RESOLUTION NO. 2020-0278

Adopted by the Sacramento City Council

August 25, 2020

The Summary Vacation of the Emergency Vehicle Access Easement at 4170 East Commerce Way, Proceeding No. VAC20-0006

BACKGROUND

A. The easement for emergency vehicle access at 4170 East Commerce Way was dedicated per stand-alone dedication in 2008. The easement was dedicated for a private development that was never constructed.

B. The vacation request of the 26-foot wide emergency vehicle access easement located within the parcel at 4170 East Commerce Way is being requested to facilitate the construction of a new 160-unit apartment complex in eight, three-story buildings.

C. The owner of the parcel at 4170 East Commerce Way is the applicant of the summary easement vacation.

D. 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 General Plan.

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

Section 1. The 26-foot wide emergency vehicle access easement within the parcel at 4170 East Commerce Way, more specifically described in Exhibits A and B of this Resolution, is vacated.

Section 2. The vacation of the emergency vehicle access easement, more specifically described in Exhibits A and B, is made pursuant to the State of California Streets and Highways Code, Division 9, Part 3, Chapters 4, Section 8333(c) which provides the legislative body may summarily vacate an easement that is determined to be excess easement and there are no public facilities located within the easement.
Section 3. 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 2035 General Plan.

Section 4. 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 5. 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

Adopted by the City of Sacramento City Council on August 25, 2020, by the following vote:

Ayes: Members Ashby, Carr, Guerra, Hansen, Harris, Jennings, Schenirer, Warren and Mayor Steinberg

Noes: None

Abstain: None

Absent: None

Attest: Mindy Cuppy

Mindy Cuppy, City Clerk

The presence of an electronic signature certifies that the foregoing is a true and correct copy as approved by the Sacramento City Council.
EXHIBIT “A”

LEGAL DESCRIPTION
EMERGENCY ACCESS EASEMENT VACATION
Page 1 of 2

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF SACRAMENTO, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, BEING A PORTION OF PARCEL 1 AND PARCEL 2 AS SHOWN ON THAT CERTAIN PARCEL MAP ENTITLED MASTER PARCEL MAP OF “ARENA CORPORATE CENTER PHASE 2” FILED FOR RECORD ON AUGUST 29, 2002 IN BOOK 167 OF PARCEL MAPS AT PAGE 22, SACRAMENTO COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF THAT “EASEMENT FOR EMERGENCY VEHICLES” DEDICATED TO THE CITY OF SACRAMENTO, AS DESCRIBED IN THAT DOCUMENT RECORDED DECEMBER 09, 2008 IN BOOK 20081209, PAGE 1215 OF OFFICIAL RECORDS OF SACRAMENTO COUNTY, SAID 26-FOOT-WIDE EASEMENT, LYING 13.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY CORNER OF PARCEL 2 OF SAID PARCEL MAP;

THENCE ALONG THE SOUTHEASTERLY LINE OF SAID PARCEL 2 OF SAID PARCEL MAP, NORTH 41°40’02” EAST, 319.22 FEET;

THENCE LEAVING SAID SOUTHERLY LINE, NORTH 57°13’59” WEST, 602.36 FEET TO THE POINT OF TERMINUS OF SAID EASEMENT.

SAID EASEMENT CONTAINING 0.451 ACRES, MORE OR LESS.

END OF DESCRIPTION

AS SHOWN ON “EXHIBIT B” ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

LEGAL DESCRIPTION WAS PREPARED BY BARBER SURVEYING, INC IN ACCORDANCE WITH SECTION 8761 OF THE PROFESSIONAL LAND SURVEYORS’ ACT.

Date 13 AUG 2020

Shane R. Barber  LS 9097

BASIS OF BEARINGS:
THE BEARING OF NORTH 53°36'19" WEST TAKEN ON THE CENTERLINE OF EAST COMMERCE WAY AS SHOWN ON THAT CERTAIN PARCEL MAP ENTITLED MASTER PARCEL MAP OF “ARENA CORPORATE CENTER PHASE 2” FILED FOR RECORD ON AUGUST 29, 2002 IN BOOK 167 OF PARCEL MAPS AT PAGE 22, SACRAMENTO COUNTY RECORDS WAS TAKEN AS THE BASIS OF ALL BEARINGS SHOWN HEREON.
NOTES:

1. INTERIM DRAINAGE EASEMENT 891228 O.R. 3717
2. RECIPROCAL EASEMENT AGREEMENT 970730 O.R. 1716
   970730 O.R. 1717
3. A PORTION OF THE EASEMENT FOR EMERGENCY VEHICLES, 20081209 O.R. 1215 AS IT WAS LOCATED IN PARCEL 10 OF 189 PM 21 OWNED BY KSP ARENA CORPORATE CENTER OWNERS ASSOCIATION PER 20060328 O.R. 1685 AND WAS NOT LAWFULLY DEDICATED TO THE CITY OF SACRAMENTO BY JAMES AND KAREN PLATZER.