



REPORT TO COUNCIL

City of Sacramento

915 I Street, Sacramento, CA 95814-2604
www.CityofSacramento.org

CONSENT
November 10, 2009

Honorable Mayor and
Members of the City Council

Title: Summary Vacation of a Portion of Right of Way on Arden Way at 1431 Del Paso Boulevard

Location/Council District: At the rear of the lot located at 1431 Del Paso Boulevard in Council District 2 (see Attachment 2).

Recommendation: Adopt a **Resolution** vacating a portion of the Right of Way on Arden Way at 1431 Del Paso Boulevard.

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: Allied-Langdon Engineering on behalf of the property owner David Hardie has requested the vacation of a portion of the Right of Way (ROW) for the expansion of the Enotria Restaurant. The ROW area is currently being utilized as a parking area for the patrons and workers. The subject area is not needed for public access.

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 establishes that the subject ROW is an excess that is not required for street and highway purposes.

Environmental Considerations:

California Environmental Quality Act (CEQA): Status is exempt under Section 15061(b)(3) in which this activity has no potential of causing any significant effect on the environment.

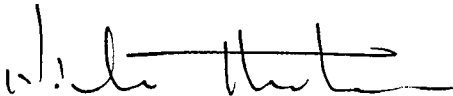
Sustainability Considerations: None

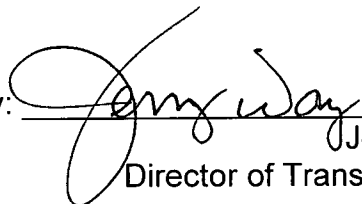
Committee/Commission Action: None

Rationale for Recommendation: Staff along with various agencies supports this vacation request along with proposed use to facilitate extra buildable space for the expansion of the restaurant.

Financial Considerations: The owner/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:



Ray Kerridge
City Manager

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Attachment 1**Background**

Allied-Langdon Engineering on behalf of the property owner located at 1431 Del Paso Boulevard has requested the vacation of portion of the Right of Way (ROW) on Arden way behind the Enotria Restaurant and Wine Bar to create more space to expand and upgrade the existing restaurant. This request is being processed under the Streets and Highways Code (S&HC) Sections 8334(a) as a summary vacation for City Council approval. The applicant requesting the vacation of this subject ROW has submitted all documents required by the City of Sacramento's Department of Transportation to process this request.

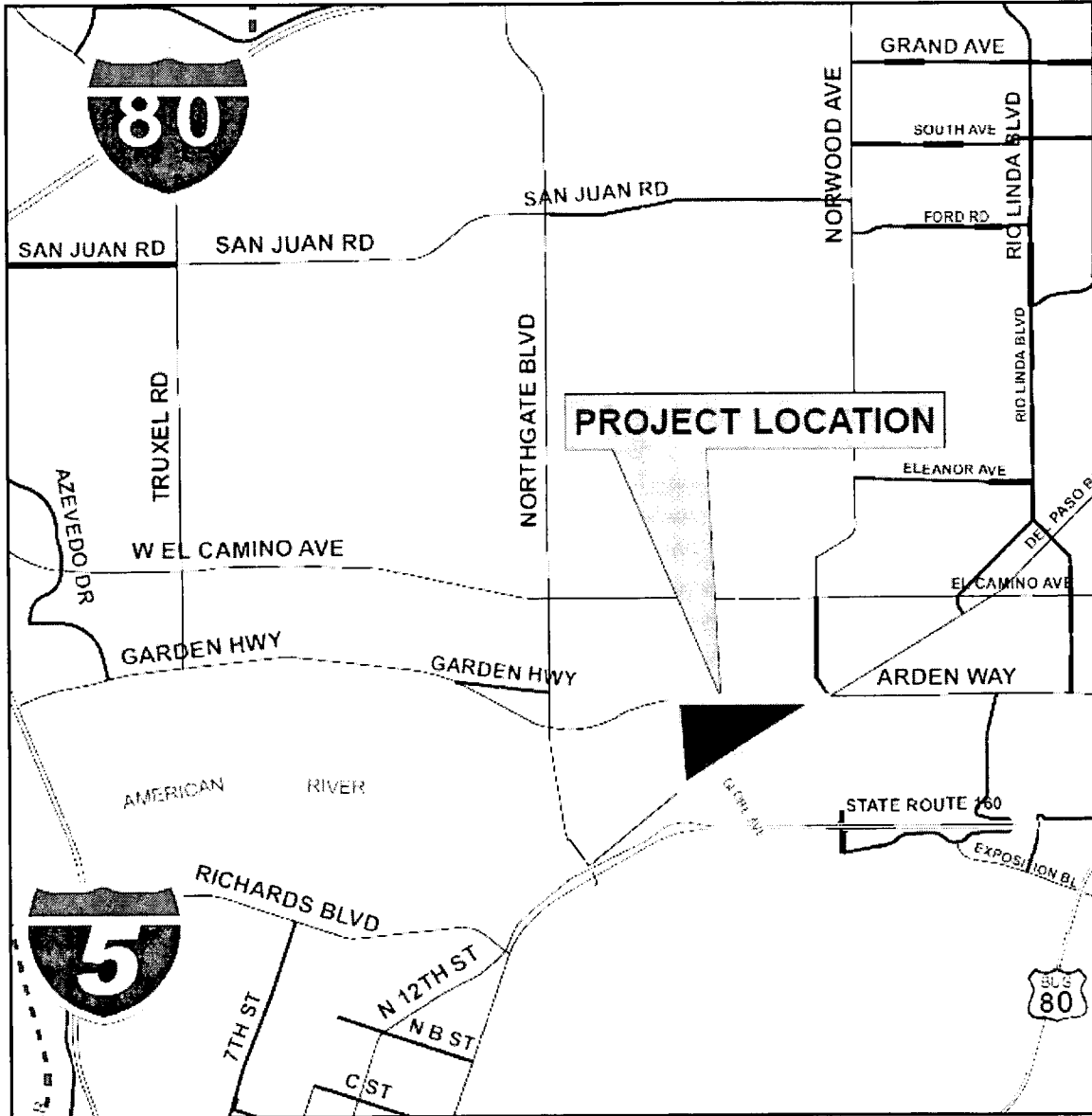
The subject area of vacation incorporates three parcels owned by Mr. David Hardie. This subject area will allow building additions to include a wine bar, handicap parking, a patio area, courtyard expansion, trash area and driveway relocation. The applicant is currently seeking approval through the building and planning departments for the upgrades and expansion.

There are several utilities located within and adjacent to subject area. The City of Sacramento's Utility Department requests the relocation of the existing water service, meter and meter box. In addition a man hole or clean-out shall be installed on the boundary limit of the 6 inch sewer service and enter into an agreement with the City of Sacramento to assume ownership of the 6 inch sewer main within subject area to be vacated. SMUD, PG&E, Comcast and AT&T utility companies require easements for their existing facilities along the subject area being vacated.

This request to vacate the subject ROW will help the owner upgrade his existing business and visually enhance the neighborhood. Various City departments and utility companies have reviewed this request and support the proposed vacation. If approved, the vacation of this subject area will be recorded after all conditions and fees have been satisfied.

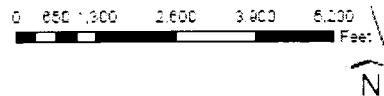
Attachment 2

LOCATION MAP FOR
1431 Del Paso Boulevard



Department of
TRANSPORTATION

Map Contact: T. Adams
Map Date: Aug/09



RESOLUTION NO.

Adopted by the Sacramento City Council

SUMMARY VACATION OF A PORTION OF RIGHT OF WAY ON ARDEN WAY AT 1431 DEL PASO BOULEVARD, WITHIN COUNCIL DISTRICT 2 VACATION PROCEEDING NO. VAC 09-0006

BACKGROUND

- A. Allied-Langdon Engineers has requested the vacation of Right of Way on Arden Way located at 1431 Del Paso Boulevard.
- B. The City of Sacramento's 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 2030 General Plan.

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

- Section 1. The subject Right of Way (ROW) on Arden way which is located at 1431 Del Paso Boulevard within Council District 2, more specifically described in Exhibits A, and B of this resolution is hereby ordered vacated.
- Section 2. The vacation of the portion of the ROW within Council District 2, 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 City Council finds that the portion of the ROW, more specifically described in Exhibits A and B is an excess ROW not needed for Street or Highway purposes.
- Section 3. The City Council finds that the said vacation has been submitted to and reported on by the City's Planning Director and finds that the said vacation is consistent with the 2030 General Plan.
- Section 4. This vacation request is subject to the following conditions:
 - a. The owner must relocate the existing water service, meter box and meter to the point of service to the satisfaction of the Department of Utilities.
 - b. The owner must enter into an agreement with the City of Sacramento to assume ownership of 6 inch sanitary sewer pipe

located within the subject Right of Way to be vacated in which the agreement will be prepared by the City Attorney's office for a fee borne by the applicant.

- c. The owner will be required to install a point of service man hole or clean-out to the existing 6 inch sewer main at the boundary of subject Right of Way to be vacated to the satisfaction of the Department of Utilities.
- d. The owner must provide recorded Public Utility Easements for all existing utility facilities along the vacated area to the satisfaction of the City of Sacramento's Department of Transportation.

Section 5. The conditions specified in Section 4 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 6. 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 after all conditions and fees have been satisfied. The vacation shall be effective when the City Clerk records this Resolution with the County Recorder.

Table of Contents:

- Exhibit A: Legal Description of Right of Way
- Exhibit B: Exhibit Plat/Map Right of Way

EXHIBIT A

**EXHIBIT "A"
ABANDONMENT PARCEL**

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

Being a portion of Del Paso Boulevard and Arden Way right-of-way (also known as Bassettlaw Avenue), north of the north property line of said Lot 4 in Block Number Thirteen (13) of North Sacramento Subdivision No. 9, as shown on the official plat thereof, filed in the office of the Recorder of Sacramento County, State of California on March 30, 1914 in Book 15, Page 2 of Subdivision Maps. Said Lot 4 also is shown on that certain Record of Survey in Book 60, Page 8, dated May 8, 2001, further described as follows:

Beginning at the Northwest corner of said Lot 4, marked by a 5/8" rebar with a plastic cap stamped L.S 5030, as shown on that certain Record of Survey in Book 60, Page 8, dated May 8, 2001; thence from said POINT OF BEGINNING, leaving the north line of said Lot 4 the following three (3) courses: (1) North 00°14'12" West 20.03-feet; (2) parallel with the north line of said Lot 4, North 89°45'48" East 144.76-feet; (3) North 82°58'18" East 35.73-feet to a 17.00-foot radius curve to the Right; thence along the arc of said curve through a central angle of 166°09'34" an arc length of 49.30-feet; thence South 69°02'11" West 20.94-feet to a point on the southeast boundary of lot 4 also being the northeast right-of-way of Del Paso Boulevard; thence along the northeast right-of-way of Del Paso Boulevard and the southeast boundary of lot 4 North 58°14'48" East 30.47-feet to the Northeast property corner of Lot 4, marked by set nail and tag in cut cross stamped LS 5030; thence along the north line of Lot 4, South 89°45'48" West 194.70-feet to the true point of beginning containing 0.0956 acres.

APN: 275-0124-002, 014, AND 015

Date: 10-21-09


HERBERT C. LANGDON, RCE 24840
My Registration Expires 12-31-09



EXHIBIT B

