



REPORT TO COUNCIL

City of Sacramento

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915 I Street, Sacramento, CA 95814-2671
www. CityofSacramento.org

CONSENT
October 17, 2006

Honorable Mayor and
Members of the City Council

Title: Administrative Matter: Resolution 2006-680 Legal Description Correction

Location/Council District: Portion of 7th Street between "E" Street and the Alley between "E" Street and "F" Street located in Council District 1

Recommendation: Amend Resolution 2006-680 approving the Summary Vacation of a portion of 7th Street between "E" Street and the Alley between "E" Street and "F" Street to include the correct legal description.

Contact: Jerry Lovato, Senior Engineering Technician, (916) 808-7918;
Thomas Adams, Engineering Technician, (916) 808-7929

Presenters: Not Applicable

Department: Development Services

Division: Development Engineering

Organization No: 4881

Description/Analysis

Issue: On September 12, 2006, Resolution 2006-680 was adopted by Council with the incorrect legal description (Exhibit "A") inserted in the staff report.

Policy Considerations: It is in the best interest of the City to preserve and ensure a clear and concise legislative history.

Committee/Commission Action: None

Environmental Considerations: None

Rationale for Recommendation: The amendment to Resolution 2006-680 correcting the legal description does not alter the intent of Council.

Financial Considerations: None

Emerging Small Business Development (ESBD): None

Respectfully Submitted by: *for Edward Williams*
Edward Williams
Manager, Development Engineering

Respectfully Submitted by: *Gregory J. Schulte for*
William Thomas
Director of Development Services Department

Recommendation Approved:

Don
Max
RAY KERRIDGE
City Manager

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Background

- A.** On September 12, 2006 the City Council adopted Resolution No. 2006-680 Summarily Vacating a Segment of 7th Street located Between "E" Street and the Alley Between "E" Street and "F" Street Located in Council District 1.
- B.** On September 12, 2006 adopted Resolution No. 2006-680 had the wrong Exhibit "A" legal description. The adopted Exhibit "A" the legal description was relating to another area that was not to be abandoned by Resolution No. 2006-680.

RESOLUTION NO. 2006-680

Adopted by the Sacramento City Council

September 12, 2006

**RESOLUTION SUMMARILY VACATING A SEGMENT OF 7TH
STREET LOCATED BETWEEN "E" STREET AND THE ALLEY
BETWEEN "E" STREET AND "F" STREET LOCATED IN
COUNCIL DISTRICT 1**

VACATION PROCEEDING NO. VP05-09

BACKGROUND

- A. "700 E Street Building Partnership" requested that the City vacate the segment of 7th Street located between E Street and the alley between E Street and F Street located within the City of Sacramento
- B. The City of Sacramento Planning Director reviewed this vacation proceeding pursuant to Sacramento City Code 2 112.080 and State of California Government Code Section 65402 and concluded that this vacation is consistent with the City's General Plan and applicable Community Plan.

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

- Section 1 Subject to the reservation below in Section 2, the segment of 7th Street located between E Street and the alley between E Street and F Street, Sacramento, more specifically described in Exhibit A and Exhibit B of this resolution is hereby ordered vacated subject to the conditions specified in Section 5
- Section 2 Pursuant to Streets and Highways Code Section 8306 and 8340, the City reserves a public service easement in the segment of 7th Street located between E Street and the alley between E Street and F Street, Sacramento 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. Also, the right to keep the property free from flammable materials and wood growth, and otherwise protect the same from all hazards, in, upon, over and across the portion of the subject property to be vacated.

- Section 3. The vacation of the segment of 7th Street bounded by E Street and the alley between E Street and F Street is made pursuant to State of California Streets and Highways Code, Division 9, Part 3, Chapter 4. Pursuant to California Streets and Highways Code Section 8334, the City Council finds that the segment of 7th Street bounded by E Street and the alley between E Street and F Street is an excess right-of-way not required for street purposes
- Section 4. The City Council finds that said vacation has been submitted to and reported on by the City's Planning Division and finds that the said vacation is consistent with the City's General Plan and applicable Community Plan.
- Section 5. This vacation is subject to the following conditions:
- a) No fence, wall, or closure structure shall be constructed within the vacated area; however, bollards may be placed along the back of the curb of the 7th Street Extension between the southerly end of the retaining wall and the alley. These bollards shall be removable by emergency personnel.
 - b) Any locking mechanism to restrict access to the vacated area shall be equipped with Knox (emergency responder lock) to the satisfaction of the Fire Department.
 - c) The applicant shall dedicate a pedestrian and bicycle access easement within the vacated area to the satisfaction of the Department of Transportation and Development Services Department.
 - d) The applicant shall accept Union Pacific Railroad's quitclaim of it's interest in that portion of the vacated area west of the centerline of the subject 7th Street. The form of quitclaim used would need to be approved by the Union Pacific Railroad legal department, or originate from the Union Pacific Railroad's law department.
- Section 6. The conditions specified in Section 5 of 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 one or more time extensions.
- Section 7. Once the conditions in Section 5 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.

Table of Contents:

- Exhibit A: Legal Description
Exhibit B: Exhibit Plat/Map

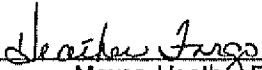
Adopted by the City of Sacramento City Council on September 12, 2006 by the following vote:

Ayes: Councilmembers, Cohn, Fong, Hammond, Pannell, Sheedy, Tretheway, Waters, and Mayor Fargo.


Noes: None.

Abstain: None.

Absent: Councilmember McCarty



Mayor, Heather Fargo

Attest:


Shirley Concolino, City Clerk

City of Sacramento
7th and E Street Sidewalk Easement
May 11, 2005
Page 1 of 1

EXHIBIT "A"
LEGAL DESCRIPTION

All that real property situated in the City of Sacramento, County of Sacramento, State of California, being a portion of 7th Street and E Street, as said Streets are shown on that certain plat entitled "Official Plat of The City of Sacramento", filed in Book 3 of Maps, at Page 27, Sacramento County Records, said real property being described as follows:

BEGINNING at the intersection of the easterly right-of-way line of said 7th Street and the southerly right-of-way line of said E Street; thence southerly along said easterly right-of-way line South 18°19'19" West 161.04 feet to the intersection of said right-of-way line with the northerly line of the alley bounded by E, F, 7th and 8th Streets as shown on said plat; thence leaving said easterly right-of-way line North 70°52'50" West 8.00 to the intersection with a line which is parallel to, and 8.00 feet westerly, measured at right angles, from said easterly right-of-way line; thence along said parallel line North 18°19'19" East 176.96 feet to the beginning of a non-tangent curve concave northeasterly having a radius of 52.00 feet, to which point a radial line bears South 29°13'22" West; thence southeasterly along said curve through a central angle of 08°52'48" an arc distance of 8.06 feet (said curve being subtended by a chord which bears South 65°13'02" East 8.05 feet) to a point on the northerly prolongation of said easterly right-of-way line; thence along said northerly prolongation South 18°19'19" West 15.12 feet to the point of beginning, containing 1,412 square feet or 0.032 acres, more or less

All distances cited herein are California Coordinate System, Zone 2 (NAD 83) ground distances; multiply ground distances by 0.9999546 to obtain grid distances.

End of Description



City of Sacramento
7th and E Street Abandonment
April 20, 2004
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EXHIBIT "A-1"
LEGAL DESCRIPTION

All that real property situated in the City of Sacramento, County of Sacramento, State of California, being a portion of 7th Street and E Street, as said Streets are shown on that certain plat entitled "Official Plat of The City of Sacramento", filed in Book 3 of Maps, at Page 27, Sacramento County Records, said real property being described as follows:

BEGINNING at the intersection of the easterly right-of-way line of said 7th Street and the southerly right-of-way line of said E Street; thence southerly along said easterly right-of-way line South 18°19'19" West 161.04 feet to the intersection of said right-of-way line with the northerly line of the alley bounded by E, F, 7th and 8th Streets as shown on said plat; thence leaving said easterly right-of-way line North 70°52'50" West 34.65 feet to the beginning of a tangent curve concave northeasterly having a radius of 2.00 feet; thence northwesterly along said curve through a central angle of 85°59'37" an arc distance of 3.00 feet (said curve being subtended by a chord which bears North 27°53'02" West 2.73 feet); thence North 15°06'47" East 8.16 feet; thence North 14°30'41" East 21.71 feet; thence North 13°46'25" East 28.44 feet; thence South 76°49'55" East 1.54 feet; thence North 13°36'01" East 60.08 feet; thence North 15°44'44" East 46.06 feet; thence North 14°17'33" East 29.97 Feet; thence South 75°42'27" East 8.52 feet to the beginning of a non-tangent curve concave northeasterly having a radius of 52.00 feet, to which point a radial line bears South 71°36'51" West; thence southeasterly along said curve through a central angle of 51°16'17" an arc distance of 46.53 feet (said curve being subtended by a chord which bears South 44°01'17" East 45.00 feet) to a point on the northerly prolongation of said easterly right-of-way line; thence along said northerly prolongation South 18°19'19" West 15.12 feet to the point of beginning, containing 0.178 acres, more or less.

All distances cited herein are California Coordinate System, Zone 2 (NAD 83) ground distances; multiply ground distances by 0.9999546 to obtain grid distances.

End of Description

