Vacation of a Public Roadway Easement, Portion of Fair Oaks Boulevard, Proceeding No. VAC23-0004 [Noticed 06/12/2023 and 06/16/2023]

File ID: 2023-00707

Location: Northeast corner of Fair Oaks Boulevard and Howe Avenue, District 6, Represented by Vice Mayor Guerra

Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution vacating the public roadway easement and reserving a public service easement along the City owned parcel located at the northeast corner of Howe Avenue and Fair Oaks Boulevard

Contact: Thomas Adams, Project Manager, (916) 808-7929, tadams@cityofsacramento.org; Richard Sanders, Facilities and Real Property Superintendent, (916) 808-7034, rsanders@cityofsacramento.org; Jennifer Johnson, Supervising Engineer, (916) 808-7754, jjjohnson@cityofsacramento.org; Ofelia Avalos, Engineering Services Manager, (916) 808-5054, oavalos@cityofsacramento.org, Department of Public Works

Presenter: Thomas Adams, Project Manager, (916) 808-7929, tadams@cityofsacramento.org, 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

Additional Description/Analysis

Issue Detail: The City of Sacramento's Facilities and Real Property Management Division of the Department of Public Works is requesting the vacation of two areas of excess public roadway easement adjacent to the City-owned parcel located at the northeast corner of Howe Avenue and Fair Oaks Boulevard. The excess public roadway easement encroaches beyond the back of the adjacent sidewalk and is not needed for public use. This request is being made to clean up encumbrances on the property for market sale. Reservation of a public service easement over the area requested for vacation is a condition specified by the City’s Department of Utilities and affected utility companies with existing utility services. The easement areas requested for vacation are not necessary for present or prospective public use.
Policy Considerations: The action recommended in this report is consistent with the Sacramento 2035 General Plan and in compliance with the California Streets and Highways Code, Sections 8300-8325.

Economic Impacts: None.

Environmental Considerations: California Environmental Quality Act (CEQA): The Community Development Department, Environmental Planning Services Division has reviewed this vacation/abandonment of the public roadway easements and determined that this is exempt from the provisions of the California Environmental Quality Act (CEQA) Section 15305, as a Minor Alteration in Land Use Limitation. The project consists of a minor alteration in land use limitations with an average slope of less than 20%, which does not result in any changes in land use or density.

Sustainability: Not applicable.

Commission/Committee Action: None.

Rationale for Recommendation: This request is to vacate the roughly 5,000 square feet of excess public roadway easements adjacent to the City-owned parcel (APN 294-0110-012-0000) located at the northeast corner of Howe Avenue and Fair Oaks Boulevard which are not needed for present or prospective use. The portions of the excess easement are shown on the amended record of survey entitled "Portion Of Sec, 67, 64 and Sec, A of Rancho Del Paso" recorded in book 21 of surveys, page 4 filed with the office of the recorder of Sacramento County. The property currently exists as a vacant lot with trees and landscaped vegetation with some existing utilities. Relinquishment of the excess roadway easement will assist in the sale of the vacant parcel. The City will reserve a public service easement for the existing utilities within the area being vacated.

Approval of this vacation request is consistent with the 2035 General Plan land use designation and the permissible densities and intensities of use for the project site. City staff, along with various agencies, support the vacation request.

Financial Considerations: The estimated cost to complete this vacation is approximately $5,000. Sufficient funding exists in City’s Facility and Real Property Management Division of the Department of Public Works Fiscal Year (FY) 2022/23 operating budget to cover the costs of this application.

Local Business Enterprise (LBE): Not applicable.
RESOLUTION NO. 2023-

Adopted by the Sacramento City Council

June 27, 2023

Vacation of Public Roadway Easement, Portion of Fair Oaks Boulevard,
Proceeding No. VAC23-0004

BACKGROUND

A. The City of Sacramento’s Facilities and Real Property Management Division of the Department of Public Works is requesting the vacation of two areas of excess public roadway easement adjacent to the City-owned parcel (APN: 294-0110-012-0000) located at the northeast corner of Fair Oaks Boulevard and Howe Avenue. The intent is to clean up unnecessary easements encumbering the property for the purpose of sale. City staff, along with the affected stakeholders support this vacation request.

B. A public service easement will be reserved over the area being vacated for access and maintenance of the existing utilities.

C. The City of Sacramento’s Planning Director reviewed this vacation proceeding pursuant to Sacramento City Code 17.912.030 and State of California Government Code Section 65402 and concluded that this vacation 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 roughly 5000 square feet of public roadway easement, more specifically described in Exhibit A and Exhibit B of this Resolution, is unnecessary for present or prospective public use and are vacated subject to the reservation in section 3.

Section 2. The vacation of the public roadway easement more specifically described in Exhibit A and Exhibit B, is made pursuant to the State of California Streets and Highways Code, Division 9, Part 3, Chapter 1-3, Sections 8300-8325.

Section 3. 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 Exhibits 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 4. 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 5. Once this Resolution has been approved the City Clerk shall cause a certified copy of this Resolution, attested by City Clerk under seal to be recorded. The vacation shall be effective when a City designee records this Resolution in the office of the County Recorder.

Section 6. Exhibit A and Exhibit B are incorporated into and made part of this resolution.

Table of Contents:
Exhibit A - Legal Description of Public Roadway Easement Area to be Vacated
Exhibit B - Plat/Map of Public Roadway Easement Area to be Vacated
ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF SACRAMENTO, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

ALL THOSE PORTIONS FAIR OAKS BOULEVARD AS SAID ROAD IS SHOWN ON THE AMENDED RECORD OF SURVEY ENTITLED “PORTION OF SEC. 67, 64 AND SEC. A OF RANCHO DEL PASO” RECORDED IN BOOK 21 OF SURVEYS, PAGE 4 FILED WITH THE OFFICE OF THE RECORDER OF SACRAMENTO COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1

COMMENCING AT THE WESTERLY CORNER OF LOT 53 OF “SWANSTON ACRES”, AS SAID, “SWANSTON ACRES” IS SHOWN ON THAT CERTAIN PLAT RECORDED IN BOOK 16 OF MAPS, MAP NUMBER 53, FILED WITH THE OFFICE OF THE RECORDER OF SAID COUNTY; THENCE ALONG THE SOUTHWESTERLY LINE OF SAID PLAT NORTH 66° 00' 00" WEST 148.94 FEET; THENCE SOUTH 24° 00' 00" WEST, 28.78 FEET TO THE MOST EASTERLY CORNER OF PARCEL 2 AS SAID PARCEL 2 IS DESCRIBED IN THAT CERTAIN QUITCLAIM DEED, RECORDED IN BOOK 19760325 OF OFFICIAL RECORDS, PAGE 330 FILED WITH THE OFFICE OF THE RECORDER OF SAID COUNTY; THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL NORTH 89° 40' 00" WEST, 90.35 FEET; THENCE ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 1030.50 FEET, SAID CURVE IS SUBTENDED BY A CHORD WHICH BEARS SOUTH 88° 43' 44" WEST, 57.72 FEET TO THE POINT OF BEGINNING; THENCE LEAVING SAID SOUTHERLY LINE INTO SAID FAIR OAKS BOULEVARD ALONG A NON-TANGENT CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 1981.00 FEET, SUBTENDED BY A CHORD WHICH BEARS SOUTH 80° 39' 31" WEST, 132.92 FEET TO A POINT; THENCE ALONG A NON-TANGENT CURVE CONCAVE SOUTHEAST HAVING A RADIUS OF 1341.22 FEET, SUBTENDED BY A CHORD WHICH BEARS SOUTH 76° 43' 52" WEST, 65.73 TO A POINT; THENCE ALONG A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 37.75 FEET, SUBTENDED BY A CHORD WHICH BEARS NORTH 77° 10' 47" WEST, 42.67 FEET TO A POINT; THENCE ALONG THE ARC OF A NON-TANGENT CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 55.23 FEET, SUBTENDED BY A CHORD WHICH BEARS NORTH 44° 31' 59" WEST, 10.55 FEET TO A POINT IN THE SOUTHERLY LINE OF SAID PARCEL 2; THENCE ALONG SAID SOUTHERLY LINE NORTH 86° 47' 18" EAST 127.96
FEET; THENCE ALONG SAID SOUTHERLY LINE, ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 1030.50, SUBLTENDED BY A CHORD WHICH BEARS NORTH 83° 52’ 07” EAST, 117.04 FEET TO THE POINT OF BEGINNING. CONTAINING 2,203 SQUARE FEET MORE OR LESS.

RESERVING THEREFROM A PUBLIC SERVICE EASEMENT THERON.

PARCEL 2

COMMENCING AT THE WESTERLY CORNER OF LOT 53 OF “SWANSTON ACRES”, AS SAID, “SWANSTON ACRES” IS SHOWN ON THAT CERTAIN PLAT RECORDED IN BOOK 16 OF MAPS, MAP NUMBER 53, FILED WITH THE OFFICE OF THE RECORDER OF SAID COUNTY; THENCE ALONG THE SOUTHWESTERLY LINE OF SAID PLAT NORTH 66° 00’ 00” WEST, 148.94 FEET; THENCE SOUTH 24° 00’ 00” WEST, 28.78 FEET TO THE MOST EASTERLY CORNER OF PARCEL 2 AS SAID PARCEL 2 IS DESCRIBED IN THAT CERTAIN QUITCLAIM DEED, RECORDED IN BOOK 19760325 OF OFFICIAL RECORDS, PAGE 330 FILED WITH THE OFFICE OF THE RECORDER OF SAID COUNTY; THENCE ALONG THE MOST NORTHEASTERLY LINE OF SAID PARCEL NORTH 66° 00’ 00” WEST, 46.18 FEET TO THE POINT OF BEGINNING; THENCE LEAVING SAID NORTHEASTERLY LINE INTO FAIR OAKS BOULEVARD, NORTH 70° 02’ 13” EAST, 23.05 FEET TO A POINT; THENCE PARALLEL WITH SAID NORTHEASTERLY LINE NORTH 66° 00’ 00” WEST, 187.04 FEET TO A POINT; THENCE ALONG THE ARC OF A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 1,521.10 FEET, SUBLTENDED BY A CURVE WHICH BEARS NORTH 68° 42’ 56” WEST, 73.75 FEET TO A POINT; THENCE NORTH 73° 49’ 02” WEST, 9.91 FEET; THENCE ALONG THE ARC OF A NON-TANGENT CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 218.20 FEET, SUBLTENDED BY A CHORD WHICH BEARS NORTH 79° 05’ 46” WEST, 49.24 FEET TO A POINT ON SAID NORTHEASTERLY LINE OF SAID PARCEL; THENCE ALONG SAID NORTHEASTERLY LINE SOUTH 66° 00’ 00” EAST, 301.90 FEET TO THE POINT OF BEGINNING. CONTAINING 2,865 SQUARE FEET MORE OR LESS.

THE BASIS OF BEARING FOR THIS LEGAL DESCRIPTION IS IDENTICAL TO THAT OF THE SOUTHWESTERLY LINE OF “SWANSTON ACRES”, AS SAID, “SWANSTON ACRES” IS SHOWN ON THAT CERTAIN PLAT RECORDED IN BOOK 16 OF MAPS, MAP NUMBER 53, FILED WITH THE
EXHIBIT A
FAIR OAKS BOULEVARD VACATION
OF PUBLIC ROADWAY EASEMENT
LEGAL DESCRIPTION
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OFFICE OF THE RECORDER OF SAID COUNTY. THE BEARING OF SAID SOUTHWESTERLY LINE, AS SAID LINE IS DESCRIBED IN THAT CERTAIN QUITCLAIM DEED, RECORDED IN BOOK 19760325 OF OFFICIAL RECORDS, PAGE 330 FILED WITH THE OFFICE OF THE RECORDER OF SAID COUNTY, BEING NORTH 66° 00' 00" WEST.

RESERVING THEREFROM A PUBLIC SERVICE EASEMENT THEREON.

SEE EXHIBIT B, PLAT TO ACCOMPANY DESCRIPTION, ATTACHED HERETO AND MADE A PART HEREOF.

END OF LEGAL DESCRIPTION

THIS DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION IN ACCORDANCE WITH SECTION 8761 OF THE PROFESSIONAL LAND SURVEYOR’S ACT.

DAVID J. VEASEY
L.S. 9326 EXP. 03/31/2025

DATE

5-3-2023