

APPROVED
BY THE CITY COUNCIL

JAN 27 1998

OFFICE OF THE
CITY CLERK



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CITY OF SACRAMENTO
CALIFORNIA

DEPARTMENT OF
PUBLIC WORKS

TRANSPORTATION AND DEVELOPMENT
DIVISION

1231 I STREET
ROOM 300
SACRAMENTO, CA
95814

PH 916-264-7474
FAX 916-264-7185

January 13, 1998

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: HEARING ON ABANDONMENT OF A PORTION OF 44TH STREET BOUNDED BY 4TH AVENUE ON THE NORTH AND BROADWAY ON THE SOUTH WITHIN COUNCIL DISTRICT 5; ABANDONMENT PROCEEDING NO. AP 97-12

LOCATION AND COUNCIL DISTRICT:

A portion of 44th Street bounded by 4th Avenue on the north and Broadway on the south Council District 5

RECOMMENDATION:

This report recommends that the hearing be closed and that the attached resolutions adopting Findings of Fact and approving the abandonment of a portion of the street at the location listed be adopted.

CONTACT PERSON:

Ronald Perry, Engineering Technician III, 264-8298
Theresa Arnold, Associate Engineer, 264-5514

FOR COUNCIL MEETING OF: January 27, 1998

SUMMARY:

The City received a request from the Sacramento Housing and Redevelopment Agency, on behalf of the adjoining property owner, to abandon a portion of 44th Street bounded by 4th Avenue on the north and Broadway on the south. There are no objections to the abandonment.

City Council
Hearing of Abandonment No. AP97-12
January 13, 1998

COMMITTEE/COMMISSION ACTION:

None required.

BACKGROUND INFORMATION:

The Sacramento Housing and Redevelopment Agency has requested that the City abandon a portion of 44th Street bounded by 4th Avenue on the north and Broadway on the south. The Taylor Properties, owner of the adjoining property, proposes to build a portion of the Broadway/Stockton Boulevard Supermarket Project on the portion of the street to be abandoned. The City has no objections to the above described abandonment and no easement shall be retained.

City departments and the Utility companies have reviewed this request for abandonment and have no objections. Letters regarding this abandonment are on file with the Department of Public Works, Development Services. See Exhibit A for time schedule of abandonment.

Staff has reviewed the request to abandon and finds it in conformance with City Guidelines for Street Closures (City Resolution No. 95-667) and the State of California, Streets and Highways Code (Section 8300 et. seq.). Approval of the request to abandon is recommended.

The Neighborhoods, Planning and Development Services Department has found the proposed abandonment in conformance with the General Plan and the Community Plan (Section 65402 review). The proposed portion of the street for abandonment conforms with the City's General Plan and is consistent with the General Plan policy "to enhance and maintain the quality of life of its citizens."

This abandonment is supported by the majority of the adjacent property owners as evidenced by letters on file with the Department of Public Works, Development Services.

A Resolution of Intention (ROI) was adopted by the City Council on January 6, 1998, which established this date as the hearing for the proposed abandonment. Letters to the property owners and residents adjoining the portion of the street bounded by 4th Avenue on the north and Broadway on the south were mailed on January 9, 1998. Notices of the abandonment were posted along the subject street on January 9, 1998, and the Resolution of Intention was published in the Daily Recorder on January 9, and 16.

City Council
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FINANCIAL CONSIDERATIONS:

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

ENVIRONMENTAL CONSIDERATIONS:

The Neighborhoods, Planning and Development Services 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 (c) of the CEQA Guidelines. The project involves the alteration of an existing public right-of-way with no expansion of the use presently existing and no substantial change to existing traffic flow or physical features on the City.

POLICY CONSIDERATIONS:

Abandonment of a portion of the street is consistent with Council priorities of public safety and neighborhood revitalization and enhancement.

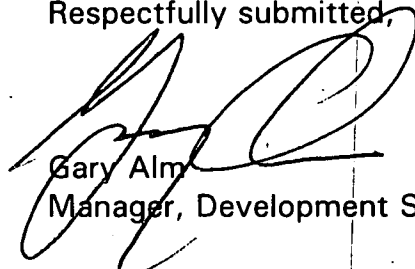
- Section 8300 et. seq. of the State of California Streets and Highways Code allows for abandonment of streets, alleys, and easements that are no longer needed for public use. These abandonments are classified as regular abandonments.
- The local governing body is the approving authority and may reserve such rights as may be needed (e.g., retaining the utility easement when approving a street abandonment).
- City policy as stated in Resolution No. 96-176, which was approved by the City Council on May 7, 1996, provides for abandonment of streets so long as there is a benefit to the community, it does not inhibit access to other properties and would be supported by the majority of property owners.
- The proposed abandonment is consistent with these policies.

City Council
Hearing of Abandonment No. AP97-12
January 13, 1998

MBE/WBE:

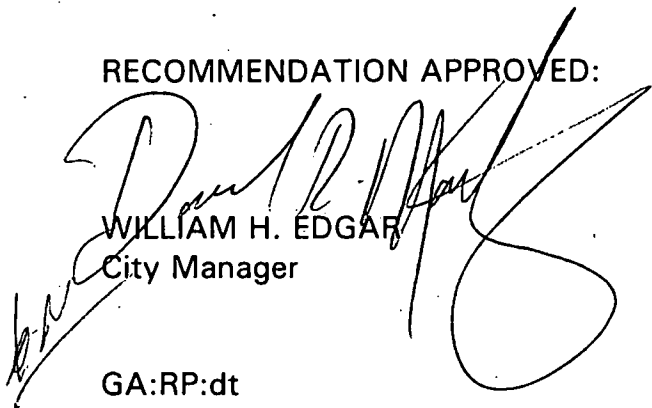
None, since no goods or services are procured with this action.

Respectfully submitted,



Gary Alm
Manager, Development Services

RECOMMENDATION APPROVED:



WILLIAM H. EDGAR
City Manager

Approved:



Michael Kashiwagi
Director of Public Works

GA:RP:dt
AP97-12.he
12.0997.2

EXHIBIT A

**SCHEDULE FOR REGULAR ABANDONMENT PROCEEDING
OF A PORTION OF 44TH STREET BOUNDED BY 4TH AVENUE ON THE NORTH AND
BROADWAY ON THE SOUTH WITHIN COUNCIL DISTRICT 5 (AP97-12)**

LETTER TO CITY CLERK/GET ON CITY COUNCIL AGENDA	DEC 10
DRAFT OF RESOLUTION OF INTENTION LETTER SUBMITTED	DEC 16
RESOLUTION OF INTENTION LETTER TO CITY COUNCIL	JAN 6
DRAFT OF HEARING LETTER SUBMITTED	JAN 13
LETTERS SENT TO PROPERTY OWNERS	JAN 9
POSTING ON ALLEYS/STREETS	JAN 9
COPY OF RESOLUTION PUBLISHED IN DAILY RECORDER	JAN 9 & JAN 16
PUBLIC HEARING AT CITY COUNCIL/FINAL APPROVAL	JAN 27

CITY COUNCIL OF THE CITY OF SACRAMENTO
January 27, 1998


**In the Matter of Abandonment)
Proceeding No. 97-12 Abandonment)
of a portion of 44th Street bounded by 4th)
Avenue on the north and Broadway on the south)
within Council District 5)**

ENGINEER'S REPORT

A Public Hearing is scheduled for this date pertaining to the proposed abandonment of the portion of 44th Street bounded by 4th Avenue on the north and Broadway on the south. The proposed abandonment has been undertaken due to the following facts:

1. That on December 17, 1997, the Neighborhoods, Planning and Development Services Department found the abandonment consistent with the General Plan policy "to enhance and maintain the quality of life of the citizens."
2. A request from Sacramento Housing and Redevelopment Agency, on behalf of the adjoining property owners, was presented to the City Council on January 6, 1998.
3. That on January 6, 1998, the Director of Public Works presented to the Council the Resolution of Intention for the abandonment for approval. On that date, the Council did approve said Resolution of Intention, which set a hearing date on the abandonment for this date.
4. That on January 9, 1998, a copy of the Resolution of Intention was mailed to all persons adjoining said abandonment notifying them of the hearing set for this date.
5. That on January 9, and January 16, 1998, the Resolution of Intention was published in the Daily Recorder.
6. That on January 9, 1998, notices were posted along the proposed abandonments.
7. The abandonment would consist of abandoning a portion of 44th Street bounded by 4th Avenue on the north and Broadway on the south.
8. Utility companies and City departments have reviewed the proposed abandonment, and letters are on file with the Department of Public Works, Development Services Section, indicating they have no objections provided certain conditions are met.
9. That as of January 27, 1998, no protests were received.
10. It is my intention that said abandonment will not affect the aesthetics of the neighborhood or cause any undue hardship to the City.

Executed this 27th day of January, 1998.


MICHAEL KASHIWAGI
Director of Public Works

APPROVED
BY THE CITY COUNCIL

JAN 27 1998

OFFICE OF THE
CITY CLERK

RESOLUTION NO. 98-030

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

**RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING
THE ABANDONMENT OF A PORTION OF 44TH STREET BOUNDED BY 4TH AVENUE
ON THE NORTH AND BROADWAY ON THE SOUTH WITHIN COUNCIL DISTRICT 5**

ABANDONMENT PROCEEDING NO. AP 97-12

1. 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 subject property.
2. 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.
3. WHEREAS, the Neighborhoods, Planning and Development Services Department has 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.

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

1. A portion of 44th Street bounded by 4th Avenue on the north and Broadway on the south located in the City of Sacramento, specifically described below, is hereby ordered abandoned:

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

A portion of 44th Street (formerly called Burbank Avenue) as shown on the "Amended Plat of H.J. Goethe Company's addition K to Sacramento" recorded in the Office of the County Recorder of Sacramento County, September 23, 1905, in Book 6 of Maps, Map No. 27, Records of said County.

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RESOLUTION NO.: _____

DATE ADOPTED: _____

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More Particularly described as follows:

Beginning at the south easterly corner of Lot 4558 of the "Amended Plat of H.J. Goethe Company's addition K to Sacramento." recorded in the Office of the County Recorder of Sacramento County, September 23, 1905, in Book 6 of Maps, Map No. 27, Records of said County; thence along the westerly line of said 44th Street north $00^{\circ}47'00''$ west 360.39 feet to a point on the east line of Lot 4503 as shown on the "Amended Plat of H.J. Goethe Company's addition K to Sacramento" recorded in the Office of the County Recorder of Sacramento County, September 23, 1905, in Book 6 of Maps, Map No. 27; thence south $38^{\circ}26'00''$ east 26.80 feet to a point on a tangent 45.00 foot radius curve; thence along the arc of said 45.00 foot radius curve to the left through a central angle of $62^{\circ}35'33''$ an arc length of 49.16 feet to a point on the west line of Lot 4516 as shown on the "Amended plat of H.J. Goethe Company's addition K to Sacramento" recorded in the Office of the County Recorder of Sacramento County, September 23, 1905, in Book 6 of Maps, Map No. 27; thence along the easterly line of 44th Street south $00^{\circ}47'00''$ east 323.28 feet to the south west corner of Lot 4563 as shown on the "Amended plat of H.J. Goethe Company's addition K to Sacramento" recorded in the Office of the County Recorder of Sacramento County, September 23, 1905, in Book 6 of Maps, Map No. 27; thence north $89^{\circ}55'08''$ west 60.01 feet to the point of beginning.

Containing +/- 19,978 square feet or 0.459 acres.

A map or plan of the proposed abandonment is attached as Exhibit B and is on file with the Department of Public Works, Development Services, located at 1231 I Street, Room 300.

2. The City Council finds that the above described public portion of the street is not necessary for present or prospective public use in that:
 - a. It is not necessary for through traffic circulation;
 - b. The City Engineer has reviewed said abandonment and found that it will not interfere with the traffic flow in the area or affect the aesthetics of the neighborhood;
 - c. The parcels adjacent to the abandoned portion of the street described above have other access and said abandonment will not create any land-locked parcels; and

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RESOLUTION NO.: _____

DATE ADOPTED: _____

- d. The portion of the street to be abandoned is not necessary or useful as a non-motorized transportation facility as defined in Section 156 of the Streets and Highways Code.
3. The City Council hereby finds that the said abandonment has been submitted to and reported on by the Neighborhoods, Planning and Development Services Department as to conformity with the City General Plan. The Council, pursuant to Streets and Highways Code Section 8300 et. seq., has considered this portion of this street abandonment in connection with the General and Community Plans and finds the abandonment consistent with them in that: The closure of the portion of this street identified in paragraph 1, above, does satisfy the City Council's "Review Guideline for Street and Alley Closures," adopted May 7, 1996, by Resolution No. 96-176.
 4. This abandonment is subject to the following conditions:
 - A. Public Works Department
 1. Construct curbs, gutters and sidewalks along Broadway at 44th Street.
 2. Construct cul-de-sac off of 4th Avenue on 44th Street.
 3. Remove and/or modify existing street lights, traffic signal and fire alarm system to the satisfaction of the Department of Public Works.
 4. Obtain a special permit for P97-091 within six (6) months of the abandonment or the abandonment is void.
 5. Pay all fees prior to recordation of the abandonment.
 - B. Utilities Department
 1. Improvement plans must be submitted and necessary improvements constructed to the satisfaction of the Department of Utilities prior to abandoning the 44th Street right-of-way. These improvement plans shall include the following information:
 - a. The location of all the existing water, sewer, and drainage taps, hydrants, drop inlets, and other appurtenances affected by this abandonment;

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RESOLUTION NO.: _____

DATE ADOPTED: _____

- b. The proposed abandonment of the water distribution main, including any water taps, hydrants, or other appurtenances that must be relocated.

C. Fire Department

1. Relocate hydrant to the south end of the proposed new court. Hydrant presently is in front of 2950 44th Street.
2. Design and construct new cul-de-sac to Fire Department's requirements.

D. Sacramento Municipal Utility District, Pacific Gas and Electric Co., Pacific Bell and Sacramento Cable.

1. When facilities are relocated at customer expense, and provided new facilities are covered by appropriate Public Utility easements or a separate grant of right-of-way, they will consent to the removal of the Streets and Highways Code, "continuing use" clause.
5. After all the conditions specified in paragraph 4, above, of this resolution have been completed, 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.
6. All conditions specified in paragraph 4, above, 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 abandonment shall become void, unless the City Council grants a time extension.

MAYOR

ATTEST:

CITY CLERK

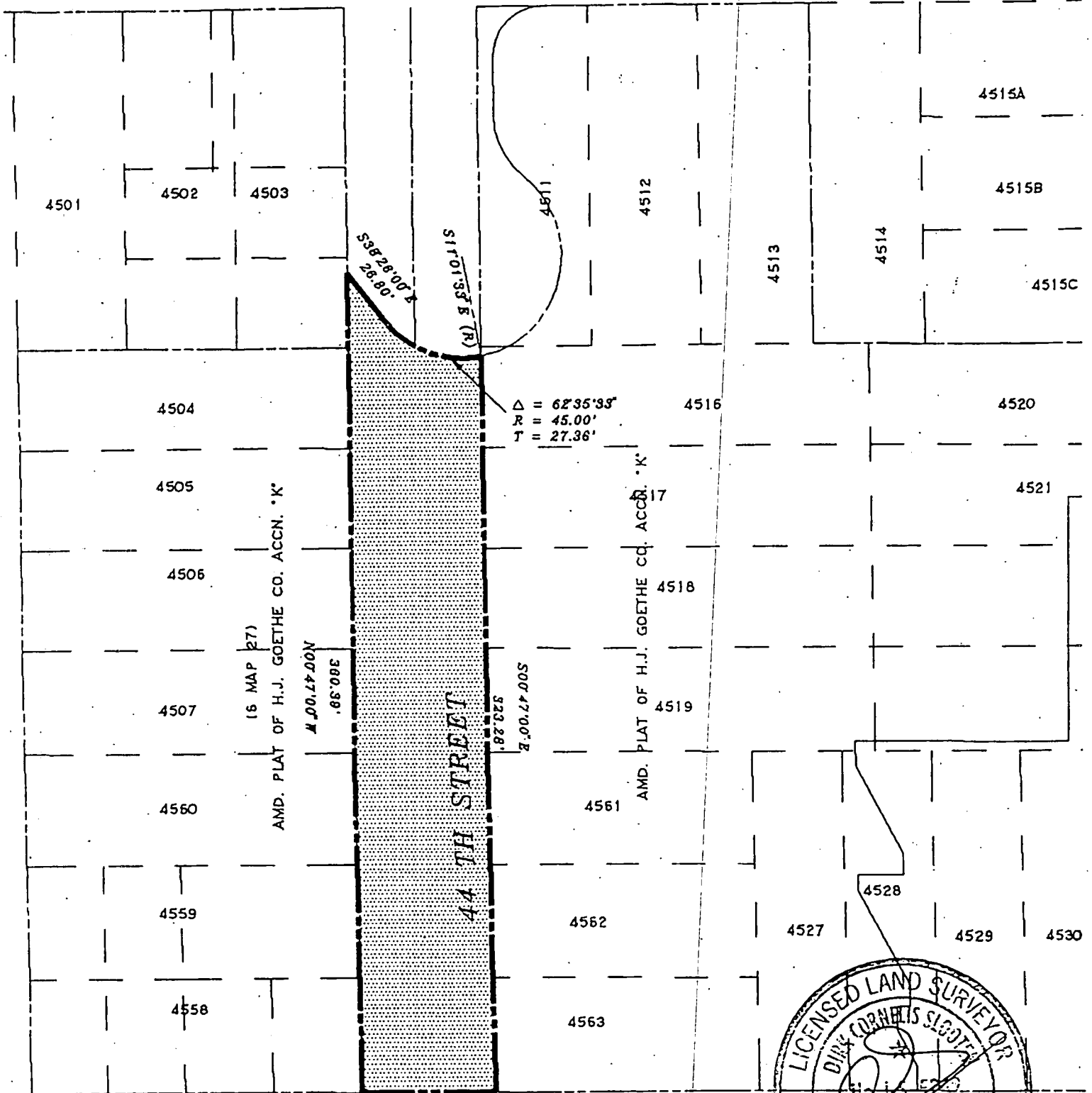
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RESOLUTION NO.: _____

DATE ADOPTED: _____

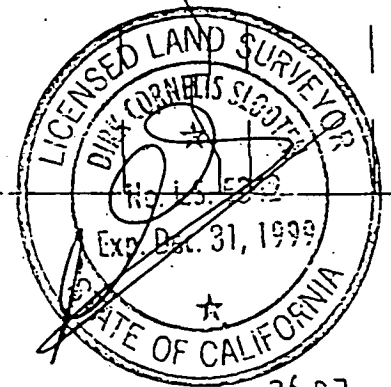
FOURTH AVENUE



P.O.B
ABANDONMENT

BROADWAY

PLAT FOR THE ABANDONMENT OF
A PORTION OF 44 TH STREET



11-26-97



CITY OF SACRAMENTO
CALIFORNIA

DEPARTMENT OF
PUBLIC WORKS

TECHNICAL SERVICES DIVISION

DEVELOPMENT
SERVICES
1231 I STREET, STE 200
SACRAMENTO, CA
95814-2988
PH 916-264-7995
FAX 916-448-8450

January 6, 1998

Dear Property Owner:

SUBJECT: INTENTION TO ABANDON A PORTION OF 44TH STREET BOUNDED BY 4TH AVENUE ON THE NORTH AND BROADWAY ON THE SOUTH WITHIN COUNCIL DISTRICT 5; ABANDONMENT PROCEEDINGS NO. AP #97-12

In compliance with Section 812.5 of the Civil Code of the State of California, I am enclosing a copy of the Resolution of Intention to abandon a portion of the above mentioned street. A public hearing on the abandonment will be held in the City Council Chamber, 915 I Street, Sacramento, California at 2:00 p.m. on January 27, 1998. If you have any questions regarding the proposed abandonment, please contact me at 264-8298.

Sincerely,

RON PERRY
Engineering Technician III

RP:dt
AP97-12.own

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF JANUARY 6, 1998

RESOLUTION OF INTENTION TO ABANDON A PORTION OF 44TH STREET BOUNDED BY 4TH AVENUE ON THE NORTH AND BROADWAY ON THE SOUTH WITHIN COUNCIL DISTRICT 5

ABANDONMENT PROCEEDING NO. AP97-12

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

1. Pursuant to the standards and procedures provided in the Public Streets, Highways and Service Easements Vacation law, California Streets and Highways Code Section 8300 et seq., the City Council hereby declares its intention to abandon a portion of 44th Street bounded by 4th Avenue on the north and Broadway on the south located within Council District 5 in the City of Sacramento, specifically described below:

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

A portion of 44th Street (formerly called Burbank Avenue) as shown on the "Amended Plat of H.J. Goethe Company's addition K to Sacramento" recorded in the office of the County Recorder of Sacramento County, September 23, 1905, in Book 6 of Maps, Map No. 27, Records of said County, more particularly described as follows:.

Beginning at the south easterly corner of Lot 4558 of the "Amended Plat of H.J. Goethe Company's addition K to Sacramento" recorded in the Office of the County Recorder of Sacramento County, September 23, 1905, in Book 6 of Maps, Map No. 27, Records of said County; thence along the westerly line of said 44th Street north 00°47'00" west 360.39 feet to a point on the east line of Lot 4503 as shown on the "Amended Plat of H.J. Goethe Company's addition K to Sacramento" recorded in the Office of the County Recorder of Sacramento County, September 23, 1905, in Book 6 of Maps, Map No. 27; thence south 38°26'00" east 26.80 feet to a point on a tangent 45.00 foot radius curve;

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thence along the arc of said 45.00 foot radius curve to the left through a central angle of 62°35'33" an arc length of 49.16 feet to a point on the west line of Lot 4516 as shown on the "Amended plat of H.J. Goethe Company's addition K to Sacramento" recorded in the Office of the County Recorder of Sacramento County, September 23, 1905, in Book 6 of Maps, Map No. 27; thence along the easterly line of 44th Street south 00°47'00" east 323.28 feet to the south west corner of Lot 4563 as shown on the "Amended plat of H.J. Goethe Company's addition K to Sacramento" recorded in the Office of the County Recorder of Sacramento County, September 23, 1905, in Book 6 of Maps, Map No. 27; thence north 89°55'08" west 60.01 feet to the point of beginning.

Containing +/- 19,978 square feet or 0.459 acres.

A map or plan of the proposed abandonment is attached as Exhibit A-2 and is on file with the Department of Public Works, Development Services, located at 1231 I Street, Room 300.

2. The City Council will consider this proposed abandonment at a public hearing on January 27, 1998 at 2:00 p.m., in the Council Chambers, City Hall, 915 I Street, Sacramento, California.
3. The City Clerk is directed to publish the Notice of Hearing of the proposed vacation in the Daily Recorder, a newspaper published five (5) days a week, as required by law, and the Notice of Hearing shall be posted along the street to be vacated in accordance with the provisions of Sections 8322 and 8323 of the Streets and Highways Code of the State of California.

MAYOR

ATTEST:

CITY CLERK

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RESOLUTION NO.: 98-008

DATE ADOPTED: JANUARY 6, 1998