

APPROVED
BY THE CITY COUNCIL

JUL 29 1997

OFFICE OF THE
CITY CLERK



CITY OF SACRAMENTO
CALIFORNIA

DEPARTMENT OF
PUBLIC WORKS

TRANSPORTATION AND DEVELOPMENT
DIVISION

1231 I STREET
ROOM 300
SACRAMENTO, CA
95814

PH 916-264-7474
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July 17, 1997

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: SUMMARY ABANDONMENT OF U STREET FROM 19TH STREET TO THE UNION PACIFIC RAILROAD RIGHT-OF-WAY, ABANDONMENT PROCEEDING NO. AP97-01

LOCATION AND COUNCIL DISTRICT:

U Street, from 19th Street to the Union Pacific Railroad right-of-way. Council District 4.

RECOMMENDATION:

This report recommends that the City Council adopt the resolution regarding findings of fact and approve the proposed abandonment of U Street, from 19th Street to the Union Pacific Railroad right-of-way.

CONTACT PERSON:

Ron Perry, Engineering Technician III, 264-8298
Theresa Arnold, Associate Engineer, 264-5514

FOR COUNCIL MEETING OF: July 29, 1997

SUMMARY:

The City received a request from The Diepenbrock Law Firm on behalf of the adjoining property owners, to abandon U Street, from 19th Street to the Union Pacific Railroad right-of-way. Since the street has not been in use, there are no objections to the abandonment.

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The north one-half of U Street is to be deeded to D.R.I. Enterprises, Inc. represented by the Diepenbrock Law Firm. The south one-half of U Street is to be deeded to Max and Joyce Gross, represented by Mr. Francis Dillon.

COMMITTEE/COMMISSION ACTION:

None needed.

BACKGROUND INFORMATION:

- ▶ The Diepenbrock Law Firm has requested that the City abandon a portion of U Street, from 19th Street to the Union Pacific Railroad right-of-way. The easement has never been used as a public street or for any utilities, therefore we have no objection to the above described abandonment and no easement shall be retained.
- ▶ 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.
- ▶ 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.

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 Planning Services Division, Environmental Section, has reviewed the project and has determined that this project is exempt from the California Environmental Quality Act (CEQA) under section 15061(b) (3) of the CEQA Guidelines.

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POLICY CONSIDERATIONS:

Section 8300 et. seq. of the State of California Streets and Highways Code allows for abandonment of public service easements that are no longer needed for public use. This abandonment is classified as a summary abandonment because the easement has not been used for at least five (5) consecutive years. The local governing body is the approving authority. 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 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. This abandonment is consistent with these policies.

MBE/WBE:

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

Respectfully submitted,



Gary Alm
Manager, Development Services

RECOMMENDATION APPROVED:

Approved:



WILLIAM H. EDGAR
City Manager



Michael Kashiwagi
Director of Public Works

for:
GM:eaj
ap97-01.hea
Exhibit A

APPROVED
BY THE CITY COUNCIL

JUL 29 1997

OFFICE OF THE
CITY CLERK

RESOLUTION NO. 97-426

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

**RESOLUTION ADOPTING FINDINGS OF FACT AND
APPROVING THE SUMMARY ABANDONMENT OF
U STREET FROM 19TH STREET TO UNION
PACIFIC RAILROAD RIGHT-OF-WAY**

SUMMARY ABANDONMENT PROCEEDING NO. AP97-01

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 property:

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

1. The street located in the City of Sacramento specifically described below is hereby ordered abandoned in accordance with Section 8330 and following of the Streets and Highways Code;

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

All that portion of "U" Street as shown on the official plat of the City of Sacramento between the easterly right-of-way line of 19th Street and of the following described line:

Beginning at the intersection of the southerly line of said "U" Street and the westerly line of the Union Pacific right-of-way, said point being 135.4 feet easterly along said southerly line from the intersection of the easterly line of said 19th Street with the southerly line of "U" Street; thence from said point of beginning northeasterly to the intersection of "U" Street and the

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RESOLUTION NO. _____

DATE ADOPTED _____

westerly line of the Union Pacific right-of-way and being the point of ending, said point being 153.50 feet easterly along said northerly line of "U" Street from the intersection of said northerly line with the easterly line of 19th Street

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 street may be summarily abandoned in accordance with Section 8331 of the Streets and Highways Code because: (a) The street has been impassable for vehicular travel for five consecutive years; and (b) No public money has been expended for maintenance on the street during such period.
3. The City Council hereby finds that the closure of the street 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 City Clerk shall cause a certified copy of this resolution, to be recorded with the County Recorder. From and after the date this resolution is recorded, the street shall no longer constitute a street.

MAYOR

ATTEST:

CITY CLERK

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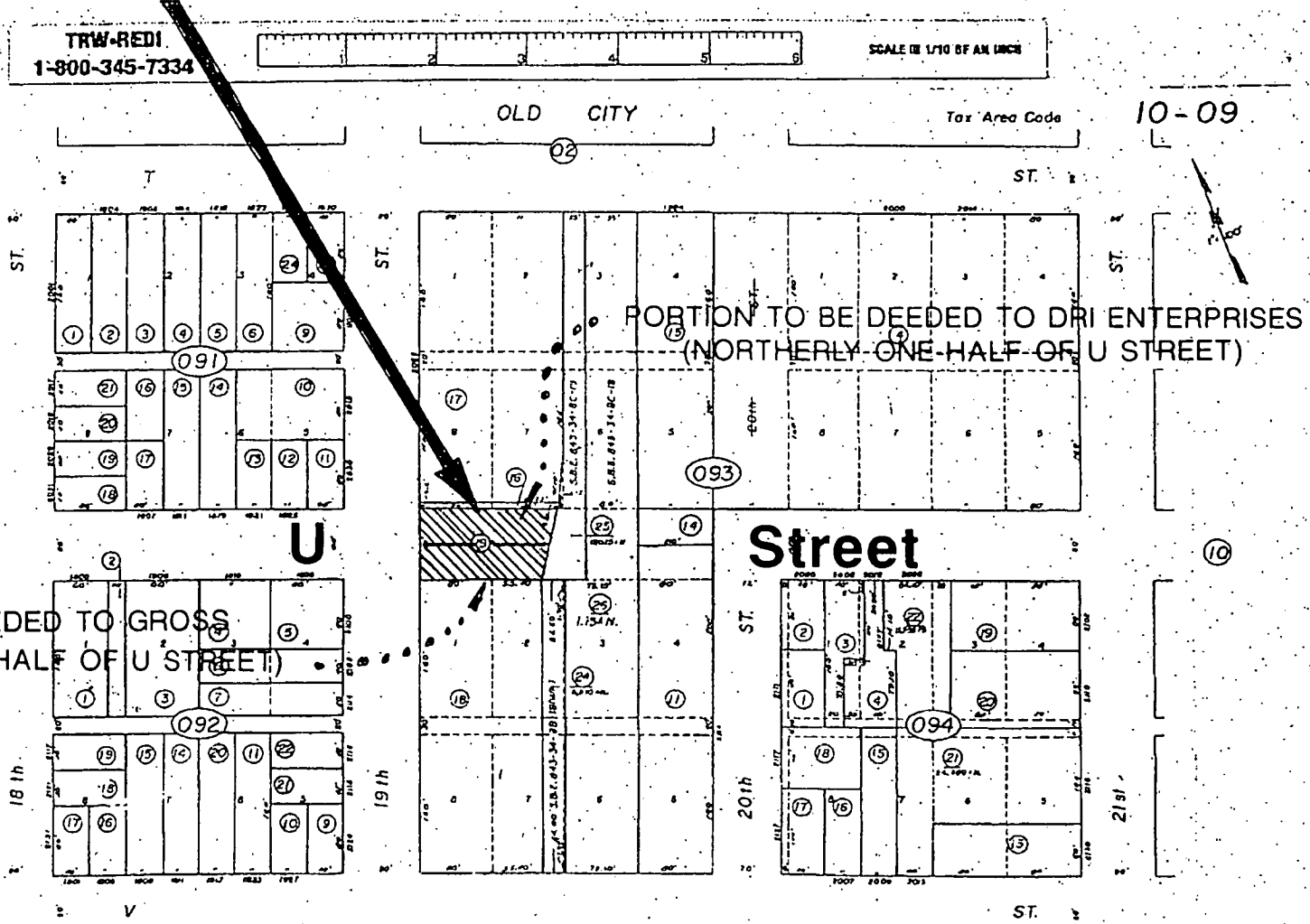
RESOLUTION NO. _____

DATE ADOPTED _____

Exhibit 'A'

SUBJECT STREET AP97-01

Portion of Street to be abandoned



PORTION TO BE DEEDED TO GROSS
(SOUTHERLY ONE-HALF OF U STREET)

PORTION TO BE DEEDED TO DRI ENTERPRISES
(NORTHERLY ONE-HALF OF U STREET)

Street

Bk. 9

CITY OF SACRAMENTO
Assessor's Map Bk. 10 - Pg. 09
County of Sacramento, Calif.

NOTE - Assessor's Block Numbers Shown in Squares
Assessor's Parcel Numbers Shown in Circles

EXHIBIT A