



REPORT TO COUNCIL

City of Sacramento

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

CONSENT
November 30, 2010

Honorable Mayor and
Members of the City Council

Title: Summary Vacation of a Portion of the Alley Bounded Between 50th, 51st, P Streets and Highway 50

Location/Council District: Alley adjacent to 1725 50th Street in Council District 3.

Recommendation: Adopt the attached **Resolution** vacating a portion of the public right-of-way (alley) between 50th, 51st, P Street and Highway 50 subject to the conditions in the resolution.

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

Presenters: None

Department: Transportation

Division: Engineering Services

Organization No: 15001151

Description/Analysis

Issue: The property owner, Sheron Violini, has requested the vacation of a portion of the alley between 50th, 51st, P Street and Highway 50 to reduce the amount of crime occurring within the alley and construct an off-street garage. The alley is currently paved and restricted with one metal removable bollard.

Policy Considerations: The Council action recommended in this report is consistent with the 2030 General Plan and is in compliance with California Streets and Highways Code Sections 8334(a), which provides for summary vacation of excess right-of-way (alley) not required for street and highway purposes.

Environmental Considerations:

California Environmental Quality Act (CEQA): The Environmental Planning Services section of the Community Development Department has reviewed the previously described segment of the alley subject for vacation,

and has determined that the vacation is exempt under Section 15305 in which this project consists of the minor alteration of land with a minor slope less than 20%, which does not result in any changes to land use or density.

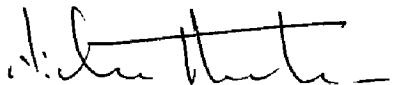
Sustainability Considerations: None.

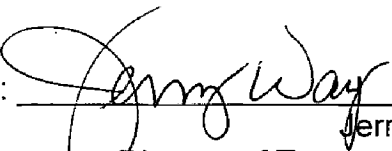
Committee/Commission Action: None.

Rationale for Recommendation: Staff, along with various agencies, supports this vacation request along with proposed use to help facilitate the proposed development.

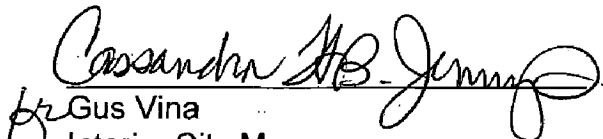
Financial Considerations: The applicant is responsible for all fees required to process this application, and there is no cost to the City.

Emerging Small Business Development (ESBD): None.

Respectfully Submitted by: 
Nicholas Theocharides
Engineering Services Manager

Approved by: 
Jerry Way
Director of Transportation

Recommendation Approved:


Gus Vina
Interim City Manager

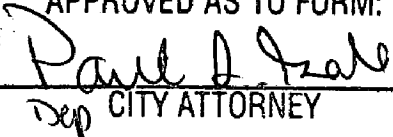
APPROVED AS TO FORM:

Paul A. Szabo
Dep CITY ATTORNEY

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Attachment 1

Background

Sheron Violini, the property owner located adjacent to this subject alley, has requested the vacation of a portion of the alley. This owner initially requested that the alley be blocked off or restricted to vehicular and pedestrian traffic because of crime related issues that were occurring in the alley. Along with this request the owner wishes to build a garage that will ultimately block off vehicular and pedestrian traffic through the alley.

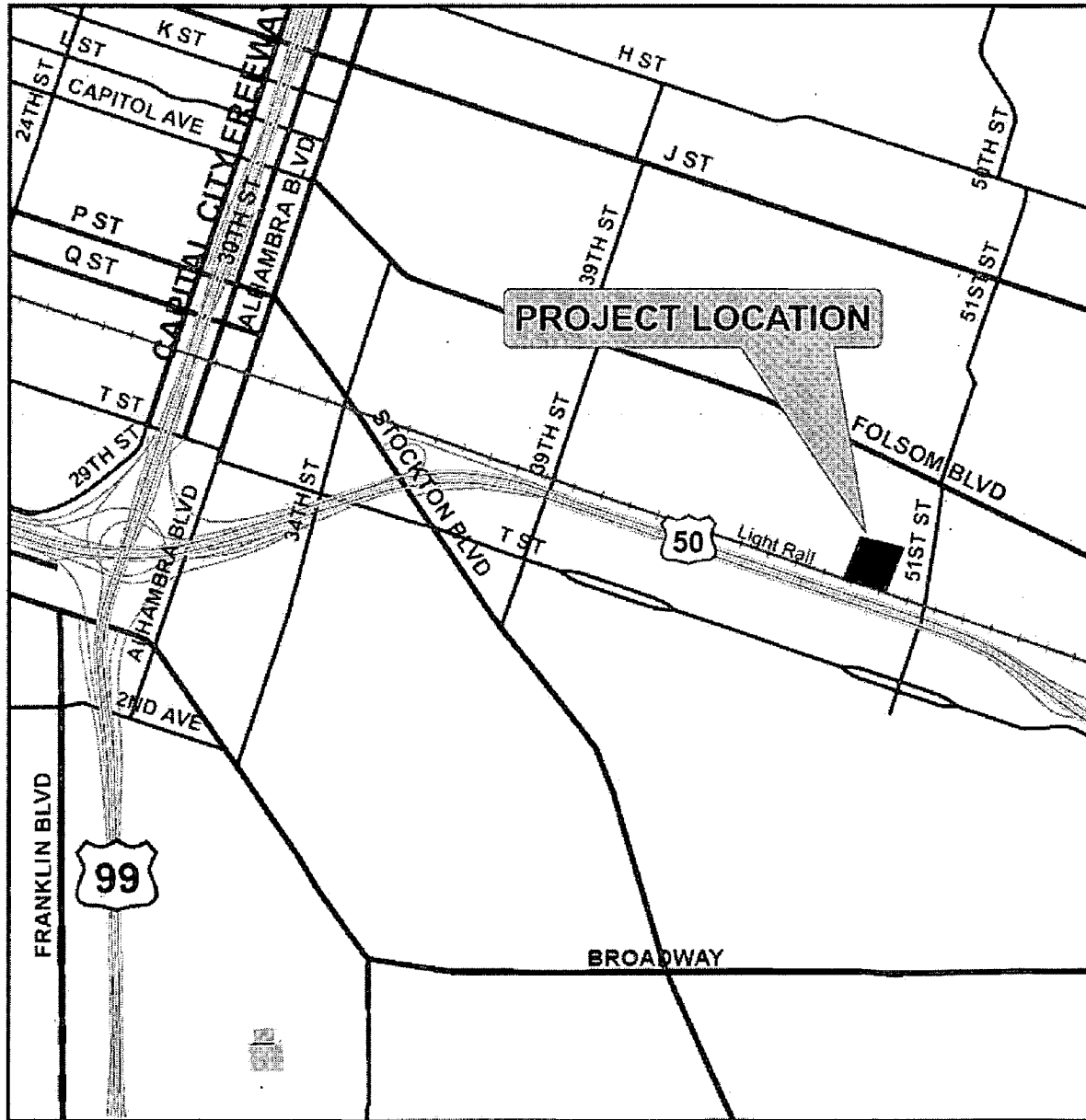
The alley is currently improved and partially restricted with a metal removable bollard located near the west entrance of the alley at 50th street. The bollard will be removed at the applicant's expense when the vacation has been approved.

This request is being processed under Streets and Highways Code (S&HC) Sections 8334(a) as a summary vacation for City Council approval. The applicant requesting the vacation alley has submitted all documents required by the City of Sacramento's Department of Transportation to process this request.

Several utility agencies have existing services within the subject alley and have requested the reservation of a Public Utility Easement (PUE) under S&HC 8306 and 8340 to preserve the integrity for current and future access.

Various City departments and utility companies have reviewed this request and support the proposed vacation.

LOCATION MAP FOR Alley Vacation



Attachment 3

RESOLUTION NO.

Adopted by the Sacramento City Council

**SUMMARY VACATION OF A PORTION OF THE PUBLIC ALLEY BOUNDED
BETWEEN 50TH, 51ST, AND P STREETS AND HIGHWAY 50 WITHIN COUNCIL
DISTRICT 3
VACATION PROCEEDING NO. VAC 10-0005**

BACKGROUND

- A. Sheron Violini has requested the vacation of a portion of the public right of way (alley) bounded between 50th, 51st, P Streets and Highway 50. The alley runs horizontally adjacent to the Light Rail Tracks.
- B. The City of Sacramento's Planning Director reviewed the vacation pursuant to Sacramento City Code Section 2.112.080 and State of California Government Code Section 65402 and concluded that this vacation is consistent with the 2030 General Plan.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL
RESOLVES AS FOLLOWS:**

- Section 1. The portion of the alley bounded between 50th, 51st, P Streets and Highway 50 within Council District 3, more specifically described in Exhibits A and B of this Resolution is vacated subject to the reservation below in Section 2 and subject to the condition specified in Section 5.
- Section 2. Pursuant to Streets and Highways Code Sections 8306 and 8340, the City of Sacramento reserves a public service easement which reservation is 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 vacation of the portion of the alley within Council District 3, more specifically described in Exhibits A and 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(a), the

portion of the right-of-way, more specifically described in Exhibits A and B is excess right-of-way not needed for street or highway purposes.

Section 4. The City Council finds that the proposed vacation has been submitted to and reported on by the City of Sacramento's Planning Director and finds that the vacation is consistent with the 2030 General Plan.

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

At the option of the City of Sacramento's utilities department, the owner must either dedicate an easement or enter into an agreement or agreements, the form and terms of which shall be approved by the City of Sacramento's utilities department in its sole discretion, that: A) provides no building or any other structure shall be constructed over all or any portion of the reserved public service easement described in Exhibits A and Exhibits B; B) ensures City personnel and contractors unrestricted access at all times to repair, replace and maintain City facilities; and C) indemnifies and holds harmless the City with respect to any fence, gate or other surface improvement constructed by or for the owner. The Director of the Department of Utilities is authorized to execute the agreement(s) on behalf of the City.

Section 6. The condition specified in Section 5 of this Resolution must be satisfied and the easement or agreement(s), as applicable, must be recorded within two years of the date of this Resolution. If this is 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 condition in Section 5 is satisfied and the easement or agreement(s) described in Section 5, as applicable, is recorded, 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 the Resolution with the County Recorder.

Section 8. Exhibits A and B are incorporated into and made part of this resolution.

Table of Contents:

- Exhibit A: Legal Description
- Exhibit B: Exhibit Plat/Map of Area to be Vacated

EXHIBIT A

ALL THAT REAL PROPERTY SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF SACRAMENTO, CITY OF SACRAMENTO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF LOT 19 OF "MONITOR TRACT" ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED IN THE OFFICE OF THE RECORDER OF SACRAMENTO COUNTY, CALIFORNIA ON SEPTEMBER 30, 1938, IN BOOK 21 OF MAPS, MAP NO. 4.

THENCE FROM SAID POINT OF BEGINNING, ALONG THE SOUTHERLY LINE OF SAID LOT 19 NORTH 70° 17' 00" WEST A DISTANCE OF 82.95 FEET.

THENCE LEAVING SAID SOUTHERLY LINE OF LOT 19 NORTH 70° 17' 00" WEST A DISTANCE OF 12.55 FEET TO A POINT ON THE PROJECTION OF THE EASTERLY RIGHT-OF-WAY OF 50TH STREET.

THENCE ALONG SAID RIGHT-OF-WAY PROJECTION SOUTH 9° 33' 00" WEST A DISTANCE OF 15.24 FEET.

THENCE SOUTH 70° 17' 00" EAST A DISTANCE OF 95.50 FEET.

THENCE NORTH 9° 33' 00" EAST A DISTANCE OF 15.24 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.032 ACRE, MORE OR LESS.

RESERVING THEREFROM THE FOLLOWING DESCRIBED PORTION FOR PUBLIC UTILITIES PURPOSES:

BEGINNING AT THE SOUTHEASTERLY CORNER OF LOT 19 OF "MONITOR TRACT" ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED IN THE OFFICE OF THE RECORDER OF SACRAMENTO COUNTY, CALIFORNIA ON SEPTEMBER 30, 1938, IN BOOK 21 OF MAPS, MAP NO. 4.

THENCE FROM SAID POINT OF BEGINNING, ALONG THE SOUTHERLY LINE OF SAID LOT 19 NORTH 70° 17' 00" WEST A DISTANCE OF 2.54 FEET.

THENCE LEAVING SAID SOUTHERLY LINE OF LOT 19 SOUTH 09° 33' 00" WEST A DISTANCE OF 3.39 FEET.

THENCE NORTH 80° 27' 00" WEST A DISTANCE OF 22.00 FEET.

THENCE NORTH 09° 33' 00" EAST 7.33 TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 19.

THENCE ALONG THE SOUTHERLY LINE OF SAID LOT 19 NORTH 70° 17' 00" WEST A DISTANCE OF 58.06 FEET.

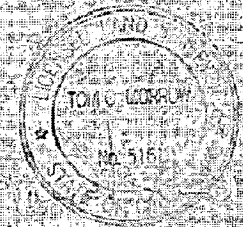
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THENCE NORTH 9° 33' 00" EAST A DISTANCE OF 15.24 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.030 ACRE, MORE OR LESS.





1255 Starboard Drive
West Sacramento, CA 95691
(916) 372-8124

EXHIBIT B

