

# REPORT TO COUNCIL

## City of Sacramento

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

CONSENT  
February 9, 2010

Honorable Mayor and  
Members of the City Council

**Title: Summary Vacation: Portion of the No Ingress/Egress Access Restriction Easement at 965 El Camino Avenue**

**Location/Council District:** At the Southeast corner of the property located at 965 El Camino Avenue in Council District 2 (see Attachment 2).

**Recommendation:** Adopt a **Resolution** vacating a portion of the No Ingress/Egress Access Restriction Easement on El Camino Avenue established through the owner's statement on the parcel map of 965 El Camino Avenue included a attachment 3 to this staff report.

**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:** Hudson Development Company, LLC on behalf of the property owners of Fresh & Easy Neighborhood Market Inc. has requested the vacation of a Portion of the "No Ingress/Egress Access Restriction" easement located at 965 El Camino Avenue. The restricted access easement was recorded on August 18, 2009, in Book 213 of Maps, at Page 13 (see Attachment 3). The subject No Ingress/Egress Access Restriction easement encroaches 17.50 feet over a City approved driveway. This subject access restriction easement diminishes the joint driveway access to both parcel lots A and B. The subject area is not part of the public sidewalk or street and will not diminish any public use once vacated.

**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 8333(c), which establishes that the subject portion of the No Ingress/Egress line is not needed to access any other public facilities.

**Environmental Considerations:**

**California Environmental Quality Act (CEQA):** None

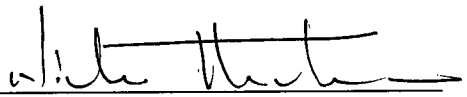
**Sustainability Considerations:** None

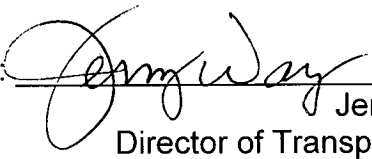
**Committee/Commission Action:** None

**Rationale for Recommendation:** No portions of the improved public street or sidewalk will be diminished or relocated in relation to this subject vacation and the area proposed to be vacated is not needed for future public improvements. This request to vacate the subject No Ingress/Egress Access Restriction Easement will allow access to the City approved driveway to both subdivided lots A and B. Various City departments and utility companies have reviewed this request and support the proposed vacation.


**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

**Table of Contents:**

Report	Pg. 1
<b>Attachments</b>	
1 Background	Pg. 3
2 Map Location	Pg. 4
3 Recorded Map for 965 El Camino Avenue	Pg. 5
4 Resolution	Pg. 7
Exhibit A: Legal Description of Right of Way	Pg. 9
Exhibit B: Exhibit Plat/Map Right of Way	Pg. 10

**Attachment 1****Background**

Hudson Development Company, LLC on behalf of the property owner located at 965 El Camino Avenue has requested the vacation of portion of the No Ingress/Egress Access Restriction Easement. This request is being processed under the Streets and Highways Code (S&HC) Sections 8333(c) as a summary vacation for City Council approval. The applicant requesting the vacation of this subject easement has submitted all documents required by the City of Sacramento's Department of Transportation to process this request.

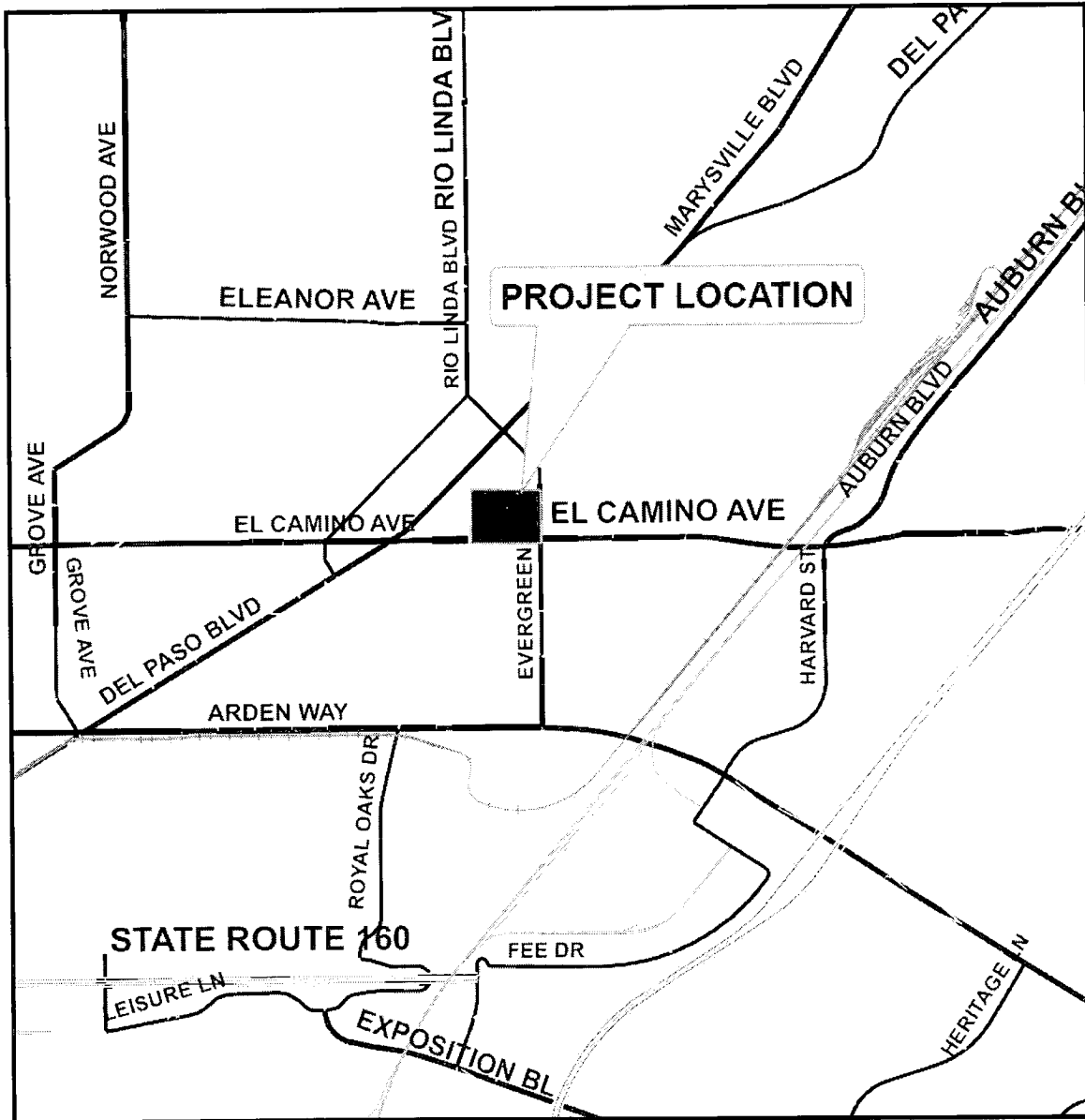
The subject area of vacation is an access restriction easement located on the southern portion of the lot at 965 El Camino Avenue. The subject portion of the easement is located on the smaller subdivided lot B. The larger lot A has been approved for the proposed development of a Fresh and Easy Market. The subject restriction easement currently exists over a City of Sacramento approved joint access driveway to both lots A and B. The subject 17.5' of the No Ingress/Egress Access Restriction Easement to be vacated will allow the driveway to be accessible by the public and all City of Sacramento's departments for utility maintenance and repairs.

The Tentative map for 965 El Camino Avenue divided one lot into two lots; parcel lots A and B. Parcel lot B, identified with APN: 265-0322-017 will be the future site of an undetermined commercial establishment. Parcel lot A is the location for the proposed Fresh and Easy Market. The approved condition to have the No Ingress/Egress Access Restriction Easement was inadvertently extended an extra 17.50 feet to the edge of property line of lots A and B on the map recorded in Book 213 of Maps, at Page 13. (see attachment 3) The City of Sacramento's Department of Transportation had approved the joint access driveway at the site of the subject restriction prior to the map recording. The remaining portion of No Ingress/Egress Access Restriction Easement will still be in affect with the recorded map.

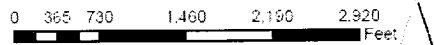
This request to vacate the subject portion of the No Ingress/Egress Access Restriction easement will allow access to parcel lots A and B through the approved joint access driveway. Various City departments and utility companies have reviewed this request and support the proposed vacation. If approved, the vacation of this subject area will be recorded after fees have been satisfied.

**Attachment 2**

LOCATION MAP FOR  
**965 El Camino Avenue  
Vacation**



Map Contact: T. Adams  
Map Date: Jan/10



213-13-1

OWNER'S STATEMENT

THE UNDERSIGNED HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS PARCEL MAP OF 965 EL CAMINO AVENUE AND OF HEREBY OFFER FOR CONVEYANCE FOR RECORD TO THE CITY OF SACRAMENTO...

MURKIN DEVELOPMENT COMPANY, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

DATE: NINTH July 2009
SIGNATURE: PAUL S. PETROVICH

PARCEL MAP OF 965 EL CAMINO AVENUE

SUBDIVISION NO. Z09-073
BEING A PORTION OF LOT 4, BLOCK 45 OF NORTH SACRAMENTO SUBDIVISION NO. 1, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SACRAMENTO COUNTY IN BOOK 11 OF MAPS, MAP NO. 26 CITY OF SACRAMENTO, COUNTY OF SACRAMENTO, CALIFORNIA JULY, 2009

SLOOTEN CONSULTING INC. SURVEYING & ENGINEERING
4740 HORTONDALE BLVD, SUITE 111 (916)411-7670
SACRAMENTO, CA 95834 (416)411-7672

CITY SURVEYOR'S STATEMENT

I HEREBY TESTIFY THAT THE PARCEL MAP OF 965 EL CAMINO AVENUE AND LOT 4 OF BLOCK 45 OF NORTH SACRAMENTO SUBDIVISION NO. 1, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SACRAMENTO COUNTY IN BOOK 11 OF MAPS, MAP NO. 26 CITY OF SACRAMENTO, COUNTY OF SACRAMENTO, CALIFORNIA JULY, 2009...

I HEREBY APPROVE THIS PARCEL MAP OF 965 EL CAMINO AVENUE AND LOT 4 OF BLOCK 45 OF NORTH SACRAMENTO SUBDIVISION NO. 1, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SACRAMENTO COUNTY IN BOOK 11 OF MAPS, MAP NO. 26 CITY OF SACRAMENTO, COUNTY OF SACRAMENTO, CALIFORNIA JULY, 2009...

DATE: 8-13-2009



NOTARY'S ACKNOWLEDGMENT

STATE OF CALIFORNIA
COUNTY OF SACRAMENTO
I, SUSAN LYNN MILLSAP, NOTARY PUBLIC, DO SO ON THE BASIS OF SATISFACTORY EVIDENCE TO ME THAT THE PERSON(S) WHOSE NAME IS REFERRED TO IN THIS INSTRUMENT AND AUTHORIZED TO SIGN THAT THEY EXECUTED THE SAME IN THEIR AUTHORIZED CAPACITY AND THAT BY THEIR SIGNATURE ON THIS INSTRUMENT THEY REPRESENTED TO ME THAT THEY WERE THE PERSON(S) ACTUALLY EXECUTED THE INSTRUMENT

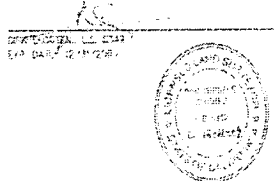
I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING STATEMENT IS TRUE AND CORRECT AND OFFICIAL SEAL

DATE: 10-27-2010
SIGNATURE: Susan Lynn Millsap
NOTARY'S EXPIRES: 12/31/11
COUNTY: Yolo
PRINCIPAL PLACE OF BUSINESS

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY SUPERVISION AND I HAVE BEEN A REGISTERED SURVEYOR IN COMPLIANCE WITH THE REQUIREMENTS OF THE SURVEYING MAP ACT AND CODE, SECTION 26121, SINCE JANUARY 1, 1991...

DATE THIS MAP WAS PREPARED: 7th day of July, 2009



CITY CLERK'S STATEMENT

I HEREBY TESTIFY TO THE ORIGINAL OF THIS PARCEL MAP OF 965 EL CAMINO AVENUE

DATE: 8-11-09
CITY OF SACRAMENTO

TRUSTEE'S STATEMENT

I HEREBY ACCEPT AS TRUSTEE UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING STATEMENT IS TRUE AND CORRECT AND OFFICIAL SEAL

DATE: 10-27-2010
SIGNATURE: David E. Burt, Joseph S. ...

NOTARY'S ACKNOWLEDGMENT

STATE OF CALIFORNIA
COUNTY OF SACRAMENTO
I, A. TRUESLER, NOTARY PUBLIC, DO SO ON THE BASIS OF SATISFACTORY EVIDENCE TO ME THAT THE PERSON(S) WHOSE NAME IS REFERRED TO IN THIS INSTRUMENT AND AUTHORIZED TO SIGN THAT THEY EXECUTED THE SAME IN THEIR AUTHORIZED CAPACITY AND THAT BY THEIR SIGNATURE ON THIS INSTRUMENT THEY REPRESENTED TO ME THAT THEY WERE THE PERSON(S) ACTUALLY EXECUTED THE INSTRUMENT

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING STATEMENT IS TRUE AND CORRECT AND OFFICIAL SEAL

DATE: 11-29-09
SIGNATURE: A. Truesler
NOTARY'S EXPIRES: 12/31/12
COUNTY: Sacramento
PRINCIPAL PLACE OF BUSINESS

RECORDER'S STATEMENT

FILED THIS 9th DAY OF AUGUST 2009 AT 10:00 AM IN BOOK 11 OF PARCEL MAPS AT PAGE 2613 OF THE REQUEST OF MURKIN DEVELOPMENT COMPANY, LLC FOR THE LAND SHOWN ON THIS PARCEL MAP BEING RECORDED AS PER STATEMENT NO. 5575...

DATE: 8-11-09
COUNTY: SACRAMENTO
FEE: \$450

213-13-2

**PARCEL MAP OF  
965 EL CAMINO AVENUE**  
SUBDIVISION NO. Z09-073  
BEING A PORTION OF LOT 4, BLOCK 45 OF NORTH SACRAMENTO SUBDIVISION NO. 1,  
FILED IN THE OFFICE OF THE  
COUNTY RECORDER OF SACRAMENTO COUNTY IN BOOK 11 OF MAPS, MAP NO. 26  
CITY OF SACRAMENTO, COUNTY OF SACRAMENTO, CALIFORNIA  
JULY, 2009

**LEGEND**

- FOUND MONUMENT AS NOTED
- ⊗ SET BY REBAR TAGGED LB 2142
- ⊗ SET BY SUR. TAGGED LB 3162
- ⊗ DIMAGUPE POINT - BORNES FOUND ON SET
- ⊗ BORNES SET HEREIN
- ⊗ MONUMENTS RECORDED DATA PER 21 11 16
- ⊗ MONUMENTS RECORDED DATA PER 11 11 06
- ⊗ NO. 1000000/2000000 POINTS

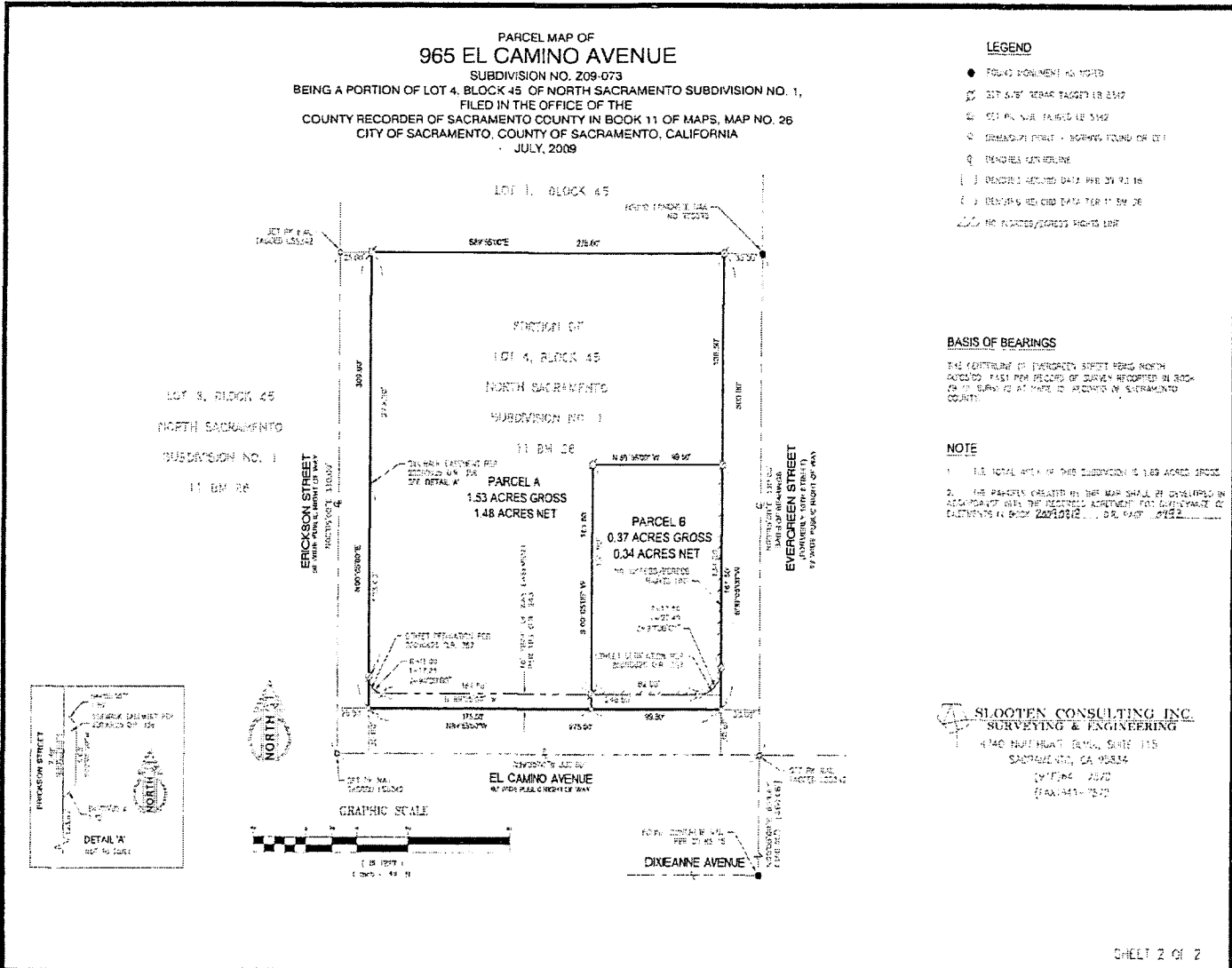
**BASIS OF BEARINGS**

THE CONTINUES OF PROPERTY SURVEY BEARS NORTH  
DIRECTION FIRST PER RECORD OF SURVEY RECORDED IN BOOK  
26 OF MAPS AS AT THESE CO. RECORDS IN SACRAMENTO  
COUNTY.

**NOTE**

1. THE TOTAL AREA OF THIS SUBDIVISION IS 1.68 ACRES GROSS
2. THE PARCELS SHOWN ON THIS MAP SHALL BE CONSIDERED AS  
ACCORDING WITH THE RECORDS AS NOTED FOR THE PURPOSE OF  
EASEMENTS IN BOOK 22210002... D.R. 6407 07152

**SLOOTEN CONSULTING INC.**  
SURVEYING & ENGINEERING  
4140 HUFFHART BLVD., SUITE 115  
SACRAMENTO, CA 95814  
(916) 944-2870  
FAX: (916) 944-7570



## **RESOLUTION NO.**

**Adopted by the Sacramento City Council**

**SUMMARY VACATION OF A PORTION OF THE NO INGRESS/EGRESS  
RESTRICTION EASEMENT AT 965 EL CAMINO AVENUE, WITHIN COUNCIL  
DISTRICT 2  
VACATION PROCEEDING NO. VAC 09-0008**

### **BACKGROUND**

- A. Hudson Development Company, LLC, on behalf of the property owners, has requested the vacation of a portion of the No Ingress/Egress Restriction Easement at 965 El Camino Avenue.
- 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 Portion of the No Ingress/Egress Restriction easement recorded in Book 213, Page 13 of Maps at 965 El Camino Avenue 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 No Ingress/Egress Restriction easement 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(c), the City Council finds that the portion of the restriction , more specifically described in Exhibits A and B has been relocated in which no public facilities are within the subject restriction.
- 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 applicable General Plan.
- Section 4.** The City Clerk shall cause a certified copy of this Resolution, attested by the City Clerk under seal; to be recorded after all fees have been satisfied. The vacation shall be effective when the City Clerk records this Resolution with the County Recorder.

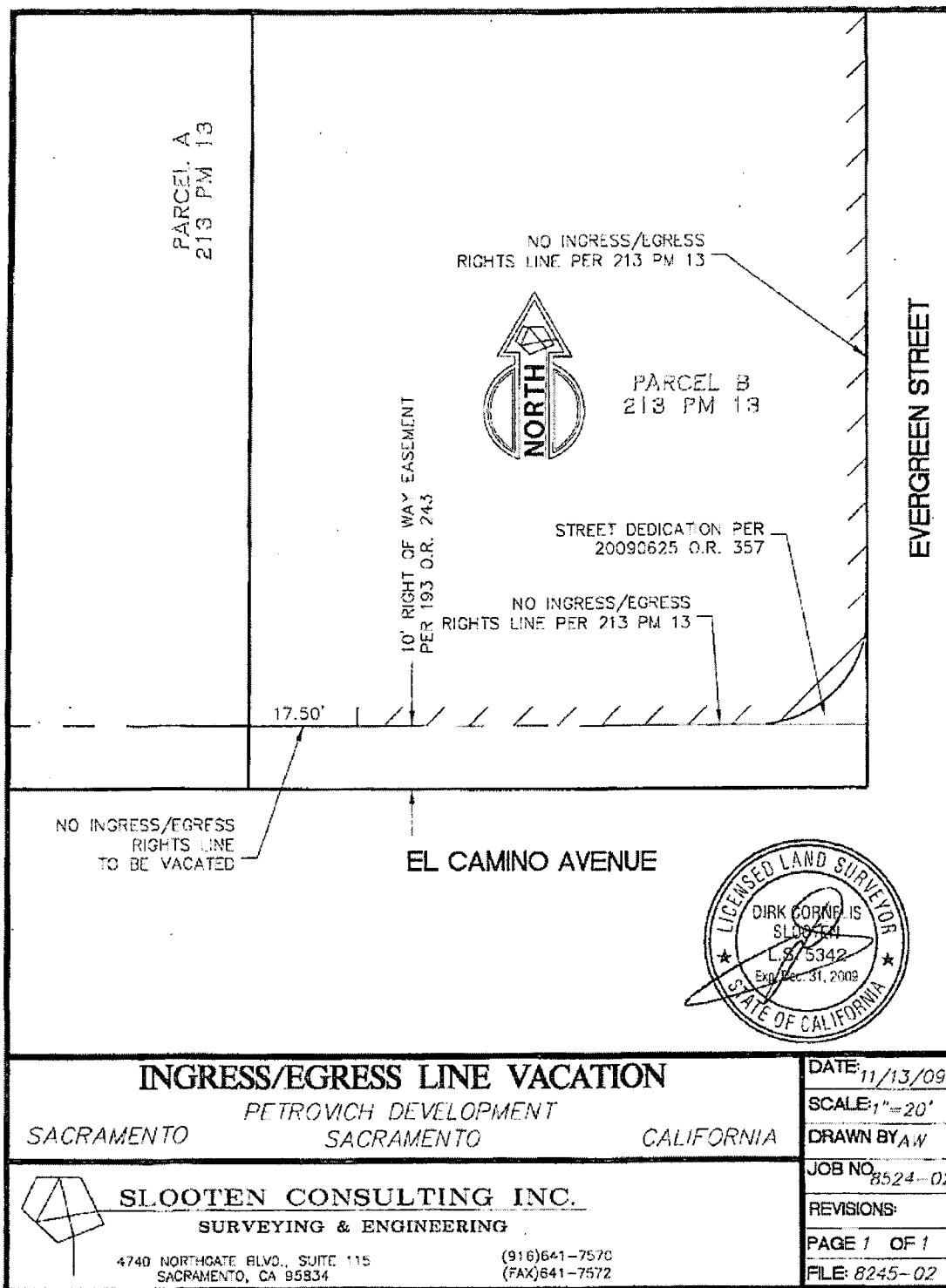
**Section 5.** Exhibits A and B are incorporated into and made part of this resolution.

**Table of Contents:**

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



EXHIBIT A



Z:\solid\Projects\3\PROJECTS\8524-02\INGRESS-EGRESS RIGHTS VACATION.dwg DATE: 2/11/10/2010 3:24:56 PM

**EXHIBIT B**

DESCRIPTION OF THE VACATION OF "NO INGRESS/EGRESS RIGHTS LINE"

THE WESTERLY 17.50 FEET OF THE "NO INGRESS/EGRESS RIGHTS LINE"  
ALONG THE NORTHERLY RIGHT OF WAY LINE OF EL CAMINO AVENUE IN  
PARCEL B, AS SHOWN ON PARCEL MAP, RECORDED AUGUST 18, 2009, IN  
BOOK 213 OF PARCEL MAPS, PAGE 13, RECORDS OF SACRAMENTO COUNTY.

DIRK C. SLOOTEN  
REGISTRATION NO. LS5342  
EXPIRATION DATE: 12/31/2009

