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DEPARTMENT OF
PUBLIC WORKS

CITY OF SACRAMENTO
CALIFORNIA

DEVELOPMENT SERVICES
1231 I STREET
ROOM 300
SACRAMENTO, CA
95814
PH 916-264-7474
FAX 916-264-7480

TECHNICAL SERVICES DIVISION

September 16, 1999

APPROVED
BY THE CITY COUNCIL

OCT 12 1999

OFFICE OF THE
CITY CLERK

City Council
Sacramento, California

Honorable Members in Session:

**SUBJECT: HEARING ON ABANDONMENT OF THE ALLEY SOUTH OF LOCK AVENUE
BETWEEN 25TH STREET AND WOODBINE AVENUE WITHIN COUNCIL
DISTRICT 5; ABANDONMENT PROCEEDING NO. AP99-07**

LOCATION/COUNCIL DISTRICT:

Alley South of Lock Avenue between 25th Street and Woodbine Avenue
Council District 5

RECOMMENDATION:

This report recommends that the hearing be closed and that the attached resolution adopting Findings of Fact and approving the abandonment for the alley at the location listed be adopted.

CONTACT PERSONS:

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

FOR COUNCIL MEETING OF:

October 5, 1999

SUMMARY:

The City has received a request from JTS Engineering to abandon the alley in order to allow development of a Paratransit Facility at Florin Road and Woodbine Avenue.

COMMITTEE/COMMISSION:

None required.

City Council
Hearing of Abandonment No. AP99-07
September 16, 1999

BACKGROUND:

JTS Engineering, on behalf of the property owner, Paratransit Inc., has requested the abandonment of the alley south of Lock Avenue between 25th Street and Woodbine Avenue. The abandonment will create a larger site to facilitate the Paratransit Facility on the corner of Florin Road and Woodbine Avenue.

The alley is bordered by single family residential on the north, a recently approved Paratransit Bus/Van vehicle storage/maintenance area (P98-090) to the south, 25th Street on the west, and Woodbine Avenue on the east. This alley is not currently paved or utilized by vehicles as an access connecting 25th Street to Woodbine Avenue. It is not utilized to provide major access to any of the residential properties located to the north, nor does it provide a major access to the recently approved Paratransit facility to the south. Abandonment of this property will not prevent future extension of 25th Street to Florin Road.

The proposed abandonment is consistent with the City's General Plan Residential Land Use Element Goal A, "to maintain and improve the quality and character of residential neighborhoods in the City", as well as Section 65402. The abandonment is proposed to provide additional property for property owners to the north (existing residential development parcels will be increased for additional resident use) and to the south (providing additional vehicle storage area for Paratransit, thereby reducing the possibility of overflow of parking bus/vans at the front of the site with visibility from Florin Road). This abandonment will require a Zoning Administrator's modification of the previously approved Special Permit for the Paratransit project (P98-090)

City of Sacramento departments and utility companies have reviewed this request for abandonment. Letters regarding this abandonment are on file with the Department of Public Works, Development Services. See Attachment "A" for a time schedule for the 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 subject to conditions.

A Resolution of Intention (ROI) was adopted by the City Council on September 7th, 1999, which established this date as the hearing for the proposed abandonment. Letter to the property owners, and residents adjacent to the abandonment, were mailed on September 17th. Notice of the abandonment was posted along the subject alley on September 17th, and the Resolution of Intention was published in the Daily Recorder on September 10th and 17th. The Engineer's report relating additional facts of the abandonment is on file with the City Clerk's office.

Following abandonment, ownership of the street will return to the original property owners based

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on underlying title.

FINANCIAL CONSIDERATIONS:

The applicant provided all the documentation required for the abandonment and has 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 alternation of an existing public right-of-way with no expansion of the existing use and no substantial change to existing traffic flow or physical features on the city.

POLICY CONSIDERATIONS:

The proposed abandonment will be consistent with Council priorities of public safety, neighborhood revitalization and enhancement.

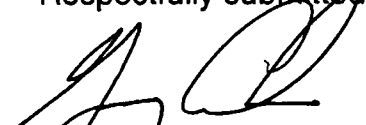
- Section 8300 et. Seq. of the Streets and Highways Code allows for abandonment of streets, alleys, and easements that are no longer needed for public use. These abandonments are classified as regular abandonments.
- The local governing body is the approving authority and may reserve such rights as may 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 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 is supported by the majority of property owners.

City Council
Hearing of Abandonment No. AP99-07
September 16, 1999

ESBD CONSIDERATIONS:


City Council adoption of the attached resolution is not affected by City policy related to the ESBD Program.

Respectfully submitted,



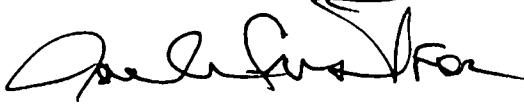
Gary Alm, Manager
Development Services

Approved:



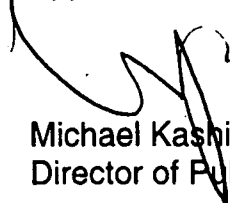
Duane J. Wray, Manager
Technical Services Division

RECOMMENDATION APPROVED:



ROBERT P. THOMAS
City Manager

Approved:



Michael Kashiwagi
Director of Public Works

RP:MH:dt
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Attachment

ATTACHMENT A

**SCHEDULE FOR REGULAR ABANDONMENT PROCEEDING
TO ABANDON THE ALLEY SOUTH OF LOCK AVENUE BETWEEN 25TH STREET
AND WOODBINE AVENUE WITHIN COUNCIL DISTRICT 5 (AP99-07)**

| | |
|--|--|
| Application was submitted on | June 8, 1999 |
| Resolution of Intention to be heard by City Council | September 7, 1999 |
| Send Letters to Property Owners | September 17, 1999 |
| Posting on Alleys/Streets | September 17, 1999 |
| Copy of Resolution Published in Daily Recorder | September 10, 1999 & September 17, 1999 |
| Public Hearing at City Council/Final Approval | October 5, 1999 |

RESOLUTION NO. *99.580 as amended*

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

APPROVED
BY THE CITY COUNCIL
OCT 12 1999
OFFICE OF THE
CITY CLERK

RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING ABANDONMENT OF THE ALLEY SOUTH OF LOCK AVENUE BETWEEN 25TH STREET AND WOODBINE AVENUE WITHIN COUNCIL DISTRICT 5;

ABANDONMENT PROCEEDING NO. AP99-07

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

- A. 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 the subject property;
- B. WHEREAS, a notice that the City Council would consider the proposed abandonment at Public Hearing was given in compliance with California Streets and Highways Code Section 8300, et seq.
- C. WHEREAS, the Neighborhoods, Planning and Development Services Department 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. The alley south of Lock Avenue between 25th Street and Woodbine Avenue in the City of Sacramento, specifically described below, is hereby ordered abandoned subject to the conditions and reservations specified in this resolution:

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

All that portion of the alley located in the block bounded by 25th Street, Woodbine Avenue, Lock Avenue, and Sam Avenue (now abandoned); more particularly described as follows:

FOR CITY CLERK USE ONLY

RESOLUTION NO: _____

DATE ADOPTED: _____

COMMENCING at the intersection of the easterly right of way of 25th Street and the southerly right of way of said alley; thence along the southerly boundary of said alley, N 89°56'32" E 8.62 feet to the easterly right of way of future cul de sac as described in that certain I.O.D. filed in Book 88-04-13 O.R. Page 2097 and being the true point of beginning.

THENCE, from the true point of beginning, along the southerly boundary of said alley, N 89°56'32" E 462.11 feet to the westerly right of way of Woodbine Avenue; thence along the west right of way of Woodbine Avenue N 00°00'01" E 16.00 feet to the northerly boundary of said alley; thence along the northerly boundary of said alley S 89°56'32" W 466.73 feet more or less to the easterly right of way of future cul de sac as depicted on the said I.O.D.; thence southeasterly along a curve to the left having a radius of 50.00 feet and being the easterly right of way of said I.O.D. to the true point of beginning.

Total area of abandonment = 0.17Acres.

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

2. The City Council finds that the above described public alley 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 alley described above have other access and said abandonment will not create any land-locked parcels; and
 - d. The portion of the alley 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.

FOR CITY CLERK USE ONLY

RESOLUTION NO: _____

DATE ADOPTED: _____

3. The City Council hereby finds that 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 abandonment in connection with the General and Community Plans and finds the abandonment consistent with them in that: The abandonment of the alley identified in paragraph 1 above does satisfy the City Council's "Review Guideline for Street and Alley Closure," adopted May 7, 1996, by Resolution No. 96-176.
4. This abandonment shall not be recorded until all conditions and approval applicable to project P98-090 have been fulfilled and obtained and fees therefor have been paid.
5. Concurrently with the recording of the Final Map and issuance of the building permit for project P98-090, the City Clerk shall record a certified copy of this resolution with the Sacramento County Recorder.

ATTEST:

MAYOR

CITY CLERK

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FOR CITY CLERK USE ONLY

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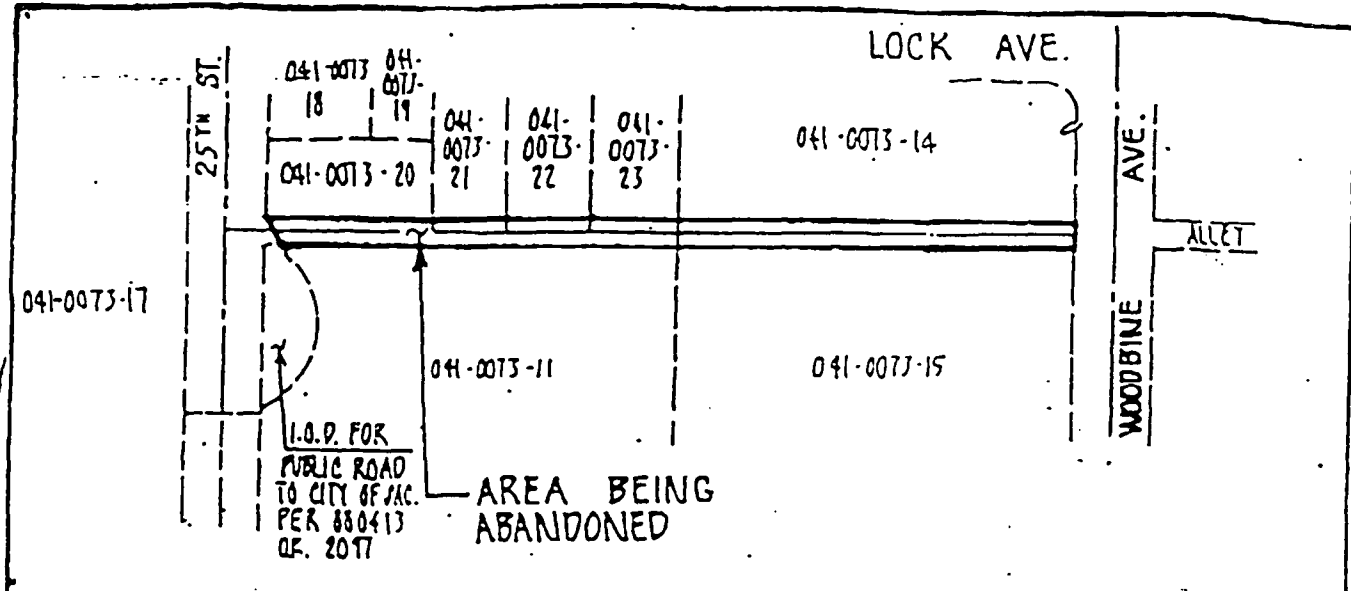


EXHIBIT "A"

| | | |
|---|-----------------|---|
| JTS ENGINEERING CONSULTANTS 1808 J STREET SACRAMENTO, CA 95814 (916) 441-8708 | DRAWN | ABANDONMENT EXHIBIT ALLEY 135' ± S. OF LOCK AVE BET. 25 TH ST. + WOODBINE |
| | SCALE 1" = 100' | |
| | F.B. Pg. | |
| | JOB No. 98-046A | |

CITY OF SACRAMENTO CALIFORNIA

PLANNING 40-1020

FOR CITY CLERK USE ONLY

RESOLUTION NO: _____
 DATE ADOPTED: _____

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

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4. This abandonment shall not be recorded until all fees for the preparation and transfer of the deeds have been paid. Upon payment, and satisfaction of the conditions specified above, the City Clerk shall record a certified copy of this resolution and the deeds transferring title with the Sacramento County Recorder.
5. Concurrently with the recording of the Final Map and issuance of the building permit for project P98-090, the City Clerk shall record a certified copy of this resolution with the Sacramento County Recorder.

ATTEST:

MAYOR

CITY CLERK

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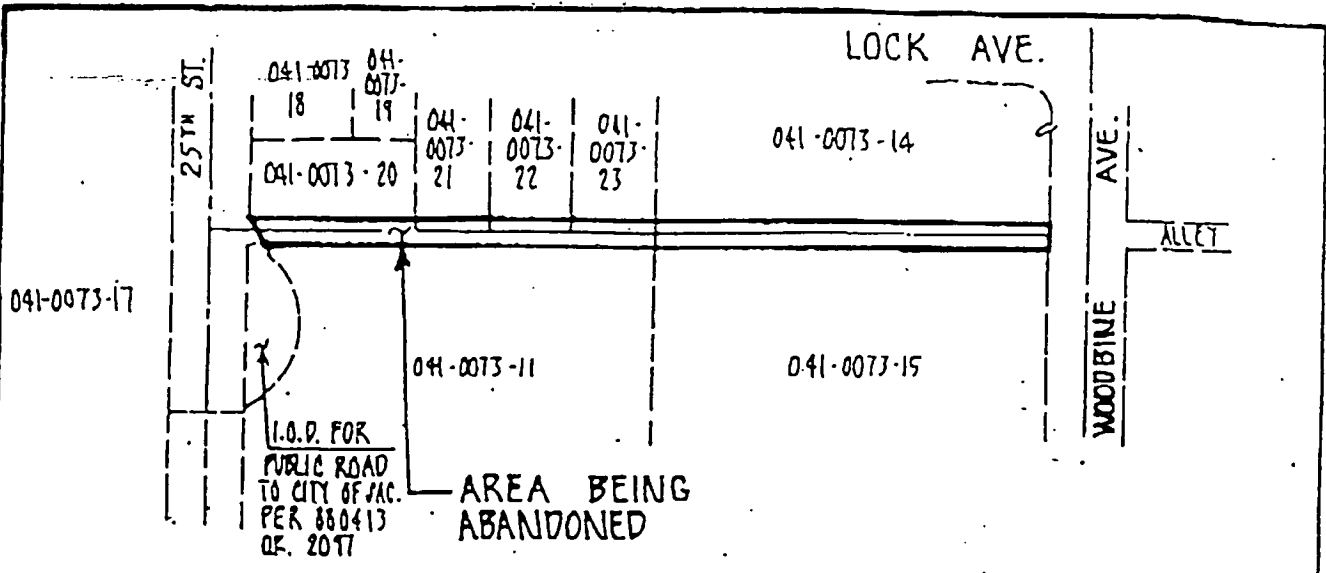


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CITY OF SACRAMENTO

CALIFORNIA

SAUNING 40-8020

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RESOLUTION NO: _____

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