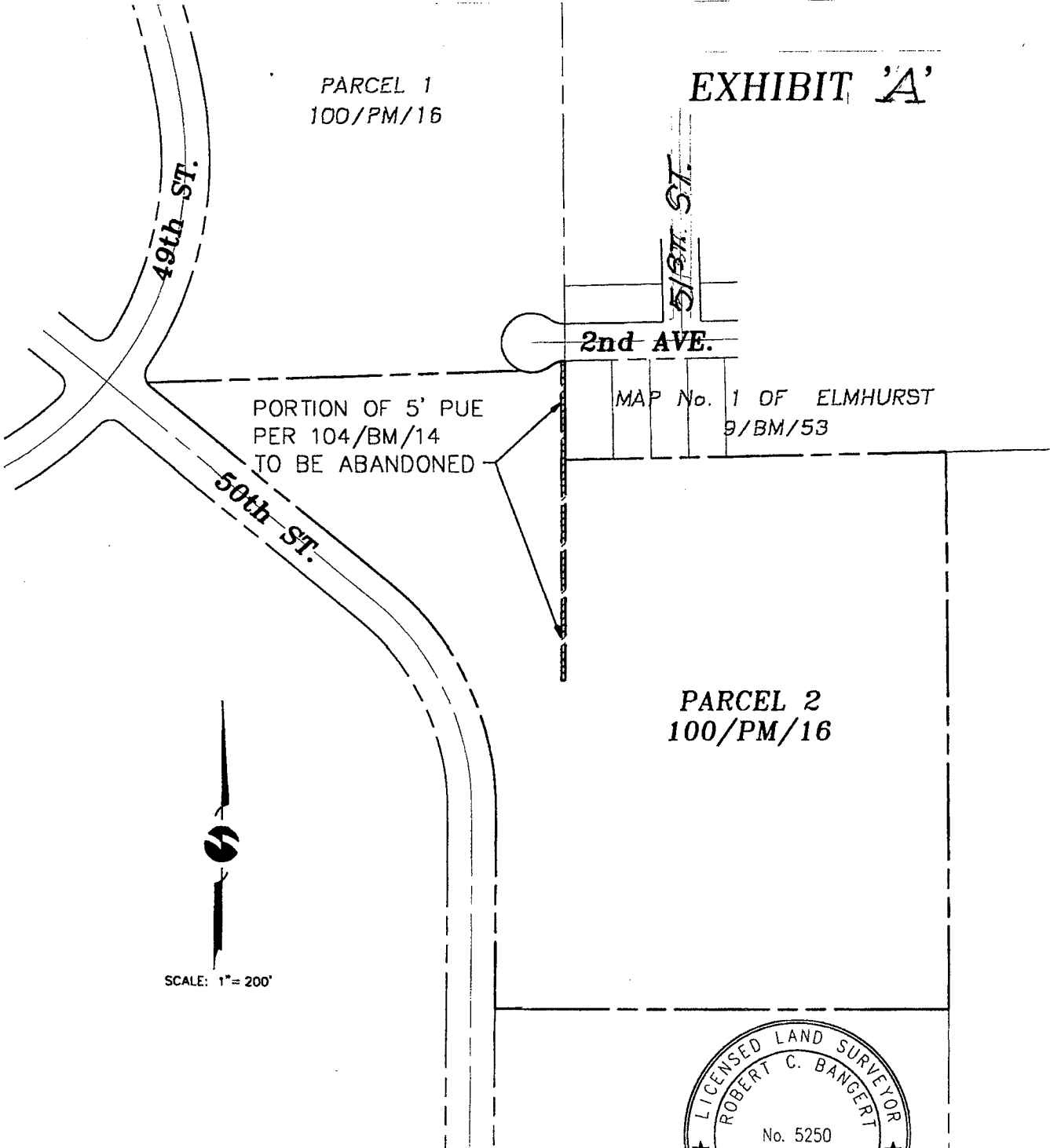
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EXHIBIT 'A'

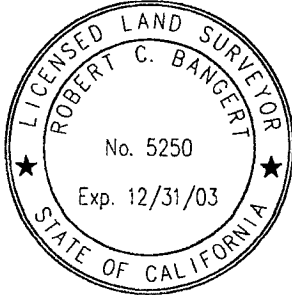
PARCEL 1
100/PM/16



MAP No. 1 OF ELMHURST
9/BM/53

PARCEL 2
100/PM/16

SCALE: 1" = 200'



Robert C. Bangert 2-19-01
 ROBERT C. BANGERT LS5250 DATE
 LICENSE EXPIRES 12-31-03

PARCEL 2, 100/PM/16
5' P.U.E. ABANDONMENT

FOR CITY CLERK USE ONLY

RESOLUTION NO: _____

DATE ADOPTED: _____

