

APPROVED
BY THE CITY COUNCIL

DEC 16 1997

OFFICE OF THE
CITY CLERK



3.1

CITY OF SACRAMENTO
CALIFORNIA

DEPARTMENT OF
PUBLIC WORKS
TECHNICAL SERVICES DIVISION

CONTINUED
FROM 12.9.97
TO 12.16.97

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

November 19, 1997

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: ABANDONMENT OF THE PUBLIC WATER EASEMENT BETWEEN ARGAIL WAY AND SUTTERVILLE ROAD; SUMMARY ABANDONMENT PROCEEDING NO. AP97-04

LOCATION AND COUNCIL DISTRICT:

Public Water Easement between Argail Way and Sutterville Road
Council District #4

RECOMMENDATION:

This report recommends that the City Council adopt the resolution regarding findings of fact and approve the proposed abandonment of the Public Water Easement at the location listed.

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

FOR COUNCIL MEETING OF: December 9, 1997

SUMMARY:

- The City received a request from Cella Barr Associates on behalf of the Patterson Family Trust, the property owner, for a summary abandonment of a public water easement, between Argail Way and Sutterville Road. Since the utilities within the easements are being relocated to allow for construction of a building, and no objections have been made, the abandonment is recommended.

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COMMITTEE/COMMISSION ACTION:

None required.

BACKGROUND INFORMATION:

- Cella Barr Associates, on behalf of the Patterson Family Trust requested a summary abandonment of a public water easement granted to City of Sacramento per deed recorded in Book 670723 Page 528 Official Records of Sacramento County. The easement presently cross vacant parcels of land owned by the Patterson Family Trust that will enable construction of retail shops.
- Utility companies and City departments have no objections to the proposed abandonments, provided the utilities are relocated within new or existing easements. Letters from the utility companies and City departments are on file with the Department of Public Works, Entitlements and Special Projects Section. See Exhibit A for time schedule of abandonment proceedings.
- The Public Utility Easement abandonment is classified as a Summary Abandonment because it is being superseded by relocation (Section 8333, Streets and Highways Code), and is of no foreseeable use to the City.
- The applicants have two years to comply with the conditions(s) of the abandonment. If the adjoining owners fail to meet the conditions(s) of the abandonment within two years, the resolution approving this abandonment will become void unless the City Council grants a time extension.
- Approval of the request to abandon is recommended.

FINANCIAL CONSIDERATIONS:

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

ENVIRONMENTAL CONSIDERATIONS:

The Planning Services Division, Environmental Section, has reviewed this project and has

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determined that they are exempt from the California Environmental Quality Act (CEQA) under Section 15305 (c) of the CEQA Guidelines.

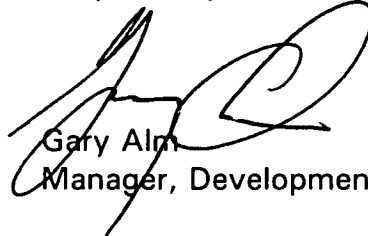
POLICY CONSIDERATION:

- Section 8333 et. seq. of the State of California Streets and Highways Code allows for abandonment of easements. This abandonment is classified as a Summary Abandonment because "the easement has been superseded by relocation."
- City policy, as stated in Resolution No. 96-176, which was approved by the City Council on May 7, 1996, provides for abandonment of local streets or easements so long as there is benefit to the community, access to other properties is not inhibited, and there is support by the majority of property owners.

MBE/WBE:

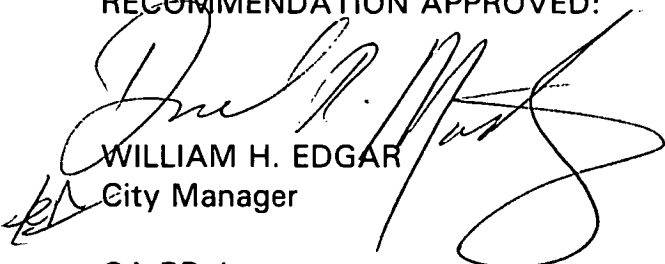
None, since no goods or services are procured with this action.

Respectfully submitted,



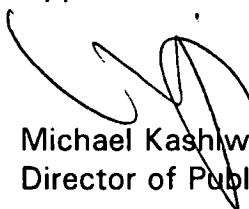
Gary Alm
Manager, Development Services

RECOMMENDATION APPROVED:



WILLIAM H. EDGAR
City Manager

Approved:



Michael Kashiwagi
Director of Public Works

GA:RP:dt
AP97-04.ccllet

Attachment

SCHEDULE FOR SUMMARY ABANDONMENT
AP97-04

LETTER TO CITY CLERK/GET ON CC AGENDA	OCT 31
DRAFT COPY OF LETTER TO PWA	NOV 19
COPY OF RESO IN DAILY RECORDER	NOV 13
LETTERS SENT TO PROPERTY OWNERS	NOV 20
POSTING ON ALLEYS/STREETS	NOV 20
PUBLIC HEARING AT CITY COUNCIL	DEC 9

APPROVED
BY THE CITY COUNCIL
DEC 16 1997
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RESOLUTION NO. 97-681

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

**RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING THE
SUMMARY ABANDONMENT OF PUBLIC WATER EASEMENT
BETWEEN ARGAIL WAY AND SUTTERVILLE ROAD**

SUMMARY ABANDONMENT PROCEEDING NO. 97-04

1. WHEREAS, the City received a petition to abandon from owners of property within the City of Sacramento requesting the City Council to consider a summary abandonment of subject easements; and
2. WHEREAS, the City Council would consider the proposed abandonment in compliance with California Streets and Highway Codes, Section 8300, et. seq.

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

1. The easement recorded in deed 670723 O.R 528 located in the City of Sacramento, County of Sacramento, State of California, more particularly described as follows:

A strip of land five (5) feet in width over and across Lot One (1) of Babich Tract, as recorded in Book 20 of Maps, Map Number 39, in the office of the Recorder of Sacramento County on the 18th of October, 1937. Center line of said strip is described as follows:

Beginning at a point that bears the following two courses from the Northwest corner of said Lot 1, South 75° 35' East 105 feet and South 14° 31' West 45 feet; thence from said point of beginning North 75° 35' West 14 feet; thence South 14° 31' West 74 feet; thence South 75 ° 35' East 14 feet.

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

(Possible prescriptive easement):

A strip of land five (5) feet in width over and across Lot One (1) of Babich Tract, as recorded in Book 20 of Maps, Map Number 39, in the office of the Recorder of Sacramento County on the 18th of October, 1937. Center line of said strip is described as follows:

Beginning at the intersection of the south line of Sutterville Road with the centerline of an existing underground water main; thence along said centerline of said underground water main to its intersection with the north line of Argail Way.

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

2. The City Council finds that the easement may be summarily abandoned in accordance with Section 8333 (c) of the Streets and Highways Code which states "The legislative body of a local agency may summarily vacate a public service easement that has been superseded by relocation and there are no other public facilities located within the easement."
3. The City Council hereby finds that the abandonment of the easements identified in paragraph 1 above does satisfy the City Council's Review Guidelines for Street Closures adopted May 7, 1996, by Resolution No. 96-176.
4. The abandonment is subject to all existing utilities being relocated.
 - a. The main shall be relocated at the applicants expense and the plans for relocation are reviewed and approved by the Department of Utilities prior to relocation.
5. After all the conditions specified in paragraph 4 of this resolution have been satisfied, the City Clerk shall cause a certified copy of this resolution, attested by the City under seal, to be recorded. The abandonment shall be effective when the City Clerk records this resolution with the County Recorder.

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

6. The conditions specified in paragraph 4 of this resolution must be completed within two years of the date of this resolution. If the conditions are not completed within the two year specified, this resolution approving the abandonment shall become void, unless the City Council grants a time extension.

MAYOR

ATTEST:

CITY CLERK

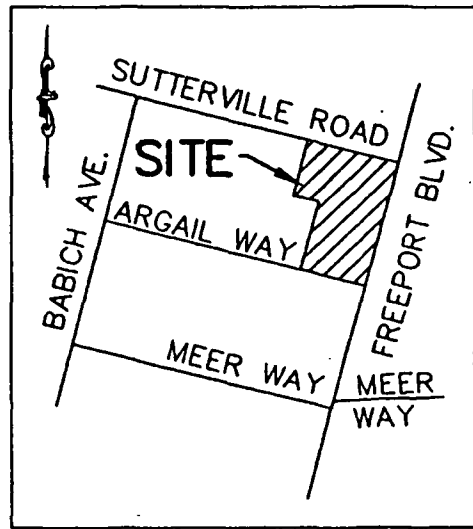
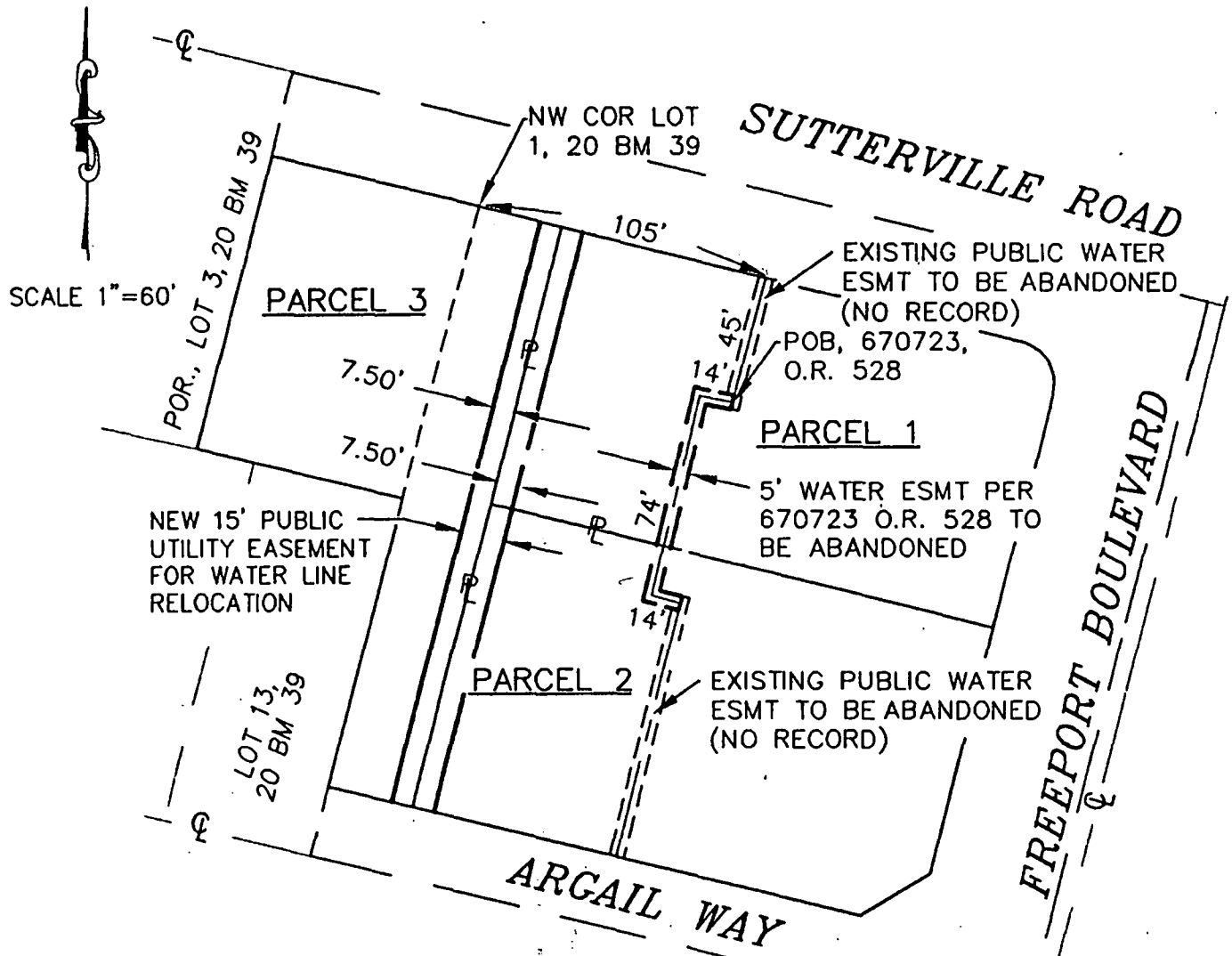
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FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

EXHIBIT B



VICINITY MAP
NO SCALE

LEGEND:

- ==== EXISTING PUBLIC WATER ESMT TO BE ABANDONED
- == ABANDONMENT OF 670723 O.R. 528

NOTE:

LOCATION OF UNRECORDED WATER ESMT TO BE ABANDONED WAS DETERMINED BY LOCATION OF EXISTING WATER MAIN.



CELLA BARR ASSOCIATES
 777 CAMPUS COMMONS RD., SUITE 200
 SACRAMENTO, CALIFORNIA 95825
 PHONE (916) 649-3137

EXHIBIT MAP
 CITY WATER EASEMENT ABANDONMENT