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APPROVED  
BY THE CITY COUNCIL

AUG 19 1997

OFFICE OF THE  
CITY CLERK

1231 I STREET  
ROOM 300  
SACRAMENTO, CA  
95814

PH 916-264-7474  
FAX 916-264-7185

CITY OF SACRAMENTO  
CALIFORNIA

DEPARTMENT OF  
PUBLIC WORKS

TRANSPORTATION AND DEVELOPMENT  
DIVISION

July 29, 1997

City Council  
Sacramento, California

Honorable Members in Session:

**SUBJECT: HEARING ON ABANDONMENT OF A PORTION OF AN ALLEY WITHIN  
COUNCIL DISTRICT 5; ABANDONMENT PROCEEDINGS NO. AP #97-02**

**LOCATION AND COUNCIL DISTRICT:**

A portion of the alley bounded by 11th Avenue, 42nd Street, 12th Avenue and 40th Street,  
Council District #5.

**RECOMMENDATION:**

This report recommends that the hearing be closed and that the attached resolutions  
adopting Findings of Fact and approving the abandonment of the alley 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:** August 19, 1997

**SUMMARY:**

The Neighborhoods, Planning and Development Services Department, on behalf of the  
adjoining property owners, has requested that the portion of the alley bounded by 11th  
Avenue, 42nd Street, 12th Avenue and 40th Street be abandoned to assist in curbing illegal  
activities.

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**COMMITTEE/COMMISSION ACTION:**

None required.

**BACKGROUND INFORMATION:**

The alley portion is within the Citywide Alley Abandonment and Temporary Closure Program to curtail illegal activities in alleys. The State of California Streets and Highways Code and City Resolution No. 96-176 require that the following findings be made and actions be taken:

- Utility companies and City departments have no objections to the proposed abandonments, provided a public service easement is retained over the entire alley for public service facilities. Letters from the utility companies and City departments regarding the abandonments are on file with the Department of Public Works, Development Services.
- These abandonments are classified as regular abandonments according to Section 8300 of the Streets and Highways Code. The portion of the alley is of no foreseeable use to the City.
- The Planning Services Division, Environmental Section has found the proposed abandonment in conformance with the General Plan and the Community Plan (Section 65402 review). The proposed portion of the alley for abandonment conforms with the City's General Plan and is consistent with General Plan policy "to enhance and maintain the quality of life of its citizens."
- This abandonment is supported by the majority of the adjacent property owners as evidenced by letters on file with the Department of Public Works, Development Services.
- A Resolution of Intention (ROI) was adopted by the City Council on August 7, 1997, which established this date as the hearing for the proposed abandonment. Letters to the property owners and residents adjoining the portion of the alley bounded by 11th Avenue, 42nd Street, 12th Avenue and 40th Street were mailed by the City Clerk on August 8, 1997. Notices of the abandonments were posted along the subject alleys on August 8, 1997, and the Resolution of Intention was published in the Daily Recorder on August 8, 1997 and August 15, 1997. Attached is the Engineer's Report relating the facts of the abandonment.

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Following abandonment:

- ownership of the portion of the alley will return to the original property owners based on underlying title.
- the property owners will be responsible for maintaining the areas being abandoned.

Approval of the request to abandon is recommended.

**FINANCIAL CONSIDERATIONS:**

Staff time has been charged to the General Fund since no fees have been collected. The cost of the actual physical closure will be paid by the property owners.

**ENVIRONMENTAL CONSIDERATIONS:**

The Planning Services Division, Environmental Section, 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 use presently existing and no substantial change to existing traffic flow or physical features on the City.

**POLICY CONSIDERATIONS:**

Abandonment of a portion of the alley is consistent with Council priorities of public safety and neighborhood revitalization and enhancement.

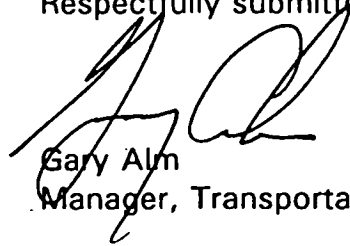
- Section 8300 et. seq. of the State of California Streets and Highways Code allows for abandonment of streets, alleys, and easements that are no longer needed for public use. These abandonments are classified as regular abandonments.
- The local governing body is the approving authority and may reserve such rights as may be needed (e.g., retaining the utility easement when approving a street abandonment).
- City policy as stated in Resolution 96-176, which was approved by the City Council on May 7, 1996, provides for abandonment of 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 property owners.
- The proposed abandonment is consistent with these policies.

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**MBE/WBE:**

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

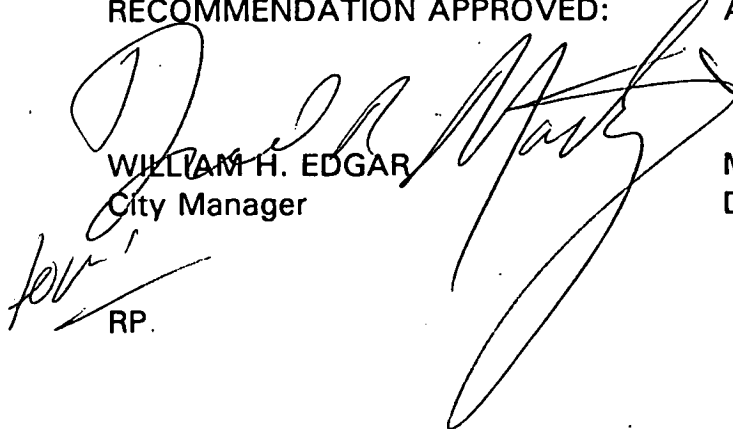
Respectfully submitted,




Gary Alm  
Manager, Transportation & Development

**RECOMMENDATION APPROVED:**

Approved:



WILLIAM H. EDGAR  
City Manager



Michael Kashiwagi  
Director of Public Works

*for*  
RP.

**CITY COUNCIL OF THE CITY OF SACRAMENTO**  
**August 19, 1997**

**In the Matter of Abandonment** )  
**Proceeding No. 97-02 Abandonment** ) **ENGINEER'S REPORT**  
**of a portion of the alley bounded by** )  
**11th Avenue, 42nd Street, 12th Avenue and** )  
**40th Street** )

A Public Hearing is scheduled for this date pertaining to the proposed abandonment of the portion of the alley bounded by 11th Avenue, 42nd Street, 12th Avenue and 40th Street. The proposed abandonment have been undertaken due to the following facts:

1. That on July 25, 1997, the Planning Services Division, Environmental Section, found the abandonment consistent with the General Plan policy "to enhance and maintain the quality of life of the citizens."
2. A request from the Neighborhoods, Planning and Development Services Department, on behalf of the adjoining property owners, was presented to the City Council on August 7, 1997.
3. That on August 7, 1997, the Director of Public Works presented to the Council the Resolution of Intention for the abandonment for approval. On that date, the Council did approve said Resolution of Intention, which set a hearing date on the abandonment for this date.
4. That on August 8, 1997, a copy of the Resolution of Intention was mailed to all persons adjoining said abandonment notifying them of the hearing set for this date.
5. That on August 8, 1997, and August 15, 1997, the Resolution of Intention was published in the Daily Recorder.
6. That on August 8, 1997, notices were posted along the proposed abandonments.
7. The abandonment would consist of abandoning a portion of the alley bounded by 11th Avenue, 42nd Street, 12th Avenue and 40th Street.
8. Utility companies and City departments have reviewed the proposed abandonment, and letters are on file with the Department of Public Works, Development Services Section, indicating they have no objections provided certain conditions are met.
9. That as of August 19, 1997, no protests were received.
10. It is my intention that said abandonment will not affect the aesthetics of the neighborhood or cause any undue hardship to the City.

Executed this 19th day of August, 1997.

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**MICHAEL KASHIWAGI**  
Director of Public Works

97-475  
~~97-049~~  
**RESOLUTION NO.**

**APPROVED**  
BY THE CITY COUNCIL

**AUG 19 1997**

OFFICE OF THE  
CITY CLERK

ADOPTED BY THE SACRAMENTO CITY COUNCIL

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

**RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING  
THE ABANDONMENT OF A PORTION OF AN ALLEY  
BOUNDED BY 11TH AVENUE, 42ND STREET, 12TH AVENUE AND 40TH STREET**

**ABANDONMENT PROCEEDINGS NO. AP #97-02**

1. 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 subject property:
2. 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.
3. WHEREAS, the Planning Services Division, Environmental Section 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 public alley bounded by 11th Avenue, 42nd Street, 12th Avenue and 40th Street located in the City of Sacramento, specifically described below, is hereby ordered abandoned:

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 the alley 20 feet in width bounded by 40th Street (formerly known as Pine Avenue), 11th Avenue (formerly known as Myrtle Avenue), 42nd Street (formerly known as Sycamore Avenue), and 12th Avenue (formerly known as Palmeto Avenue), as shown on

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**FOR CITY CLERK USE ONLY**

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

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

the Plat of Bonita Vista, recorded on 1-27-1906 in Book 6 of Maps, Map No. 46, and on the Plat of Park Terrace, recorded on 5-15-1904 in Book 5 of Maps, Map No. 43, Official Records of Sacramento County, described as follows:

Beginning at the southwest corner of lot 5507 of said Plat of Bonita Vista; thence along the northerly line of said alley East 520 feet to the westerly right-of-way of 42nd Street; thence South 20 feet along the westerly right-of-way of 42nd Street to the southerly line of said alley; thence west 520 feet along the southerly line of the said alley, thence leaving the southerly line of said alley, North 20 feet to the point of beginning, containing 0.24 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 portion of the alley 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 the portion of 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 Works, Development Services, located at 1231 I Street, Room 300.

2. The City Council finds that the above described public portion of the 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 portion of the alley described above have other access and said abandonment will not create any land-locked parcels; and
  - d. The portion of 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.

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**FOR CITY CLERK USE ONLY**

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

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

3. The City Council hereby finds that the said abandonment has been submitted to and reported on by the Planning Services Division, Environmental Section as to conformity with the City General Plan. The Council, pursuant to Streets and Highways Code Section 8300 et. seq., has considered this portion of this alley abandonment in connection with the General and Community Plans and finds the abandonment consistent with them in that: The closure of the portion of this alley identified in paragraph 1 above does satisfy the City Council's "Review Guideline for Street and Alley Closures," adopted May 7, 1996, by Resolution No. 96-176.
  
4. 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.

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MAYOR

ATTEST:

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CITY CLERK

AP97-02.he

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**FOR CITY CLERK USE ONLY**

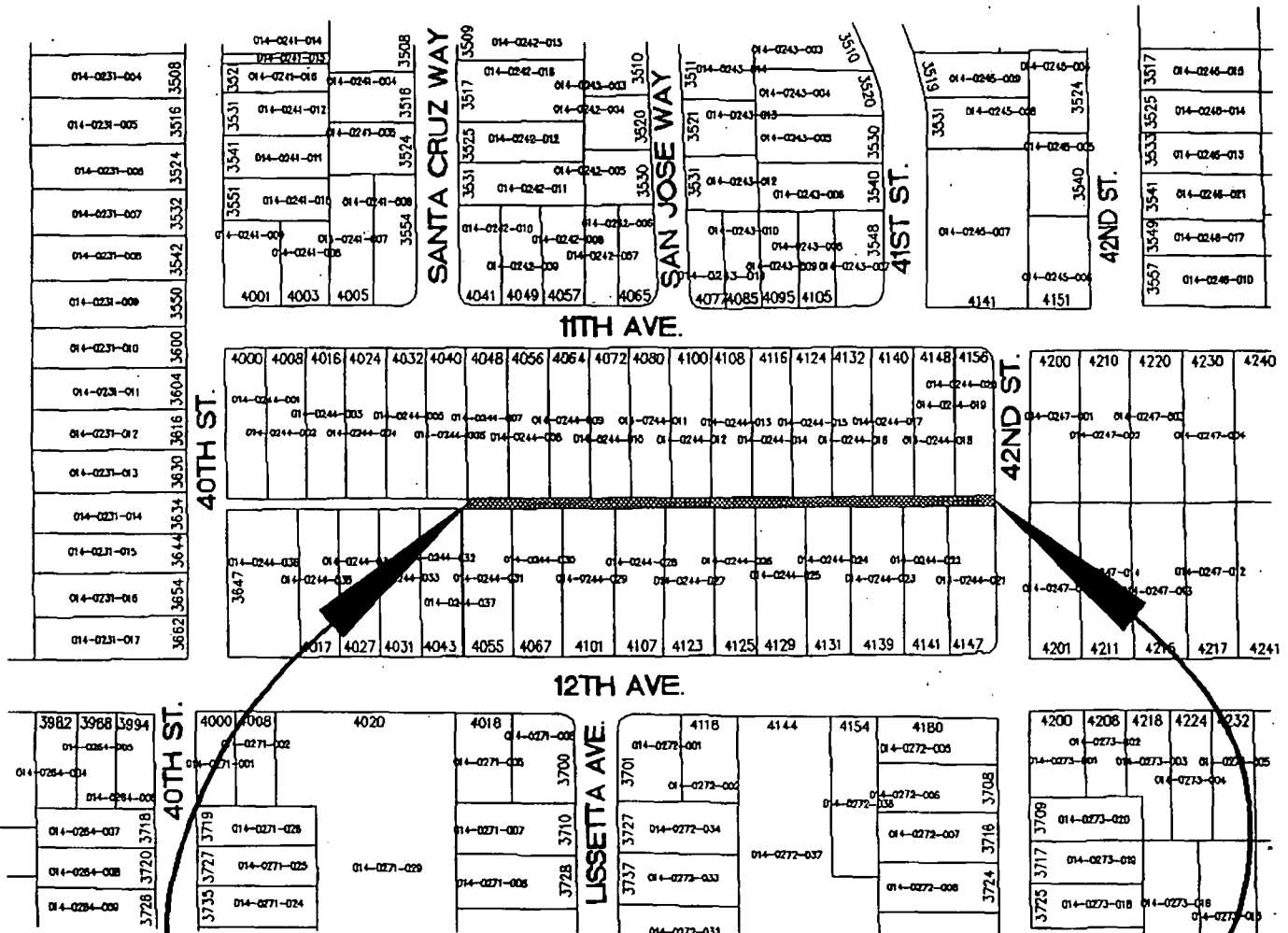
RESOLUTION NO.: \_\_\_\_\_

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



# EXHIBIT A

## SUBJECT PORTION OF ALLEY (AP 97-02)



PORTION OF ALLEY  
BEING ABANDONED

CITY OF SACRAMENTO

NOTICE OF HEARING

PUBLIC NOTICE is hereby given that on the date of August 19, 1997, at the hour of 2:00 p.m., the following hearing will be held in the City Council Chambers, City Hall, Second Floor, 915 I Street, Sacramento, California:

Abandonment of a portion of an alley bounded by 11th Avenue, 42nd Street, 12th Avenue and 40th Street. (AP# 97-02) (D-5)

Further information may be obtained from the Office of the City Clerk, 915 "I" Street, Room 304, Sacramento, California (916) 264-5427.

SACRAMENTO CITY COUNCIL

BY: VALERIE A. BURROWES  
CITY CLERK

AD NO.: 8510  
RUN 1 TIME: 8-1-97  
2 PUB PROOFS

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CITY OF SACRAMENTO  
CALIFORNIA

DEPARTMENT OF  
PUBLIC WORKS

TRANSPORTATION AND  
DEVELOPMENT DIVISION

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CIP PLANNING  
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SACRAMENTO, CA  
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PLANNING AND  
ENTITLEMENTS &  
SPECIAL PROJECTS  
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95814-2904  
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FAX 916-264-7185

ENGINEERING  
SERVICES  
1231 I STREET, STE 300  
SACRAMENTO, CA  
95814-2988  
PH 916-264-7995  
FAX 916-264-7046

July 29, 1997

**MEMORANDUM**

TO: Virginia Henry, City Clerk's Office

FROM: Deborah Talbot, Development Section

SUBJECT: VERIFICATION OF COUNCIL DATES FOR ABANDONMENT NO. AP97-02

This memo is to confirm that the abandonment titled: "Resolution of Intention for Abandonment of a Portion of an Alley Within Council District 5; Abandonment Proceedings No. AP#97-02 be included on the City Council afternoon agenda on August 7, 1997. In addition, that the same Council item be placed on the afternoon agenda for a hearing on August 19, 1997.

Thank you, and if there are any questions or changes, please call me at x8241.

DT  
AP97-02.cle  
07.2997.1

PEP DATE: ROI 8-7-97  
HEARING DATE: 8-19-97  
FINAL COUNCIL ACTION DATE: —

Ronald & Patti Engel  
3397 Saint Helena Hwy N  
Saint Helena CA 94574

Anvar & Pari Velji  
K Sojn Bal  
9156 Lariat Ct  
Fair Oaks CA 95628

Victor & Louise Hall  
4024 11th Ave  
Sacramento CA 95817

Victor & Louise Hall  
4024 11th Ave  
Sacramento CA 95817

B Clark Sidney  
4034 11th Ave  
Sacramento CA 95817

OMNI LIFE INC  
5621 Dewey Blvd  
Sacramento CA 95824

Williams Nancy  
2671 Utah Ave  
Sacramento CA 95822

Suzanne Clift  
1233 Nebraska St  
Vallejo CA 94590

Michael Thompson  
Zoritha Thompson  
6811 47th St  
Sacramento CA 95823

Milliston Adams  
4072 11th Ave  
Sacramento CA 95817

Lorena Menard Jr.  
4080 11th Ave  
Sacramento CA 95817

Leroy & Irene Larry  
6289 Lake Park Dr  
Sacramento CA 95831

Anthony Lamar Smartt  
4108 11th Ave  
Sacramento CA 95817

Lillian Miller  
8646 N Cedar Ave #101  
Fresno CA 93720

Thomas McCartey  
Glenora Thomas  
4124 11th Ave  
Sacramento CA 95817

PARAGON MANAGEMENT GROUP  
2772 Donner Way  
Sacramento CA 95818

Bee Wang & Chia Soung  
Yang Long  
4140 11th Ave  
Sacramento CA 95817

UNION PLANTERS NATIONAL  
5014 Poplar Ave  
Memphis TN 38117

Nancy Lee  
4156 11th Ave  
Sacramento CA 95817

Alfred Warren Dokes  
4821 42nd Ave  
Sacramento CA 95824

Jessie Calloway  
Reversia Calloway  
4141 12th Ave  
Sacramento CA 95817

Nicolas Aguilera  
Virginia Aguilera  
4139 12th Ave  
Sacramento CA 95817

Lee Henry Carrie  
4131 12th Ave  
Sacramento CA 95817

Soledad Perez  
4129 12th Ave  
Sacramento CA 95817

12TH AVE  
4125 12th Ave  
Sacramento CA 95817

Dirul-Islam Abdullah  
4123 12th Ave  
Sacramento CA 95817

Frederick Ali  
4107 12th Ave  
Sacramento CA 95817

Herbert Moore  
Josephine Moore  
4101 12th Ave  
Sacramento CA 95817

Jose & Giovanna Pueyo  
4067 12th Ave  
Sacramento CA 95817

Jose Victor Pueyo  
4055 12th Ave  
Sacramento CA 95817

Isac & Jewell Paggett  
10 Park Vista Cir  
Sacramento CA 95831

Autroy Graves Jr.  
Colette Graves  
1291 35th Ave  
Sacramento CA 95822

Carl & Valerie Marshall  
4027 12th Ave  
Sacramento CA 95817

Bobby Kennedy  
Catherine Kennedy  
4 Adolph Sutro Ct  
San Francisco CA 94131

William Morrissey  
Betty Morrissey  
837 Columbia Dr  
Sacramento CA 95864

(5)



OFFICE OF THE  
CITY CLERK

VALERIE A. BURROWES, CMC/AAE  
CITY CLERK

CITY OF SACRAMENTO  
CALIFORNIA

CITY HALL  
ROOM 304  
915 I STREET  
SACRAMENTO, CA  
95814-2671

FAX 916-264-7672

OPERATIONAL SERVICES  
PH 916-264-5426

SPECIALIZED SERVICES  
916-264-7200

August 4, 1997

To All Interested Parties,

On August 4, 1997, the following matter was filed with the Office of the City Clerk to set a hearing date before the City Council:

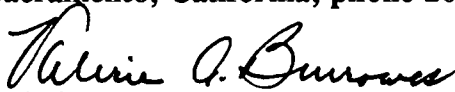
Abandonment of a portion of an alley bounded by 11th Avenue, 42nd Street, 12th Avenue and 40th Street.  
(AP#97-02) (D-5)

This hearing has been set for August 19, 1997, 2:00 p.m., City Council Chambers, Second Floor, City Hall, 915 "I" Street, Sacramento, California. Interested parties are invited to appear and speak at the hearing.

If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the Office of the City Clerk at or prior to the public hearing.

Pursuant to Council Rules of Procedures, Chapter 5 continuance of the above matter may be obtained only by the property owner of the above property, applicant, or appellant, or their designee, by submitting a written request delivered to this office no later than noon the day prior to the scheduled hearing date. If written request is not delivered to this office as specified herein, a continuance may only be obtained by appearing before the City Council at the time of the hearing and submitting a verbal request to the Council.

Any questions regarding this hearing should be directed to the **City Planning Division, 1231 I Street, Sacramento, California, phone 264-5604.**

  
Valerie A. Burrowes  
City Clerk

cc: MAILING LIST - AP#97-02 (35)

**AFFIDAVIT OF MAILING & POSTING**

ON August 5, 1997, NOTICES OF HEARING, A TRUE AND CORRECT COPY OF WHICH IS ATTACHED HERETO AND BY THIS REFERENCE INCORPORATED HEREIN, WERE MAILED AND THE LEGAL AD WAS POSTED ON THE FOLLOWING PROJECT:

Abandonment of a portion of an alley bounded by 11th Avenue, 42nd Street, 12th Avenue and 40th Street (AP#97-02)

THE ABOVE DESCRIBED HEARING NOTICES WERE MAILED BY PLACING COPIES THEREOF IN THE UNITED STATES MAIL, POSTAGE PREPAID, AND ADDRESSED TO THE FOLLOWING, AS INDICATED BY A CHECK MARK WHERE APPLICABLE:

OWNER OF PROPERTY: To All Interest Parties

APPLICANT: To All Interested Parties

APPELLANT:

MAILING LIST FOR P-NUMBER: AP#97-02

SIGNERS OF PETITION (IF APPLICABLE)

I DECLARE UNDER PENALTY OF PERJURY THE FOREGOING IS TRUE AND CORRECT. EXECUTED AT SACRAMENTO, CALIFORNIA, ON THE 5th DAY OF August 1997.

  
SIGNATURE OF PERSON MAILING NOTICE