



APPROVED  
BY THE CITY COUNCIL

SEP 21 1999

OFFICE OF THE  
CITY CLERK

3.1

DEPARTMENT OF  
PUBLIC WORKS

**CITY OF SACRAMENTO**  
CALIFORNIA

DEVELOPMENT SERVICES  
1231 I STREET  
ROOM 300  
SACRAMENTO, CA  
95814

TECHNICAL SERVICES DIVISION

September 7, 1999

PH 916-264-7474  
FAX 916-264-7480

City Council  
Sacramento, California

Honorable Members in Session:

**SUBJECT: HEARING ON ABANDONMENT OF THE ALLEY BOUNDED BY EL CAMINO AVENUE AND DEL PASO BOULEVARD - ABANDONMENT PROCEEDING NO. AP99-06**

**LOCATION AND COUNCIL DISTRICT:**

Alley bounded by El Camino Avenue and Del Paso Boulevard  
Council District 2

**RECOMMENDATION:**

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

**CONTACT PERSON:** Ronald Perry, Engineering Technician III, 264-8298

**FOR COUNCIL MEETING OF:** September 21, 1999

**SUMMARY:**

The City received a request from CommTech Services to abandon the alley in order to allow development of a Rite Aid facility at El Camino Avenue and Del Paso Boulevard.

**COMMITTEE/COMMISSION ACTION:**

None required.

City Council  
Hearing of Abandonment No. AP99-06  
September 7, 1999

**BACKGROUND INFORMATION:**

CommTech Services, on behalf of the property owners, has requested the abandonment of the alley bounded by El Camino and Del Paso Boulevard. The abandonment will create a larger site to facilitate the remodel of a Rite Aid facility on the corner of El Camino Avenue and Del Paso Boulevard. CommTech Services has received a special permit (P99-005) to remodel a Rite Aid facility.

City of Sacramento departments and the utility companies have reviewed this request for abandonment and have no objections. Letters regarding this abandonment are on file with the Department of Public Works, Development Services. See Attachment A for the time schedule for this 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.).

The Neighborhoods, Planning and Development Services Department has found the proposed abandonment in conformance with the General Plan and the Community Plan (Section 65402 review). The proposed abandonment conforms with the City's General Plan and is consistent with the General Plan policy "to enhance and maintain the quality of the life of its citizens."

A Resolution of Intention (ROI) was adopted by the City Council on August 31, 1999, which established this date as the hearing for the proposed abandonment. Letters to the property owners and residents adjacent to the abandonment were mailed on September 3, 1999. Notice of the abandonment was posted along the subject right-of-way on September 3, 1999, and the Resolution of Intention was published in the Daily Recorder on September 3, 1999, and September 10, 1999. The Engineer's report relating additional facts of the abandonment is on file with the City Clerk's office.

Following abandonment, ownership of the alley will return to the original property owners based on underlying title.

Approval of the request to abandon is recommended.

**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 alteration 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 in the City.

**POLICY CONSIDERATIONS**

Abandonment of this alley will be consistent with Council priorities of public safety and neighborhood revitalization and enhancement.

1. 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.
2. 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).
3. City policy, as stated in Resolution No. 96-176 (approved by the City Council on May 7, 1996), provides for abandonment of streets and alleys so long as there is a benefit to the community, it does not inhibit access to other properties and would be supported by the majority of the property owners.
4. The proposed abandonment is consistent with these policies.

City Council  
Hearing of Abandonment No. AP99-06  
September 7, 1999

**ESBD CONSIDERATIONS:**

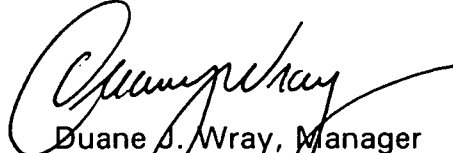
City Council adoption of the attached resolution is not affected by City policy related to the ESBD Program.

Respectfully submitted,



Gary Alm, Manager  
Development Services & Special Districts

Approved:



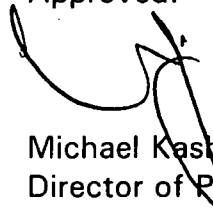
Duane J. Wray, Manager  
Technical Services Division

**RECOMMENDATION APPROVED:**



ROBERT P. THOMAS  
City Manager

Approved:



Michael Kashiwagi  
Director of Public Works

RP:dt

S:techsvs/devsvs/council/AP99-06hearltr

**ATTACHMENT A**

**SCHEDULE FOR REGULAR ABANDONMENT PROCEEDING  
TO ABANDON THE ALLEY BOUNDED BY EL CAMINO AVENUE AND DEL PASO  
BOULEVARD WITHIN COUNCIL DISTRICT 2 (AP99-06)**

Letter to City Clerk/schedule item on City Council Agenda	May 24, 1999
Resolution of Intention heard by City Council	August 31, 1999
Letters sent to property owners	September 2, 1999
Posting on Alleys/Streets	September 3, 1999
Copy of Resolution Published in Daily Recorder	September 3, 1999 & September 10, 1999

Public Hearing at City Council/Final Approval	September 21, 1999
---	--------------------

**RESOLUTION NO. 99.530**

RESOLVED  
BY THE CITY COUNCIL

ADOPTED BY THE SACRAMENTO CITY COUNCIL

SEP 21 1999

OFFICE OF THE  
CITY CLERK

ON DATE OF \_\_\_\_\_

**RESOLUTION ADOPTING FINDINGS OF FACT AND  
APPROVING ABANDONMENT OF THE ALLEY BOUNDED BY  
EL CAMINO AVENUE AND DEL PASO BOULEVARD  
WITHIN COUNCIL DISTRICT 2**

**ABANDONMENT PROCEEDING NO. AP99-06**

- 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 a 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 bounded by El Camino Avenue and Del Paso Boulevard, 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 real property situated in the City of Sacramento, County of Sacramento, State of California, being a portion of land described as "public alley" of Block 7 as shown on that certain plat entitled "North Sacramento Subdivision No. 8," filed in the office of the Recorder, County of Sacramento, State of California, in Book 13 of Maps, Map No. 49, more particularly described as follows:

FOR CITY CLERK USE ONLY

RESOLUTION NO: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

BEGINNING at the easterly corner of Lot 3 of said Block 7; thence southeasterly along the southeasterly prolongation of the northeasterly boundary line of said Lot 3, South 44°55'00" East 20.00 feet to the northwesterly boundary line of Lot 8 of said Block 7; thence along said northwesterly boundary line South 45°05'00" West 234.94 feet to the southerly boundary line of said Block 7 as shown on said Plat; thence along last said line North 89°55'00" West 28.28 feet to the southeast corner of Lot 1 of said Block 7; thence along the southeasterly boundary line of Lots 1, 2 & 3 of said Block 7 North 45°05'00" East 254.94 feet to the POINT OF BEGINNING.

Total area of abandonment = .112 Acres more or less.

RESERVING HOWEVER, a public service easement (as defined in Section 8306 and 8340 of the California Streets and Highways Code) the full width of the existing alley and right at any time, or from time to time to construct, maintain, operate, replace, remove, or review any public service facilities in, upon, or over and across the alley to be abandoned.

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

2. The City Council finds that the above-described 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 right-of-way described above have other access and said abandonment will not create any land-locked parcels; and
  - d. 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.
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 is subject to the following conditions:
  - a. Public Works Department
    1. Construct street improvement pursuant to Section 40.12.1211 of the City Code, closing the alley entrance and apply for a driveway permit.
    2. A reciprocal ingress/egress easement agreement shall be recorded for facilitating access for the North Sacramento Funeral Home (APN 263-25-17).
  - b. Utilities Department
    1. An easement that overlies the alley shall be retained for the purpose of operating, maintaining, and constructing any existing or future water, sewer, or drainage facilities. The Department of Utilities personnel shall have unlimited and unrestricted access to this easement at all times.
5. This abandonment shall not be recorded until all fees for the preparation of the abandonment have been paid. Upon payment, the City Clerk shall record a certified copy of this resolution with the Sacramento County Recorder.
6. All conditions specified in paragraph 4 and 5 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 abandonment shall become void, unless the City Council grants a time extension.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

S:techsvc/projdel/devsvs/council/ap99-06hearltr

8

\_\_\_\_\_  
FOR CITY CLERK USE ONLY

RESOLUTION NO: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_



EXHIBIT "A"

POINT OF BEGINNING

S44°55'00"E  
20.00'

BLOCK 7  
13 M 49

SOUTHEASTERLY BOUNDARY  
LINES OF LOTS 1, 2 AND 3

N45°05'00"E  
AREA = 0.112 AC.  
N45°05'00"E

SOUTHERLY  
BOUNDARY  
LINE  
BLOCK 7

NORTHWESTERLY BOUNDARY  
LINE OF LOT 8.

28.28'  
N89°55'00"W

EL CAMINO AVENUE

EXHIBIT FOR ALLEY ABANDONMENT

CITY OF SACRAMENTO

COUNTY OF SACRAMENTO

DATE: 5/21/99

SCALE: 1" = 30'

**PSOMAS**

DRAWN BY: JDS

SHEET 1 OF 1

2295 Gateway Oaks Drive, Suite 250  
Sacramento, California 95833  
916/929-7100

Engineers  
Surveyors  
Planners

CHECKED BY: SAB

JOB NO. : 6MCW0127

FOR CITY CLERK USE ONLY

RESOLUTION NO: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_