



DEVELOPMENT SERVICES
DEPARTMENT

CITY OF SACRAMENTO
CALIFORNIA

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DEVELOPMENT ENGINEERING
AND FINANCE DIVISION

March 8, 2005

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: THE SUMMARY VACATION (ABANDONMENT) OF PORTION OF GRACE AVENUE, WEST OF RIO LINDA BOULEVARD, EAST OF MAGPIE CREEK, BETWEEN MAIN AVENUE AND BELL AVENUE WITHIN COUNCIL DISTRICT 2 VACATION PROCEEDING NO. VP03-09

LOCATION AND COUNCIL DISTRICT:

Grace Avenue, west of Rio Linda, east of Magpie Creek, between Main Avenue and Bell Avenue in Council District 2 (See Attachment "A").

RECOMMENDATION:

This report recommends that the City Council adopt the attached resolution:

- Approving the vacation of the subject portion of Grace Avenue.

CONTACT PERSONS: Jerry Lovato, Senior Engineering Technician, 808-7918
Cesar Narvaez, Engineering Technician III, 808-7873

FOR COUNCIL MEETING OF: April 5, 2005

SUMMARY:

"GSJ Company LLC", owner of the property north of the subject road, has requested the City to vacate the subject portion of Grace Avenue. The north half portion of the vacated road will be incorporated with the applicant's property north of the subject road, which is currently being processed for land subdivision (P02-144) by the City.

COMMITTEE/COMMISSION ACTION:

The City's Planning Commission has reviewed and determined that the vacation of said road is consistent with the City's General Plan.

BACKGROUND INFORMATION:

The applicant is currently applying for a subdivision of their property north of the subject Grace Avenue (Alta Vista Meadows Subdivision Map, P02-144). The applicant has requested that the City vacate the subject road to enable the design of the proposed subdivision map in accordance with City policies. The proposed subdivision map would provide a new road, which will essentially replace the subject Grace Avenue.

This portion of Grace Avenue is an unimproved road from Rio Linda Boulevard and terminates at Magpie Creek. The property owner south of this road has constructed a structure that encroaches into the south half of this road. With this vacation, the road will revert back to the adjoining properties. The north half of the road will revert back to the applicant, who owns the property on the north, and the south half of the road will revert back to the property on the south. This vacation would give the applicant the ability to design the proposed subdivision map that would support City policies, and also will address the existing encroachment by the property on the south.

City departments and utility companies have reviewed this request for vacation. Existing utility facilities will be relocated to the new public utility easement dedicated in the Alta Vista Meadows Subdivision Map. Letters regarding this vacation are on file with the Development Services Department, Development Engineering and Finance Division.

Staff has reviewed the request for vacation and finds that the vacation is in conformance with State of California, Streets and Highways Code, Section 8330-8334.5, and staff finds that subject public road right-of-way for vacation is unnecessary for present and prospective public use.

Following vacation, the titles to the subject properties are cleared of the public road right-of-way and public service easement.

FINANCIAL CONSIDERATIONS:

The applicant is responsible for all fees required to process the vacation application and there is no cost to the City.

ENVIRONMENTAL CONSIDERATIONS:

The Environmental Services Division has reviewed this project and determined that the vacation of portion of the Grace Avenue is exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines. Projects exempted under Section 15061(b)(3), consist of activities covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. The current request includes the abandonment of right-of-way easements from the City to the adjacent

property owners for additional acreage to their property. Any future development of the property must comply with all regulatory requirements.

POLICY CONSIDERATIONS:

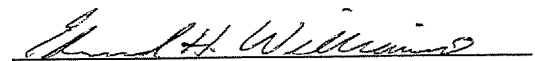
The Council action recommended in this report supports the City's Strategic Plan and goal to promote and support economic vitality.

The State of California, Streets and Highways Code, Section 8330-8334.5 allows for the vacation of streets, alleys, and easements.

ESBD CONSIDERATIONS:

City Council adoption of the attached resolution is not affected by City policy related to the ESBD Program.

Respectfully submitted,



Edward Williams, Manager
Development Engineering And Finance

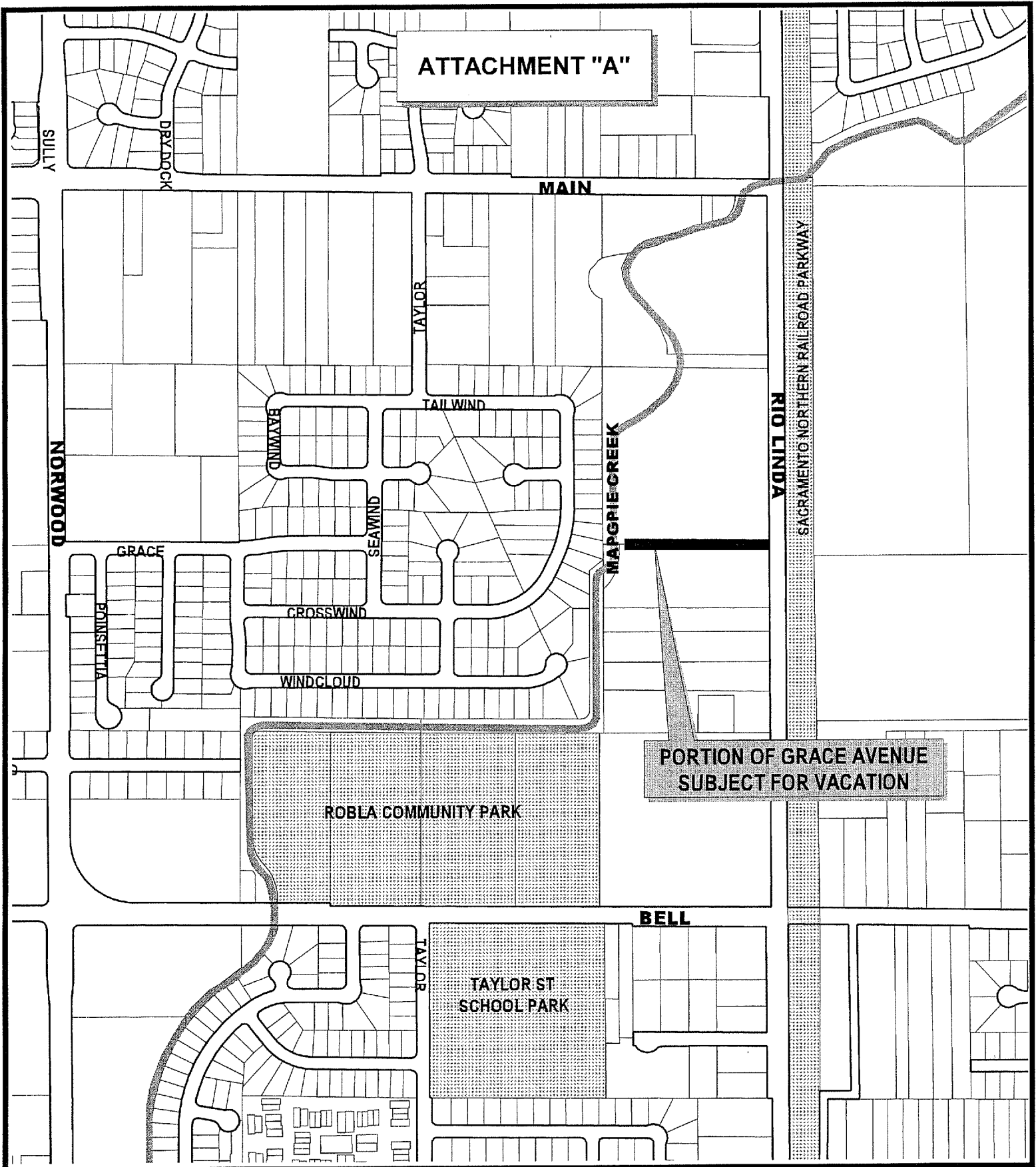
RECOMMENDATION APPROVED:



ROBERT P. THOMAS
City Manager

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2. Resolution Adopting Findings of Fact and Approving the Vacation, pg. 5
3. Exhibit A, Legal Description, pg. 7
4. Exhibit A-1, Exhibit Map, pg. 8



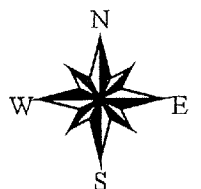
**PORTION OF GRACE AVENUE
SUBJECT FOR VACATION**

200 0 200 400 600 800 1000 1200 Feet

VACATION, VPO3-09
 Grace Avenue, West of Rio Linda Blvd.
 East of Magpie Creek, Between
 Main Avenue and Bell Avenue



DEVELOPMENT SERVICES
DEPARTMENT



RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF: _____

THE SUMMARY VACATION OF PORTION OF GRACE AVENUE, WEST OF RIO LINDA BOULEVARD, EAST OF MAGPIE CREEK, BETWEEN MAIN AVENUE AND BELL AVENUE WITHIN COUNCIL DISTRICT 2

VACATION PROCEEDING NO. VP03-09

WHEREAS, the City received a request from "GSJ Company Llc" to vacate the subject public road right-of-way within the City of Sacramento; and

WHEREAS, the City Council would consider the vacation in compliance with the State of California, Streets and Highways Code, Section 8330-8334.5, and

WHEREAS, the City Planning Commission reviewed the proposed vacation pursuant to Government Code Section 65402 and concluded that said vacation 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:

Portion of Grace Avenue, west of Rio Linda, east of Magpie Creek, between Main Avenue and Bell Avenue specifically described in Exhibit "A" and Exhibit "B", is hereby ordered vacated subject to the conditions specified in this resolution.

1. The City Council hereby finds that said vacation 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 8310-8317 has considered this vacation in connection with the General and Community Plans and finds the vacation is consistent.
2. The City Council finds that the subject public road right-of-way for vacation is unnecessary for present and prospective public use.
3. This vacation is subject to the following conditions:
 - a. The applicant shall re-construct the existing driveway at the subject Grace Avenue for vacation to the satisfaction of the Development Services Department.

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

- b. The applicant shall relocate the existing sewer on the subject Grace Avenue for vacation to the proposed right-of-way as shown on P02-144 to the satisfaction of the Department of Utilities.
 - c. The Final Map of Alta Vista Meadows (P02-144) shall be approved prior recording of this vacation to the Office of the Sacramento County Recorder.
- 4. All conditions specified in paragraph 3 for this resolution must be completed within two years of the date of this resolution. If all conditions are not completed within the two years specified, this resolution approving the vacation shall become void, unless the City Council grants a time extension.
 - 5. Once the conditions in paragraph 3 are met, 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 with the County Recorder.

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

Alta Vista Meadows
Abandonment of Public
Right of Way
Job No. 1465-00-0597

EXHIBIT "A"

All That Certain Real Property Situate in the City of Sacramento, County of Sacramento, State of California, Being More Particularly Described as Follows:

That Portion of Grace Avenue, a 40 Foot Road Right-of-way Lying in Lots 11,12,21 and 22, as Shown on the "Plat of Subdivision of Section 11 of Rancho Del Paso" Filed in Book 14 of Maps, Map No. 5, Sacramento County Records, Lying Between the Easterly Boundary Line of the Tract of Land Designated as "Sunrise Northwind Unit No. 3" Filed in Book 180 of Maps, Map No. 9, Sacramento County Records. And the Westerly Right-of-way Line of Rio Linda Boulevard.

Excepting Therefrom the Westerly 88.21 feet of aforesaid Portion of Grace Avenue.

THE ATTACHED PLAT ENTITLED "EXHIBIT A-1" IS MADE PART OF THIS LEGAL DESCRIPTION

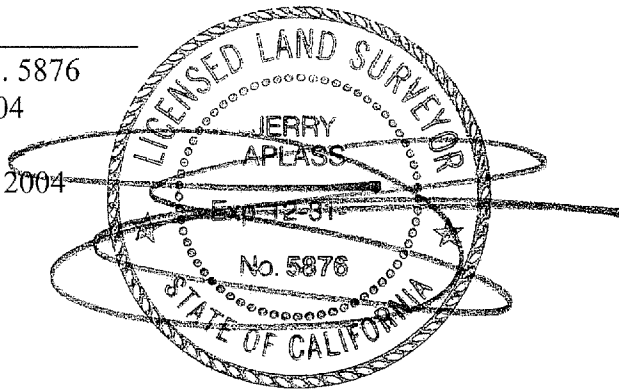
END OF DESCRIPTION

Written By: Jerry Aplass L.S. 5876

Exp. Date: December 31, 2004

Date Prepared: October 26, 2004

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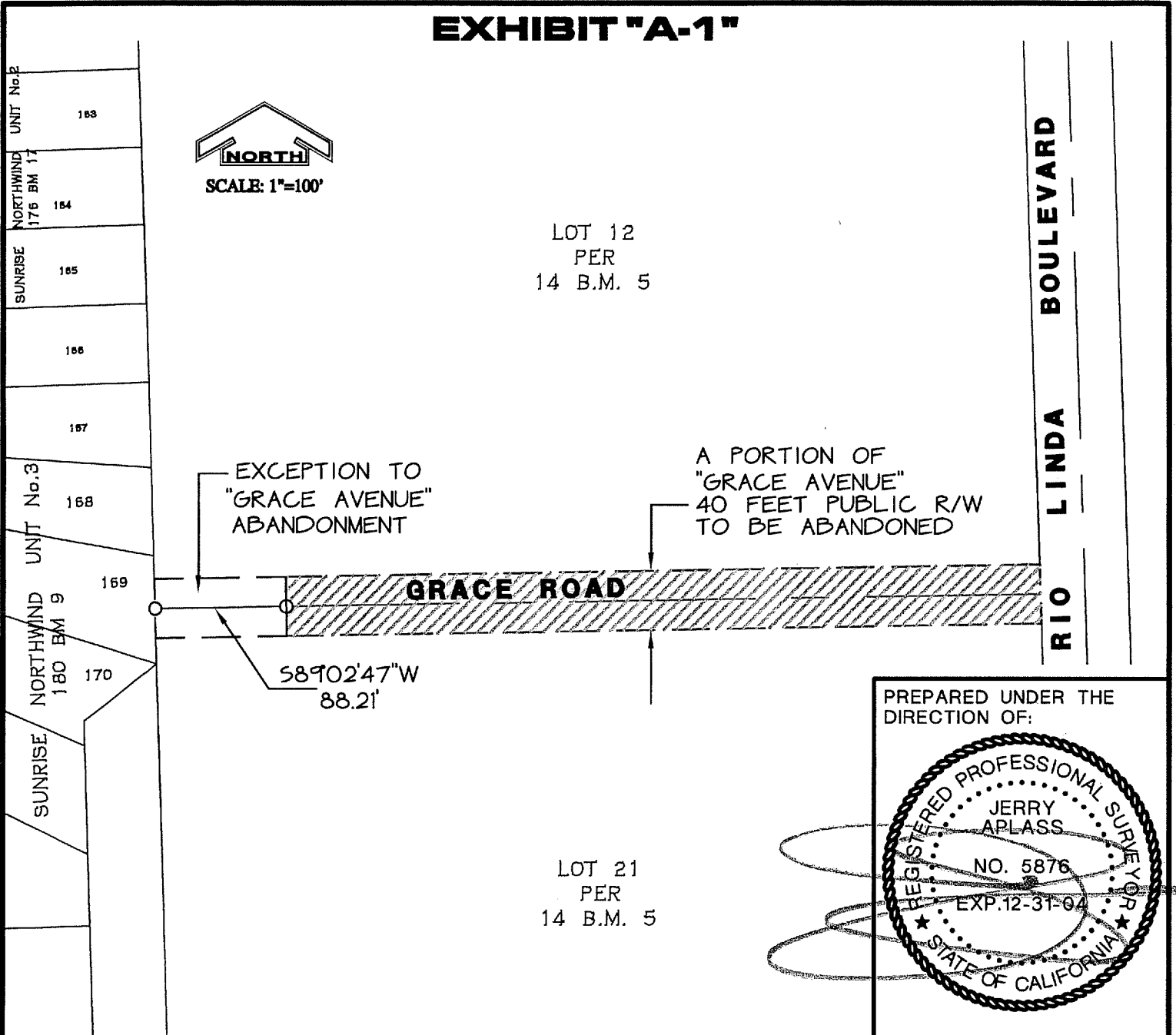


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RESOLUTION NO: _____

DATE ADOPTED: _____

EXHIBIT "A-1"



PREPARED UNDER THE DIRECTION OF:

ALTA VISTA MEADOWS ABANDONMENT OF PUBLIC RIGHT OF WAY

B BURRELL
CONSULTING
GROUP, INC.

1001 ENTERPRISE WAY, SUITE 100
ROSEVILLE, CA. 95678
PH. (916) 783-8898
FAX (916) 783-8222

SCALE: 1"=100'	DATE: 10-26-04
DRAWN BY: A.H.	REVISED:
APPROVED BY: J.V.A.	DWG: 1465EXHIBIT-A
DESIGNED BY:	JOB NO: 1465-00-0597

FOR CITY CLERK USE ONLY

RESOLUTION NO: _____

DATE ADOPTED: _____