



APPROVED
BY THE CITY COUNCIL

JUN 8 1994

OFFICE OF THE
CITY CLERK

1.7

DEPARTMENT OF
PUBLIC WORKS

ENGINEERING DIVISION

CITY OF SACRAMENTO
CALIFORNIA

927 TENTH STREET
ROOM 200
SACRAMENTO, CA
95814-2700

PH 916-264-7120
FAX 916-264-7903

CONSTRUCTION SECTION
640 BERKUT DRIVE
SUITE B
SACRAMENTO, CA
95814-0131

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May 24, 1994

City Council
Sacramento, California

Honorable Members In Session:

SUBJECT: ABANDONMENT OF A PORTION OF THE NORTH-SOUTH ALLEY IN THE
BLOCK BOUNDED BY CYPRESS STREET, NOGALES STREET, RIO LINDA
BOULEVARD AND SOUTH AVENUE -SUMMARY ABANDONMENT #94-06

LOCATION/COUNCIL DISTRICT:

Cypress Street, Nogales Street, Rio Linda
Boulevard and South Avenue
Council District 2

RECOMMENDATION:

This report recommends that the City Council:

- Adopt the attached resolution regarding findings of fact.
- Approve the proposed abandonment of a portion of the north-south alley in the block bounded by Cypress Street, Nogales Street, Rio Linda Boulevard and South Avenue.

CONTACT PERSON:

Glenn Marshall, Associate Engineer, 264-
5517

FOR COUNCIL MEETING OF:

June 8, 1994

SUMMARY:

The City received a request from the Sacramento Housing and Redevelopment Agency to abandon an impassable portion of a north-south alley in the block bounded by Cypress Street, Nogales Street, Rio Linda Boulevard and South Avenue (see attached Exhibit A). The abandonment of the alley will be consistent with the southern segment which has already been abandoned. Abandonment of the alley will allow for a wider sideyard for Lot

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2 and a more desirable lot configuration within a proposed subdivision (approved Tentative Map P92-275). City departments and utility companies have reviewed the proposed abandonment and no objections to the proposed abandonment were received provided public easement are retained to permit maintenance of existing or future facilities. Approval of the proposed abandonment is recommended.

COMMITTEE/COMMISSION ACTION:

None.

BACKGROUND:

The City received a request from the Sacramento Housing and Redevelopment Agency to abandon an impassable portion of a north-south alley in the block bounded by Cypress Street, Nogales Street, Rio Linda Boulevard and South Avenue. The abandonment of the alley will be consistent with the southern segment which has already been abandoned. Abandonment of the alley is consistent with the approved Tentative Map (P92-275) and provides a more desirable lot configuration.

Utility companies and City departments have reviewed this request for abandonment and have no objections provided public easements are retained to permit maintenance of existing or future facilities. Letters from the utility companies and City departments regarding this abandonment are on file with the Department of Public Works, Development Services.

The abandonment is subject to the condition that: the applicant close the alley using curb, gutter and sidewalk prior to the City recording the resolution abandoning said alley, or enter into an agreement with the City, and post the necessary security guaranteeing the construction of said improvements.

The applicant has two years to comply with all conditions of the abandonment. If the applicant fails to meet the conditions of abandonment within two years, the resolution approving this abandonment will become void unless the City Council grants a time extension.

The proposed abandonment is categorically exempt in accordance with Section 15305 of the CEQA guidelines.

This abandonment is classified as a "Summary Abandonment" because the alley proposed to be abandoned is impassable (Section 8331), and of no foreseeable use to the City.

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Approval and recordation of the attached resolution will cause the abandonment to be effective.

Staff has reviewed the request to abandon and finds it in conformance with City Guidelines for Street Closures (City Resolution No. 82-509) and the State of California, Streets and Highways Code (Section 8300 et seq.). Approval of the request to abandon is recommended.

FINANCIAL CONSIDERATIONS:

The applicant provided all the documentation required for the abandonment and paid a fee of \$350.00 to fund staff time required to process the abandonment application. There is no expense to the City.

POLICY CONSIDERATIONS:

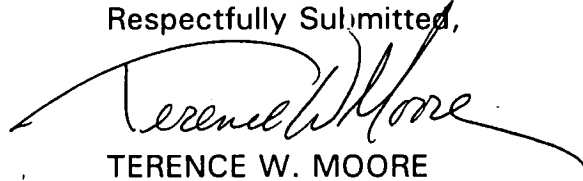
Section 8300 et seq. of the State of California Streets and Highways Code allows for abandonment of streets, alleys, and easements that are no longer needed for public use. The local governing body is the approving authority and may reserve such rights as may be needed (e.g., retaining the utility easement when approving a street abandonment). City policy, as stated in Resolution No. 82-509 which was approved by the City Council on July 20, 1982, provides for abandonment of local streets so long as there is a benefit to the community, it does not inhibit access to other properties and would be supported by the majority of property owners. This abandonment is consistent with these policies.

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MBE/WBE:

None, since no goods or services are procured with this action.

Respectfully Submitted,



TERENCE W. MOORE
Engineering Division Manager

RECOMMENDATION APPROVED:



WILLIAM H. EDGAR
City Manager

APPROVED:



MICHAEL KASHIWAGI
Deputy Director of Public Works

JV:rn
DS1-06AB.B
05.0694.1

Attachment

RESOLUTION NO. 94-351

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

APPROVED
BY THE CITY COUNCIL

JUN 8 1994

OFFICE OF THE
CITY CLERK

RESOLUTION ADOPTING FINDINGS OF
FACT AND APPROVING THE SUMMARY
ABANDONMENT OF A PORTION OF THE
NORTH-SOUTH ALLEY IN THE BLOCK
BOUNDED BY CYPRESS STREET,
NOGALES STREET, RIO LINDA
BOULEVARD AND SOUTH AVENUE

ABANDONMENT PROCEEDING NO. 94-06

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

1. The City received a petition to abandon from owners of property within the City of Sacramento, requesting the City Council to consider a summary abandonment of subject property:
2. The public alley located in the City of Sacramento, specifically described below is hereby ordered abandoned;

All that certain real property situated in the City of Sacramento, County of Sacramento, State of California, more particularly described as follows:

All that portion of the alley located on Block 11, as shown on that Official Map of "North Sacramento Heights" recorded June 9, 1911, in the Office of the County Recorder, Sacramento County, Sacramento, California, in Book 12 of Maps, at Page 22, described as follows: the alley in Block 11 as shown on said map lying between the easterly prolongation of the southerly line of Lot 2 and the southerly right-of-way line of South Avenue.

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

RESERVING HOWEVER, a public service easement (as defined in §8306 of the California Streets and Highways Code) the full width of the existing right-of-way, and the right at any time, or from time to time, to maintain, operate, replace, remove, or renew any public service facilities in, upon, over and across the street to be abandoned.

A map or plan of the proposed abandonment is attached as Exhibit A and is on file with the Department of Public Works, Development Services, located at 927-10th Street, Room 100.

3. The City Council finds that the public alley may be summarily abandoned in accordance with Section 8331 of the Streets and Highways Code which states "The Legislative body of a local agency may summarily vacate a street or highway if both of the following conditions exist: a) for a period of five consecutive years, the street or highway has been impassable for vehicular travel; b) no public money was expended for maintenance of the street or highway during such period."
4. The City Council finds that the public alley is not necessary for present or prospective public use in that:
 - a. It is not necessary for through traffic circulation; and
 - b. The City Engineer has reviewed said abandonment and found that it will not interfere with the traffic flow in the area or affect the aesthetics of the neighborhood; and
 - c. The parcels adjacent to the abandoned alley described above have other access and said abandonment will not create any land-locked parcels; and
 - d. The alley to be vacated is not necessary or useful as a non-motorized transportation facility as defined in Section 156 of the Streets and Highways code.
5. The City Council hereby finds that the closure of the street identified in paragraph 1 above, does satisfy the City Council's "Review Guideline For Street Closures", adopted July 20, 1982, by Resolution No. 82-509.

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RESOLUTION NO.: _____

DATE ADOPTED: _____

6. The vacation is subject to the condition that: the applicant close the alley opening using curb, gutter and sidewalk prior to the City recording the resolution abandoning said alley, or enter into an agreement with the City, and post the necessary security guaranteeing the construction of said improvements.
7. After all the conditions specified in paragraph six of this resolution have been completed, the City Clerk shall cause a certified copy of this resolution, attested by the City Clerk under seal, to be recorded. The abandonment shall be effective when the City Clerk records this resolution with the County Recorder.
8. All conditions specified in paragraph six of this resolution must be completed within two years of the date of this resolution. If all the conditions are not completed within the two years specified, this resolution approving the abandonment shall become void, unless the City Council grants a time extension.

ATTEST:

MAYOR

CITY CLERK

DS1-06AB.B
05.0694.1

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

Exhibit A

Plan 8

EXHIBIT A

ALLEY ABANDONMENT
 THE ALLEY IN BLOCK 11 LYING BETWEEN
 THE EASTERLY PROLONGATION OF THE
 SOUTHERLY RIGHT-OF-WAY LINE OF
 LOT 2 AND THE SOUTHERLY RIGHT-
 OF WAY LINE OF SOUTH AVENUE
 CITY OF SACRAMENTO

SOUTH AVE.

A.P.N.
251-152-26

A.P.N.-251-152-25
A.P.N.-251-152-24

AREA TO BE ABANDONED

RIO LINDA BLVD.

CYPRESS ST.

NOGALES ST.



SCALE 1"=100'



LOUNSBURY ENGINEERING

7.22.93

092.275