

APPROVED
BY THE CITY COUNCIL

MAY 18 1999

OFFICE OF THE
CITY CLERK



3.3

DEPARTMENT OF
PUBLIC WORKS

CITY OF SACRAMENTO
CALIFORNIA

DEVELOPMENT SERVICES
1231 I STREET
ROOM 300
SACRAMENTO, CA
95814

TECHNICAL SERVICES DIVISION

April 27, 1999

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

City Council
Sacramento, California

Honorable Members in Session:

**SUBJECT: HEARING ON ABANDONMENT OF SAM AVENUE BOUNDED BY
WOODBINE AVENUE AND 27TH STREET WITHIN COUNCIL DISTRICT 5;
ABANDONMENT PROCEEDING NO. AP99-01**

LOCATION AND COUNCIL DISTRICT:

Sam Avenue bounded by Woodbine Avenue and 27th Street in 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 street at the location listed be adopted.

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

FOR COUNCIL MEETING OF: May 18, 1999

SUMMARY:

The City received a request from JTS Engineering to abandon Sam Avenue in order to allow development of a paratransit facility at Florin Road and Woodbine Avenue.

City Council
Hearing of Abandonment No. AP99-01
April 27, 1999

COMMITTEE/COMMISSION ACTION:

None required.

BACKGROUND INFORMATION:

JTS Engineering, on behalf of the property owners, has requested the abandonment of Sam Avenue bounded by Woodbine Avenue and 27th Street. The abandonment will create a larger site to facilitate the construction of a paratransit facility on the corner of Florin Road and Woodbine Avenue.

City 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.). Approval of the request to abandon is recommended subject to conditions.

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 April 20, 1999, which established this date as the hearing for the proposed abandonments. Letters to the property owners, and residents adjacent to the abandonment, were mailed on April 22, 1999. Notice of the abandonment was posted along the subject alley on April 22, 1999, and the Resolution of Intention was published in the Daily Recorder on April 23, 1999, and April 30, 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 street 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 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 on the City.

POLICY CONSIDERATIONS

If the City Council approves development of the Paratransit Facility Project, the abandonment of the street affected by the project will be consistent with Council priorities of public safety and 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 (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.
- The proposed abandonment is consistent with these policies.

City Council
Hearing of Abandonment No. AP99-01
April 27, 1999

ESBD CONSIDERATIONS:

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

Respectfully submitted,



Marty Hanneman, Manager
Traffic Engineering and Development Services

Approved:

for 

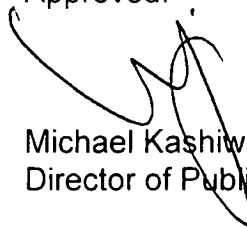
Duane J. Wray, Manager
Technical Services Division

RECOMMENDATION APPROVED:



ROBERT P. THOMAS
City Manager

Approved:



Michael Kashiwagi
Director of Public Works

RP:jd
S:\TSvs\PDel\DS\Council\CC-AP99-01 Hearing.wpd

EXHIBIT A

**SCHEDULE FOR REGULAR ABANDONMENT PROCEEDING
TO ABANDON SAM AVENUE BOUNDED BY WOODBINE AVENUE
AND 27TH STREET WITHIN COUNCIL DISTRICT 5 (AP99-01)**

Letter to City Clerk/schedule item on City Council Agenda	April 1, 1999
Resolution of Intention heard by City Council	April 20, 1999
Letters sent to property owners	April 22, 1999
Posting on Alleys/Streets	April 22, 1999
Copy of Resolution Published in Daily Recorder	April 23, 1999 & April 30, 1999

Public Hearing at City Council/Final Approval

May 18, 1999

APPROVED
BY THE CITY COUNCIL

MAY 18 1999

OFFICE OF THE
CITY CLERK

RESOLUTION NO. 99-237
ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

**RESOLUTION ADOPTING FINDINGS OF FACT AND
APPROVING ABANDONMENT OF SAM AVENUE BOUNDED
BY WOODBINE AVENUE AND 27TH STREET**

ABANDONMENT PROCEEDING NO. AP99-01

- 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. Sam Avenue bounded by Woodbine Avenue and 27th Street in the City of Sacramento, specifically described below, is hereby ordered abandoned subject to the conditions and reservations specified in this resolution:

All of Sam Avenue lying between the east right-of-way of Woodbine Avenue and the west right-of-way of 27th Street as depicted on the plat of "Camellia acres" filed at the Office of the Recorder of Sacramento County in Book 15 of Maps, Map No. 21 located in the block bounded by Sam Avenue, Woodbine Avenue, 27th Street, and Florin Road, described as follows:

FOR CITY CLERK USE ONLY

RESOLUTION NO: _____

DATE ADOPTED: _____

BEGINNING at the intersection of the east right-of-way of Woodbine Avenue and south right-of-way of Sam Avenue as shown on said plat; thence along the said south right-of-way of Sam Avenue, north 89° 56' 21" east 470.34 feet more or less, to the west right-of-way of 27th Street; thence along the west right-of-way of 27th Street, 46.00 feet more or less to north right-of-way of Sam Avenue; thence along north right-of-way of Sam Avenue south 89° 56' 21" west 446.31 feet more or less to a point; thence along a curve to the right having a radius of 20.00 feet, subtended by a chord, bearing north 45° 01' 45" west 28.30 feet to the east right-of-way of Woodbine Avenue; thence along the east right-of-way of Woodbine Avenue south 00° 00' 10" west 65.83 feet more or less of the true point of beginning.

Total area of abandonment = 0.499 AC

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 street 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 street 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 street 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.

FOR CITY CLERK USE ONLY

RESOLUTION NO: _____

DATE ADOPTED: _____

4. This abandonment is subject to the following conditions:
 - a. Approval by the City Planning Commission of the Special Permit for project P98-090 on or before November 23, 1999 (unless this date is extended by the City Council).
5. Upon satisfaction of all conditions set forth in Paragraph 4 above, and 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.

MAYOR

ATTEST:

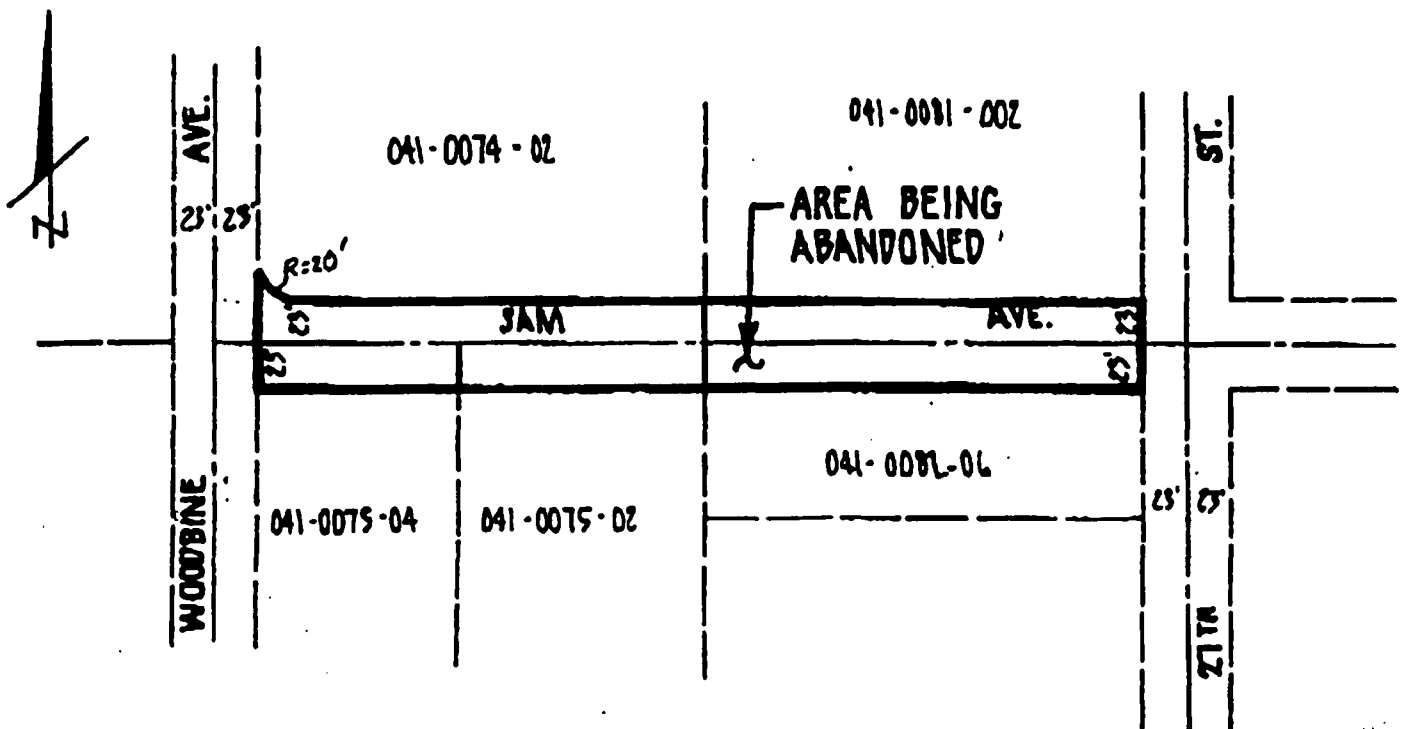
CITY CLERK

S:\TECHSVC\Project Delivery\Dev Svs\Council\AP99-01\CC-AP99-01 Hearing.wpd

FOR CITY CLERK USE ONLY

RESOLUTION NO: _____

DATE ADOPTED: _____



JTS ENGINEERING CONSULTANTS

1808 J STREET
SACRAMENTO, CA 95814
(916) 441-6708

DRAWN

SCALE 1"=100'

F.B. Pg.

JOB No. 98-046 A

ABANDONMENT EXHIBIT

SAM AVE. BETWEEN
WOODBINE AVE TO 27TH ST.