



City Council Report

915 I Street, 1st Floor

Sacramento, CA 95814

www.cityofsacramento.org

File #: 2016-01079

Public Hearing Item 19

Title: Vacation of the Public Alley Located at 4065 McKinley Boulevard (Noticed 09/20/2016 & 09/27/2016) [Continued from 10/04/2016]

Recommendation: Conduct a public hearing and upon conclusion pass a Resolution vacating the alley located adjacent to 4065 McKinley Boulevard.

Location: Alley adjoining Meister Way and McKinley Boulevard, District 3

Contact: Thomas Adams, Engineering Technician, (916) 808-7929; Nicholas Theocharides, Engineering Services Manager, (916) 808-5065, Department of Public Works

Presenter: Thomas Adams, Engineering Technician, (916) 808-7929, Department of Public Works

Department: Department of Public Works

Attachments:

- 1-Description/Analysis
- 2-Resolution
- 3-Legal Description
- 4-Plat Map

Description/Analysis

Issue Detail: The property owner of Compton's Market is concerned about issues involving illegal dumping, theft and transient activity within the public alley. To remedy the nuisance and safety issues in and around the alley, the owner has submitted an application to vacate the alley with the intent to secure the area with metal gates. The majority of the property owners abutting the alley along with the Police, Fire and Public Works Departments support this vacation request.

Policy Considerations: The Council action recommended in this report is consistent with the City of Sacramento 2035 General Plan, and is in compliance with California Streets and Highways Code Sections 8310-8325.

Economic Impacts: None.

Environmental Considerations: California Environmental Quality Act (CEQA): The Environmental Planning Services section of the Community Development Department has reviewed the proposed vacation and determined that the activity is exempt from the provisions of the California Environmental Quality Act (CEQA). Under section 15305 of the CEQA guidelines the project consists of minor alteration in land use which does not result in any changes in land use or density.

Sustainability: Not applicable.

Commission/Committee Action: None.

Rationale for Recommendation: Approval of the vacation of the alley will allow the adjacent property owner the ability to safely secure the alley while maintaining the necessary business services for deliveries, refuse pickup, and access for public utility personnel.

Financial Considerations: The applicant is responsible for all fees required to process this application and there is no cost to the City.

Local Business Enterprise (LBE): Not applicable.

Background: Compton's Market grocery store is located at 4065 McKinley Boulevard and has been in business at this location since 1957 and assumed its current name in 1973. This neighborhood grocery store is roughly 15,283 square feet and is currently expanding with an additional 2807 square feet for hot food, fresh coffee and deli-service. The current owners

purchased the grocery store in 2009 and have maintained a positive relationship with the surrounding community.

The current owners have noticed an increase in the number of negative incidents with citizens not patronizing their grocery store. Over the past couple of years, the owner claims that the amount of debris, hypodermic needles and human feces left within the alley has increased. The incidents in which store employees have been in confrontations with transients and homeless citizens have increased within the alley. Some employees feel unsafe going to the alley to empty garbage or processing deliveries in the alley. These issues have raised enough safety concerns to prompt the owner to request the vacation/abandonment of the adjacent alley and to secure the alley with metal gates.

The alley is currently accessible from Meister Way and McKinley Boulevard. The adjacent residential properties that abut up to the alley currently do not have direct access to the alley. However; the store owner is willing to grant any adjacent owner access over and through the alley if needed.

The majority of the property owners abutting the alley support this vacation request. The utility agencies and various City departments along with the City's Police, Fire and Transportation Engineering Departments support this abandonment request. As a condition of this abandonment a public service easement will be reserved over the entire area being abandoned. In addition, a Fire Department approved Knox lock will be installed on each gate securing the area along with a posted 24-hour contact number for alley access.

The City Clerk has published the Notice of Hearing of the proposed vacation, and the Notice of Hearing has been posted at the subject site as required by law pursuant to Streets and Highways Code Sections 8222 and 8223 respectively.

City staff supports this vacation request along with all requirements, conditions and reservations stated in the attached Resolution.

RESOLUTION NO.

Adopted by the Sacramento City Council

VACATION OF THE ALLEY LOCATED AT 4065 MCKINLEY BOULEVARD AT MEISTER WAY AND MCKINLEY BOULEVARD LOCATED IN COUNCIL DISTRICT 3 PROCEEDING NO. VAC16-0002

BACKGROUND

- A. The property owner of 4065 Mckinley Boulevard has requested the vacation of the adjacent public alley for the purpose of installing security gates and deterring nuisance activity.
- B. 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 BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. The alley at 4065 Mckinley Boulevard that is accessible to Meister Way and Mckinley Boulevard located within Council District 3, more specifically described in Exhibit A and Exhibit B of this Resolution, is unnecessary for present or prospective public use and is vacated subject to the conditions specified in Section 4 of this Resolution.
- Section 2. The vacation of the of the public alley more specifically described in Exhibit A and Exhibit B, is made pursuant to State of California Streets and Highways Code, Division 9, Part 3, Chapter 4, Sections 8310-8325.
- 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 Exhibit A and Exhibit 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. This vacation is subject to the following conditions:
- a. Private access signage must be posted at both entrances of the abandoned alley to the satisfaction of the Department of Public Works.
 - b. The City of Sacramento's Department of Public Works requires a 24-hour contact phone number posted on the gates.
 - c. A Fire Department approved Knox lock must be installed on each gate to the satisfaction of the City's Fire Department
- Section 5. 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 General Plan.
- Section 6. Once all the conditions listed in Section 4 of this Resolution has been satisfied, the City Clerk shall cause a certified copy of this Resolution, attested by the City Clerk under seal to be recorded after all fees have been satisfied. The vacation shall be effective when the City Clerk records this Resolution with the County Recorder.
- Section 7. Exhibit A and Exhibit B are attached and made a part of this Resolution.

EXHIBIT A

ABANDONMENT OF PUBLIC ALLEY

THE LAND DESCRIBED HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF SACRAMENTO, CITY OF SACRAMENTO, AND IS DESCRIBED AS FOLLOWS:

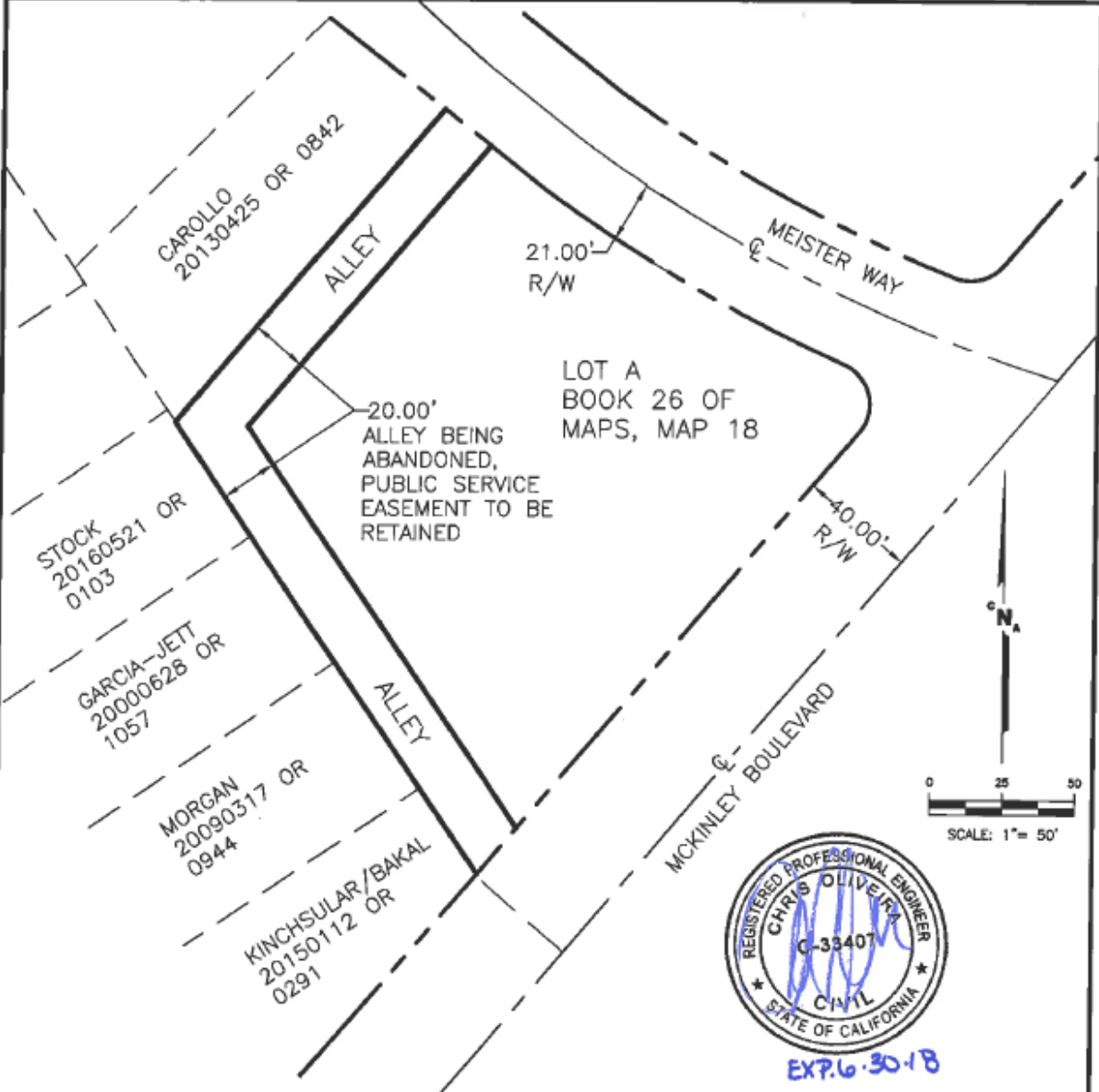
THE ALLEYWAY (named MEISTER WAY MCKINLEY BLVD ALLEY) LOCATED ADJACENT TO LOT A AS SHOWN ON THE "PLAT OF MEISTER TERRACE UNIT NO. 3", RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SACRAMENTO COUNTY, JUNE 10, 1947, IN BOOK 26 OF MAPS, MAP NO. 18

RESERVING, HOWEVER, A 20 FOOT WIDE PUBLIC SERVICES EASEMENT.

END OF DESCRIPTION



EXP 6-30-18



EXP. 6.30.18

SCALE: 1"=50' DATE: 9/16/16

CNA ENGINEERING INC.
 CIVIL ENGINEERING LAND SURVEYING PLANNING STRUCTURAL DESIGN
 PHONE: (916) 485-3748
 2975 VALLEY ROAD, SACRAMENTO, CA 95821
 cnaenr@biodigital.net

EXHIBIT B
 ALLEY ABANDONMENT
 4065 MCKINLEY BLVD
 CITY OF SACRAMENTO STATE OF CALIFORNIA