



# REPORT TO COUNCIL

## City of Sacramento

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

CONSENT  
May 15, 2007

Honorable Mayor and  
Members of the City Council

**Title: Summary Vacation of the Alley Bounded by 4<sup>th</sup> Street, 3<sup>rd</sup> Street, "V" Street and "W" Street**

**Location/Council District:** The alley bounded by 4<sup>th</sup> Street, 3<sup>rd</sup> Street, "V" Street and "W" Street located in Council District 4 (see Attachment 2, Page 4).

**Recommendation:** Adopt a **Resolution** vacating a segment of the alley bounded by 4<sup>th</sup> Street, 3<sup>rd</sup> Street, "V" Street and "W" Street subject to the conditions in the Resolution and reserving to the City a public service easement over the alley.

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

**Presenters:** Thomas Adams, Engineering Technician

**Department:** Development Services

**Division:** Development Engineering

**Organization No:** 4881

### Description/Analysis

**Issue:** Mr. Abraxis Spera on behalf of the adjacent property owners to the subject alley requests the vacation of the alley to facilitate their plans for residential improvements.

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

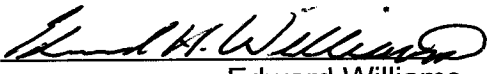
**Environmental Considerations:** The Environmental Planning Services section of the Development Services Department has reviewed the previously described segment of the alley subject for vacation, and has determined that the vacation is exempt from the provisions of the California Environmental Quality 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.

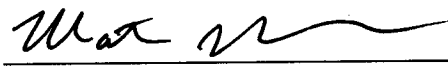
**Financial Considerations:** The applicant is responsible for all fees associated with this vacation and there will be no cost to the City.

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

Respectfully Submitted by:   
Edward Williams  
Manager, Development Engineering

Respectfully Submitted by:   
William Thomas  
Director of Development Services

Recommendation Approved:

  
RAY KERRIDGE  
City Manager

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## **Background**

### **Summary Vacation of the Alley Bounded by 4<sup>th</sup> Street, 3<sup>rd</sup> Street, "V" Street and "W" Street**

Mr. Abraxis Spera on behalf of the adjacent property owners to the subject alley requests the vacation of the alley to facilitate their plans for residential improvements. The property owners are converting a single residential unit to a duplex on the property adjacent to the subject alley. Their proposed plans will encroach 8 inches into the subject alley. There are three adjacent parcels to the subject alley with only two owners and both have given their consent to vacate the alley.

Currently the alley is not accessible to motorized vehicles. There is no driveway cut for access to the alley. At both ends of the alley a parkway and sidewalk separates the alley from the street. The adjacent property owners know these conditions of the alley to be true since 1999 when they purchased the property. In addition, the alley does not extend the length of a city block. The alley's length was reconfigured and shortened when the W street on-ramp to north bound Interstate 5 was put in place (see Attachment 2, Page 4).

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.



**RESOLUTION NO.**

Adopted by the Sacramento City Council

**SUMMARY VACATION OF THE ALLEY BOUNDED BY 4<sup>TH</sup> STREET, 3<sup>RD</sup> STREET, "V" STREET AND "W" STREET WITHIN COUNCIL DISTRICT 4**

**VACATION PROCEEDING NO. VP07-02**

**BACKGROUND**

- A. Mr. Abraxis Spera on behalf of the adjacent property owners has requested that the City vacate a segment of the alley bounded by 4<sup>th</sup> Street, 3<sup>rd</sup> Street, "V" Street and "W" Street 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 and applicable Community 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 Street, 3<sup>rd</sup> Street, "V" Street and "W" within Council District 4, 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 an 8340 the City reserves a public service easement in the alley bounded by 4<sup>th</sup> Street, 3<sup>rd</sup> Street, "V" Street and "W" within Council District 4, 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 by 4<sup>th</sup> Street, 3<sup>rd</sup> Street, "V" Street and "W" within Council District 4, 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 4<sup>th</sup> Street, 3<sup>rd</sup> Street, "V" Street and "W" within Council

District 4, 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 and applicable Community Plan.

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

- a) The property owners must keep all current utility services accessible and unobstructed within the area to be vacated at all times.

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: Exhibit Plat/Map

EXHIBIT A

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SACRAMENTO, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

A PORTION OF THE ALLEY BETWEEN LOTS 4 AND 5 OF THE BLOCK BOUNDED BY "V" AND "W" STREETS, 3<sup>RD</sup> AND 4<sup>TH</sup> STREETS OF SAID CITY, ACCORDING TO THE OFFICIAL PLAT THEREOF MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 5; THENCE (1) ALONG THE EASTERLY LINE OF SAID LOT SOUTH 18°29'45" WEST 11.19 FEET TO A POINT DISTANT 400.32 FEET EASTERLY MEASURED AT RIGHT ANGLES, FROM THE "C1" LINE AT ENGINEER'S STATION "C1" 36+63.78 OF THE DEPARTMENT OF PUBLIC WORKS' SURVEY ON ROAD 03-SAC-80, POST MILE 0.0/2.5; THENCE (2) LEAVING SAID EASTERLY LINE SOUTH 77°53'23" WEST 8.97 FEET; THENCE (3) NORTH 50°50'00" WEST 44.85 FEET TO A POINT ON THE NORTHERLY LINE OF SAID LOT BEING THE TRUE POINT OF BEGINNING; THENCE NORTH 50°50'00" WEST 56.88 FEET TO THE SOUTHERLY LINE OF LOT 3 OF SAID BLOCK; THENCE ALONG THE SOUTHERLY LINE OF SAID LOT 3 AND LOT 4 SOUTH 71°25'07" EAST 102.90 FEET TO THE SOUTHEAST CORNER OF SAID LOT 4 AND THE WESTERLY LINE OF 4<sup>TH</sup> STREET; THENCE ALONG THE WESTERLY LINE OF 4<sup>TH</sup> STREET SOUTH 18°26'45" WEST 20.00 FEET TO THE NORTHEAST CORNER OF LOT 5; THENCE LEAVING THE WESTERLY LINE OF 4<sup>TH</sup> STREET ALONG THE NORTHERLY LINE OF SAID LOT 5 NORTH 71°25'07" WEST 49.68 FEET TO THE POINT OF BEGINNING, CONTAINING 1526 SQUARE FEET MORE OR LESS.

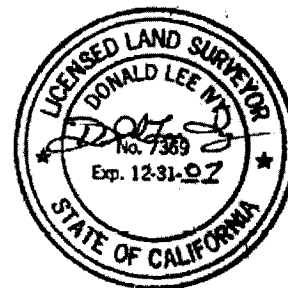


EXHIBIT B

EXHIBIT B

