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DEVELOPMENT SERVICES  
DEPARTMENT

CITY OF SACRAMENTO  
California

Vacations (Abandonments)  
Public Right-of-Ways & Easements  
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DEVELOPMENT ENGINEERING  
AND FINANCE DIVISION

September 3, 2004

City Council  
Sacramento, California

Honorable Members in Session:

**SUBJECT: THE SUMMARY VACATION (ABANDONMENT) OF A PUBLIC ROAD RIGHT-OF-WAY, BEING PORTION OF GARDEN HIGHWAY BETWEEN NORTHGATE BOULEVARD AND NORTHVIEW DRIVE WITHIN COUNCIL DISTRICT 1 VACATION PROCEEDING NO. VP03-17**

**LOCATION AND COUNCIL DISTRICT:**

Garden Highway between Northgate Boulevard and Northview Drive in Council District 1 (See Attachment "A").

**RECOMMENDATION:**

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

- Approving the vacation of the subject public road right-of-way portion of Garden Highway

**CONTACT PERSONS: Jerry Lovato, Senior Engineering Technician, 808-7918  
Cesar Narvaez, Engineering Technician, 808-7873**

**FOR COUNCIL MEETING OF: September 28, 2004**

**SUMMARY:**

"NSS Northgate Investors, LP" has requested the City to vacate the subject public road right-of-way portion of Garden Highway. This vacated portion of Garden Highway will be incorporated with the property that is located south of the subject Garden Highway that is owned by "NSS

Northgate Investors, LP". This vacated portion of Garden Highway will provide additional landscape area and applicable setback for the commercial development of the said property.

**COMMITTEE/COMMISSION ACTION:**

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

**BACKGROUND INFORMATION:**

- The subject public road right-of-way is an unimproved south portion of Garden Highway between Northgate Boulevard and Northview Drive and has a measurement of approximately 15 feet in width and 482 feet in length with a total area of 7,291.90 square feet or 0.17 acres. "NSS Northgate Investors, LP" has requested the City to vacate this subject public road right-of-way to provide additional landscaping and applicable setback for the commercial development of their property that is south of this subject road. However, the fee titles to this public road are owned by the properties to the north. Mr. Surjit Mahal, owner of the properties to the north that are affected by this vacation, has no objection to this vacation and agreed to provide this portion of the public road in fee title to the applicant. In conjunction with this vacation, the applicant has applied and obtained Planning Entitlement (P02-180) with the City to develop this site as a self-storage facility. The Planning Commission has reviewed this proposed vacation and finds that this vacation is consistent with the City's General Plan.
- City departments and utility companies have reviewed this request for vacation. Letters regarding this vacation are on file with the Development Services Department, Development Engineering and Finance Division.
- Staff has reviewed the request for vacation and finds that the vacation is in conformance with State of California, Streets and Highways Code, Section 8334 (a), that is, the subject road right-of-way is an excess right-of-way of a street or roadway not required for street or highway purposes.
- Following vacation, the titles to the subject properties are cleared of the public road right-of-way.

**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 Division has reviewed this project and determined that the vacation of a portion of Garden Highway between Northgate Boulevard and Northview Drive (VP03-17) is

exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15305 of the CEQA Guidelines. The currently proposed vacation was included and evaluated in the previous environmental document for P02-180. No new issues or new information are known that would trigger additional environmental analysis. This project involves the alteration of an existing public right-of-way with negligible or no expansion of existing use and no substantial change to existing traffic flow or physical features in the City.

**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 8330-8334.5 allows for the vacation of streets, alleys, and easements.

**ESBD CONSIDERATIONS:**

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

Respectfully submitted,

Approved:



Edward Williams, Interim Manager  
Development Engineering and Finance



Michael Medema, Interim Director  
Development Services Department

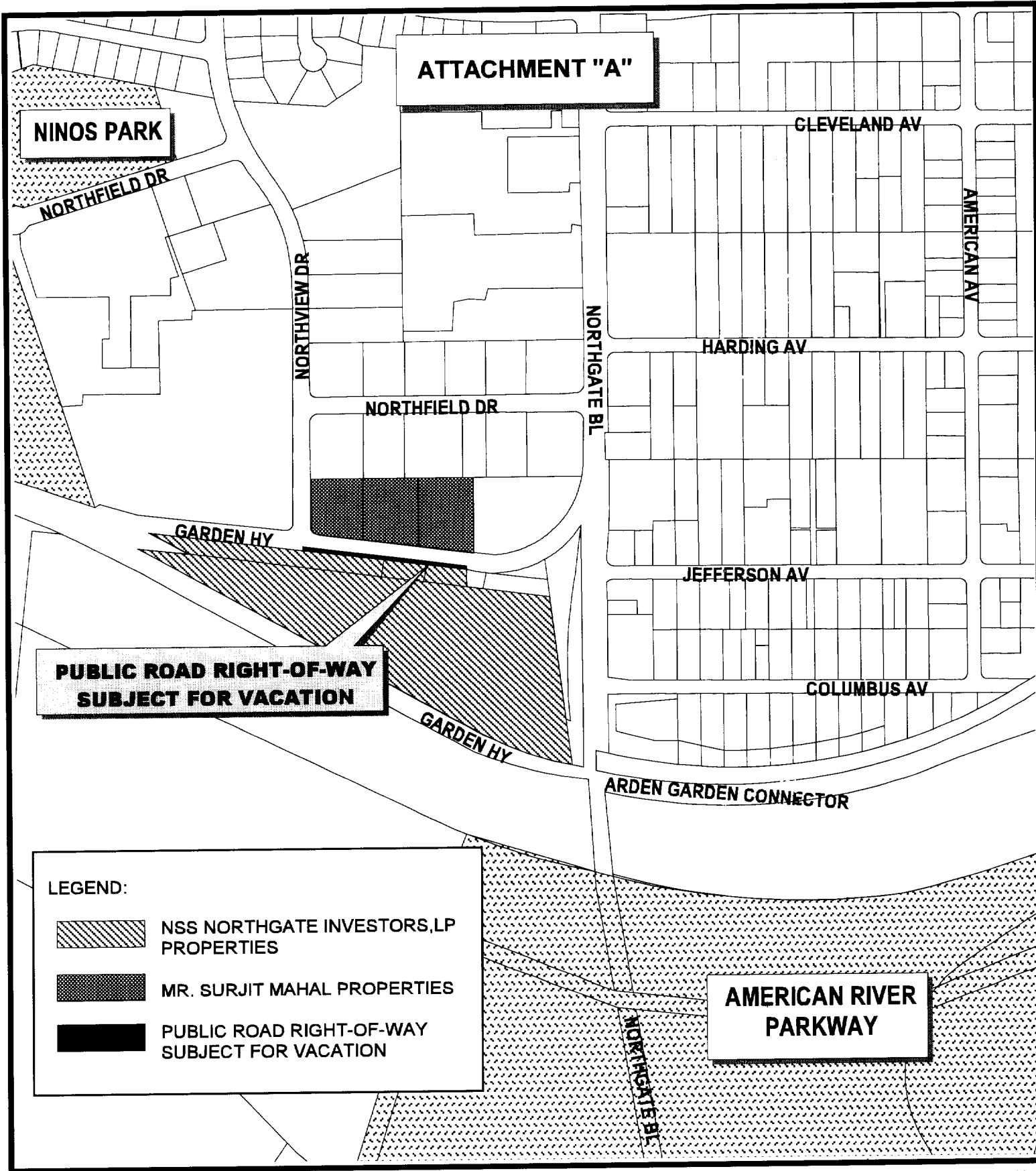
**RECOMMENDATION APPROVED:**



ROBERT P. THOMAS  
City Manager

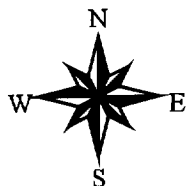
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**DEVELOPMENT SERVICES  
DEPARTMENT**

**SUMMARY VACATION, VP03-17**  
**Public Road Right-Of-Way, Being Portion**  
**of Garden Highway Between Northgate Blvd.**  
**and Northview Drive**



083004C.corr

# RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

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

## THE SUMMARY VACATION (ABANDONMENT) OF A PUBLIC ROAD RIGHT-OF-WAY, BEING PORTION OF GARDEN HIGHWAY BETWEEN NORTHGATE BOULEVARD AND NORTHVIEW DRIVE IN COUNCIL DISTRICT 1

VACATION PROCEEDING NO. VP03-17

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

- A. WHEREAS, the City received a request from "NSS Northgate Investors, LP" to vacate the subject public road right-of-way 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 8330-8334.5, 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:

Portion of Garden Highway between Northgate Boulevard and Northview Drive, specifically described in Exhibit "A" and Exhibit "B", is hereby ordered vacated subject to the conditions specified in this resolution.

Reserving however, a public service easement (as defined in Section 8306 and 8340 of the California Streets and Highways Code) and 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 that public road right-of-way to be vacated, specifically described in Exhibit "A" and shown in Exhibit "B" and attached hereto.

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.
2. The City Council finds that the subject public road right-of-way for vacation is unnecessary for present and prospective public use.

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

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

3. This vacation is subject to the following conditions:
- a. The applicant shall provide and meet the following conditions to the satisfaction of the Development Services Department, Development Engineering and Finance Division:
    - i. The applicant shall construct curb, gutter and side walk on the area proposed for vacation.
    - ii. The applicant shall construct standard driveways per City Standards.
    - iii. The applicant shall apply and obtain Certificate of Compliance for the lot line adjustment of Lot 31, Lot 32, Lot 33 of the Recorded Map Book 79, Page 11 and Parcel 1 of Official Record Book 20040610, Page 2587.

The applicant shall submit public improvement plans and obtain notice to proceed from the Development Services Department to execute the above mentioned improvements.

- b. The applicant shall provide signing and striping plan and pedestrian safety improvements to the satisfaction of the Department of Transportation, Traffic Engineering Division.
  - c. The applicant shall provide continuous bike lane, travel lane(s) and curb, gutter and sidewalk to conform with the adopted streets standard to the satisfaction of the Department of Transportation, Bike and Pedestrian Coordinator.
4. All conditions specified in paragraph 3 for 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 a time extension.
5. 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

**FOR CITY CLERK USE ONLY**

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

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

Exhibit "A"  
Right-of-Way Abandonment

A strip of land, that varies in width, being a portion Lots 31, 32 and 33 as shown on the "Plat of Northgate Commercial, Portion of Section 30, T. 9 N., R. 5 E., M.D.B. & M.", filed in Book 79 of Maps, Map No. 11, Sacramento County Records (79BM11), including the southerly projection of the side lines of said Lots 31, 32 and 33 to the South line of the right-of-way deed "Public Highway or Road and All Necessary Utilities" granted to the County of Sacramento recorded in Book 769, Page 476 of Official Records, Sacramento County.

SAID STRIP of land being more particularly described as follows:

Beginning at the Southwest corner of said Lot 31, said point being on the North line of Parcel 1 as shown on the "Boundary Line Adjustment" filed in Book 20040610, Page 2587 of Official Records, Sacramento County Records (20040610/OR/2587); thence along said North line, South 82°09'57" East, 482.73 feet; thence leaving said North line, North 07°33'51" East, 13.96 feet, to a point, said point measuring 30.5 feet at right angles to the centerline of Garden Highway as shown on the Improvement Plans for "Arden-Garden Connector, Phase 2"; thence parallel to said centerline of Garden Highway, North 81°54'11" West, 484.85 feet to a point on the West line of said Lot 31, said West line being the centerline of Northview Drive as shown on said 79BM11; thence along said West line, South 00°08'40" West, 16.33 feet, to the point of beginning.

End description.



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

