



1.9

DEPARTMENT OF
PUBLIC WORKS

CITY OF SACRAMENTO
CALIFORNIA

DEVELOPMENT SERVICES
1231 I STREET
ROOM 200
SACRAMENTO, CA
95814
PH 916-264-7995
FAX 916-448-8450

TECHNICAL SERVICES DIVISION

November 23, 1999

City Council
Sacramento, California

Honorable Members in Session:

**SUBJECT: GRANTING REVOCABLE ENCROACHMENT PERMIT TO CONSTRUCT A
PEDESTRIAN OVERCROSSING AND UNDERGROUND UTILITIES OVER AND
UNDER A PORTION OF THE ALLEY BOUNDED BY "O", "P", 16TH AND 17TH
STREETS**

LOCATION/COUNCIL DISTRICT:

Portion of alley bounded by "O", "P", 16th and 17th Streets
Council District 3

RECOMMENDATION:

This report recommends that the City Council approve a revocable encroachment permit to the applicant, Shasta / Downtown Sacramento Mixed Use Development LLC, for the purpose of constructing a pedestrian overcrossing and underground utilities over and under a public alley. Adopting the attached resolution will replace the permit previously issued for this encroachment and provide for issuance of a new permit to the new project applicant.

CONTACT:

Faramarz Ansari, Associate Engineer, 264-7493

FOR COUNCIL MEETING OF:

December 14, 1999

City Council
Revocable Encroachment Permit for the Fremont Building
November 23, 1999

SUMMARY:

Shasta / Downtown Sacramento Mixed Use Development LLC, has requested a revocable encroachment for the purpose of constructing a pedestrian overcrossing and underground utilities over and under a public alley. The issuance of a permit and adoption of new resolution to Permittee will supercede the permit previously authorized by Resolution No. 99-407 adopted by the City Council on July 20, 1999. (See Exhibit "A")

The Department of Public Works has coordinated the review of the application and finds that it meets all City requirements. The permit may be revoked and canceled if the terms and conditions of the permit are not met.

COMMITTEE/COMMISSION ACTION:

None.

BACKGROUND:

On July 20, 1999, City Council granted a revocable permit to CADA for construction of a pedestrian overcrossing at the aforementioned location. On October 8, 1999, the Department of Public Works was notified by CADA that the property location had changed ownership and requested that the City adopt a new resolution and grant a revocable permit reflecting ownership to Shasta / Downtown Sacramento Mixed Use Development LLC.

Sacramento City Code, Section 12.04.110, states that Council may, by resolution, grant revocable permits revocable for minor or temporary purposes or privileges on public property subject to such terms and conditions as it deems necessary for the public interest.

FINANCIAL CONSIDERATIONS:

The standard permit fee of \$390.00 has been paid by the applicant. The project does not involve any cost to the City. The project is privately financed by Shasta / Downtown Sacramento Mixed Use Development LLC.

City Council
Revocable Encroachment Permit for the Fremont Building
November 23, 1999

ENVIRONMENTAL CONSIDERATIONS:

The Neighborhoods, Planning and Development Services Department, has reviewed the project and has determined that this project is exempt from the California Environmental Quality Act (CEQA) under Section 15305 (b) of the CEQA Guidelines.

POLICY CONSIDERATIONS:

No street cuts are required for this permit.

ESBD CONSIDERATIONS:

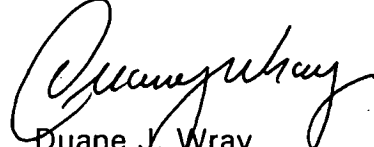
City Council adoption of the attached resolution is not affected by City policy related to the ESBD Program.

Respectfully submitted,



Gary Alm, Manager,
Development Services

Approved:



Duane J. Wray
Manager, Technical Services

RECOMMENDATION APPROVED:



ROBERT P. THOMAS
City Manager

Approved:



Michael Kashiwagi
Director of Public Works

FA:me
s:techsvs/projdel/devsvs/council/revocab/Shastacctr
11.2399.1

Attachment

EXHIBIT "A"

RESOLUTION NO. 99-407

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF JUL 20 1999

RESOLUTION GRANTING REVOCABLE ENCROACHMENT PERMIT TO CONSTRUCT A PEDESTRIAN OVERCROSSING OVER A PORTION OF THE ALLEY BOUNDED BY "O", "P", 16TH AND 17TH STREETS

CERTIFIED AS TRUE COPY OF Resolution 99-407 7-27-99 DATE CERTIFIED [Signature] CITY CLERK, CITY OF SACRAMENTO

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

That a Revocable Encroachment Permit be granted to CADA, 1530 Capital Avenue, Sacramento, CA 95814.

This encroachment is described as follows:

All that portion of the Alley 20.00 feet in width located in the block bounded by 16th & 17th and "O" & "P" Streets of the City of Sacramento, according to the official plat thereof, described as follows:

Beginning at a point located on the North line of said Alley, from which the point of intersection of the East line of 16th Street with the South line of O Street bears the following two (2) courses: (1) along said North line North 71°33'48" West 26.08 feet to said East line of 16th Street and (2) along said East line North 18°27'00" East 160.82 feet; thence from said point of beginning, along said North line, South 71°33'48" East 16.21 feet; thence South 18°27'00" West 20.00 feet to the South line of said Alley; thence, along said South line, North 71°33'48" West 16.21; thence North 18°27'00" East 20.00 feet to the point of beginning; containing 324 square feet, more or less.

The vertical limits of the above described parcel are between the elevations of 31.8 feet and 72.0 feet based upon the National Geodetic Vertical Datum of 1929 ((NGVD29), also being the vertical datum for the City of Sacramento. (See Exhibit B.)

This permit is granted subject to the "General Provisions - Revocable Encroachment Permit," which were adopted by the City Council in Resolution No. 81-845 dated November 17, 1981. This permit shall be effective only after the applicant files with the

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RESOLUTION NO: 99-407 DATE ADOPTED: JUL 20 1999

Risk Management Division of the City of Sacramento, the insurance certificates required by the General Provisions.

SPECIAL CONDITIONS

1. NO INTERFERENCE.

Grantee's exercise of rights under this permit shall be subordinate to, and shall not cause any interference with use of the alley by Grantor or any member of the public. Without limiting the generality of the foregoing, nothing shall be done or suffered to be done by Grantee at any time that would interfere with or cause damage to any facilities, vehicles, equipment, or other property or appurtenances of Grantor or any member of the public, and Grantee shall exercise due care to avoid such interference or damage. Grantee agrees to pay the cost of repairing any such damage, or, if directed by Grantor, to replace or restore said facilities, vehicles, equipment, or other property or appurtenances to Grantor's satisfaction.

2. COMPLIANCE WITH LAWS.

Grantee shall comply with all applicable federal, state and local laws, regulations and enactments pertaining to its operations in and use of the permit. The Grantee shall use only such equipment as is consistent with safety, both as concerns the Grantee, the Grantee's employees, agents and customers, the officers, agents, employees and property of the Grantor and the public in general. If any failure by the Grantee to comply with any such laws, regulations, and enactments shall result in any fine, penalty, cost or charge being assessed, imposed or charged against the Grantor, the Grantee shall reimburse and indemnify the Grantor for any such fine, penalty, cost or charge, including without limitation attorney's fees, court costs and expenses. The Grantee further agrees in the event of any such action upon notice thereof being provided by the Grantor, to defend such action at no cost to the Grantor.

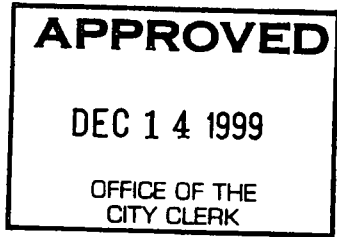
3. INDEMNITY.

Grantee shall indemnify and hold harmless Grantor and its officers, employees and agents, from and against any and all claims, losses, actions, damages, costs or other liabilities, including payment of attorney's fees, whether for death, personal injury or property damage (hereafter collectively referred to as "liabilities"), arising out of or in any way related to the use of this permit by any party, including without limitation the Grantee, its officers, employees, agents, licensees, invitees or contractors, whether or not the Grantor, its officers or employees reviewed or

RESOLUTION NO. 99-724

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____



RESOLUTION GRANTING REVOCABLE ENCROACHMENT PERMIT TO CONSTRUCT A PEDESTRIAN OVERCROSSING AND UNDERGROUND UTILITIES OVER AND UNDER A PORTION OF THE ALLEY BOUNDED BY "O", "P", 16TH AND 17TH STREETS

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

That a Revocable Encroachment Permit be granted to Shasta / Downtown Sacramento Mixed Use Development LLC., 1530 Capital Avenue, Sacramento, CA 95814.

This encroachment is described as follows:

A pedestrian overcrossing and underground utilities over and under the portion of the Alley 20.00 feet in width located in the block bounded by 16th & 17th and "O" & "P" Streets of the City of Sacramento, according to the official plat thereof, described as follows:

Beginning at a point located on the North line of said Alley, from which the point of intersection of the East line of 16th Street with the South line of O Street bears the following two (2) courses: (1) along said North line North 71°33'48" West 26.08 feet to said East line of 16th Street and (2) along said East line North 18°27'00" East 160.82 feet; thence from said point of beginning, along said North line, South 71°33'48" East 16.21 feet; thence South 18°27'00" West 20.00 feet to the South line of said Alley; thence, along said South line, North 71°33'48" West 16.21; thence North 18°27'00" East 20.00 feet to the point of beginning; containing 324 square feet, more or less.

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RESOLUTION NO: _____

DATE ADOPTED: _____

The vertical limits of the above described parcel are between the elevations of 31.8 feet and 72.0 feet based upon the National Geodetic Vertical Datum of 1929 ((NGVD29), also being the vertical datum for the City of Sacramento. (See Exhibit B.)

This permit is granted subject to the "General Provisions - Revocable Encroachment Permit," which were adopted by the City Council in Resolution No. 81-845 dated November 17, 1981. This permit shall be effective only after the applicant files with the Risk Management Division of the City of Sacramento, the insurance certificates required by the General Provisions. This permit also is subject to the following conditions:

SPECIAL CONDITIONS

1. **NO INTERFERENCE.**

Permitee exercise of rights under this permit shall be subordinate to, and shall not cause any interference with use of the alley by the City or any member of the public. Without limiting the generality of the foregoing, nothing shall be done or suffered to be done by Permitee at any time that would interfere with or cause damage to any facilities, vehicles, equipment, or other property or appurtenances of City or any member of the public, and Permitee shall exercise due care to avoid such interference or damage. Permitee agrees to pay the cost of repairing any such damage, or, if directed by the City, to replace or restore said facilities, vehicles, equipment, or other property or appurtenances to the City's satisfaction.

2. **COMPLIANCE WITH LAWS.**

Permitee shall comply with all applicable federal, state and local laws, regulations and enactments pertaining to its operations in and use of the permit. The Permitee shall use only such equipment as is consistent with safety, both as concerns the Permitee, the Permitee's employees, agents and customers, the officers, agents, employees and property of the City and the public in general. If any failure by the Permitee to comply with any such laws, regulations, and enactments shall result in any fine, penalty, cost or charge being assessed, imposed or charged against the City, the Permitee shall reimburse and indemnify the City for any such fine, penalty, cost or charge, including without limitation attorney's fees, court costs and expenses. The Permitee further agrees in the event of any such action upon notice thereof being provided by the City, to defend such action at no cost to the City.

FOR CITY CLERK USE ONLY

RESOLUTION NO: _____

DATE ADOPTED: _____

3. INDEMNITY.

Permitee shall indemnify and hold harmless City and its officers, employees and agents, from and against any and all claims, losses, actions, damages, costs or other liabilities, including payment of attorney's fees, whether for death, personal injury or property damage (hereafter collectively referred to as "liabilities"), arising out of or in any way related to the use of this permit by any party, including without limitation the Permitee, its officers, employees, agents, licensees, invitees or contractors, whether or not the City, its officers or employees reviewed or approved said use, and whether or not such liabilities are litigated, settled or reduced to judgment. Permitee shall, upon the City's request, defend at Permitee's sole cost any action, claim, suit, or cause of action which asserts or alleges such liabilities, whether such action, claim, suit, cause of action or portion thereof is well founded or not. The provisions of this paragraph shall survive any revocation or termination of this permit.

4. ATTORNEY FEES AND COSTS.

The City may bring a suit or proceeding to enforce or to require performance of the terms of this permit, and the prevailing party in such suit or proceeding shall be entitled to recover reasonable costs and expenses, including attorney's fees.

5. MINIMUM CLEARANCE.

The minimum vertical clearance from the surface of alley to the bottom of the pedestrian overcrossing structure shall be 14'10".

6. ASSIGNMENT.

This permit may only be assigned with the written approval of the City's Director of Public Works or authorized representative, and pursuant to a written assignment approved by the City Attorney, and any attempt to assign this permit without such approvals shall be void.

7. BINDING OF SUCCESSORS.

The provisions of this permit shall be binding on the Permitee's successors and assigns subject to the provisions of Section 6, above.

8. This resolution supercedes and replaces Resolution No. 99-407 adopted by the City Council on July 20, 1999.

MAYOR

ATTEST:

CITY CLERK

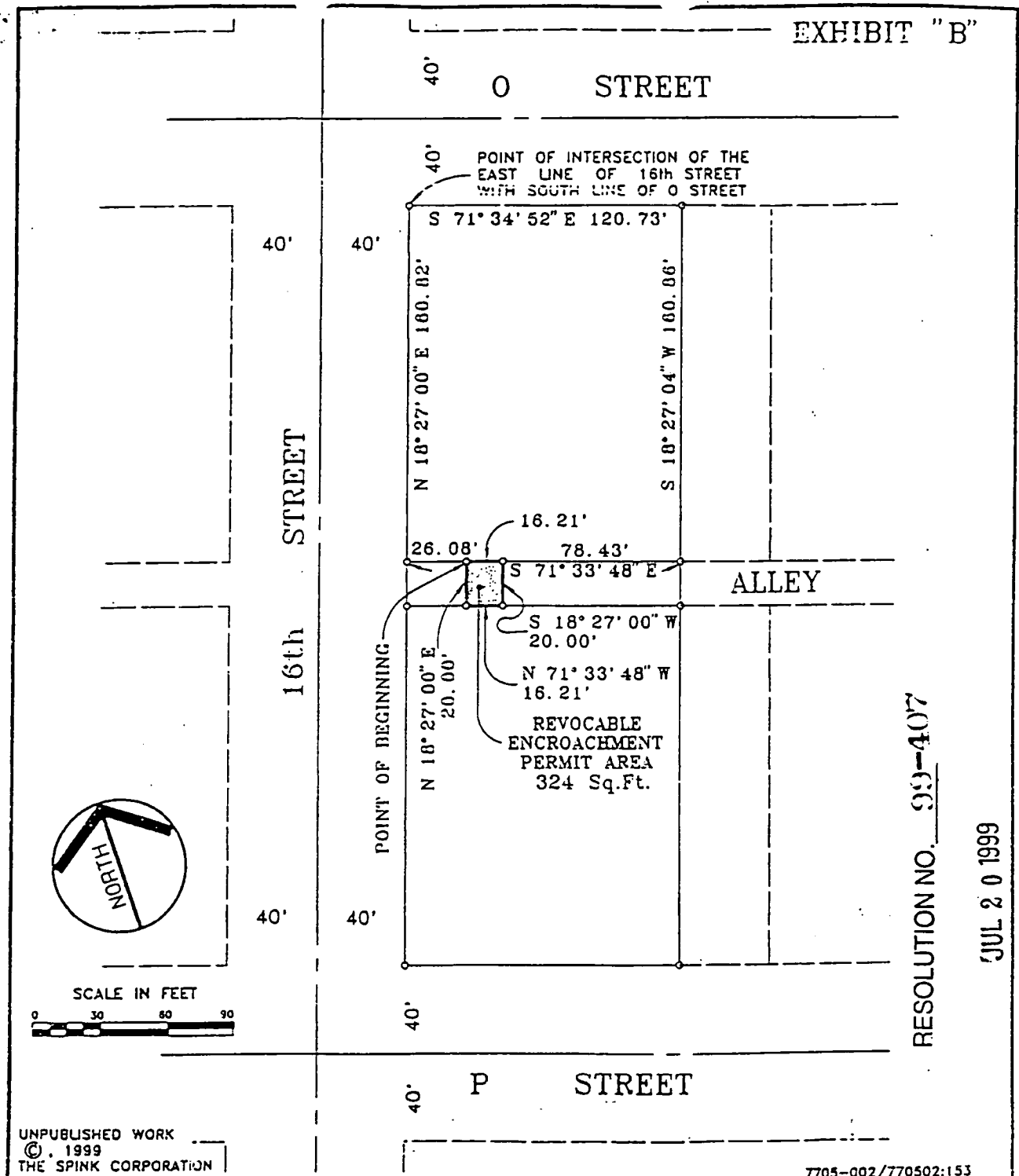
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RESOLUTION NO: _____

DATE ADOPTED: _____



RESOLUTION NO. 99-407

JUL 20 1999

UNPUBLISHED WORK
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THE SPINK CORPORATION

7705-002/770502:153

TITLE: REVOCABLE ENCROACHMENT PORTION OF BLOCK BOUNDED BY 16th, 17th, O and P STREETS IN THE CITY OF SACRAMENTO
CLIENT: SHASTA REAL ESTATE

DATE: 3/99 JOB NO.: 7705-002
DRAWN BY: J.K. CHECKED BY: J.K.

REVISION

The Spink Corporation

2590 VENTURE OAKS WAY SACRAMENTO, CA 95833
PHONE: (916)925-5550 FAX: (916)921-9274

SCALE: 1"=60' CODE: SAC-119 DR.NO.: H-8191a

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RESOLUTION NO.: _____

DATE ADOPTED: _____



**OFFICE OF THE
CITY CLERK**

VALERIE A. BURROWES, CMC/AAE
CITY CLERK

VIRGINIA K. HENRY, CMC/AAE
ASSISTANT CITY CLERK

**CITY OF SACRAMENTO
CALIFORNIA**

CITY HALL
915 I STREET
ROOM 304
SACRAMENTO, CA
95814-2671

FAX 916-264-7672
[HTTP://WWW.SACTO.ORG](http://www.sacto.org)

ADMINISTRATION
PH 916-264-5799

OPERATIONAL SERVICES
PH 916-264-5427

SPECIALIZED SERVICES
PH 916-264-7200

December 22, 1999

Shasta/Downtown Sacramento Mixed Use Development, LLC
1530 Capital Avenue
Sacramento, Ca. 95814

On December 14, 1999, the City Council adopted Resolution No. 99-724 granting the following Revocable Encroachment Permit. This is in accordance with "General Provisions - Revocable Encroachment Permit," adopted by City Council Resolution No. 81-845 as amended.

The permit is for the purpose of a pedestrian overcrossing and underground utilities over and under the portion of the alley 20.00 feet in width located in the block bounded by 16th & 17th and "O" & P Streets of the City of Sacramento.

This permit shall be effective only after you file the insurance certificates required by the General Provisions. These can be filed with the Risk Management Division at 921 10th Street, Room 700, Sacramento, California 95814.

Sincerely,

Nancy Allen
Deputy City Clerk II

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