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DEPARTMENT OF
PUBLIC WORKS

CITY OF SACRAMENTO
CALIFORNIA

Vacations (Abandonments)
Public Right-of-Ways & Easements
1231 I Street, Room 200
Sacramento, CA 95814
PH 916-264-7873
FAX 916-264-5786

DEVELOPMENT SERVICES

March 12, 2004

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: THE VACATION (ABANDONMENT) OF THE PUBLIC UTILITY EASEMENT LOCATED AT THE VACATED 1ST AVENUE BETWEEN HIGHWAY 99 AND FRANKLIN BOULEVARD AND THE 5-FOOT WIDE PUBLIC UTILITY EASEMENT LOCATED AT 2565 FRANKLIN BOULEVARD WITHIN COUNCIL DISTRICT 5 VACATION PROCEEDING NO. VP03-24

LOCATION AND COUNCIL DISTRICT:

Vacated 1st Avenue between Highway 99 and Franklin Boulevard, and 2565 Franklin Boulevard in Council District 5 (see Attachment "A" for project location).

RECOMMENDATION:

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

- Approving the vacation of the public utility easement located at the vacated 1st Avenue between Highway 99 and Franklin Boulevard and the 5-foot wide public utility easement located at 2565 Franklin Boulevard in Council District 5.

CONTACT PERSONS:

Bob Robinson, Supervising Surveyor, 808-8970
Cesar Narvaez, Engineering Technician II, 808-7873

FOR COUNCIL MEETING OF: April 8, 2004

SUMMARY:

Mr. Chris Brocchini, the owner of the properties (2617 & 2565 Franklin Boulevard) adjacent to the vacated 1st Avenue between Franklin Boulevard and Highway 99 has requested the City to vacate the said public utility easements (see Attachment "A"). The applicant intends to redevelop the

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project site.

COMMITTEE/COMMISSION ACTION:

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

BACKGROUND INFORMATION:

- City departments and utility companies have reviewed this request for vacation. Letters regarding this vacation are on file with the Department of Public Works, Development Services Division.
- Staff has reviewed the request for vacation and finds the vacation in conformance with Streets and Highways Code, Section 8310-8317.
- Notice of vacation was posted along the subject right-of-way on March 22, 2004 and the Public Hearing Date was published in the Daily Recorder on March 22, 2004 and March 29, 2004 (see Attachment "B" for the time schedule for this vacation).
- Following vacation, the titles to the subject properties are cleared of the public utility easements.

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 Manager has determined that the proposed project is exempt from California Environmental Quality Act Guidelines (CEQA) under Section Numbers 15302(c) of the CEQA Guidelines. Section 15302 (c) consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density.

POLICY CONSIDERATIONS:

- The Council action recommended in this report supports the City Strategic Plan goal to promote and support economic vitality.
- The State of California, Streets and Highways Code, Section 8300-8317 allows for the vacation of streets, alleys, and easements.

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Vacation (VP03-24)
March 12, 2004

ESBD CONSIDERATIONS:

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

Respectfully submitted,



Gary Alm
Development Services Manager

RECOMMENDATION APPROVED:



ROBERT P. THOMAS
City Manager

Approved:



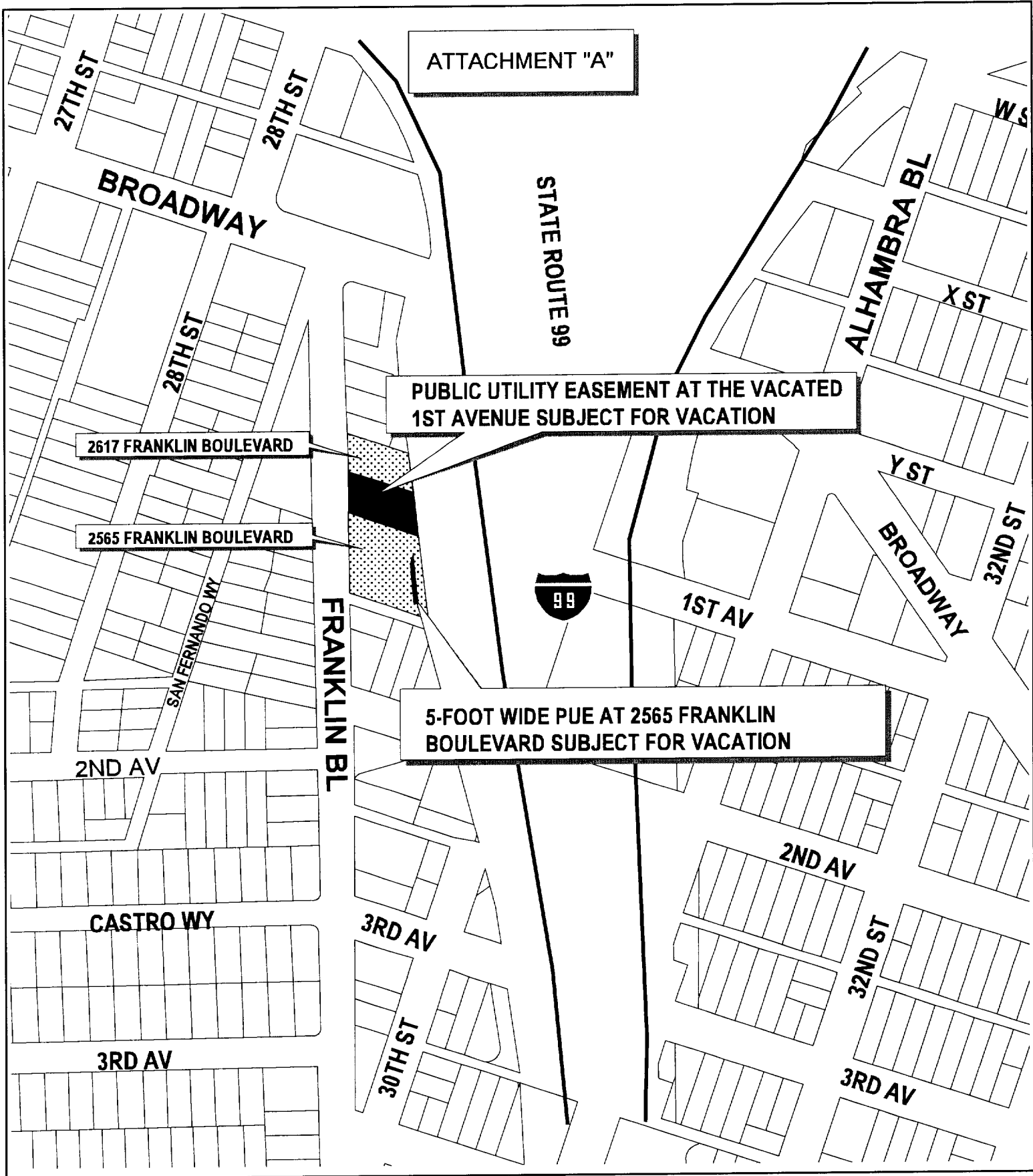
Betty Masuoka
Assistant City Manager

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RR/dkl

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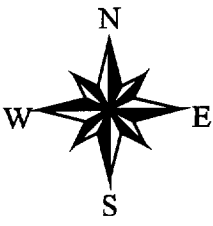
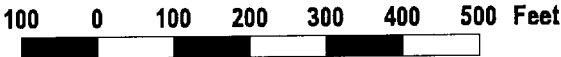
ATTACHMENT "A"

PUBLIC UTILITY EASEMENT AT THE VACATED 1ST AVENUE SUBJECT FOR VACATION

2617 FRANKLIN BOULEVARD

2565 FRANKLIN BOULEVARD

5-FOOT WIDE PUE AT 2565 FRANKLIN BOULEVARD SUBJECT FOR VACATION



Department of
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CITY OF SACRAMENTO

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VACATION, VP03-24
The Public Utility Easement At The Vacated 1st Avenue Between Highway 99 And Franklin Boulevard, And The 5-Foot Wide Public Utility Easment At 2565 Franklin Boulevard

ATTACHMENT B

**THE VACATION OF THE PUBLIC UTILITY EASEMENT LOCATED AT THE
VACATED 1ST AVENUE BETWEEN HIGHWAY 99 AND FRANKLIN
BOULEVARD AND THE 5-FOOT WIDE PUBLIC UTILITY EASEMENT LOCATED
AT 2565 FRANKLIN BOULEVARD WITHIN COUNCIL DISTRICT 5**

VACATION PROCEEDING NO. VP03-24

1 st Copy of Resolution Published in Daily Recorder	March 22, 2004
2 nd Copy of Resolution Published in Daily Recorder	March 29, 2004
Posting on Alleys/Streets	March 22, 2004

Public Hearing at City Council

April 8, 2004

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

THE VACATION OF THE PUBLIC UTILITY EASEMENT LOCATED AT THE VACATED 1ST AVENUE BETWEEN HIGHWAY 99 AND FRANKLIN BOULEVARD AND THE 5-FOOT WIDE PUBLIC UTILITY EASEMENT LOCATED AT 2565 FRANKLIN BOULEVARD WITHIN COUNCIL DISTRICT 5

VACATION PROCEEDING NO. VP03-24

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

- A. WHEREAS, the City received a request from Mr. Chris Brocchini to vacate the subject public utility easements within the City of Sacramento; and
- B. WHEREAS, the City Council would consider the vacation in compliance with the State of California, Streets and Highways Code, Section 8310-8317, and
- C. 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:

The public utility easement located at the vacated 1st Avenue between Highway 99 and Franklin Boulevard, and the 5-foot wide public utility easement located at 2565 Franklin Boulevard in Council District 5, specifically described in Exhibit "A" and Exhibit "B" respectively, and shown in Exhibit "C" attached hereto, 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.

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

2. This vacation is subject to the following conditions:
 - a. At no cost to the City, dedicate a new easement for fire alarm facility to the City, relocate the existing fire alarm facilities from the vacated public utility easement to the new easement to the satisfaction of the Department of Public Works.
3. All conditions specified in paragraph 2 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 vacation shall become void, unless the City Council grants a time extension.
4. Once the conditions in paragraph 2 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

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RESOLUTION NO.: _____

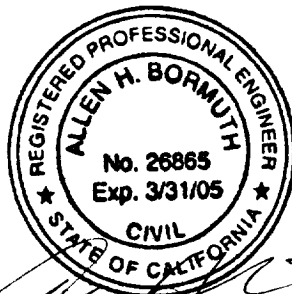
DATE ADOPTED: _____

Exhibit "A"

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

That certain Utility Easement reserved by the City of Sacramento described in that certain deed recorded June 5, 2001, in Book 200106-65, Page 631, Official Records of Sacramento County and described as follows:

All of that certain real property lying within the boundaries of that portion of abandoned 1st Avenue lying East of Franklin Boulevard and West of U.S. Highway 99 as shown on the "Plat of Subdivision of Block No.1 and Re-Subdivision of Lots 1, 2, 3 and 4 of Block No.2 of Oak Park and South Sacramento", recorded in Book 17 of Maps, Map No.5, Records of Sacramento County California.



[Handwritten signature]
2-2-04

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DATE ADOPTED: _____

Exhibit "B"

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

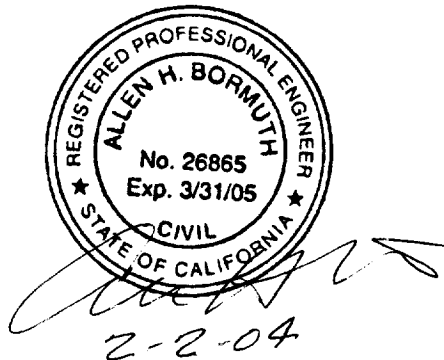
That certain utility easement reservation of the State of California described in deed recorded May 4, 1967, in Book 67-05-04, Page 220, Official Records of Sacramento County. Said Utility easement was granted to the City of Sacramento by Director's Deed recorded June 10 1974 in Book 7406-10, Page 525, Official Records of Sacramento, California and is described as follows:

A portion of that certain parcel of land in Lots 4 and 5 in Block 25 as shown on the "Map of Oak Park and South Sacramento", recorded in the office of the County Recorder of Sacramento County on June 18, 1889, in book 2 of Maps, Map No. 26.

Said portion is all that part thereof lying within the following described boundaries.

Beginning at the Southwest corner of said Lot 4; thence (1) along The Westerly line of said Lot 4, N 18° 23' 49" E, 123.54 feet; thence (2) leaving said Westerly line S 06° 35' 55" E, 6.89 feet to a point distant 229.84 feet. Westerly, measured radially from the "B5" line at Engineer's Station "B5" 811+87.41 of the Department of Public Work's Survey on Road 03-Sac-80, Post Mile 1.5/2.9; thence (3) from a tangent which bears S 06° 07' 13" E, along a curve to the left with a radius of 3,000 feet, through an angle of 01° 50' 47", an arc length of 96.68'; thence (4) N 71 35' 44" W, 38.43 feet; thence (5) S 18° 24' 16" W, 30.00 feet to a point in the Southerly line of said Lot 4; thence (6) along said Southerly line N 71 35' 44" W, 6.00 feet to the point of beginning.

Said Easement is a strip of land 5 feet in width lying Westerly of, parallel with, and contiguous to courses (2) and (3) as said courses are here in above numbered and described. The side lines of said easement shall be shortened or lengthened as the case may be to end or begin on the Northwesterly line and the Southerly line of the parcel of land described above. All distances are ground distances and all bearings are on the California Coordinate System, Zone 2



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