



REPORT TO COUNCIL

City of Sacramento

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

CONSENT
March 18, 2008

Honorable Mayor and
Members of the City Council

Title: Time Extension for Vacation of Public Utility Easement Within Parcels 1, 2, 3 and 4 of Parcel Map Entitled "Valley Plaza"

Location/Council District: East of Center Parkway, north of Mack Road, west of La Mancha Way and south of Elder Creek within Council District 8 (see Attachment 2).

Recommendation: Adopt a **Resolution** extending the time to complete the conditions required by Resolution No. 2006-222 for the vacation of a 15-Foot Wide Public Utility Easement within parcels 1, 2, 3 and 4 of parcel map entitled "Valley Plaza."

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

Presenters: Not Applicable

Department: Development Services

Division: Development Engineering

Organization No: 4887

Description/Analysis

Issue: Pursuant to a request for vacation (abandonment) made by Mr. Robert Nolasco, owner of parcels 1, 2, 3 and 4 of the Parcel Map entitled "Valley Plaza", the City Council ordered the 15-foot public utility easement vacated subject to certain conditions (See Attachment 3, Resolution No. 2006-222). In accordance with Resolution No. 2006-222, Mr. Nolasco is requesting that the City Council grant a two-year extension to complete the conditions of vacation stated in Resolution No. 2006-222. Staff recommends the granting of a two-year extension to complete the conditions of vacation.

Policy Considerations: The Council action recommended in this report supports the City's Strategic Goal to "promote and support economic vitality".

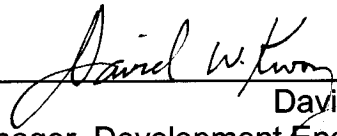
Committee/Commission Action: None

Environmental Considerations: None

Rationale for Recommendation: Mr. Nolasco has taken a proactive approach in trying to get his project going. Asking for an extension to complete the conditions of vacation has shown a willingness to complete his already approved project.

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

Emerging Small Business Development (ESBD): None

Respectfully Submitted by: 
David Kwong
Interim Manager, Development Engineering

Approved by: 
William Thomas
Director of Development Services Department

Recommendation Approved:


RAY KERRIDGE
City Manager

Table of Contents:

Report	Pg 1
Attachments	
1 Background	Pg 3
2 Project Location, Map	Pg 4
3 Resolution No. 2006-222	Pg 5
4 Resolution	Pg 10

Background

Extension of time to complete conditions for Vacation (Abandonment) of a 15-Foot Wide Public Utility Easement Within Parcels 1, 2, 3 and 4 of Parcel Map Entitled "Valley Plaza"

On March 28, 2006 the City Council adopted Resolution No. 2006-222 vacating a 15-foot wide public utility easement (PUE) within the Parcel Map entitled "Valley Plaza." The vacation was requested by Mr. Nolasco to have the area encumbered by the PUE to be cleared for development of five one-story storage buildings and one two-story management offices (approved P04-146).

Resolution No. 2006-222 contains several conditions of vacation that Mr. Nolasco must satisfy within two years of adoption of the resolution (See Attachment 3). Non-compliance or non-completion of conditions of vacation within the two years specified in the resolution will void said resolution of vacation. On January 15, 2008, Mr. Nolasco notified the City's Development Services Department that all the said conditions of Resolution No. 2006-222 would not be complete by the deadline of March 28, 2008, and thus is requesting additional time to complete the conditions of the vacation. To avert voiding Resolution No. 2006-222, Mr. Nolasco has requested a two year extension to complete the conditions required by Resolution No. 2006-222. This proposed extension will expire on March 28, 2010.

Staff reviewed the request and recommends granting the two-year extension to complete the conditions required in Resolution No. 2006-222.

RESOLUTION NO. 2006-222

Adopted by the Sacramento City Council

March 28, 2006

**APPROVING THE VACATION OF 15-FOOT WIDE PUBLIC UTILITY EASEMENT
WITHIN PARCEL 1, 2, 3 AND 4 OF PARCEL MAP ENTITLED
"VALLEY PLAZA" LOCATED IN COUNCIL DISTRICT 8
VACATION PROCEEDING NO. VP04-04**

BACKGROUND

- A. "Mr. Robert Nolasco" requested the City to vacate the subject public utility easement located within the City of Sacramento.
- B. The Sacramento City Council will consider this vacation proceeding in accordance to State of California Streets and Highways Code Section 8310-8325.
- C. The City of Sacramento Planning Division reviewed this vacation proceeding pursuant to State of California Government Code Section 65402 and concluded that this vacation is consistent with the City's General Plan and applicable Community Plan.

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

- Section 1. The 15-foot wide public utility easement within parcel 1, 2, 3, and 4 of Parcel Map entitled "Valley Plaza" within Council District 8, specifically described in Exhibit A and Exhibit B of this Resolution, is hereby ordered vacated subject to the conditions specified on this Resolution.
- Section 2. The City Council has considered this vacation in accordance to State of California Streets and Highways Code Section 8310-8325. The City Council finds that the subject public utility easement is no longer necessary for present or future public use.
- 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 and applicable Community Plan.
- Section 4. This vacation is subject to the following conditions:
 - a. The applicant shall construct and provide the following conditions to the satisfaction of the Department of Utilities:
 - i. Water main extensions shall be constructed to provide the same standard of water service that currently exists for the existing

constructed in Mack Road from the existing 8" water main near the western end of the site where the existing on-site water system is currently tied, to the private north-south road and north in the private road to the existing 6" water main (approximately a 700' main extension). The main extension configurations shall be to the satisfaction of Department of Utilities. The applicant shall submit pipe network calculations for the proposed water distribution system to the Department of Utilities for review that show no negative effect on the existing townhouse development

- ii. Verify that the existing sewer lines connected by manholes 510, 518, 517, 515 and 514 are located within the existing PUE. If the existing sewer lines are not within the existing PUE, easements shall be dedicated to the City of Sacramento to the satisfaction of the Department of utilities.
 - iii. Verify that the existing water line running north-south from the tee between 502 and 503 to the 90 degree elbow approximately 50' south of hydrant 506 is located within the existing PUE. If the existing waterline is not within the existing PUE, easements shall be dedicated to the City of Sacramento to the satisfaction of the Department of utilities
- b. At no cost to PG & E, the applicant shall cut off existing underground gas services and dedicate a new easement covering the new location of any gas facilities (if applicable) to the satisfaction of PG & E
 - c. At no cost to SBC, the applicant shall dedicate right-of-ways to cover all SBC facilities within the project site. The applicant shall relocate existing SBC facilities and dedicate new easements for the relocation of SBC facilities to the satisfaction of SBC.
 - d. The applicant shall submit and obtain approval for sewer abandonment to County Sanitation District 1 (CSD-1)
- 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 a time extension.
- Section 6. Once the conditions in Section 4 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

Table of Contents.

Resolution No. 2006-222 March 28, 2006

Exhibit A: Exhibit Plat/Map – 1 Page
Exhibit B: Legal Description – 1 Page

Adopted by the City of Sacramento City Council on March 28, 2006 by the following vote:

Ayes Councilmembers Cohn, Fong, Hammond, McCarty, Pannell, Sheedy,
 Tretheway, Waters and Mayor Fargo.

Noes: None.

Abstain: None

Absent: None.



Mayor Heather Fargo

Attest.



Shirley Concolino, City Clerk

Vacation Proceeding No. VP04-04

March 28, 2006

EXHIBIT "B"

Page 1 of 1

***Legal Description for Abandonment of a 15' Public Utility Easement
5701 Mack Road***

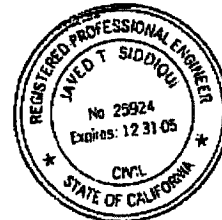
All that real property situate in the City of Sacramento, County of Sacramento, State of California, described as follows:

Being a portion of *Parcels 1, 2, 3 and 4* as shown on the Parcel Map entitled "*Valley Plaza*", recorded on April 22, 1994, in *Book 139 of Parcel Maps, at Page 1 (139PM1)*, of Official Records of Sacramento County.

All of those *15' Public Utility Easements* depicted on Maps filed in *Book 77 of Maps, at Page 28 (77BM28)* and filed in *Book 51 of Parcel Maps, at Page 12 (51PM12)*, within the area bounded by Mack Road to the South, the 37' Public Utility Easement along "F" Street to the East, Elder Creek to the North and the Westerly property line of *Parcel 2*, as depicted on the said Parcel Map of "*Valley Plaza*", filed in *Book 139 of Parcel Maps, Page 1 (139PM1)*. These 15' Public Utility Easements are more particularly depicted of attached *Exhibit "A"*.

End of Legal Description

Prepared by JTS Engineering from record data



Javed T. Siddiqui
Javed T. Siddiqui, RCE 25924

Date: *3/22/04*

RESOLUTION NO.

Adopted by the Sacramento City Council

**RESOLUTION APPROVING THE TIME EXTENSION FOR RESOLUTION NO. 2006-222, THE VACATION OF 15-FOOT WIDE PUBLIC UTILITY EASEMENT WITHIN PARCELS 1, 2, 3 AND 4 OF PARCEL MAP ENTITLED "VALLEY PLAZA" WITHIN COUNCIL DISTRICT 8
VACATION PROCEEDING NO. VAC08-002**

BACKGROUND

- A. On March 28, 2006, the City Council adopted Resolution No. 2006-222 vacating a 15 foot wide Public Utility Easement within the Parcel Map entitled "Valley Plaza" subject to certain conditions required to be completed within two years of the date of Resolution No. 2006-222.
- B. Resolution No. 2006-222 provides that it shall become void if the conditions of vacation are not completed within two years of the date of Resolution No. 2006-222, March 28, 2008, unless a time extension to complete the conditions is granted by City Council.
- C. On January 15, 2008, the property owner, Mr. Nolasco, notified the City's Development Services Department that all the said conditions of Resolution No. 2006-222 would not be complete by the deadline of March 28, 2008, and requested additional time to complete the conditions of the vacation.

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

Section 1. A time extension for completing the conditions of vacation required by Resolution No. 2006-222 is hereby granted and will expire on March 28, 2010.