

3.2

DEPARTMENT OF  
PUBLIC WORKS

DEVELOPMENT SERVICES

CITY OF SACRAMENTO  
CALIFORNIA

Map Check & Abandonments  
1231 I Street, Room 200  
Sacramento, CA 95814  
PH 916-264-7873  
FAX 916-264-5786

August 4, 2003

City Council  
Sacramento, California

Honorable Members in Session:

**SUBJECT: THE SUMMARY ABANDONMENT OF PORTIONS OF A 5 FOOT AND A 10 FOOT WIDE PUBLIC UTILITY EASEMENT LOCATED AT 8205 BERRY AVENUE, WITHIN COUNCIL DISTRICT 6 IN THE CITY OF SACRAMENTO (ABANDONMENT PROCEEDING NO. AP03-11)**

**LOCATION AND COUNCIL DISTRICT:**

8205 Berry Avenue, Council District 6 (see attachment "A" for project location).

**RECOMMENDATION:**

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

- Approving the Summary Abandonment of portions of a 5-foot and 10-foot wide public utility easement located at 8205 Berry Avenue.

**CONTACT PERSONS:**

Robert T. Robinson, Supervising Surveyor, 264-8970  
Cesar Narvaez, Engineering Technician, 264-7873

**FOR COUNCIL MEETING OF:** September 16, 2003

**SUMMARY:**

The Federal Express Ground Package System, Inc. has requested the City to abandon portions of a 5 foot and a 10 foot wide public utility easement located at 8205 Berry Avenue, necessary to accommodate the expansion of 2 loading docks at this site.

Department of  
**PUBLICWORKS**  
CITY OF  
SACRAMENTO

**COMMITTEE/COMMISSION ACTION:**

The Planning Commission has reviewed and determined that the proposed abandonment of portions of a 5-foot and a 10-foot wide public utility easement located at 8205 Berry Avenue is consistent with the City's General Plan.

**BACKGROUND INFORMATION:**

- City of Sacramento departments and utility companies have reviewed this request for abandonment. Letters regarding this abandonment are on file with the Department of Public Works, Development Services Division.
- Staff has reviewed the request for abandonment, and finds that the easement are superseded by relocation and there are no other public facilities located within the easement. This abandonment is in conformance with the State of California, Streets and Highways Code Section 8330-8334.5.
- Following abandonment, the title to the subject property is cleared of the public utility easement.

**FINANCIAL CONSIDERATIONS:**

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

**ENVIRONMENTAL CONSIDERATIONS:**

The Environmental Planning Services Manager has reviewed this project and has determined that the summary abandonment of portions of the public utility easement within the property located at 8205 Berry Avenue is exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15305 of the CEQA Guidelines. This project 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.

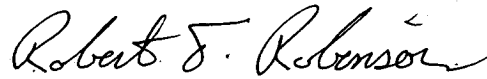
**POLICY CONSIDERATIONS:**

- The Council action recommended in this report supports the City Strategic Plan goal to promote and support the economic vitality.
- Section 8330-8334.5 of Streets and Highways Code allows for the abandonment of streets, alleys, and easement that are no longer needed for public use. This abandonment is classified as a summary abandonment.

**ESBD CONSIDERATIONS:**

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

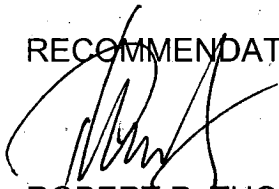
Respectfully submitted,



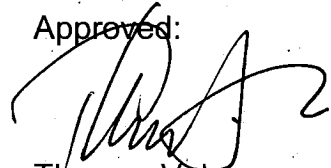
For Gary Alm,  
Development Services Manager

RECOMMENDATION APPROVED:

Approved:



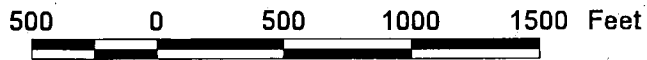
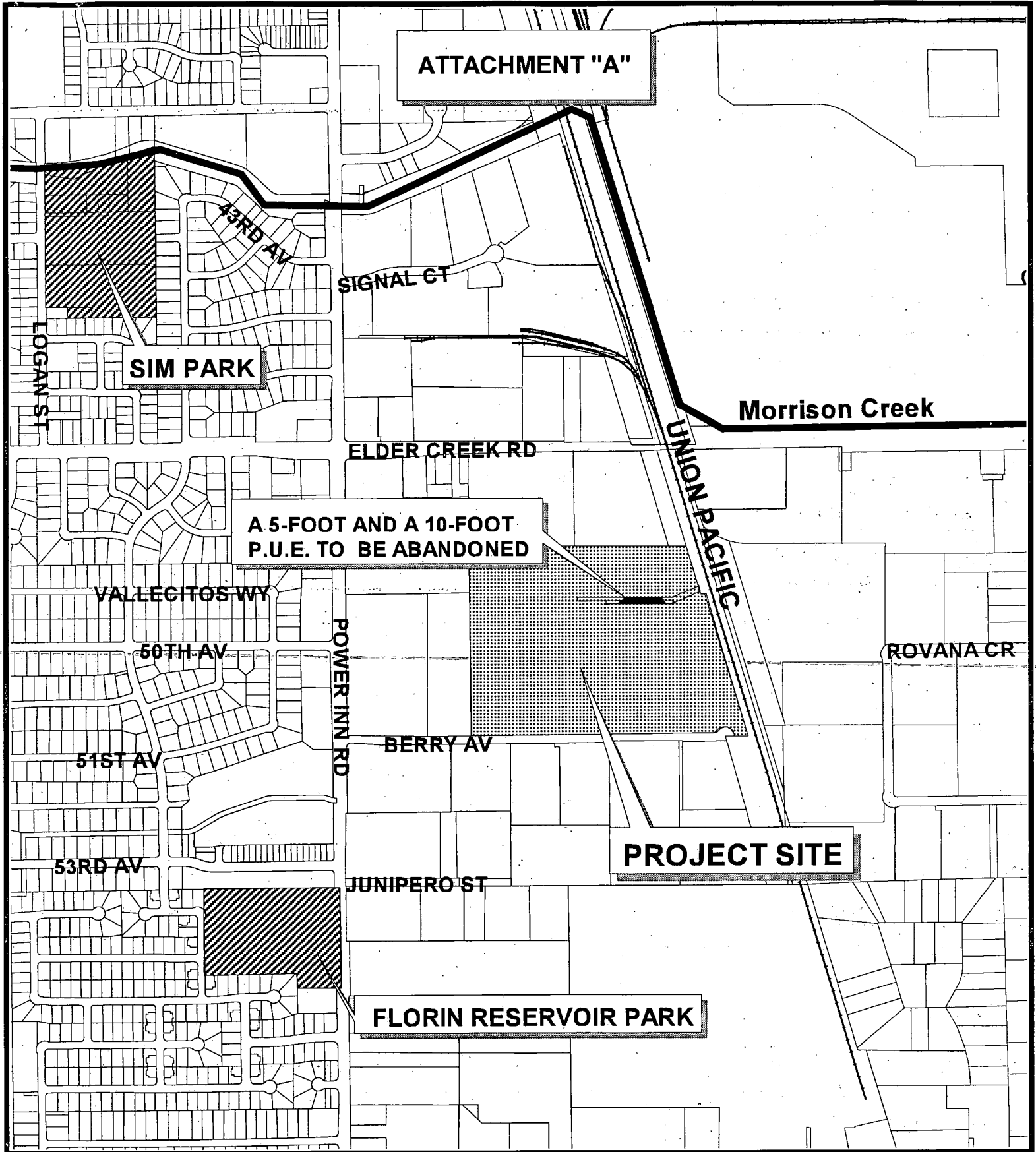
ROBERT P. THOMAS  
City Manager



Thomas V. Lee  
Deputy City Manager

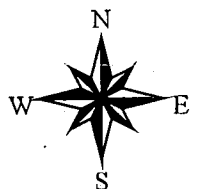
**TABLE OF CONTENTS:**

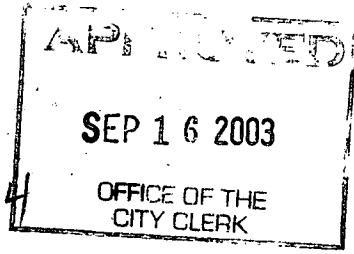
- 1) Attachment A, location map, pg. 4
- 2) Resolution Adopting Findings of Fact and Approving the Summary Abandonment, pg. 5
- 3) Exhibit A, Legal Description, pg.7
- 4) Exhibit B, Area to be Abandoned, pg. 8



Department of  
**PUBLICWORKS**  
 CITY OF SACRAMENTO  
 CESAR 080403

SUMMARY ABANDONMENT, AP03-11  
 The Portions of a 5 Foot and a 10 Foot Wide  
 Public Utility Easements Located 8205 Berry  
 Avenue within Council District 6 in the City of  
 Sacramento





**RESOLUTION NO. 2003-634**

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

**RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING THE SUMMARY ABANDONMENT OF PORTIONS OF A 5 FOOT AND A 10 FOOT WIDE PUBLIC UTILITY EASEMENT LOCATED AT 8205 BERRY AVENUE, WITHIN COUNCIL DISTRICT 6 IN THE CITY OF SACRAMENTO**

**ABANDONMENT PROCEEDING NO. AP03-11**

- A. WHEREAS, the City received a request from the Federal Express Ground Package System, Inc. to vacate (abandon) portions of public utility easements within the City of Sacramento; and
- B. WHEREAS, the subject portions of the public utility easements have been superseded by relocation, in that the applicant has been required to dedicate to the City new public utility easements with a different alignment, the storm drain pipe located in the previous alignment has been realigned, and no other public facilities are located within the portions of the public utility easements proposed for vacation (abandonment); and
- C. WHEREAS, as the subject public utility easements have been superseded by relocation, the City Council considers the proposed abandonment in compliance with California Streets and Highways Code, Sections 8330-8334.5 (Summary Vacation); and
- D. WHEREAS, the Planning Commission reviewed the proposed abandonment pursuant to Government Code Section 65402 and concluded that said abandonment is consistent with the City General Plan and the applicable Community Plan; and

**THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO THAT:**

- 1. The portions of a 5 foot wide public utility easement and a 10 foot wide public utility easement located at 8205 Berry Avenue, specifically described in Exhibit "A" and shown in Exhibit "B" attached hereto, are hereby vacated (abandoned) subject to the conditions specified in this resolution.

A map or plan of the proposed summary abandonment is attached as Exhibit "B" and is on file with the Department of Public Works, Development Services Division, located at 1231 I Street, Room 200.

FOR CITY CLERK USE ONLY

RESOLUTION NO: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

2. The City Council hereby finds that said abandonment has been submitted to and reported on by the Planning Commission as to conformity with the City General Plan. The Council, pursuant to Streets and Highways Code Section 8330-8334.5, has considered this abandonment in connection with the General and Community Plans and finds that the abandonment is consistent with said plans.
3. The abandonment is subject to the following conditions:
  - a. The realigned public utility easements required to be dedicated to the City shall be approved and recorded in writing by the City Department of Public Works prior to the recordation of the abandonment.
4. After the conditions in paragraph 3 of this resolution have been fulfilled, 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.
5. All conditions specified in paragraph 3 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.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

---

FOR CITY CLERK USE ONLY

6

RESOLUTION NO: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

EXHIBIT "A"

DESCRIPTION

EXISTING PUBLIC UTILITY EASEMENTS TO BE ABANDONED

PARCEL 1:

All that portion of the parcel of land, situate in Lot 3 as said lot is shown and so designated on the Plat of Florin Acres filed for record in Book 8 of Maps, Map No. 29, Sacramento County Records, described in the easement deed from William H. Cook, et al to the City of Sacramento dated May 3, 1983 and recorded in Book 830524 of Official Records at page 1464, Sacramento County Records, more particularly described as follows:

Commencing at the northwest corner of Lot 5 as said lot is shown and so designated on said Plat of Florin Acres, said northwest corner of Lot 5 also being on the south line of said Lot 3, and running thence, along said south line, North 89°26'30" East 137.38 feet to a point from which a found U.S.C.E. brass disc stamped "126-4 1990" shown on the Record of Survey of the Sacramento Army Depot filed for record in Book 53 of Surveys at page 25, Sacramento County Records, bears North 53°49'16" East 4,294.14 feet distant, said point being the true point of beginning of the herein described parcel; thence, from said true point of beginning and leaving said south line, North 72°46'08" East 17.43 feet to a point on the north line of said deed dated May 3, 1983; thence, along said north line and running parallel to the south line of said Lot 3, North 89°26'30" East 192.35 feet; thence, leaving said north line, South 43°08'55" East 6.79 feet to a point on the south line of said Lot 3; thence, along said south line, South 89°26'30" West 213.64 feet to the point of beginning, and containing 0.02 acre, more or less.

PARCEL 2:

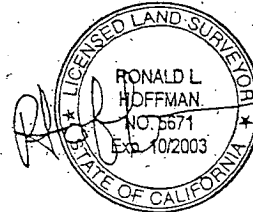
All that portion of the parcel of land, situate in Lot 5 as said lot is shown and so designated on said Plat of Florin Acres, described and designated Parcel 8599-12 in the Final Order of Condemnation dated February 8, 1990 and recorded in Book 900406 of Official Records at page 1107, Sacramento County Records, more particularly described as follows:

Commencing at the northwest corner of Lot 5 as said lot is shown and so designated on said Plat of Florin Acres, and running thence, along the north line of said Lot 5, North 89°26'30" East 137.38 feet to a point from which a found U.S.C.E. brass disc stamped "126-4 1990" shown on the Record of Survey of the Sacramento Army Depot filed for record in Book 53 of Surveys at page 25, Sacramento County Records, bears North 53°49'16" East 4,294.14 feet distant, said point being the true point of beginning of the herein described parcel; thence, from said true point of beginning and continuing along said north line, North 89°26'30" East 213.64 feet; thence, leaving said north line, South 43°08'55" East 13.58 feet to a point on the south line of said Parcel 8599-12; thence, along said south line and running parallel to the north line of said Lot 5, South 89°26'30" West 256.22 feet; thence, leaving said south line, North 72°46'08" East 34.85 feet to the point of beginning, and containing 0.05 acre, more or less.

Bearings shown herein are based on the California Coordinate System as determined from found U.S.C.E. brass discs stamped "126-1 1990" and "126-4 1990" the California Coordinate System Zone II, 1983 coordinates of which are as follows:

126-1 1990: Northing = 1,953,148.064  
Easting = 6,735,846.865

126-4 1990: Northing = 1,949,976.756  
Easting = 6,735,890.117



FOR CITY CLERK USE ONLY

RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

PORTION OF EXISTING  
PUBLIC UTILITY EASEMENTS  
TO BE ABANDONNED,  
LOCATED IN LOTS 3 & 5, PLAT  
OF FLORIN ACRES (BK 8/MAPS/No.29)  
CITY OF SACRAMENTO, CALIFORNIA  
FEBRUARY, 2003

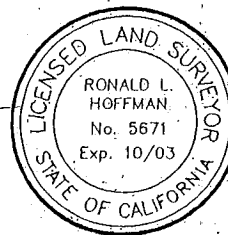
SURVEYOR'S STATEMENT:

THIS IS A CORRECT REPRESENTATION OF A SURVEY  
MADE UNDER MY DIRECTION IN JANUARY, 2003 AND  
ACCURATELY REFLECTS CONDITIONS AT THAT TIME.

USCE BRASS DISC  
STAMPED "126-1 1990"

EXHIBIT "B"

*R. Hoff*  
RONALD L. HOFFMAN  
VICE-PRESIDENT



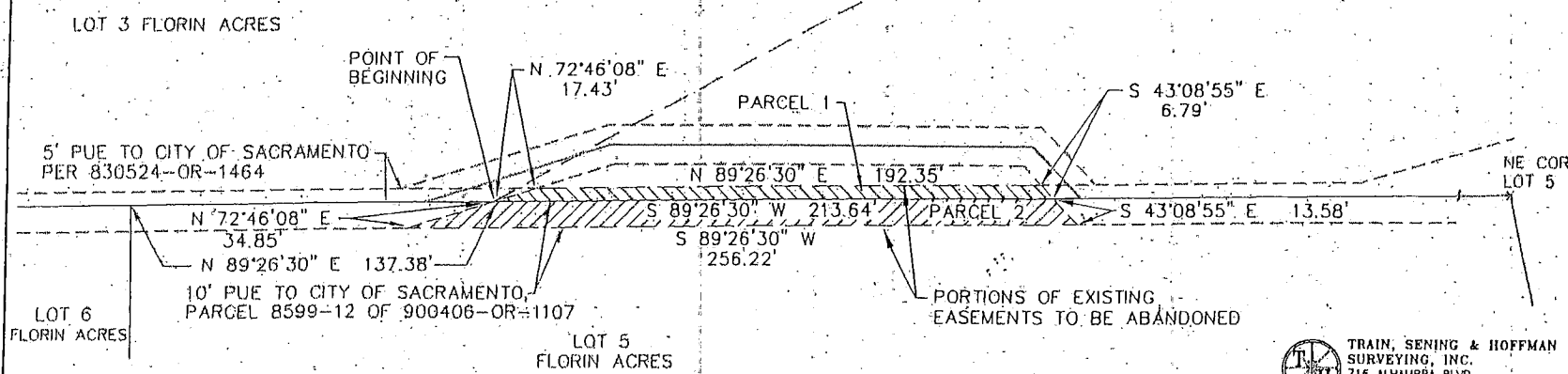
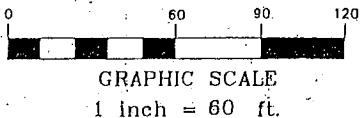
USCE BRASS DISC  
STAMPED "126-4 1990"

BASIS OF BEARINGS

BEARINGS SHOWN HEREON ARE BASED ON THE  
CALIFORNIA COORDINATE SYSTEM AS DETERMINED  
FROM FOUND U.S.C.E. BRASS DISCS STAMPED  
"126-1 1990" AND "126-4 1990"; THE CALIFORNIA  
COORDINATE SYSTEM ZONE II, 1983 COORDINATES  
OF WHICH ARE AS FOLLOWS:

126-1 1990:   NORTHING = 1,953,148.064  
                  EASTING  = 6,735,846.865

126-4 1990:   NORTHING = 1,949,976.756  
                  EASTING  = 6,735,890.117



TRAIN, SENING & HOFFMAN  
SURVEYING, INC.  
716 ALHAMBRA BLVD.  
SACRAMENTO, CA 95816  
(916) 451-7793  
(916) 444-0489 FAX

FOR CITY CLERK USE ONLY

RESOLUTION NO.:

DATE ADOPTED: