



CITY OF SACRAMENTO

DEPARTMENT OF POLICE

HALL OF JUSTICE
813 - 6TH STREET

SACRAMENTO, CALIFORNIA
TELEPHONE (916) 441-3100

APPROVED
BY THE CITY COUNCIL

JOHN P. KEARNS
CITY MANAGER
BRIEFING OFFICE
RECEIVED
FEB 19 1986

FEB 25 1986

**OFFICE OF THE
CITY CLERK**

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: HEARING ON THE RESOLUTION OF INTENTION, MOBLEY AVENUE, MOSBY AVENUE, MODLIN WAY AND MODELL WAY, Abandonment Proceeding No. 5483 (CC: 8624)

SUMMARY

It is requested that the City Council adopt the Resolution abandoning Mobley Avenue, Mosby Avenue, Modlin Way and Modell Way. Adoption of the Resolution is recommended.

BACKGROUND

The Townhouse Villa/Morey Terrace Apartments is a federally-subsidized low income housing complex of approximately 144 units. Ownership of the properties is split between several private investors. The single access entry to the complex is from Morey Avenue. Surface roads include: Modell, Modlin, Mosby and Mobley--all of which are designated city streets.

Over the past three years, the area has become a popular location for the illegal trafficking of drugs, particularly "nickel" bags of marijuana. The principal sale of the narcotics is not being performed or controlled by people living in the apartment complex. Rather, it is being done by drug dealers who are non-residents, and who come to the neighborhood only for the purpose of peddling their drugs. There have been many shootings, assaults, burglaries, and robberies in this complex which are drug related.

In cooperation with the apartment management, several steps have been taken to combat the problem including:

1. Uniformed foot beats and mobile patrol during peak days and hours of drug activity.
2. Covert surveillance and enforcement of drug violations.
3. Eviction of residents who are arrested for drug violations.
4. Use of private security for a deterrent effect.

Our efforts at controlling this illegal activity have been hampered as State law does not prohibit individuals from loitering on City streets or sidewalks.

The Sacramento Police Department is asking for the abandonment of the streets in order to provide a means of controlling the entry of non-residents. Once this has been accomplished, the complex can post signs prohibiting trespassers. Loiterers without business in the area can be arrested if they refuse to leave.

The above technique has been effectively used in other Sacramento locations where similar problems occurred. Private streets also have been part of several recent planned development units such as Smoke Tree Apartments, San Juan and Azevedo, and the Swallows Nest Townhouses, Garden Highway and Orchard Lane. Private streets should have been included in the original design. The owners of the property have voiced objections to the abandonment. Their primary concern was future maintenance costs of the streets.

The various utility companies have stated they have no objection to the proposed abandonment.

On February 4, 1986, the City Council adopted the Resolution of Intention setting a Hearing for this date on the proposed abandonment pursuant to the requirements of the Streets and Highways Code of the State of California. Attached is the Engineer's Report relating the abandonment facts.

FINANCIAL DATA

It is anticipated that no City funds are to be expended for this abandonment.

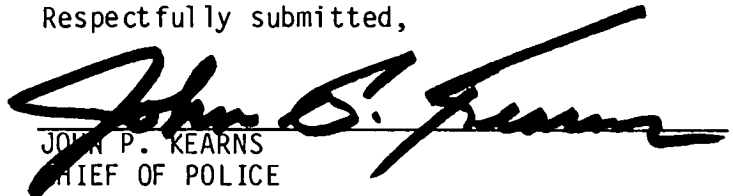
VOTE OF COMMISSION

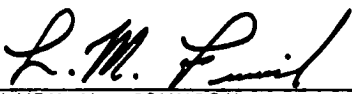
The Planning Commission has voted in favor of approving the proposed abandonment.

RECOMMENDATION


No protest. It is recommended that the Hearing be closed and the Council approve the Engineer's Report and adopt the attached Resolution which is the final order in the proceedings.

Respectfully submitted,


JOHN P. KEARNS
CHIEF OF POLICE

FOR 
MELVIN H. JOHNSON
DIRECTOR OF PUBLIC WORKS

Recommendation Approved:


WALTER J. SLIPE
CITY MANAGER

RESOLUTION NO. 86-146

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

APPROVED
BY THE CITY COUNCIL

FEB 25 1986

OFFICE OF THE
CITY CLERK

RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING THE VACATION AND ABANDONMENT OF MOBLEY AVENUE, MOSBY AVENUE, MODLIN WAY AND MODELL WAY

FOR ABANDONMENT PROCEEDING NO. 5483

WHEREAS, on February 4, 1986 the City Council adopted a Resolution of Intention to abandon and vacate the right-of-way on Mobley Avenue, Mosby Avenue, Modlin Way and Modell Way, pursuant to the standards and procedures provided in the Public Streets, Highways, Service Easements Vacation law, California Streets and Highways Code S8300 et seq.

WHEREAS, the City Planning Commission on November 14, 1985, 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.

WHEREAS, notice that the City Council would consider the proposed vacation at a public hearing was given in compliance with California Streets and Highways Code Sections 8322 and 8323.

WHEREAS, a public hearing to consider the proposed vacation was held before the City Council at 7:30 PM on February 25, 1986 in the City Council Chambers and the City Council heard all evidence offered by any and all parties interested in the proposed vacation.

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

1. The public right-of-way located in the City of Sacramento, County of Sacramento, State of California and specifically described below are hereby ordered vacated:

All that portion of Mobley Avenue, Mosby Avenue, Modlin Way and Modell Way (see attached map) as shown on the official map of Morey Terrace recorded in the office of the County Recorder, Sacramento, California in Book 66 of Maps, page 24.

RESERVING HOWEVER, the right of entry to replair, maintain and construct sewer, water and gas pipes and aerial or underground power, telephone and other communication facilities now in place in said streets, or which from time to time may be placed therein.

ALSO RESERVING TO THE CITY OF SACRAMENTO, the right of ingress and egress for fire protection vehicles over said streets and to any individual parcel fronting on said streets, within said Morey Terrace, the right of ingress and egress for vehicle access over said streets. All proceedings in connection with the aforesaid abandonment are to be taken subject to such reservations and exceptions.

- 2. The above described public streets are unnecessary for present or prospective use in that:
 - a. It does not affect any existing tract restrictions.
 - b. Planning Commission and City Engineers have reviewed said abandonment and found that it will not interfere with the traffic flow in the area or affect the aesthetics of the neighborhood.
 - c. The parcels adjacent to the abandoned streets described above have other access and said abandonment will not create any landlocked parcels.

MAYOR

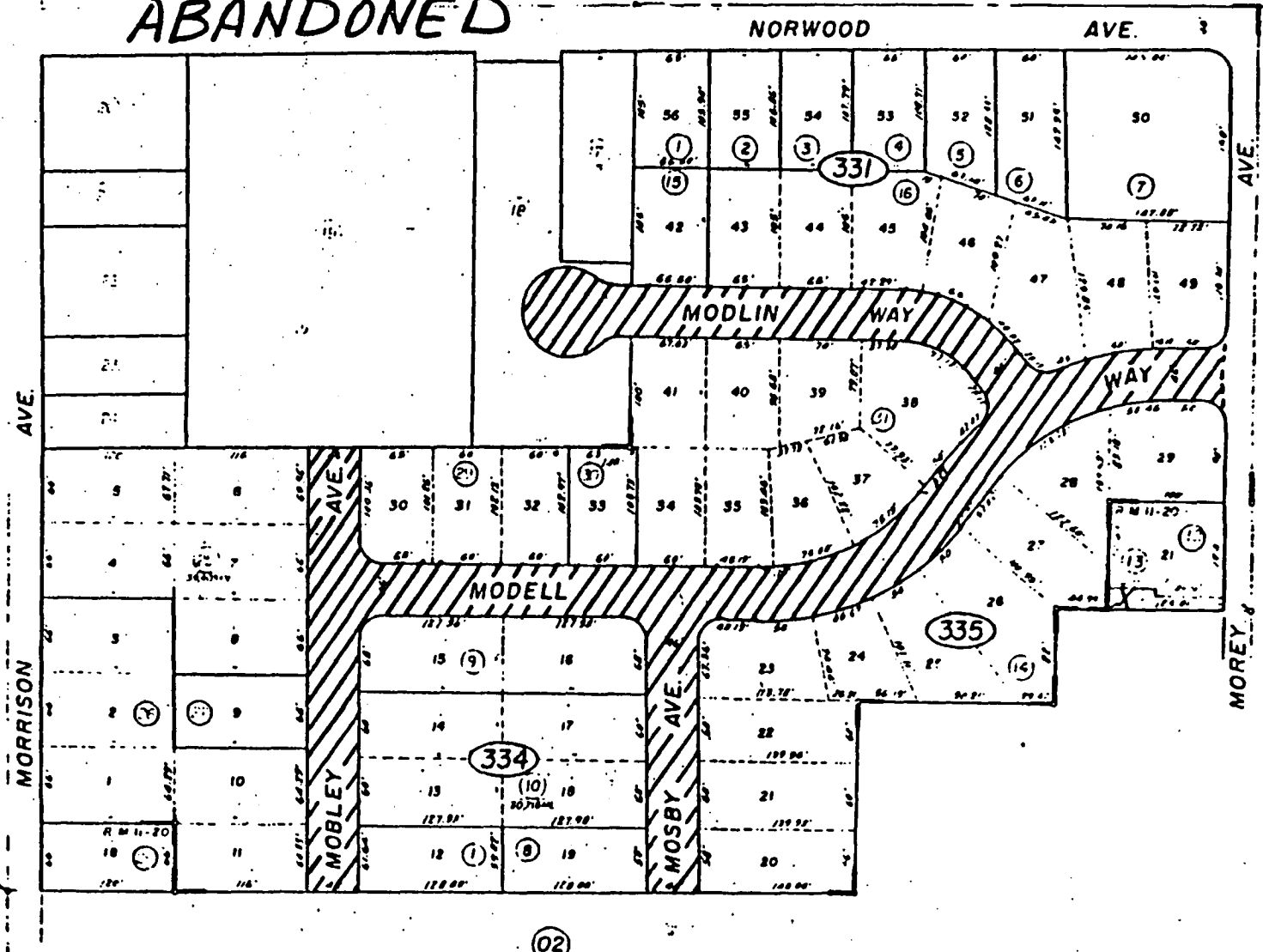
ATTEST:

CITY CLERK

RW:F2:A-7

27

PROPOSED STREETS TO BE ABANDONED



02

EXHIBIT A

CITY COUNCIL OF THE CITY OF SACRAMENTO
FEBRUARY 25, 1986

In the Matter of Abandonment)
Proceeding No. 5483, Abandonment of) ENGINEER'S REPORT
Mobley Avenue, Mosby Avenue, Modlin)
Way and Modell Way)

A Public Hearing is scheduled for this date pertaining to the proposed abandonment of Mobley Avenue, Mosby Avenue, Modlin Way and Modell Way.

This proposed abandonment has been undertaken due to the following facts:

1. A request from the City Police Department was presented to the City Council on February 4, 1986.
2. That on February 4, 1986, the Director of Public Works presented the Resolution of Intention for the abandonment to the City Council for approval. On that date, the Council did approve said Resolution of Intention which set a hearing date on the abandonment for this date.
3. That on February 5, 1986, a copy of the Resolution of Intention was mailed to all persons within a 300' radius of said abandonment notifying them of the hearing set for this date.
4. That on February 7, 1986 and February 14, 1986, the Resolution of Intention was published in the Daily Recorder and posted on the bulletin board outside the City Clerk's office.
5. That on February 11, 1986, notices were posted along the proposed abandonments.
6. That the various utility companies (SMUD, PT & T AND PG & E) and the City Water and Sewer Section have submitted letters stating they have no objection to the abandonment provided public easements are retained to permit maintenance of existing or future facilities.
7. It is my opinion that said abandonment will not affect the aesthetics of the neighborhood or cause any undue hardship on the City.

Executed this 25th day of February, 1986.

M. H. Johnson
Director of Public Works



MARCH 11 1985

SMUD FILE PWC/C 441

CITY COUNCIL
CITY OF SACRAMENTO
CITY HALL
SACRAMENTO CA 95814

Ron Wicky of the Real Estate Department of the City of Sacramento has informed us of the proposed abandonment of Mobley Avenue, Mosby Avenue, Modlin Way and Modell Way as said avenues and ways are shown on the plat of "Morey Terrace", recorded in the office of the Recorder of Sacramento County on August 10, 1961 in Book 66 of Maps, Map No. 24.

This District is presently occupying portions of Mosby Avenue and Modlin Way with overhead electric power facilities. However, provided the usual "continuing-use" clause as cited in the State of California Streets and Highways Code is incorporated in the abandonment ordinance reserving all rights for the District to construct, reconstruct, operate and maintain electrical facilities, we will not object to the abandonment.

Keith D. Shorey
Acting Manager
Land Department

cc: City of Sacramento
Public Works Dept.

100003.

DEPARTMENT OF PUBLIC WORKS

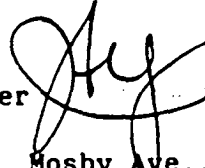
ENGINEERING DIVISION

22

February 21, 1985

TO: Ron Wicky, Real Estate Section

FROM: Joe F. Yee, Chief Electrical Engineer



SUBJECT: Proposed abandonment of Mobley Ave., Mosby Ave., Modlin Way and Modell Way

In response to your letter concerning the subject street abandonment we have the following comments:

1. There is currently a street lighting system located within these streets (see attached map). This lighting system should be reverted back to the owner or developers when the streets are abandoned. The four lights which are not located within the proposed abandoned streets should be disconnected from the present lighting system by the owners or the developers and reconnected to City owned street lighting systems in order for the City to continue to maintain those lights remaining on City streets.
2. The owners and developers will be responsible for maintaining the lighting facilities within the abandoned streets.
3. It might be possible for the owners or developers to enter into a contract with the City for the maintenance of facilities within the abandoned streets.

The City Planning Department is planning to recommend to the City Council an ordinance that will include conditions for private streets in subdivisions. Attached is a copy of this proposal.

If you have additional questions please call me at 5982.

JFY:eh
JY104Meh

Attachment

cc: Tom Finley
Dee Lewis
Jim Bloodgood
Harry Behrens
Bob Blaser



CITY OF SACRAMENTO

DEPARTMENT OF PUBLIC WORKS

22

ENGINEERING DIVISION

THOMAS M. FINLEY
Engineering Division Manager

July 25, 1985

City Council
Sacramento, California

Honorable Members In Session:

SUBJECT: Abandonment of Modlin Street, Mobley Street and
Modell Street

The Traffic Engineer has no objection to the proposed
abandonment of Modlin Street, Mobley Street and Modell
Street provided the intersection of Modell Street at Morey
Avenue is removed and a standard commercial driveway is
constructed in its place.

Very truly yours,

James H. Bloodgood
Traffic Engineer

JHB:eh
LJ112Cd1

cc: Irv Moraes



CITY OF SACRAMENTO

22

DEPARTMENT OF PUBLIC WORKS

RECEIVED

FEB 14 1985

LARRY L. COMARSH
Division Manager

DIVISION OF WATER AND
SEWERS

ENGINEERING DIV.

February 12, 1985

Mr. Ronald Wickey
Department of Public Works
Real Estate Section
915 I Street, Rm 300
Sacramento, Ca 95814

Dear Mr. Wickey:

Subject: Abandonment of Mobley Avenue, Mosby Avenue,
Modlin Way, and Modell Way

We have reviewed the subject street abandonment and have no objections provided the following conditions are met:

1. An easement be reserved for the existing water, sewer, and/or drainage facilities within the current right-of-way.
2. No construction shall be permitted over existing facilities unless they are relocated at the owners expense to the satisfaction of the Division of Water and Sewers.

Sincerely,

Harry G. Behrens
Supervising Engineer



CITY OF SACRAMENTO

22

DEPARTMENT OF FIRE

FIRE ADMINISTRATION

William R. Powell
Fire Chief

August 27, 1985

MEMORANDUM

TO : DAN HENDRYCKS, PLANNING DIVISION
FROM : DENNIS R. SMITH, DEPUTY CHIEF
SUBJECT: **STREET ABANDONMENT - MODELL AREA**

The Fire Department has reviewed the request for the street abandonment in the Modell, Modlin and Mobley area. The Department will approve the abandonment with the following conditions:

1. All fire hydrants be marked by red curbs and no parking signs. The red curbs will be painted fifteen (15) feet in both directions from the center of the hydrant.
2. All dead-end streets in the complex have cul-de-sacs installed to allow fire apparatus the ability to turn around.
3. Provide the Department with a forty (40) foot wide fire lane on the existing streets to provide future access into this area.
4. Any gates or guard sheds must be approved by this Department before being installed. Fire Department access must be considered.

If you have any further questions, feel free to contact me at 449-5266.

DENNIS R. SMITH
DEPUTY CHIEF

DRS:mb

cc: William R. Powell, Fire Chief

CITY PLANNING DEPARTMENT

AUG 27 1985

RECEIVED

PACIFIC GAS AND ELECTRIC COMPANY 22

PG&E + 5555 FLORIN-PERKINS ROAD • P. O. BOX 7444 • SACRAMENTO, CALIFORNIA 95826

RECEIVED

February 22, 1985

FEB 27 1985

SA-LA 1048
641

ENGINEERING DIV.

City of Sacramento
Department of Public Works
Real Estate Division
915 "I" Street, Room 300
Sacramento, CA 95814

Attention: Mr. Ron Wicky

Gentlemen:

In response to your a petition to abandon Mobley Avenue, Mosby Avenue, Modlin Way, and Modell Way. This Company has gas facilities in the subject area and has no objection to the proposed abandonment provided a Reservation Clause is inserted to protect the existing facilities in the area. Please forward a certified copy of the abandonment resolution to: Pacific Gas and Electric Company, P.O. Box 7444, Sacramento, CA 95826, Attention: Land Department.

We suggest the following clause:

"Reserving, however, to Pacific Gas and Electric Company the right from time to time to install, maintain, repair, operate, replace, remove and renew such underground pipes, fixtures and appurtenances for the operation of gas facilities within said area."

Sincerely,

M. R. AMERIO
Manager, General Services

By 
JEFFREY A. ROTLISBERGER
Division Land Supervisor

MAGunby/dmd

February 28, 1985

City of Sacramento
City Hall
915 I Street, Room 300
Sacramento, CA. 95814

Attention: Ron Wicky, Real Estate

This is in reference to your letter dated February 6, 1985 regarding the proposed vacation of Mobley Ave., Mosby Ave., Modlin Way, and Modell Way in the City of Sacramento, County of Sacramento, State of California.

Communication facilities are located within that portion of the above mentioned vacation which must be retained for service to the area and beyond. This company, therefore, requests the following language be incorporated in any resolution or ordinance of vacation of Mobley Ave., Mosby Ave., Modlin Way, and Modell Way.

"EXCEPTING AND RESERVING THEREFROM PURSUANT TO THE PROVISIONS OF Section 8340 of the Street and Highways Code and for the benefit of Pacific Bell, the permanent easement and the right at any time or from time to time to construct, maintain, operate, replace, remove, renew and enlarge lines of pipe, conduits, cable, wires, poles and other convenient structures, equipment and fixtures for the operation of telephone lines and other communication facilities, including access and the right to keep the property free from inflammable materials and wood growth, and otherwise protect the same from all hazards, in, upon, over and across that portion of Mobley Ave., Mosby Ave., Modlin Way, and Modell Way abandoned."

Upon receipt of a certified copy of the vacating ordinance or resolution to the address above, which should include the foregoing language, this company shall have no objection to the proposed vacation.

Sincerely,



R. A. Beemer
Public Works Coordinator