



APPROVED
BY THE CITY COUNCIL

DEC 14 1993

OFFICE OF THE
CITY CLERK

1.13

DEPARTMENT OF
PUBLIC WORKS

ENGINEERING DIVISION

CITY OF SACRAMENTO
CALIFORNIA

927 TENTH STREET
ROOM 200
SACRAMENTO, CA
95814-2700

PH 916-264-7120
FAX 916-264-7903

CONSTRUCTION SECTION
640 BERKUT DRIVE
SUITE B
SACRAMENTO, CA
95814-0131

PH 916-264-5282
FAX 916-264-7276

November 16, 1993

City Council
Sacramento, California

Honorable Members In Session:

SUBJECT: ABANDONMENT OF EXCESS RIGHT-OF-WAY AT THE NORTHWEST
CORNER OF 20TH AVENUE AND 34TH STREET - SUMMARY
ABANDONMENT #93-08

LOCATION/COUNCIL DISTRICT:

Northwest corner of 20th Avenue and 34th Street
Council District 5

RECOMMENDATION:

This report recommends that the City Council:

- Adopt the attached resolution regarding findings of fact.
- Approve the proposed abandonment of the excess right-of-way at the northwest corner of 20th Avenue and 34th Street.

CONTACT PERSON:

Glenn Marshall, Associate Engineer, 264-5517

FOR COUNCIL MEETING OF: December 14, 1993

SUMMARY:

The City received a request from Rahat Buksh to abandon the excess right-of-way at the northwest corner of 20th Avenue and 34th Street. City departments and utility companies have reviewed the proposed abandonment and have no objections provided

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public easements are retained to permit maintenance of existing or future facilities. Approval of the proposed abandonment is recommended.

COMMITTEE/COMMISSION ACTION:

None.

BACKGROUND:

Rahat Buksh has requested that the City abandon excess right-of-way from 20th Avenue and 34th Street as indicated by the cross-hatched area on the attached Exhibit A. The lot is currently only 31.25 feet by 80.0 feet, and the Planning Department is requiring a 12.5 foot side yard and 25 foot front yard setback for the replacement of a house which burned down. With the addition of the excess right-of-way, the owner will be able to satisfy the development requirements of the Planning Department.

Utility companies and City departments have reviewed this request for abandonment. There are no objections to the proposed abandonment provided public easements are retained to permit maintenance of existing or future facilities. Letters from the utility companies and City departments regarding this abandonment are on file with the Department of Public Works, Development Services.

The proposed abandonment is categorically exempt in accordance with Section 15305 of the CEQA guidelines.

This abandonment is classified as a "Summary Abandonment" because the excess right-of-way proposed to be abandoned has been determined to be an excess right-of-way of a street or highway not required for street or highway purposes (§8334a of the Streets and Highways Code), and of no foreseeable use to the City. Approval and recordation of the attached resolution will cause the abandonment to be effective.

Staff has reviewed the request to abandon and finds it in conformance with City Guidelines for Street Closures (City Resolution No. 82-509) and the State of California, Streets and Highways Code (Section 8300 et seq.). Approval of the request to abandon is recommended.

FINANCIAL CONSIDERATIONS:

The applicant provided all the documentation required for the abandonment and paid a fee to fund staff time required to process the abandonment application. There is no expense to the City.

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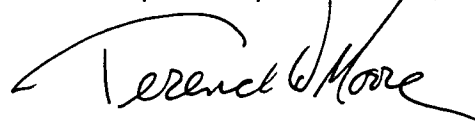
POLICY CONSIDERATIONS:

Section 8300 et seq. of the State of California Streets and Highways Code allows for abandonment of streets, alleys, and easements that are no longer needed for public use. The local governing body is the approving authority and may reserve such rights as may be needed (e.g., retaining the utility easement when approving a street abandonment). City policy, as stated in Resolution No. 82-509 which was approved by the City Council on July 20, 1982, provides for abandonment of local streets so long as there is a benefit to the community, it does not inhibit access to other properties and would be supported by the majority of property owners. This abandonment is consistent with these policies.

MBE/WBE:

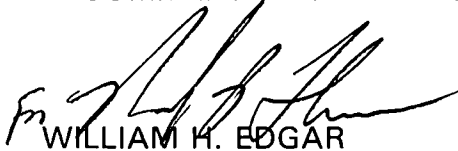
None, since no goods or services are procured with this action.

Respectfully Submitted,



TERENCE W. MOORE
Engineering Division Manager

RECOMMENDATION APPROVED:



WILLIAM H. EDGAR
City Manager

APPROVED:



JOHN E. MEDINA
Director of Public Works

JV:dt
DS1-08AB.B
07.2393.2

Attachment

RESOLUTION NO. 93-702

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

APPROVED
BY THE CITY COUNCIL
FEB 17 1993
OFFICE OF THE CLERK

**RESOLUTION ADOPTING FINDINGS OF
FACT AND APPROVING THE SUMMARY
ABANDONMENT OF EXCESS RIGHT-OF-
WAY AT THE NORTHWEST CORNER OF
20TH AVENUE AND 34TH STREET**

ABANDONMENT PROCEEDING NO. 93-08

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

1. The City received a petition to abandon from owners of property within the City of Sacramento, requesting the City Council to consider a summary abandonment of subject property:
2. The public excess right-of-way located in the City of Sacramento, specifically described below is hereby ordered abandoned;

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

All that portion of Los Angeles Avenue and Pine Street adjoining Lot 46, Block G, as shown on the "Plat of Gould or Brook Realty Company's Subdivision No. 112", recorded in Book 8 of Maps, Map No. 46 (8BM46) Sacramento County, State of California Described as follows:

Beginning at the southeasterly corner of said Lot 46, also being the northwest corner of the intersection of 20th Avenue (formerly Los Angeles Avenue) and 34th Street (Formerly Pine Street), as delineated on said map; thence along the following 7 courses:

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RESOLUTION NO.: _____

DATE ADOPTED: _____

- (1) North along the eastern boundary of Lot 46, 80.00 feet;
- (2) Thence leaving said eastern boundary, East at right angles to the westerly line of said 34th Street (formerly Pine Street), 8.00 feet;
- (3) Thence South along a line parallel to the eastern boundary of said Lot 46, 67.39 feet more or less to a tangent curve;
- (4) Thence along said tangent curve to the right having a radius of 23.00 feet, an arc length of 36.30 feet more or less to a point on a tangent line, said tangent line being located 10.5 feet south of and parallel to the southerly boundary of said Lot 46;
- (5) Thence North 89° 34' West along said parallel line, 16.16 feet, more or less to a point, said point being located 10.5 feet southerly, measured at right angles to the southerly boundary of said Lot 46 and South 89° 34' East, 2.00 feet from the southwest corner of said Lot 46;
- (6) Thence from said point North 0° 26' East at right angles to the southerly line of said Lot 46, 10.5 feet to a point on said southerly line, said point being South 89° 34' East, 2.00 feet from the southwest corner of said Lot 46;
- (7) Thence South 89° 34' East along said southerly line, 31.25 feet more or less to the true point of beginning.

RESERVING HOWEVER, a public service easement (as defined in §8306 of the California Streets and Highways Code) the full width of the existing right-of-way, and the right at any time, or from time to time, to maintain, operate, replace, remove, or renew any public service facilities in, upon, over and across the street to be abandoned.

A map or plan of the proposed abandonment is attached as Exhibit A and is on file with the Department of Public Works, Development Services, located at 927-10th Street, Room 100.

3. The City Council finds that the public excess right-of-way may be summarily abandoned in accordance with section §8334(a) of the Streets and Highways Code which states "The Legislative body of a local agency may summarily vacate an excess right-of-way of a street or highway not required for street or highway purposes."

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

4. The City Council finds that the public excess right-of-way is not necessary for present or prospective public use in that:
 - a. It is not necessary for through traffic circulation; and
 - b. The City Engineer has reviewed said abandonment and found that it will not interfere with the traffic flow in the area or affect the aesthetics of the neighborhood; and
 - c. The excess right-of-way to be vacated is not necessary or useful as a non-motorized transportation facility as defined in Section 156 of the Streets and Highways code.
5. The City Council hereby finds that the closure of the excess right-of-way identified in paragraph 2 above, does satisfy the City Council's "Review Guideline For Street Closures", adopted July 20, 1982, by Resolution No. 82-509.
6. 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.

ATTEST:

MAYOR

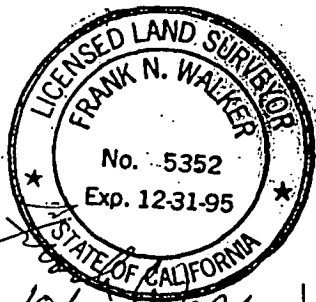
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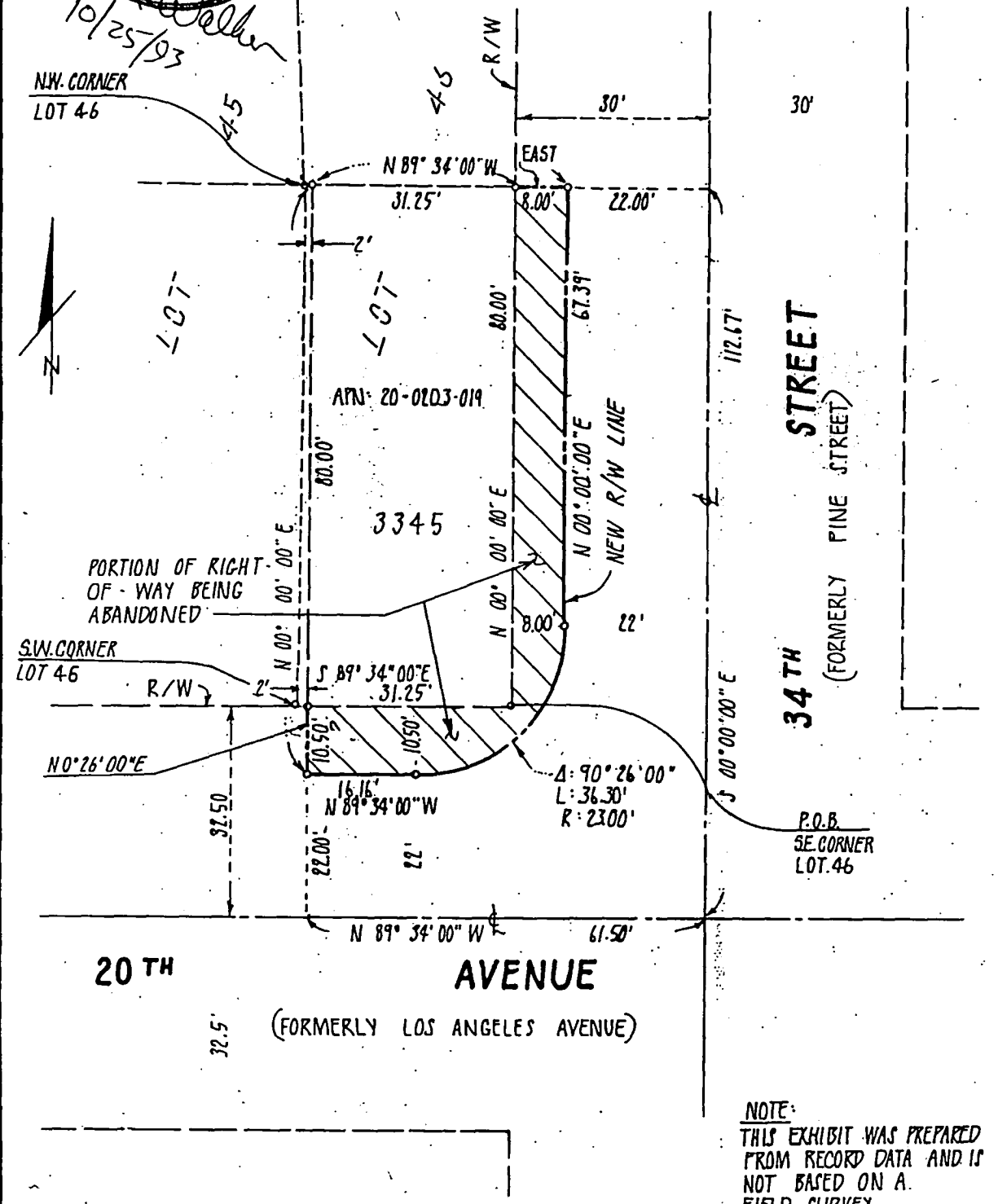
FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____



10/25/93
Walker



NOTE:
THIS EXHIBIT WAS PREPARED
FROM RECORD DATA AND IS
NOT BASED ON A
FIELD SURVEY.

JTS ENGINEERING CONSULTANTS 1808 J STREET SACRAMENTO, CA 95814 (916) 441-6708	DRAWN	RIGHT - OF - WAY ABANDONMENT EXHIBIT 3345 20TH AVENUE CITY OF SACRAMENTO CALIFORNIA
	SCALE 1" = 20'	
	F.B. Pg.	
	JOB No. 93035	

EXHIBIT A

135109