



## City Council Report

915 I Street, 1<sup>st</sup> Floor

Sacramento, CA 95814

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**File ID:** 2018-01458

November 27, 2018

**Public Hearing Item 18**

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**Title: Vacation of a Portion of Orchard Lane North of West El Camino Avenue, Within Council District 4 [Noticed 11/13/2018 & 11/20/2018]**

**Location:** District 4

**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution vacating a portion of Orchard Lane, north of West El Camino Avenue.

**Contact:** Jair Bautista, Engineering Technician, (916) 808-7929; Jennifer Johnson, Supervising Engineer, (916) 808-7754; Nader Kamal, Interim Engineering Services Manager, (916) 808-7035, Department of Public Works

**Presenter:** Jair Bautista, Engineering Technician, (916) 808-7929, Department of Public Works

**Attachments:**

1-Description/Analysis

2-Resolution

3-Exhibit A-Legal Description of Area to be Vacated

4-Exhibit B-Plat/Map of Area to be Vacated

## Description/Analysis

**Issue Detail:** Cappo Real Estate Holdings, LLC, owner of the parcel adjacent to Orchard Lane, is requesting the vacation of a portion of Orchard Lane north of West El Camino Avenue. The request is made to facilitate a new development project known as The Core Natomas which will construct 300 apartment units. Orchard Lane is 50 feet wide and the requested vacation spans the westerly 25 feet, spans a distance of 701.58 feet, and covers approximately 0.38 acres. This vacation request encompasses half of Orchard Lane's width and Public Works will be processing the vacation of the remaining portion of Orchard Lane associated with a neighboring development project (The Cove/River Oaks) in the coming weeks. The abandoned 25 feet will serve as the required building setback per the site plans depicted in the Planning and Design Commission Record of Decision (P18-011), which was approved on August 30, 2018.

**Policy Considerations:** The Planning and Design Commission, in its Record of Decision for the Core Natomas Project (P18-011) found that the project is consistent with the 2035 General Plan. This vacation is in compliance with the California Streets and Highways Code Sections 8310-8325 which provides the legislative authority and process to vacate all or part of a street, highway, or public service easement within the city.

**Economic Impacts:** None.

## Environmental Considerations:

**California Environmental Quality Act (CEQA):** The requested action, consisting of the vacation of the westerly 25 feet of roadway easement at Orchard Lane adjacent to 2705 Orchard Lane, is part of the implementation of The Core Natomas (P18-011) project that was reviewed and evaluated pursuant to the California Environmental Quality Act (CEQA). On August 30, 2018 the City Planning and Design Commission adopted a mitigated negative declaration (MND) and mitigation monitoring plan and approved the project. Following adoption of the MND a Notice of Determination was filed with the Sacramento County Clerk's Office. This action would result in no additional environmental effects beyond what as evaluated in the adopted MND. No additional environmental review is required.

**Sustainability:** Not Applicable.

**Commission/Committee Action:** None.

**Rationale for Recommendation:** Approval of this abandonment request will facilitate the construction of the new apartment dwellings as laid out in the Planning and Design Commission Record of Decision (P18-011). The service easements along this right-of-way are proposed to be retained which satisfies the various utility agencies' requirements. Staff, along with various agencies, supports this vacation request.

**Financial Considerations:** The applicant is responsible for all fees required to process this application at no cost to the City.

**Local Business Enterprise (LBE):** Not applicable.

**RESOLUTION NO. 2018-**

Adopted by the Sacramento City Council

November 27, 2018

**Vacation of a Portion of Orchard Lane North of West El Camino Avenue, Within Council District 4, Proceeding No. VAC 18-0004**

**BACKGROUND**

- A. Cappo Real Estate Holdings, LLC, property owner of the parcel at 2705 Orchard Lane, is requesting the vacation of the public road right-of-way (264 O.R. 383) pertaining to a portion of Orchard Lane north of West El Camino Avenue.
- B. The relevant segment of Orchard Lane is unpaved and undeveloped public right-of-way, 50 feet in width.
- C. The proposed vacation is the westerly 25 feet of Orchard Lane adjacent to said parcel. This vacated portion will serve as the required 25-foot building setback.
- D. The adjacent property owner has indicated an intent to request that the remaining right-of-way at Orchard Lane be vacated through a separate vacation request as part of a separate development project.
- E. The City of Sacramento's Planning Director reviewed the Record of Decision for the Core Natomas Project (P18-011) and concluded that the scope of the project is consistent with the City of Sacramento's 2035 General Plan.

**BASED ON THE FACTS SET FORTH IN THE RECITALS, THE CITY COUNCIL RESOLVES AS FOLLOWS:**

- Section 1. The public road right-of-way located adjacent to the property at 2705 Orchard Lane more specifically described in Exhibits A and B of this Resolution, is unnecessary for present or prospective use and is vacated subject to the reservation in Section 2 below, and subject to the conditions specified in Section 4 below.
- Section 2. Pursuant to Streets and Highways Code Section 8306 and 8340, the City of Sacramento reserves a public service easement which is more

specifically described in Exhibit A and B of this resolution, for all the purposes and reasons described in Streets and Highways Code Sections 8306 and 8340 including, but not limited to, the 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 subject property to be vacated.

Section 3. The vacation of the westerly 25 feet of Orchard Lane, more specifically described in Exhibits A and B, is made pursuant to State of California Streets and Highways Code, Division 9, Part 3.

Section 4. This vacation is subject to the following conditions:

- a. Relocation of existing Comcast facilities prompted by this vacation will befall on the applicant to accommodate new facilities to the satisfaction of Comcast with the applicant fully and solely responsible for any expenses incurred.
- b. If determined necessary by the Sacramento Area Sewer District, the applicant shall dedicate and record sewer easements in favor of the Sacramento Area Sewer District to the extent required by the Sacramento Area Sewer District and in accordance with the Sacramento Area Sewer District's current standards.
- c. Any relocation of Sacramento Municipal Utility District's electric facilities made necessary by this vacation, as determined by the Sacramento Municipal Utility District, will only take effect when the applicant installs new operating electric utilities that can continue to provide the needed services.

Section 5. The City Council finds that the vacation has been submitted to and reported on by the City of Sacramento's Planning Director and finds that the vacation is consistent with the City of Sacramento's 2035 General Plan.

Section 6. The conditions specified in Section 4 of this Resolution must be completed within two years of the date of this Resolution or said Resolution shall become void unless the City Council grants discretionary time extensions. Once all conditions listed in Section 4 of this Resolution have been satisfied, the City Clerk shall cause a certified copy of this Resolution, attested by the City Clerk under seal to be recorded. The vacation shall be

effective when the City Clerk records this Resolution in the office of the County Recorder.

Section 7. Exhibits A and B are incorporated into and made part of this resolution.

**Table of Contents:**

Exhibit A- Legal Description of Area to be Vacated

Exhibit B- Plat/Map of Area to be Vacated

EXHIBIT A  
LEGAL DESCRIPTION  
PORTION OF EASEMENT FOR PUBLIC ROADWAY (264 OR 383)  
PORTION OF PARCEL 1 (20150904 OR 0436)  
CITY OF SACRAMENTO, CALIFORNIA

REAL PROPERTY SITUATE IN THE CITY OF SACRAMENTO, SACRAMENTO COUNTY, CALIFORNIA,  
DESCRIBED AS FOLLOWS:

BEING A PORTION OF THAT 50 FOOT WIDE ROADWAY EASEMENT SHOWN ON "MAP OF NATOMAS  
RIVERSIDE SUBDIVISION NO. 2" IN BOOK 15, PAGE 41 AND DESCRIBED IN RESOLUTION  
1366, RECORDED OCTOBER 101929, IN BOOK 264 AT PAGE 383, BOTH IN THE OFFICE OF THE  
RECORDER OF SACRAMENTO COUNTY; MORE PARTICULARLY BEING A PORTION OF PARCEL 1 AS  
SHOWN ON THE CERTIFICATE OF COMPLIANCE FOR LOT LINE ADJUSTMENT FILED IN BOOK  
20150904, PAGE 0436 IN THE OFFICE OF THE RECORDER OF SACRAMENTO COUNTY; AND  
DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT, SAID POINT BEING THE NORTHEAST CORNER OF SAID PARCEL 1  
(20150904 OR 0436);

THENCE, FROM SAID POINT OF BEGINNING, FOLLOWING THE NORTH LINE OF SAID PARCEL 1,  
SOUTH 55°26'35" WEST, 30.02 FEET;

THENCE LEAVING SAID NORTH LINE, SOUTH 00°57'11" EAST, 701.58 FEET TO A POINT ON  
THE NORTH LINE OF THE IRREVOCABLE OFFER OF DEDICATION EASEMENT FOR PUBLIC ROAD AS  
FILED IN BOOK 20150904, PAGE 0506 IN THE OFFICE OF THE RECORDER OF SACRAMENTO  
COUNTY;

THENCE FOLLOWING SAID NORTH LINE ALONG THE ARC OF A NON TANGENT 635.50 FOOT  
RADIUS CURVE TO THE RIGHT, THE RADIAL OF WHICH BEARS NORTH 80°31'24" WEST,  
THROUGH A CENTRAL ANGLE OF 08°48'42", AN ARC LENGTH OF 97.73 FEET TO A POINT IN  
THE WEST LINE SAID PARCEL 1 (20150904 OR 0436);

THENCE ALONG SAID WEST LINE, NORTH 00°57'11" WEST, 623.71 FEET TO THE POINT OF  
BEGINNING;

CONTAINING 0.38 ACRES MORE OR LESS

ATTACHED HERETO IS A PLAT TO ACCOMPANY LEGAL DESCRIPTION (EXHIBIT B), AND BY THIS  
REFERENCE MADE A PART HEREOF.

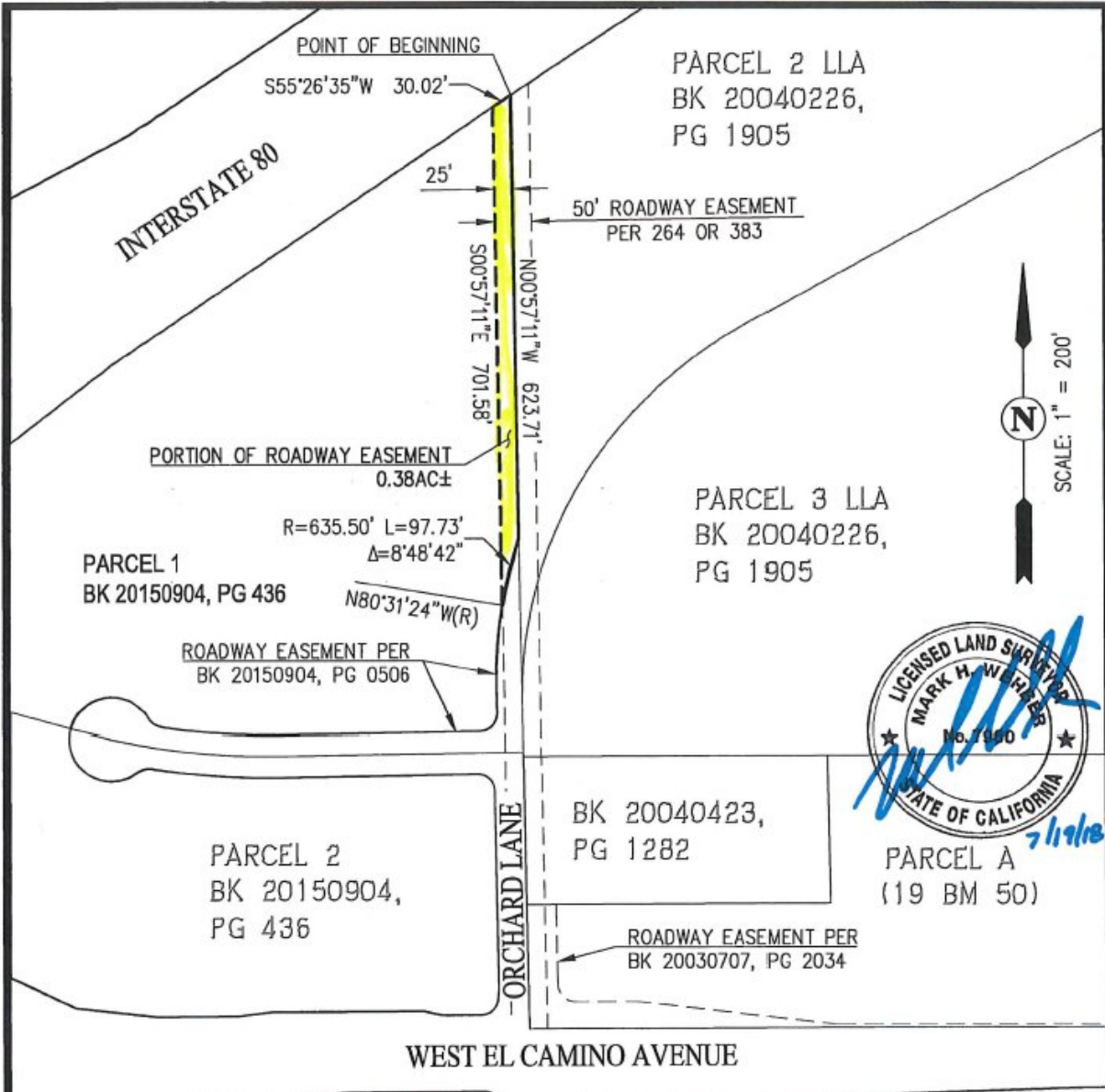
END DESCRIPTION



A handwritten signature in blue ink, appearing to read "Mark H. Wehber", followed by the date "7/19/18".

MARK H. WEHBER, P.L.S.  
L.S. NO. 7960

PAGE 1 OF 1



**EXHIBIT B**  
**PLAT TO ACCOMPANY LEGAL DESCRIPTION**

PORTION OF EASEMENT FOR PUBLIC ROADWAY (264 OR 383)  
 PORTION OF PARCEL 1 (20150904 OR 0436)  
 CITY OF SACRAMENTO, CALIFORNIA

JULY 18, 2018

SHEET 1 OF 1

**Carlson, Barbee & Gibson, Inc.**

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