

## RESOLUTION NO. 2003-816

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF **NOV 18 2003**

**RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING THE REGULAR ABANDONMENT OF A PORTION OF 3<sup>RD</sup> STREET NORTH OF SMITH SCHOOL PARK, EAST OF INTERSTATE 5, WEST OF 5<sup>TH</sup> STREET, AND SOUTH OF 1<sup>ST</sup> AVENUE WITHIN COUNCIL DISTRICT 4**

**ABANDONMENT PROCEEDING NO. AP03-07**

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

- A. WHEREAS, the City received a request from the Setzer Forest Products Inc. to abandon the public road easement within the City of Sacramento; and
- B. WHEREAS, the City Council would consider the abandonment in compliance with the City guidelines for Street Closures, City Resolution No. 96-176 and the State of California, Streets and Highways Code, Section 8300-8325, and
- C. WHEREAS, the City Planning Commission 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; and

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

1. A portion of 3<sup>rd</sup> Street north of Smith School Park, east of Interstate 5, west of 5<sup>th</sup> Street, and south of 1<sup>st</sup> Avenue, specifically described in Exhibit "A" and shown in Exhibit "B" attached hereto, is hereby ordered abandoned subject to the conditions specified in this resolution.

Reserving however, a public service easement (as defined in Section 8306 and 8340 of the California Streets and Highways Code) and right at any time, or from time to time to construct, maintain, operate, replace, remove, or renew any public service facilities in, upon, or over and across that portion of 3<sup>rd</sup> Street north of Smith School Park, east of Interstate 5, west of 5<sup>th</sup> Street, and south of 1<sup>st</sup> Avenue to be abandoned, specifically described in Exhibit "A" and shown in Exhibit "B" attached hereto.

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A map or plan of the regular abandonment is attached as Exhibit "B" and is on file with the Department of Public Works, Development Services Division, located at 1231 I Street, Room 200.

2. The City Council hereby finds that said abandonment has been submitted to and reported on by the City Planning Commission as to conformity with the City General Plan. The Council, pursuant to the State of California, Streets and Highways Code, Section 8300-8325 has considered this abandonment in connection with the General and Community Plans and finds the abandonment is consistent.
3. The City Council approves the access to the adjoining properties to the abandoned street, namely properties with APN Numbers: 009-0270-009, 009-0270-029, 009-0270-033, 009-0270-032, 009-0030-45, 009-0286-013, 009-0286-012, 009-0286-018, 009-0286-001, provided through the private access easement between the said adjoining properties to the abandoned street as depicted and shown on Exhibit "C"
4. This Abandonment is subject to the following conditions:
  - a. Construct the following improvements to the satisfaction of the Department of Public Works:
    - I. Proper signage shall be installed to the entrance of the abandoned street at 3<sup>rd</sup> Street.
    - II. A gate shall be placed 20 feet behind the right of way. The gate shall swing away from the right of way, and shall be equipped with a Knox lock.
    - III. The drainage and the structural section of the street to be abandoned shall be maintained.
    - IV. At no cost to the adjoining properties to the abandoned street, provide proof of reciprocal ingress, egress and maneuvering easement/agreement between the adjoining properties to the abandoned street to the satisfaction of Department of Public Works, namely properties with APN Numbers: 009-0270-009, 009-0270-029, 009-0270-033, 009-0270-032, 009-0030-45, 009-0286-013, 009-0286-012, 009-0286-018, 009-0286-001. As required by the City of Sacramento Code Section 17.68.030C the private street access must be approved by the City Council and such approval shall be contained within the abandonment resolution.
  - b. The following conditions shall be met to the satisfaction of the Fire Department:

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- I. Fire Apparatus Access. Plans for fire department access roads shall be submitted to the fire department for review and shall be approved prior to the start of construction. CFC901.2.2.1
  - II. Dimensions. Fire apparatus access roads shall have an unobstructed width of lot not less than 20 feet and unobstructed vertical clearance of not less than 13 feet 6 inches. CFC 902.2.2.1
  - III. Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a roadbed consisting of material unaffected by the introduction of water based of upon fire flow or rain based on 25 year storm and a surface consisting of a minimum of a single layer of asphalt. CFC902.2.2.2
  - IV. Turning radius. All turning radius for fire access shall be designed as 45' inside and 55' outside. Cul-de-sac shall be 45' radius or city standard hammerhead. CFC 902.2.2.3
  - V. Key boxes. When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life saving or firefighting purposes, or where the building is served by a fire alarm system which is monitored by a central station, the chief is authorized to require approved key switches, key boxes or padlocks to be installed in approved accessible locations or areas in order to permit immediate fire department access. CFC 902.4
  - VI. Gates and barriers. Plans shall be submitted for review and approval prior to the installation of gates, barriers and access control devices, which are to be, constructed on or within fire department apparatus access roadways. CFC 902.2.4.3
  - VII. Gated system. Shall be reviewed by fire single gate 20' clear width, dual gate 16' each side.
5. All conditions specified in paragraph 4 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.

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6. The City Clerk shall cause a certified copy of this resolution, attested by the City Clerk under seal, to be recorded. The abandonment shall be effective when the City Clerk records this resolution with the County Recorder.

  
MAYOR

ATTEST:  
  
CITY CLERK

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January 31, 2003  
030014

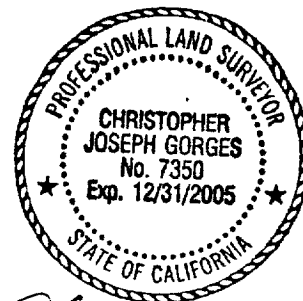
EXHIBIT "A"

LEGAL DESCRIPTION  
PORTION OF 3<sup>rd</sup> STREET BEING ABANDONED

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

All that portion of 3<sup>rd</sup> Street as shown on the Plat of Wright & Kimbrough Industrial Tract filed in Book 19 of Maps, Map No. 17, Official Records of Sacramento County, described as follows:

Beginning at the intersection of the Westerly right-of-way line of said 3<sup>rd</sup> Street with the Southerly line of said Wright & Kimbrough Industrial Tract; thence from said point of beginning, along said Westerly right-of-way line North 18°46'00" East 492.37 feet to a point eighty (80.00) feet distant Westerly along the prolongation of the Southerly right-of-way line of First Avenue as shown on said Plat; thence leaving said Westerly right-of-way line of 3<sup>rd</sup> Street, along said prolongation of said Southerly right-of-way line South 71°01'30" East 80.00 feet to the Northwest corner of Lot 45 as shown on said Plat, said corner being on the Easterly right-of-way line of said 3<sup>rd</sup> Street; thence along said Easterly right-of-way line South 18°46'00" West 523.85 feet to a point in the aforementioned Southerly line of said Plat; thence along said Southerly line North 49°34'30" West 86.08 feet to the point of beginning.



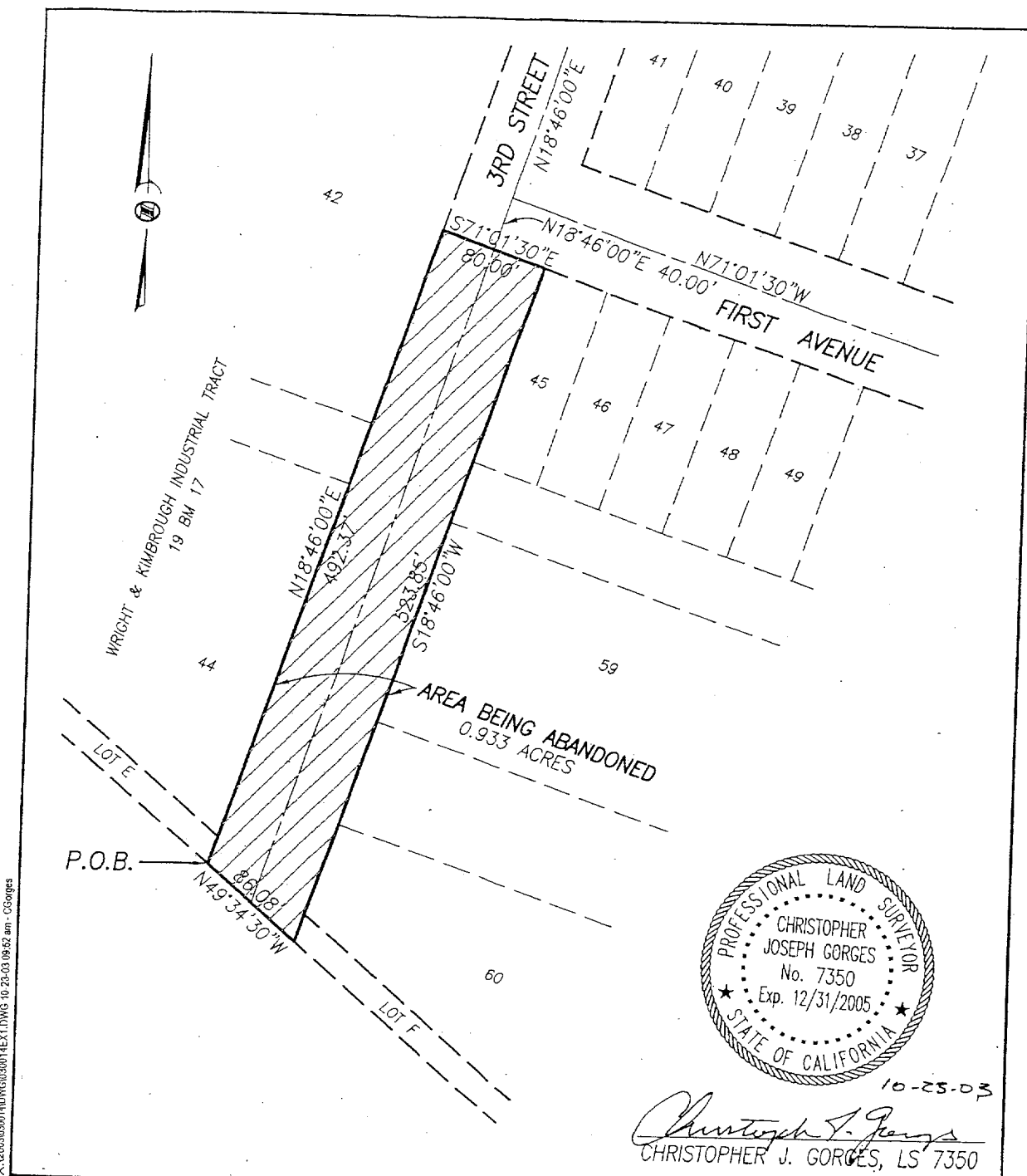
*Christopher J. Gorges*  
10-23-03

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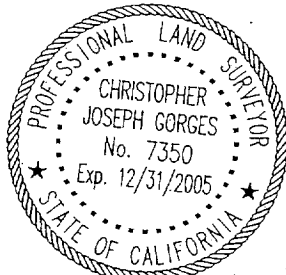
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*Christopher J. Gorges*  
 CHRISTOPHER J. GORGES, LS 7350


 <b>MORTON &amp; PITALO, INC.</b> CIVIL ENGINEERING • PLANNING • SURVEYING <small>1788 Tribute Road, Suite 200 • Sacramento, CA 95815          phone: 916.927.2400 • fax: 916.567.0120 • survey fax: 916.927.1185          email: eng@mpengr.com • web: www.mpengr.com</small>			
DRAWN:	RB	JOB NO:	030014
CHECKED:	RB	DATE:	FEB., 2003
SCALE:	1"=100'	SHEET:	1 of 1

EXHIBIT "B"

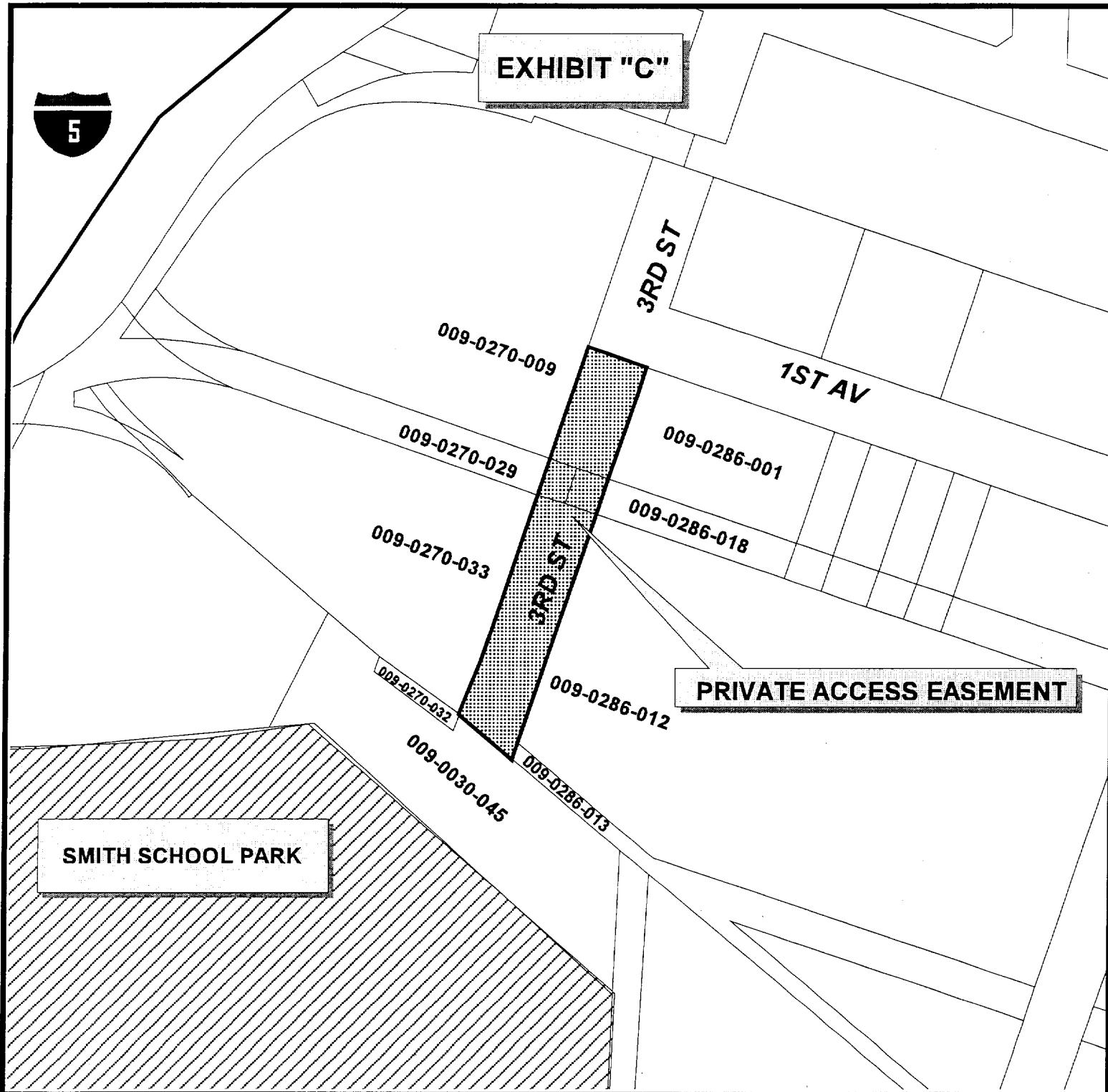
**R/W ABANDONMENT**  
**PORTION OF 3RD STREET-W & K**  
**IND. TRACT-19 BM 17**

CITY OF SACRAMENTO, CALIFORNIA

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**EXHIBIT "C"**



**SMITH SCHOOL PARK**

**PRIVATE ACCESS EASEMENT**

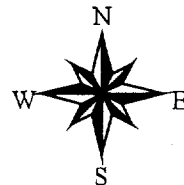
400 0 400 800 Feet



Department of  
**PUBLICWORKS**  
CITY OF  
SACRAMENTO

CESAR 102203

**PRIVATE ACCESS EASEMENT  
BETWEEN THE ADJOINING PROPERTIES TO  
THE ABANDONED STREET**



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