

RESOLUTION NO. 2004-816

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF: OCT 19 2004

THE VACATION OF THE 1-FOOT EASEMENT FOR ELECTROLIERS AND UNDERGROUND CONDUITS, AND THE 10-FOOT AND 20-FOOT LIGHT AND AIR EASEMENT LOCATED AT THE NORTHEAST CORNER OF 55TH STREET AND "H" STREET; AND THE SUMMARY VACATION OF THE PUBLIC ROAD RIGHT-OF-WAY PORTION OF "H" STREET BETWEEN 55TH STREET AND 56TH STREET; AND WITHIN COUNCIL DISTRICT 3.

VACATION PROCEEDING NO. VP03-10

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

- A. WHEREAS, the City received a request from Mr. Gregory Rhoades to vacate the subject easement for electroliers and underground conduits, air and light easements and portion of the public road right-of-way 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 State of California, Streets and Highways Code, Section 8330-8334.5; 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 1 foot easement for electroliers and underground conduits, and the 10-foot and 20-foot light and air easements located at the northeast corner of 55th Street and "H" Street; and the public road right-of-way portion of "H" Street Between 55th Street and 56th Street within Council District 3, specifically described in Exhibit "A", Exhibit "B" and Exhibit "C" and shown in Exhibit "D" attached hereto, is hereby ordered vacated subject to the conditions specified in this resolution.

Reserving however, a public utility easement (as defined in Section 8306 and 8340 of the California Streets and Highways Code) and 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 that public road right-of-way to be vacated, specifically described in Exhibit "A-1" and shown in Exhibit "D" and attached hereto.

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,

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Section 8310-8317 and State of California, Streets and Highways Code, Section 8330-8334.5 has considered this vacation in connection with the General and Community Plans and finds the vacation is consistent.

2. This vacation is subject to the following conditions:
 - a. The applicant shall provide the following conditions to the satisfaction of the Development Services Department, Development Engineering and Finance:
 - i. Dedicate a pedestrian access and sidewalk easement within the vacated area of "H" street.
 - ii. Remove and reconstruct curb, gutter and sidewalk adjacent to the vacated area of "H" street between 55th street and 56th Street.
 - b. The applicant shall dedicate a new easement for traffic signal equipment and electrical infrastructure to the City, relocate and or replace all the affected traffic signal equipment and electrical infrastructure from the vacated portion of "H" Street to the new easement to the satisfaction of the Department of Transportation, Engineering Services Division – Electrical Section.
 - c. With the vacation of the 10-foot and 20-foot light and air easement, the applicant shall conform with the applicable zoning setback requirements set forth by the Sacramento City Code, or unless variance is requested as per Sacramento City Code.
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.

HEATHER FARGO

MAYOR

ATTEST:

SHIRLEY CONCOLINO

CITY CLERK

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EXHIBIT "A"

Legal Description

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

COMMENCING AT THE SOUTHWEST CORNER OF LOT 16, AS SHOWN ON THE "PLAT OF J STREET SUBURBAN TRACT NO. 5", RECORDED ON JANUARY 22, 1907 IN BOOK 7 OF MAPS, MAP NO. 51, RECORDS OF SAID COUNTY; THENCE FROM THE POINT OF COMMENCEMENT N 55° 11' E 5.17 FEET ALONG THE WESTERLY LINE OF SAID LOT 16 TO THE **TRUE POINT OF BEGINNING**; THENCE ALONG THE NORTHERLY LINE OF "H" STREET AS DESCRIBED IN A GRANT DEED TO THE CITY OF SACRAMENTO FOR PUBLIC ROAD AND UTILITIES, RECORDED MARCH 6, 1948, BOOK 1454, PAGE 249, OF OFFICIAL RECORDS, ALSO BEING PARALLEL TO AND A DISTANCE 40.00 FEET AT RIGHT ANGLES NORTHERLY FROM THE CENTER LINE OF "H" STREET, S 70° 33' 30" E 86.48 FEET TO A POINT; THENCE, ALONG THE ARC OF A CURVE TO THE LEFT, CONCAVE WESTERLY, HAVING A RADIUS OF 20.00 FEET, SUBTENDED BY A CHORD BEARING SOUTH 60° 41' 13" WEST 30.08 FEET TO A POINT ON THE WESTERLY LINE OF 56TH STREET AS DESCRIBED IN SAID DEED; THENCE S 11° 55' 00" W 12.29 FEET TO A POINT; THENCE, ALONG THE ARC OF A CURVE TO THE RIGHT, CONCAVE WESTERLY, HAVING A RADIUS OF 22.00 FEET, SUBTENDED BY A CHORD BEARING SOUTH 60° 40' 45" WEST 33.09 FEET TO A POINT; THENCE ALONG ON A LINE, BEING PARALLEL TO AND A DISTANCE 25.50 FEET AT RIGHT ANGLES NORTHERLY FROM THE CENTER LINE OF "H" STREET, N 70° 33' 30" W 172.95 FEET TO A POINT; THENCE, ALONG THE ARC OF A CURVE TO THE RIGHT, CONCAVE EASTERLY, HAVING A RADIUS OF 13.00 FEET, SUBTENDED BY A CHORD BEARING NORTH 29° 17' 32" WEST 17.15 FEET TO A POINT ON THE EASTERLY LINE OF 55TH STREET; THENCE ALONG SAID EASTERLY LINE NORTH 11° 58' 26" EAST 3.17 FEET TO A POINT; THENCE ALONG SAID NORTHERLY LINE S 70° 33' 30" E 100.14 TO THE **TRUE THE POINT OF BEGINNING**, AND CONTAINING 2976 SQUARE FEET MORE OR LESS.


KENNETH K. YAMASHITA, P.E.



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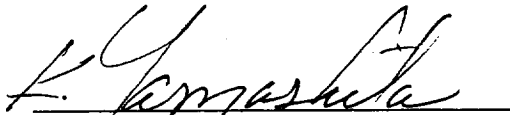
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EXHIBIT "A-1"

**Reservation of Public Utility Easement
Legal Description**

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

COMMENCING AT THE SOUTHWEST CORNER OF LOT 16, AS SHOWN ON THE "PLAT OF J STREET SUBURBAN TRACT NO. 5", RECORDED ON JANUARY 22, 1907 IN BOOK 7 OF MAPS, MAP NO. 51, RECORDS OF SAID COUNTY; THENCE FROM THE POINT OF COMMENCEMENT N11°55'00"E, 5.17 FEET ALONG THE WESTERLY LINE OF SAID LOT 16 TO THE TRUE POINT OF BEGINNING; THENCE ALONG THE NORTHERLY LINE OF "H" STREET AS DESCRIBED IN A GRANT DEED TO THE CITY OF SACRAMENTO FOR PUBLIC ROAD AND UTILITIES, RECORDED MARCH 6, 1948, BOOK 1454, PAGE 249, OF OFFICIAL RECORDS, ALSO BEING PARALLEL TO AND A DISTANCE 40.00 FEET AT RIGHT ANGLES NORTHERLY FROM THE CENTER LINE OF "H" STREET, S70°33'30"E, 3.03 FEET; THENCE S11°55'00"W, 14.58 FEET ALONG A LINE PARALLEL TO THE WESTERLY LINE OF SAID LOT 16 TO A POINT; THENCE N70°33'30"W, 11.10 FEET TO A POINT ON THE WESTERLY LINE OF AN EXISTING PACIFIC, GAS AND ELECTRIC EASEMENT AS DESCRIBED IN BOOK 127, PAGE 366, OF OFFICIAL RECORDS OF SAID COUNTY; THENCE ALONG SAID WESTERLY LINE N11°55'00"E, 14.58 FEET TO A POINT; THENCE ALONG A LINE OF THE CITY OF SACRAMENTO S70°33'30"E, 8.07 FEET TO THE POINT OF BEGINNING, AND CONTAINING 160.373 SQUARE FEET MORE OR LESS.


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EXHIBIT "B"

**LIGHT AND AIR EASEMENT
LEGAL DESCRIPTION**

ALL THAT REAL PROPERTY SITUATE IN THE CITY AND COUNTY OF SACRAMENTO, STATE OF CALIFORNIA AND BEING A PORTION OF LOTS 23 AND 24 AS SHOWN ON THAT CERTAIN MAP ENTITLED "H STREET TRACT" FILED FOR RECORD IN APRIL, 1939 IN BOOK 21 OF MAPS, MAP 14, OFFICIAL RECORDS OF SAID COUNTY AND THEREON DESCRIBED AS FOLLOWS:

EASEMENTS FOR LIGHT AND AIR OVER THOSE STRIPS OF LAND LYING BETWEEN THE FRONT AND/OR SIDE LINES OF LOTS AND THE LINES SHOWN HEREON AND DESIGNATED "SET-BACK LINE", SAID STRIPS TO BE KEPT OPEN AND FREE FROM BUILDINGS.

CONTAINING: 2,804.789 SF OR 0.064 AC. MORE OR LESS


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EXHIBIT "C"

1-FOOT EASEMENT
LEGAL DESCRIPTION

ALL THAT REAL PROPERTY SITUATE IN THE CITY AND COUNTY OF SACRAMENTO, STATE OF CALIFORNIA AND BEING A PORTION OF LOT 23 AND 24 AS SHOWN ON THAT CERTAIN MAP ENTITLED "H STREET TRACT" FILED FOR RECORD IN APRIL, 1939 IN BOOK 21 OF MAPS, MAP 14, OFFICIAL RECORDS OF SAID COUNTY AND THEREON DESCRIBED AS FOLLOWS:

EASEMENTS FOR ELECTROLIERS AND UNDERGROUND ELECTRIC CONDUIT ON AND UNDER STRIPS OF LAND ONE FOOT IN WIDTH ALONG THE FRONT AND/OR SIDELINES OF LOTS ADJOINING ALL THE STREETS SHOWN HEREON.

CONTAINING: 198.871 SF OR 0.005 AC. MORE OR LESS.


KENNETH K. YAMASHITA, P.E.



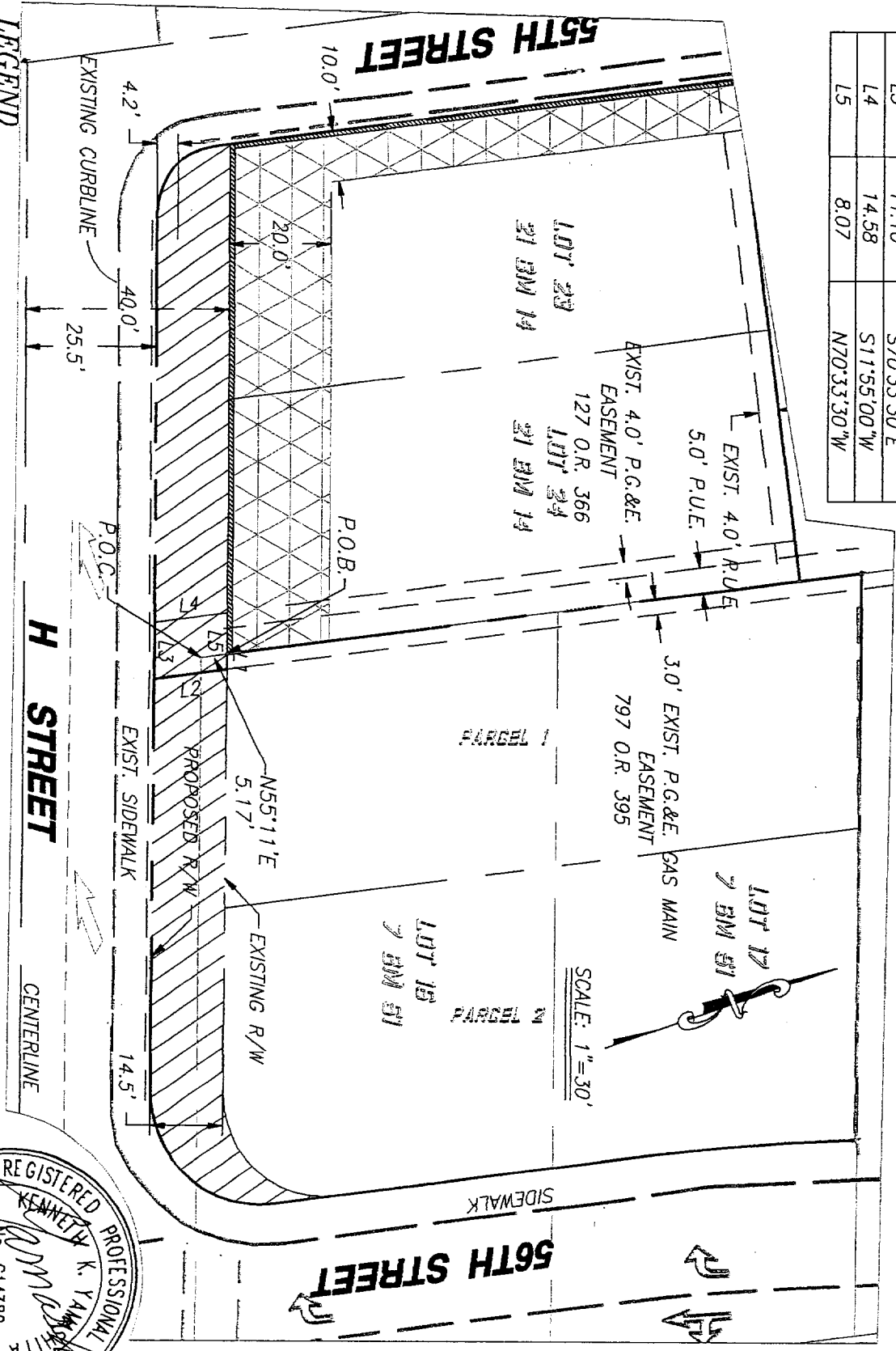
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| LINE | LENGTH | BEARING |
|------|--------|-------------|
| L1 | 3.03 | N70°33'30"W |
| L2 | 14.58 | N11°55'00"E |
| L3 | 11.10 | S70°33'30"E |
| L4 | 14.58 | S11°55'00"W |
| L5 | 8.07 | N70°33'30"W |

EXHIBIT "D"



LEGEND

 LIGHT AND AIR EASEMENT AS SHOWN ON PLT OF H STREET, BOOK 21 OF MAPS, NO. 14, SACRAMENTO COUNTY RECORDS
 EASEMENT FOR ELECTRICIANS AND UNDERGROUND ELECTRIC CONDUIT AS SHOWN ON PLT OF H STREET, BOOK 21 OF MAPS, NO. 14, SACRAMENTO COUNTY RECORDS
 EXISTING RIGHT-OF-WAY TO BE ABANDONED

ENGINEER

YAMASHITA CIVIL ENGINEERING
 2724 MADRONE DRIVE
 LODI, CALIFORNIA 95242
 209-334-2357



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