

# REPORT TO COUNCIL

## City of Sacramento

915 I Street, Sacramento, CA 95814-2671  
www.CityofSacramento.org

**PUBLIC HEARING**  
**April 29, 2008**

Honorable Mayor and  
Members of the City Council

**Title: Vacation of a Portion of the Public Utility Easement Within the Vacated Alley Bounded by Beaumont Street, Empress Street, Dixieanne and El Camino Avenue**

**Location/Council District:** The 90 feet of the previously vacated alley running east to west between Empress Street and Beaumont Street located in Council District 2 (Attachment 2, Page 4).

**Recommendation:** Adopt a **Resolution** vacating a portion of the public utility easement along the alleyways within the vacated alley bounded by Beaumont Street, Empress Street, Dixieanne and El Camino Avenue.

**Contact:** Jerry Lovato, Senior Engineering Technician, (916) 808-7918; Thomas Adams, Engineering Technician, (916) 808-7929

**Presenters:** Thomas Adams

**Department:** Department of Transportation

**Division:** Engineering Services

**Organization No:** 4887

### **Description/Analysis**

**Issue:** Burrell Consulting Group Inc. on behalf of property owner Dino Varlas has requested the vacation of a portion of the public utility easement in North Sacramento south of El Camino Avenue for development of their approved Walgreens store.

**Policy Considerations:** The Council action recommended in this report is consistent with the City's Strategic Plan to promote and support economic vitality and is in compliance with the State of California, Streets and Highways Code, Section 8300-8325 that provides the procedure for the vacation of streets, alleys and public utility easements.

**Committee/Commission Action:** None


**Environmental Considerations:** The Development Services Department Environmental Planning Services Division reviewed this project and determined

that the activity is exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines. Where a project has less than significant effects on the environment and discerns with certainty that this project will not have any significant effects on the environment and is not subject to CEQA; it is exempt.

**Rationale for Recommendation:** The vacation of this subject portion of the public utility easements will be utilized as part of the building footprint for the Walgreens store.

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

**Emerging Small Business Development (ESBD):** None

Respectfully Submitted by:   
Nicholas Theocharides  
Engineering Services Manager

Approved by:   
Jerry Way  
Director of Transportation

Recommendation Approved:

  
RAY KERRIDGE  
City Manager

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**Attachment 1**

**Background**



**Vacation of a Portion of the Public Utility Easement Within the Vacated Alley Bounded by Beaumont Street, Empress Street, Dixieanne and El Camino Avenue**

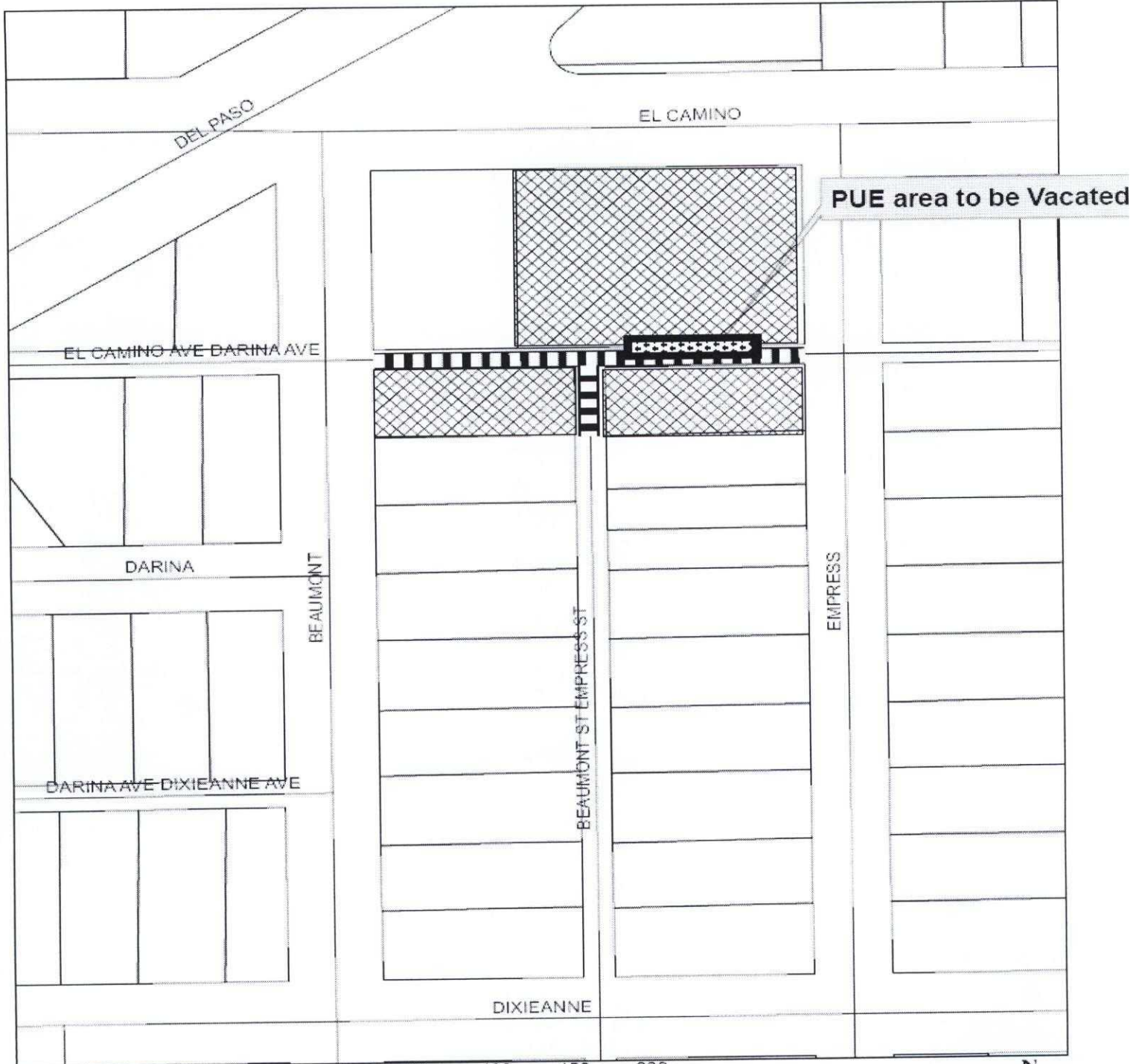
Burrell Consulting Group Inc. has requested the vacation of a portion of a public utility easement (PUE) that is 4 foot wide and 90 feet in length within the previously vacated alleyway located south of El Camino Avenue for Walgreens department store in north Sacramento. This request has been made to incorporate the south end of the building with a drive thru for prescription pick ups.

The alleyway area of the PUE to be vacated was previously vacated and recorded in Book 20080312 Page 726 with the Sacramento County Recorder. The applicant will be relocating all existing utilities within subject location of the existing PUE.

Staff finds that this request for vacation is in conformance with the State of California Streets and Highways Code Section 8320 in which an interested applicant provided all the documentation needed to petition this request for vacation. Various City agencies including traffic engineering, city utilities and fire departments, and public utility companies reviewed and support this vacation. After consideration and review staff recommends that the City Council approve this vacation request.

# PUE Vacation for Walgreens

-  Parcels to be merged for Walgreens
-  Previously Vacated Alleyway



SUBJECT AREA  
PUE Bound by Beaumont, Empress, Dixieanne and El Camino Ave



**Attachment 3**

**RESOLUTION NO.**

Adopted by the Sacramento City Council

**VACATION OF A PORTION OF THE PUBLIC UTILITY EASEMENT WITHIN THE VACATED ALLEY BOUNDED BY BEAUMONT STREET, EMPRESS STREET, DIXIEANNE AND EL CAMINO AVENUE, WITHIN COUNCIL DISTRICT 2, VACATION PROCEEDING NO. VAC08-006**

**BACKGROUND**

- A. Representing Dino Varlas of Interra-Vision Development, LLC; the owner of the property with Assessor's Parcel No. 275-0054-027, Burrell Consulting Group Inc., has requested the vacation of a portion of the Public Utility Easement within a previously vacated alley within the City of Sacramento.
- B. The City of Sacramento Planning Director reviewed this vacation proceeding pursuant to Sacramento City Code 2.112.080 and State of California Government Code Section 65402 and concluded that this vacation is consistent with the City's General Plan.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:**

- Section 1. Subject to the conditions below in Section 4, the PUE located south of El Camino Avenue between Empress and Beaumont streets within Council District 2, more specifically described in Exhibit A and Exhibit B of this resolution is hereby ordered vacated.
- Section 2. The vacation of the portion of the public utility easement south of Assessor's Parcel Number 275-0054-027 within Council District 2, 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. Pursuant to California Streets and Highways Code Section 8320, the City Council finds that the portion of the public utility easement, more specifically described in Exhibit A and Exhibit B was requested to be vacated by interested parties for the purposes of development within the City of Sacramento.
- Section 3. The City Council finds that the said vacation has been submitted to and reported on by the City's Planning Division and finds that the said vacation is consistent with the City's General Plan.

Section 4. This vacation is pursuant to the following conditions:

- a. The applicant must relocate all existing utilities within subject area of the public utility easement to the satisfaction of the Department of Utilities and all other affected utility companies.
- b. The applicant must complete an ingress and egress access agreement with the adjacent property with Assessor's Parcel Number 275-0054-026 over the previously abandoned portion of the alley.

Section 5. The conditions specified in Section 4 of 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 one or more time extensions.

Section 6. 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.

**Table of Contents:**

Exhibit A: Legal Description

Exhibit B: Exhibit Plat/Map

Walgreens - Sacramento, Del Paso and El Camino  
Public Utility Easement Abandonment  
Job No. 1620-00-0896

**EXHIBIT "A"**

A Portion of Block 42 as shown on the subdivision map entitled "Plat of North Sacramento Subdivision No. 1" filed December 15, 1910, in Book 11 of Maps at Page 26, in the office of the county recorder of Sacramento County, California.

More Particularly described as follows:

**Commencing** at the Southeast corner of Lot 1 of Block 42 of the aforesaid subdivision map, thence along the South Line of said Lot 1 North 89°36'20" West, 22.38 feet to the **Point of Beginning**; thence leaving said point of beginning South 00°23'40" West, 4.00 feet; thence North 89°36'20" West, 90.00 feet; thence North 00°23'40" East, 4.00 feet; thence South 89°36'20" East, 90.00 feet to the Point of Beginning.

Area Contains:( 360 Sq. Ft.) More or Less.

THE LAND DESCRIBED HEREON IS SHOWN ON THE ATTACHED EXHIBIT "B" PLAT AND BY REFERENCE MADE A PART HEREOF.

**END OF DESCRIPTION**

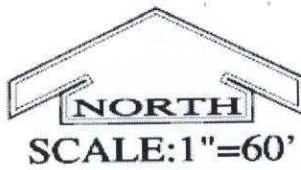
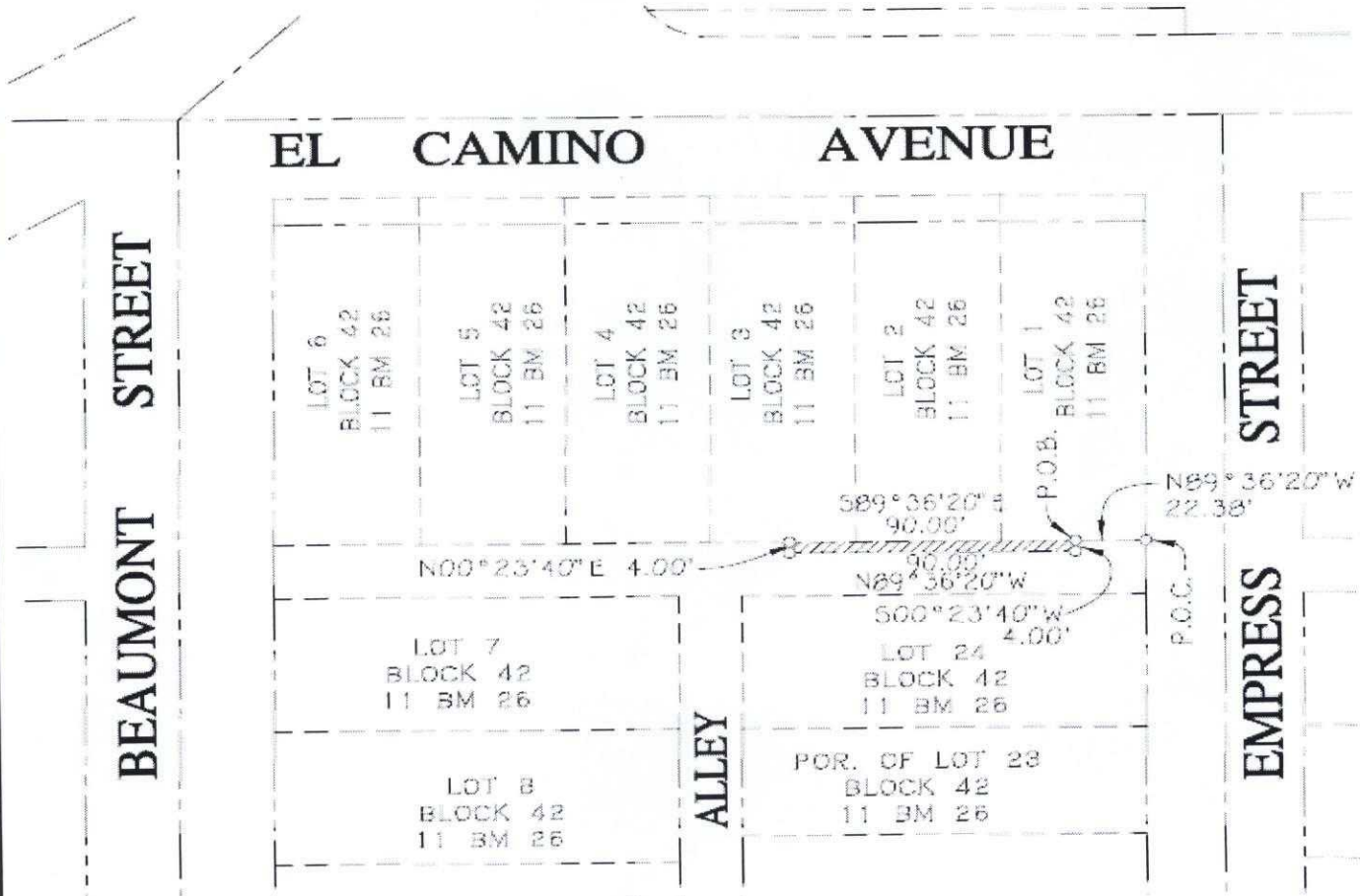
This Description was prepared by me or under my direction pursuant to the requirements of the Professional Land Surveyor's Act.

\_\_\_\_\_  
Jerry V. Aplass, L.S. 5876  
Exp. Date: December 31, 2008  
Date Prepared: September 25, 2007

S:\Proj 1620 Survey Mapping\Legals-Plans PUE Abandonment 1620 PUE-abandonment.rpd

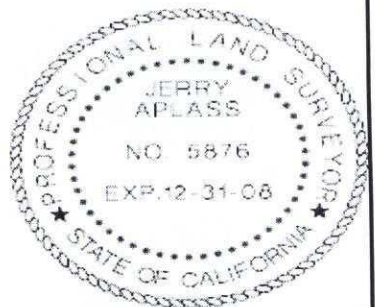


**EXHIBIT "B"**



**LEGEND:**

- P.O.B. ....POINT OF BEGINNING
- P.O.C. ....POINT OF COMMENCEMENT
- .....AREA OF PUBLIC UTILITY EASEMENT TO BE ABANDONED



**PUBLIC UTILITY EASEMENT ABANDONMENT  
WALGREENS- SACRAMENTO, EL CAMINO AVE.**



1001 ENTERPRISE WAY, SUITE 100  
ROSEVILLE, CA 95678  
PH. (916) 783-8898  
FAX (916) 783-8222

SCALE: 1"=60'	DATE: 1-24-08
DRAWN BY: MJ	REVISED:
APPROVED BY: MJ	DWG: 'UE
DESIGNED BY:	JOB: ...20

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