



# REPORT TO COUNCIL

## City of Sacramento

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

**PUBLIC HEARING**  
**April 26, 2007**

Honorable Mayor and  
Members of the City Council

**Title: The Vacation of the 3rd Street Access Ramp South of Capitol Mall**

**Location/Council District:** Access ramp south of Capitol Mall that connects at 3<sup>rd</sup> street and Capitol Mall located in Council District 1 (Attachment 2, Page 5)

**Recommendation:** Conduct a public hearing and upon conclusion, adopt a **Resolution** vacating the street, highway, public road, public service easement and/or public utilities easement at the 3rd Street Access Ramp South of Capitol Mall.

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

**Presenters:** Thomas Adams

**Department:** Development Services

**Division:** Development Engineering

**Organization No:** 4881

### **Description/Analysis**

**Issue:** The Redevelopment Agency of the City of Sacramento has requested that the City of Sacramento vacate the street, highway and public service easement, also known as the access ramp that connects eastbound Capitol Mall to Third and "N" streets. This request is made with the intent to remove the street, highway and public service easement that splits both parcels. This will allow both parcels to be sold without the encumbrance of this road and utility easement.

A summary of the project's history is included in Attachment 1, Page 4.

**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 8310- 8325 that provides the procedure for the vacation of streets, alleys, and easements.

**Committee/Commission Action:** The City Planning Division has reviewed and determined that this subject access ramp is currently designated as a freeway

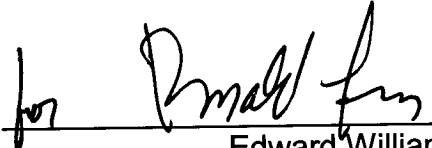
and major connector ramp to the former state highway known as Capitol Mall. Capitol Mall was released by CalTrans to the City of Sacramento and removed its designation as a State Highway. To be consistent under the City of Sacramento's General Plan the planning department requests that the "freeway" designation of this subject access ramp be removed from circulation plan and be amended during the General Plan update.

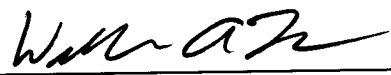
**Environmental Considerations:** The Environmental Planning Services section of the Development Services Department has reviewed the previously described Public Road and Public Service Easement for vacation, and has determined that it is exempt under the provisions of the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA guidelines. Exempt projects that fall under Section 15061(b)(3) are determined to have no significant effect on the environment. Any future development of the property must comply with all regulatory requirements.

**Rationale for Recommendation:** The subject street, highway and public service easement lies within two separate parcels. After the street, highway and public service easement has been vacated, the Redevelopment Agency proposes to sell the parcels. It will be easier to sell and develop without the encumbrance of a road or easement between the two parcels.

**Financial Considerations:** The Redevelopment Agency of the City of Sacramento (applicant) is responsible for all fees required to process the vacation application and holds all financial responsibility of any conditions placed on this vacation request.

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

Respectfully Submitted by:   
Edward Williams  
Manager, Development Engineering

Respectfully Submitted by:   
William A. Thomas  
Director of Development Services Department

Recommendation Approved:

  
RAY KERRIDGE  
City Manager

**Table of Contents:**

	Report	Pg 1
<b>Attachments</b>		
1	Background	Pg 4
2	Location Map	Pg 5
3	City Ordinance 2516, Vacation	Pg 6
4	Resolution	Pg 12
	Exhibit A: Legal Description	Pg 14
	Exhibit B: Exhibit Plat/Map	Pg 15

## **Background**

### **The Vacation of 3rd Street Access Ramp South of Capitol Mall**

The Redevelopment Agency of the City of Sacramento has requested the vacation of the Public road and Public Service Easement(PSE) of the 3<sup>rd</sup> street access ramp south of Capitol Mall. This access ramp splits two parcels with two different owners. The Redevelopment Agency of the City of Sacramento and the City of Sacramento own the parcels with Assessor Parcel Numbers 006-0135-030, 006-0135-028 respectively.

Prior to the Redevelopment Agency and the City of Sacramento having any of its current property rights of the subject ramp, the state's California Department of Transportation(Caltrans) had property rights of the ramp as a "freeway" access ramp to Capitol Mall. Caltrans had released Capitol Mall to the City of Sacramento and in doing so the City of Sacramento released the State Highway designation. After relinquishing Capitol Mall to the City of Sacramento, Caltrans vacated this subject access ramp south of Capitol Mall (Attachment 3, Page 6). Following the recorded vacation of the access ramp, the Redevelopment Agency granted to the City of Sacramento an Easement for Public Road and Public Utilities along this access ramp (Attachment 4, Page 7). The subject ramp is currently a dedicated easement for a public road and public utilities.

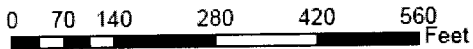
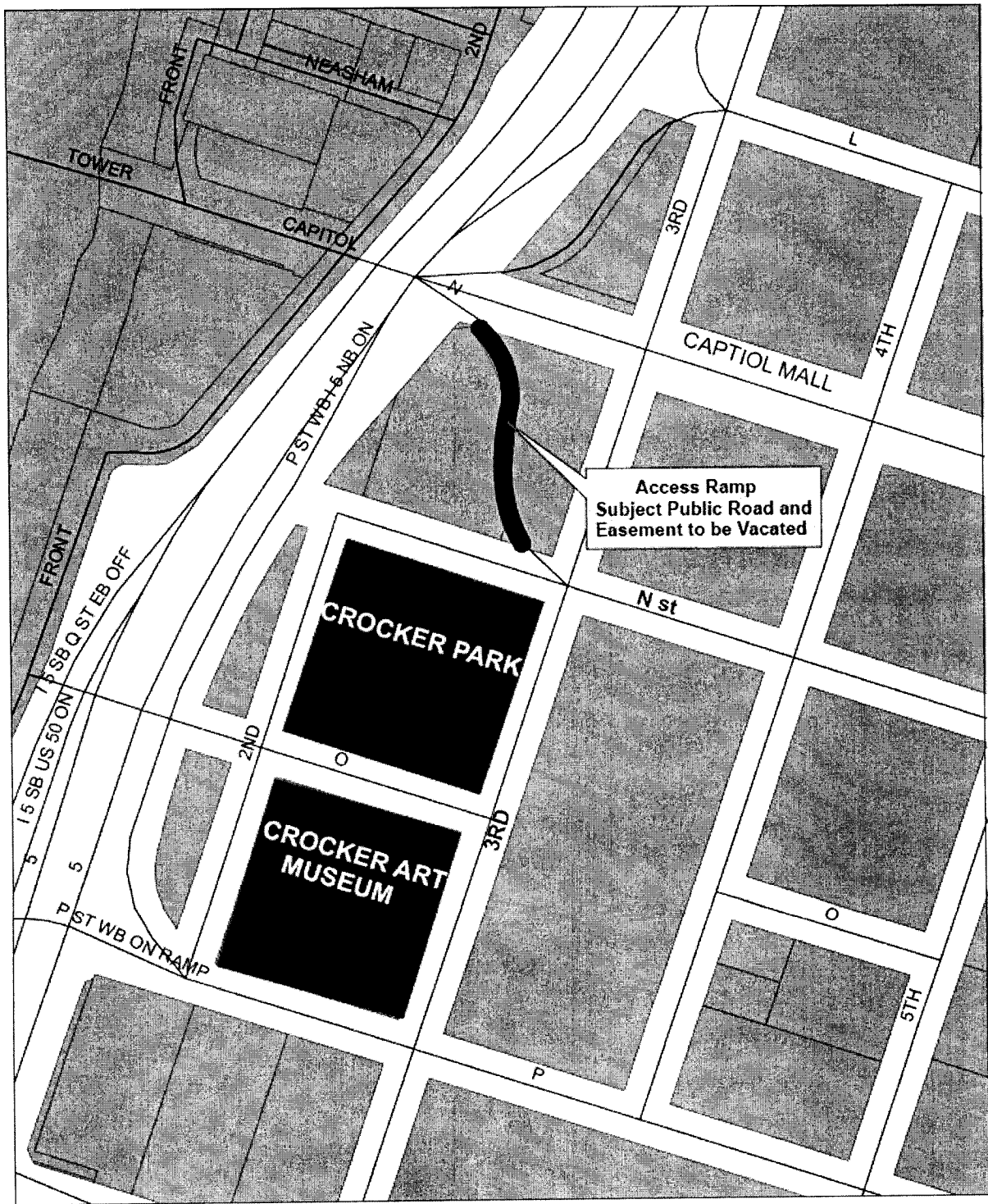
This vacation request will not remove the area of the easement that covers the sidewalk and crosswalk along Capitol Mall.

After the area of the subject road and PSE has been vacated the adjacent parcels will become more marketable and desirable to prospective developers.

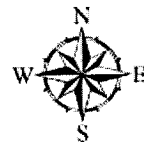
Staff finds that this request for vacation is in conformance with the State of California Streets and Highways Code (S&HC) Sections 8310-8325. Staff recommends that the City Council approve this vacation request. Various City agencies and utility companies reviewed and support this vacation. In addition the City Clerk is directed to publish the Notice of Hearing of the proposed vacation, and the Notice of Hearing has been posted at the subject PUE site as required by law pursuant to Streets and Highways Code Sections 8222 and 8223 respectively.

**ATTACHMENT 2**

**PUBLIC ROAD AND EASEMENT VACATION**




**ACCESS RAMP SOUTH OF CAPITOL MALL  
AT 3RD AND N STREETS**



**ATTACHMENT 3**

Requested by and Return to:  
Department of Transportation  
District 03-Right of Way Engineering  
720 Yuba Street  
P.O. Box 911  
Marysville, Ca. 95901  
Attention: Scott Jackson

  
Sacramento County Recording  
Mark Norris, Clerk/Recorder  
BOOK **20050728** PAGE **1417**  
Thursday, JUL 28, 2005 10:56:35 AM  
Ttl Pd \$9.00 Nbr-0003741101  
REB/5/1-2

DOCUMENTARY TRANSFER TAX \$ 9  
Calif. Dept. of Transportation  
By Scott Jackson  
Computed on full value of property conveyed

VACATION OF STREETS LOCATED IN THE CITY OF SACRAMENTO  
ON PROPERTY ACQUIRED FOR THE CONSTRUCTION  
OF A STATE HIGHWAY, ROAD 3-SAC-5-PM 23.5  
REQUEST NO. 56071

WHEREAS, certain streets located near the intersection  
of Capitol Mall and Third Street in the City of Sacramento on  
property acquired by the State for the construction of a State  
highway, road 3-Sac-5, hereinafter more particularly described,  
are no longer needed for State highway purposes; and

WHEREAS, this Commission has found and determined, and  
does hereby find and determine, that the streets hereinafter  
described are located on State property, that the streets were  
built in connection with the construction of a State highway,  
road 3-Sac-5, that the streets are no longer necessary for State  
highway purposes, that it is desirable and in the public interest  
that the same be vacated, and that such vacation will not cut off  
all access to public highways or adjoining property; and

WHEREAS, this vacation is made pursuant to Division 9,  
Part 3, Chapter 4 (sections 8330-8336) of the Streets and

TRANSPORTATION COMMISSION  
RESOLUTION No. A858

PASSED BY  
**CTC**  
APR 14 2005  
CALIFORNIA  
TRANSPORTATION COMMISSION

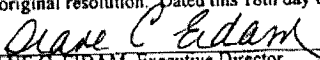
Highways Code and shall become effective from and after the date this resolution is recorded following the sale of the property on which the streets are located;

NOW, THEREFORE, IT IS VOTED by the California Transportation Commission, that it vacate, and it does hereby vacate, the streets acquired for State highway purposes and located in the City of Sacramento, described as follows:

All those portions of collateral facilities shown as SEGMENT 1 and 2, as shaded or stippled on maps recorded on January 18, 2005, in State Highway Map Book No. 6, page 34, records of Sacramento County.

EXCEPTING AND RESERVING to the State of California any and all rights of ingress to and egress from the Highway hereby relinquished in and to the adjacent and adjoining freeway, except at such points as are now or may be established by resolution of this Commission.

THIS IS TO CERTIFY that the foregoing resolution was duly passed by the California Transportation Commission at its meeting regularly called and held on the 14th day of April 2005 in the City of Stockton and that the foregoing is a full and correct copy of the original resolution. Dated this 18th day of April 2005.

  
DIANE C. EIDAM, Executive Director  
CALIFORNIA TRANSPORTATION COMMISSION



<p>RECORDING REQUESTED BY AND FOR THE BENEFIT OF</p> <p><b>CITY OF SACRAMENTO</b></p> <p><b>NO FEE DOCUMENT</b> Govt Code 6103</p> <p>When Recorded, Return to Office of the City Clerk Historic City Hall 915 "I" Street, First Floor Sacramento, CA 95814</p>	<p style="text-align: right;"><b>200512091323</b></p> <p style="text-align: center;">ORIGINAL Accepted for Recording <del>COPY-NOT CERTIFIED</del></p> <p style="text-align: center;">DEC - 9 2005</p>	
<p>SPACE ABOVE THIS LINE FOR RECORDERS USE</p> <p style="text-align: center;"><b>Sacramento County</b> Clerk-Recorder</p>		
<p><u>EAS-05-05-00</u> RES File</p>	<p><u>006-0134-036</u> APN</p>	<p><u>2005-011</u> Resolution #</p>
<p><b>EASEMENT FOR PUBLIC ROAD AND PUBLIC UTILITIES</b></p>		
<p><u>Redevelopment Agency of the City of Sacramento</u></p> <p>hereby grant(s) to the CITY OF SACRAMENTO, a Municipal Corporation, an easement for the construction, use, repair, rehabilitation and maintenance of public road and public utilities together with associated uses over, across, and under all that real property situated in the City of Sacramento, County of Sacramento, State of California, described as follows:</p>		
<p>SEE ATTACHED LEGAL DESCRIPTION MARKED EXHIBIT 'A' AND DIAGRAMED IN THE CORRESPONDING PLAT MAP ATTACHED AS EXHIBIT 'B'</p>		
<p>The grantors, for themselves, and their successors and assigns, hereby waive any claim for any and all severance damages to their remaining property contiguous to the right-of way hereby conveyed by reason of the location, construction, or maintenance of said public street and utilities. (As used above, the term "grantors" shall include the singular, as well as the plural.)</p>		
<p>Dated: <u>21 Nov 05</u></p>	<p>Redevelopment Agency of the City of Sacramento</p>	
<p>By: <u>[Signature]</u> Print Name: Robert P. Thomas, Designated Signatory Redevelopment Agency of the City of Sacramento</p>		
<p>ATTEST: <u>[Signature]</u> City Clerk</p>		
<p>CITY MANAGER <u>2005-1082</u> AGREEMENT NO. _____</p> <p style="text-align: center;">"Approved as to form - City Attorney"</p> <p style="font-size: small;">S:\of\Director\Asset Management\Work Group Projects\2007\9\Citywide Acquisition\2.5MKT FOR PR &amp; PU Redevelopment Agency 004-4134-416.doc</p> <p style="text-align: right;">8/10/2000</p>		

EXHIBIT A  
LEGAL DESCRIPTION

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

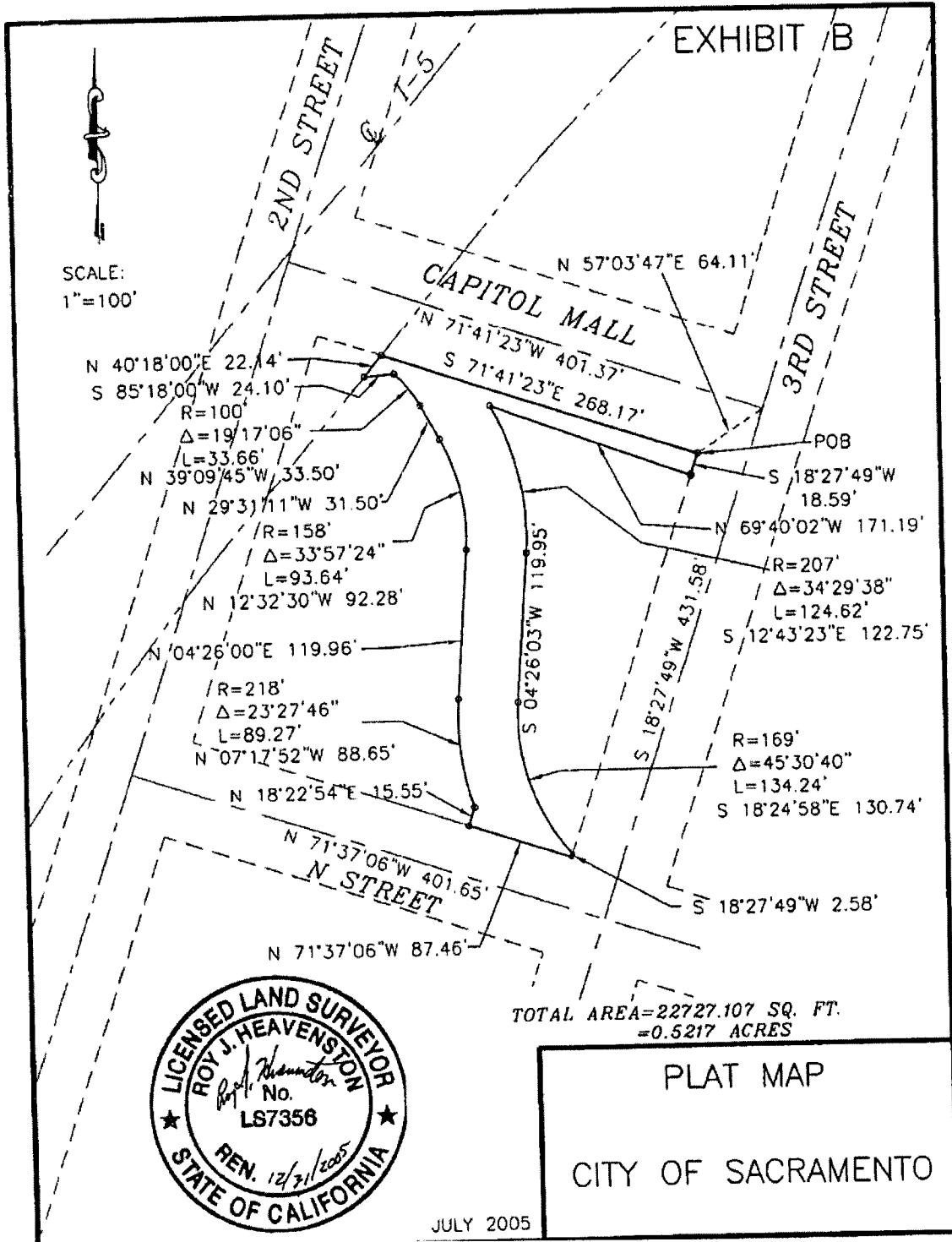
All that portion of the block bounded by 2<sup>nd</sup> and 3<sup>rd</sup> Streets, Capitol Mall, formerly "M" Street, and "L" Street of the City of Sacramento, according to the official plat thereof, including the abandoned alley therein, described as follows:

Beginning at a point being the intersection of the westerly line of 3<sup>rd</sup> Street and the northerly line of Capitol Mall, said point being distant North 20° 14' 43" East 63.94 feet from the intersection of the center lines of Capitol Mall and 3<sup>rd</sup> Street; thence from said point of beginning along said northerly line North 71° 41' 23" West 228.07 feet; thence North 40° 18' 00" East 95.57 feet; thence North 43° 45' 16" East 281.51 feet to the southerly line of "L" Street; thence coincident with said line South 71° 32' 12" East 72.34 feet to the intersection of the westerly line of 3<sup>rd</sup> Street and the southerly line of "L" Street; thence coincident with said westerly line South 18° 28' 42" West 24.47 feet to a non-tangent curve concave southeasterly having a radius of 169.00 feet; thence 111.85 feet along said curve, subtended by a chord bearing South 52° 49' 38" West 109.82 feet; thence South 33° 51' 56" West 116.86 feet; thence along a curve concave northwesterly having a radius of 207.00 feet and an arc length of 118.80 feet, subtended by a chord bearing South 50° 18' 33" West 117.18 feet; thence South 73° 33' 14" East 154.87 feet to the westerly line of 3<sup>rd</sup> Street; thence South 18° 28' 42" West 20.75 feet to the Point of Beginning containing 28,841.557 square feet, more or less.



CAPMALL\_N.doc

CITY MANAGER 2005-1082  
AGREEMENT NO. \_\_\_\_\_



**RESOLUTION NO.**

Adopted by the Sacramento City Council

**VACATING THE 3<sup>RD</sup> STREET ACCESS RAMP SOUTH OF CAPITOL MALL LOCATED IN COUNCIL DISTRICT 1**

**VACATION PROCEEDING NO. VP06-11**

**BACKGROUND**

- A. The Redevelopment Agency of the City of Sacramento has requested that the City vacate the street, highway, public road, public service easement and/or public utility easement, also known as the access ramp, located within the City of Sacramento between the two parcels located within the city block south of Capitol Mall between 3<sup>rd</sup> street, Interstate 5 and N street specifically described in Exhibit "A" and Exhibit "B". The sidewalk and crosswalk along Capitol Mall is not vacated and is not included in Exhibit A and Exhibit B.
- 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 the "freeway" designation for the access ramp should be removed from the General Plan during the General Plan update for consistency 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 street, highway, public road, public service easement and/or public utility easement located between the two parcels within the city block south of Capitol Mall between 3<sup>rd</sup> street, Interstate 5 and N street specifically described in Exhibit "A" and Exhibit "B", commonly referred to as an access ramp is unnecessary for present or prospective public use, is not useful as a nonmotorized transportation facility and is hereby ordered vacated. The sidewalk and crosswalk along Capitol Mall is not vacated and is not included in Exhibit A and Exhibit B.
- Section 2. The City Council hereby finds that said vacation has been submitted to and reported on by the City Planning Division and finds that said vacation will be consistent with the City's General Plan and applicable Community Plan once the "freeway" designation is removed at the next General Plan update.

Section 3. 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

**EXHIBIT A**

**LEGAL DESCRIPTION**

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

All that portion of the block bounded by 2<sup>nd</sup> and 3<sup>rd</sup> Streets, Capitol Mall, formerly "M" Street, and "N" Street of the City of Sacramento, according to the official plat thereof, including the abandoned alley therein, described as follows:

Beginning at a point from which the intersection of the westerly line of 3<sup>rd</sup> Street and the southerly line of Capitol Mall bears South 70° 40' 58" East, 167.65 feet and North 18° 27' 49" East, 18.59 feet, said intersection point being distant South 57° 03' 47" West, 64.11 feet from the intersection of the center lines of Capitol Mall and 3<sup>rd</sup> Street; thence from said point of beginning, said point also the beginning of a non-tangent curve concave westerly, having a radius of 207.00 feet; thence 120.04 feet along said curve, subtended by a chord bearing South 12° 05' 17" East, 118.36 feet; thence South 4° 26' 03" West, 119.95 feet; thence along a curve concave easterly having a radius of 169.00 feet and an arc length of 134.24 feet, subtended by a chord bearing South 18° 24' 58" East, 130.74 feet to the westerly of said 3<sup>rd</sup> Street; thence South 18° 27' 49" West, 2.58 feet to the intersection of the westerly line of 3<sup>rd</sup> Street and the northerly line of "N" Street; thence along said northerly line North 71° 37' 06" West, 87.46 feet to the end of the line described in Director's Deed recorded October 13, 1972 in Book 72 10 13, Page 100, Official Records of Sacramento County; thence, following said line, North 18° 22' 54" East, 15.55 feet to the beginning of a non-tangent curve concave easterly having a radius of 218.00 feet; thence 89.27 feet along said curve, subtended by a chord bearing North 7° 17' 52" West, 88.65 feet; thence North 4° 26' 00" East, 119.96 feet; thence along a curve concave westerly having a radius of 158.00 feet and an arc length of 93.64 feet, subtended by a chord bearing North 12° 32' 30" West, 92.28 feet; thence North 29° 31' 11" West, 31.50 feet; thence along a curve concave southwesterly having a radius of 100.00 feet and an arc length of 2.81 feet, subtended by a chord bearing North 30° 19' 31" West, 2.81 feet; thence North 50° 39' 27" East, 14.85 feet; thence South 70° 40' 58" East, 52.54 feet to the Point of Beginning containing 18,406.66 square feet, more or less.



CAPMALL S1.doc

EXHIBIT B

