

RESOLUTION NO. 2004-259

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF APR 08 2004

THE VACATION OF THE PUBLIC UTILITY EASEMENT LOCATED AT THE VACATED 1ST AVENUE BETWEEN HIGHWAY 99 AND FRANKLIN BOULEVARD AND THE 5-FOOT WIDE PUBLIC UTILITY EASEMENT LOCATED AT 2565 FRANKLIN BOULEVARD WITHIN COUNCIL DISTRICT 5

VACATION PROCEEDING NO. VP03-24

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

- A. WHEREAS, the City received a request from Mr. Chris Brocchini to vacate the subject public utility easements within the City of Sacramento; and
- B. WHEREAS, the City Council would consider the vacation in compliance with the State of California, Streets and Highways Code, Section 8310-8317, and
- C. WHEREAS, the City Planning Commission reviewed the proposed vacation pursuant to Government Code Section 65402 and concluded that said vacation 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:

The public utility easement located at the vacated 1st Avenue between Highway 99 and Franklin Boulevard, and the 5-foot wide public utility easement located at 2565 Franklin Boulevard in Council District 5, specifically described in Exhibit "A" and Exhibit "B" respectively, and shown in Exhibit "C" attached hereto, is hereby ordered vacated subject to the conditions specified in this resolution.

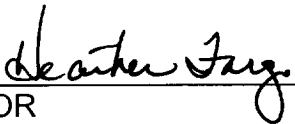
- 1. The City Council hereby finds that said vacation has been submitted to and reported on by the City Planning Commission as to conformity with the City General Plan. The Council, pursuant to the State of California, Streets and Highways Code, Section 8310-8317 has considered this vacation in connection with the General and Community Plans and finds the vacation is consistent.

FOR CITY CLERK USE ONLY

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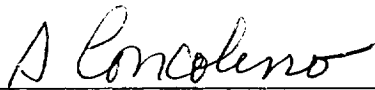
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2. This vacation is subject to the following conditions:
 - a. At no cost to the City, dedicate a new easement for fire alarm facility to the City, relocate the existing fire alarm facilities from the vacated public utility easement to the new easement to the satisfaction of the Department of Public Works.
3. All conditions specified in paragraph 2 of this resolution must be completed within two years of the date of this resolution. If all the conditions are not completed within the two years specified, this resolution approving the vacation shall become void, unless the City Council grants a time extension.
4. Once the conditions in paragraph 2 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.



MAYOR

ATTEST:



CITY CLERK

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Exhibit "A"

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

That certain Utility Easement reserved by the City of Sacramento described in that certain deed recorded June 5, 2001, in Book 200106-65, Page 631, Official Records of Sacramento County and described as follows:

All of that certain real property lying within the boundaries of that portion of abandoned 1st Avenue lying East of Franklin Boulevard and West of U.S. Highway 99 as shown on the "Plat of Subdivision of Block No.1 and Re-Subdivision of Lots 1, 2, 3 and 4 of Block No.2 of Oak Park and South Sacramento", recorded in Book 17 of Maps, Map No.5, Records of Sacramento County California.



[Handwritten Signature]
2-2-04

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Exhibit "B"

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

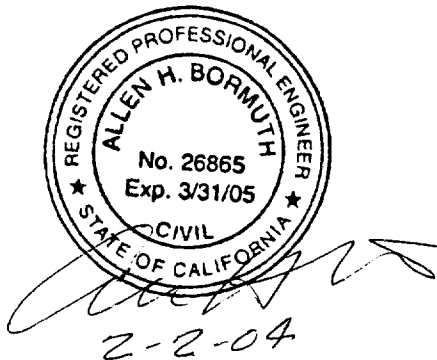
That certain utility easement reservation of the State of California described in deed recorded May 4, 1967, in Book 67-05-04, Page 220, Official Records of Sacramento County. Said Utility easement was granted to the City of Sacramento by Director's Deed recorded June 10 1974 in Book 7406-10, Page 525, Official Records of Sacramento, California and is described as follows:

A portion of that certain parcel of land in Lots 4 and 5 in Block 25 as shown on the "Map of Oak Park and South Sacramento", recorded in the office of the County Recorder of Sacramento County on June 18, 1889, in book 2 of Maps, Map No. 26.

Said portion is all that part thereof lying within the following described boundaries.

Beginning at the Southwest corner of said Lot 4; thence (1) along The Westerly line of said Lot 4, N 18° 23' 49" E, 123.54 feet; thence (2) leaving said Westerly line S 06° 35' 55" E, 6.89 feet to a point distant 229.84 feet. Westerly, measured radially from the "B5" line at Engineer's Station "B5" 811+87.41 of the Department of Public Work's Survey on Road 03-Sac-80, Post Mile 1.5/2.9; thence (3) from a tangent which bears S 06° 07' 13" E, along a curve to the left with a radius of 3,000 feet, through an angle of 01° 50' 47", an arc length of 96.68'; thence (4) N 71 35' 44" W, 38.43 feet; thence (5) S 18° 24' 16" W, 30.00 feet to a point in the Southerly line of said Lot 4; thence (6) along said Southerly line N 71 35' 44" W, 6.00 feet to the point of beginning.

Said Easement is a strip of land 5 feet in width lying Westerly of, parallel with, and contiguous to courses (2) and (3) as said courses are here in above numbered and described. The side lines of said easement shall be shortened or lengthened as the case may be to end or begin on the Northwesterly line and the Southerly line of the parcel of land described above. All distances are ground distances and all bearings are on the California Coordinate System, Zone 2

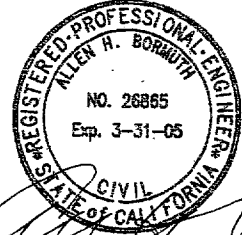


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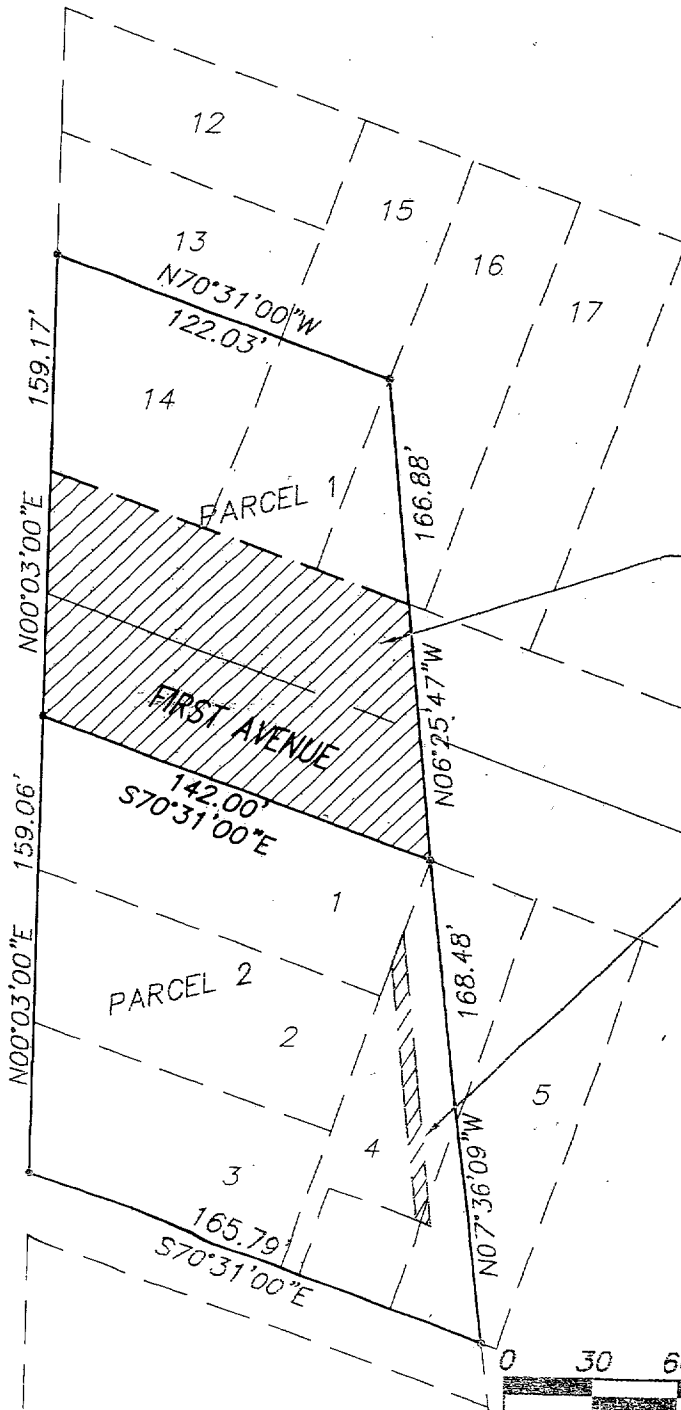
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EXHIBIT "C"



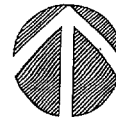
Allen H. Bormuth
2-02-04

FRANKLIN BLVD.



1ST AVENUE UTILITY, ESMT.
BK. 22010605 PG.631
TO BE VACATED

5' UTILITY ESMT.
BK 6/0504 PG. 220
AND BK. 760610 PG.525
TO BE VACATED



NORTH



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