

RESOLUTION NO. 2008-254

Adopted by the Sacramento City Council

April 29, 2008

VACATION OF PUBLIC RIGHT-OF-WAY IN SHERATON GARAGE LOCATED IN COUNCIL DISTRICT 3 VACATION PROCEEDING NO. VAC08- 009

BACKGROUND

- A. The City intends to sell the parking garage located at 1223 J Street. Inside the garage, on its western side, there is an alley and public right-of-way (the "Right-of-Way") that runs south from I Street and is a north-to-south extension of the east-to-west alley between the garage and 12th Street. The Right-of-Way is described and depicted in Exhibits A and B to this resolution.
- B. As a condition of sale, the prospective buyer of the garage requires that the City convey fee title unencumbered by the Right-of-Way. Accordingly, the Economic Development Department has requested that the City Council vacate the Right-of-Way subject to the following conditions: the City will retain public-utility easements, and the buyer or its successor in interest must grant the City an ingress-and-egress easement to replace the vacated Right-of-Way.
- C. As required by Sacramento City Code section 2.112.080 and California Government Code section 65402, the City Planning Director reviewed the proposed vacation and concluded that the vacation is consistent with the City's general plan.
- D. In accordance with section 8320, subdivision (a)(1), of the California Streets and Highways Code (the "S&H Code"), the City Clerk set April 29, 2008, at 6:00 p.m. in the City Council's Chambers as the date, hour, and place of a public hearing on the proposed vacation. The City Clerk also published and posted notice of hearing in accordance with S&H Code sections 8320, 8322, and 8323. A hearing was held at the appointed date, hour, and place, during which the City Council heard evidence offered by persons interested in the proposed vacation.

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

- Section 1. The City Council hereby finds and determines, from all the evidence submitted, that the Right-of-Way is unnecessary for present or prospective public use and is not useful as a non-motorized transportation facility. Accordingly, in accordance with chapter 3 (General Vacation) of the Public Streets, Highways, and Service Easements Vacation Law (which begins at S&H Code section 8300), the City Council hereby vacates the Right-of-Way, subject to the following:

- (a) The vacation will occur only after the conditions specified in section 2 of this resolution have been satisfied.
- (b) In accordance with S&H Code section 8340, the City reserves and excepts from the vacation a public-service easement along the vacated Right-of-Way for all of the purposes described in S&H Code section 8340, subdivisions (a) and (c).

Section 2. As a condition for vacation, the buyer of the garage or its successor must grant the City a public-access ingress-and-access easement over the property burdened with the Right-of-Way. The easement will terminate automatically if and when the east-to-west portion of the alley is vacated. The document that creates the easement may be either an agreement or a deed, at the discretion of the City Attorney's Office; its provisions must be satisfactory to both the City Attorney's Office and the City Department of Transportation; and it is to be recorded in the official records of the Sacramento County Recorder within two years after the date of this resolution.

Section 3. If and when the conditions in section 2 are satisfied, the City Clerk shall cause a certified copy of this resolution, attested by the City Clerk under seal, to be recorded in the official records of the Sacramento County Recorder. The vacation of the Right-of-Way will be effective on the day the resolution is recorded. If the conditions in section 2 are not satisfied, then this resolution will become void *ab initio*, and the vacation will not occur.

Table of Contents:

Exhibit A: Legal Description

Exhibit B: Exhibit Plat/Map

Adopted by the City of Sacramento City Council on April 29, 2008 by the following vote:

Ayes: Councilmembers McCarty, Pannell, Sheedy, Tretheway, Waters, and Mayor Fargo.

Noes: None.

Abstain: None.

Absent: Councilmember Cohn, Fong, and Hammond.



Mayor Heather Fargo

Attest:



Shirley Concolino, City Clerk

EXHIBIT "A"
ABANDONMENT
LEGAL DESCRIPTION

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

All that portion of Lot 3 and a portion of alley coincident with said Lot 3 in the block bounded by 12th and 13th Streets, "I" and "J" Streets of the City of Sacramento, according to the Official Plat thereof, described as follows:

Beginning at the northwesterly corner of said Lot 3, said point also located on the southerly right of way of said "I" Street; thence, from said Point of Beginning, along said southerly line of "I" Street, South 71°24'41" East, 20.00 feet; thence, leaving said southerly line, South 18°33'04" West, 97.08 feet; thence along a curve concave easterly having a radius of 40.00 feet and an arc length of 28.91 feet, subtended by a chord bearing South 02°09'14" East, 28.28 feet to a point of reverse curvature; thence along a curve concave westerly having a radius of 40.00 feet and an arc length of 28.91 feet, subtended by a chord bearing South 02°09'14" East, 28.28 feet; thence South 18°33'04" West, 10.20 feet to the southerly line of said Lot 3, said point also being the northerly line of said alley; thence South 18°33'04" West, 20.00 feet to the southerly line of said alley; thence coincident with said southerly line of alley, North 71°26'49" West, 40.00 feet to the southerly projection of the westerly line of said Lot 3; thence North 18°33'04" East, 20.00 feet to the northerly line of said alley, said line also the southerly line Lot 3; thence, coincident with the westerly line of said Lot 3, North 18°33'04" East, 160.21 feet to the Point of Beginning.



EXHIBIT B

