



4.3

DEVELOPMENT SERVICES
DEPARTMENT

DEVELOPMENT ENGINEERING
AND FINANCE DIVISION

CITY OF SACRAMENTO
California

Vacations (Abandonments)
Public Right-of-Ways & Easements
1231 I Street, Room 200
Sacramento, CA 95814
PH 916-808-7873
FAX 916-808-5786

July 1, 2004

City Council
Sacramento, California

Honorable Members in Session:

**SUBJECT: THE VACATION (ABANDONMENT) OF "T" STREET BETWEEN INTERSTATE 5
AND 3RD STREET WITHIN COUNCIL DISTRICT 4
VACATION PROCEEDING NO. VP03-20**

LOCATION AND COUNCIL DISTRICT:

"T" Street between Interstate 5 and 3rd Street in Council District 4 (see Attachment "A")

RECOMMENDATION:

This report recommends that the City Council adopt the attached resolution:

- Approving the vacation of the of "T" Street between Interstate 5 and 3rd Street.

**CONTACT PERSONS: Jerry Lovato, Senior Engineering Technician, 808-7918
Cesar Narvaez, Engineering Technician II, 808-7873**

FOR COUNCIL MEETING OF: August 5, 2004

SUMMARY:

Mr. Lenard Zipperian owner of the property with Accessor's Parcel Number 009-0103-008 which is south to the subject street for vacation has requested the City to vacate the subject street. The applicant plans to develop his property and the subject street into a parking area that will serve as an additional parking space for 1900 3rd Street Office Building that is north of the subject street.

COMMITTEE/COMMISSION ACTION:

The City Planning Commission has reviewed and determined that the vacation of said street is consistent with the City's General Plan.

BACKGROUND INFORMATION:

- City departments and utility companies have reviewed this request for vacation. Letters regarding this vacation are on file with the Development Services Department, Development Engineering and Finance Division.
- Staff has reviewed the request for vacation and finds the vacation in conformance with City guidelines for Street Closures - City Resolution No. 96-176 and Streets and Highways Code, Section 8310-8317.
- Notice of vacation was posted along the subject right-of-way on July 12, 2004 and the public hearing date was published in the Daily Recorder on July 23, 2004 and July 30, 2004 (see Attachment "B" for the time schedule for this vacation).
- Following vacation, the titles to the subject properties are cleared of the public road right-of-way.

FINANCIAL CONSIDERATIONS:

The applicant is responsible for all fees required to process the vacation application and there is no cost to the City.

ENVIRONMENTAL CONSIDERATIONS:

The Environmental Services Manager has determined that the proposed project is exempt from the California Environmental Quality Act (CEQA) guidelines under Section Numbers 15302(c). Section 15302 consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density.

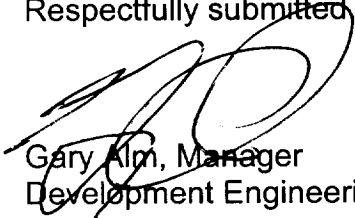
POLICY CONSIDERATIONS:

- The Council action recommended in this report supports the City Strategic Plan goal to promote and support economic vitality.
- The City guidelines for Street Closures - City Resolution No. 96-176 and the State of California, Streets and Highways Code, Section 8310-8317 allows for the vacation of streets, alleys, and easements.

ESBD CONSIDERATIONS:

City Council adoption of the attached resolution is not affected by City policy related to the ESBD Program.

Respectfully submitted




Gary Alm, Manager
Development Engineering and Finance

Approved:



Michael Medema, Interim Director
Development Services Department

RECOMMENDATION APPROVED:

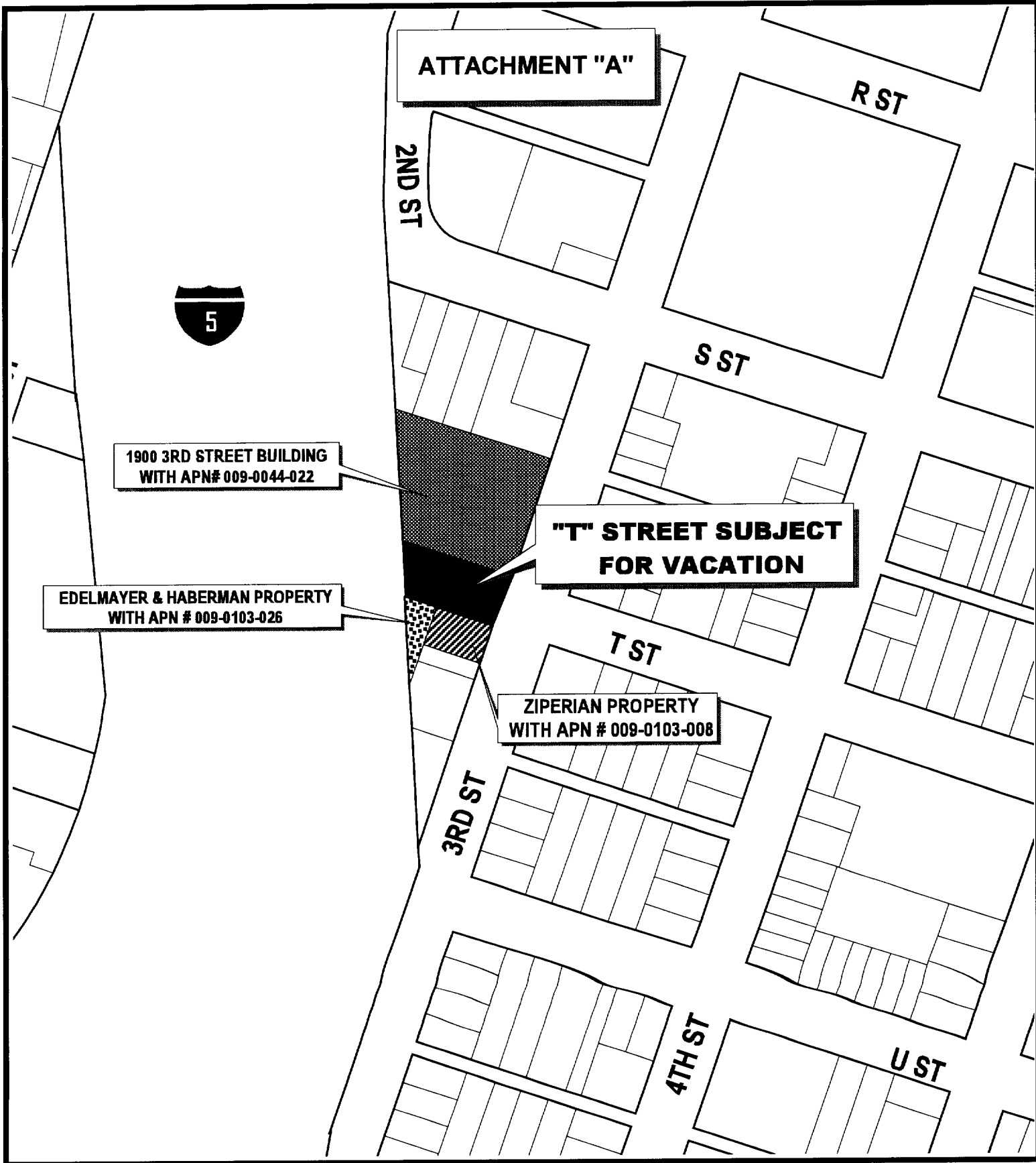


ROBERT P. THOMAS
City Manager

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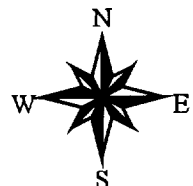
1. Attachment A, Location Map, pg. 4
2. Attachment B, Noticing Schedule, pg. 5
3. Resolution Adopting Findings of Fact and Approving the Vacation pg. 6
4. Exhibit A, Legal Description, pg. 9
5. Exhibit B, Exhibit Map, pg. 10

JL/dkl



DEVELOPMENT SERVICES
DEPARTMENT
DEVELOPMENT ENGINEERING

VACATION, VP03-20
"T" STREET BETWEEN INTERSTATE 5
AND 3RD STREET



ATTACHMENT B

NOTICING SCHEDULE

VACATION PROCEEDING NO. VP03-20

Posting on Alleys/Street July 12, 2004

1st Copy of Resolution Published in Daily Recorder July 12, 2004

2nd Copy of Resolution Published in Daily Recorder July 19, 2004

Public Hearing at City Council	August 5, 2004
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RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF: _____

THE VACATION OF "T" STREET BETWEEN INTERSTATE 5 AND 3RD STREET WITHIN COUNCIL DISTRICT 4

VACATION PROCEEDING NO. VP03-20

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

- A. WHEREAS, the City received a request from Mr. Lenard Zipperian to vacate the subject street within the City of Sacramento; and
- B. WHEREAS, the City Council would consider the vacation in compliance with the City guidelines for Street Closures - City Resolution No. 96-176 and the State of California, Streets and Highways Code, Section 8310-8317, and
- C. WHEREAS, the City Planning Commission 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; and

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

"T" Street between Interstate 5 and 3rd Street, specifically described in Exhibit "A" and Exhibit "B", is hereby ordered vacated subject to the conditions specified in this resolution.

Reserving however, a public service easement (as defined in Section 8306 and 8340 of the California Streets and Highways Code) and right at any time, or from time to time to construct, maintain, operate, replace, remove, or renew any public service facilities in, upon, or over and across that public road right-of-way to be vacated, specifically described in Exhibit "A" and shown in Exhibit "B" and attached hereto.

- 1. The City Council hereby finds that said vacation has been submitted to and reported on by the City Planning Commission as to conformity with the City General Plan. The Council, pursuant to the State of California, Streets and Highways Code, Section 8310-8317 has considered this vacation in connection with the General and Community Plans and finds the vacation is consistent.
- 2. The City Council finds that the subject street for vacation is unnecessary for present and prospective public use.

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

3. This vacation is subject to the following conditions:

- a. The applicant shall provide the following conditions to the satisfaction of the Development Services Department:
 - i. Unless other arrangements are made satisfactory to the City of Sacramento and satisfactory to the owners of property with APN 009-0103-026, the applicant (owner of property with APN 009-0103-008) shall provide the Development Services Department with proof of a reciprocal ingress, egress and maneuvering easement/agreement among the owners of properties with APN's 009-0103-026, 009-0044-022 and 009-0103-008 across the subject "T" street proposed for vacation in order to provide access to 3rd Street. Any such easement/agreement shall be recorded with the County Recorder's Office and shall constitute a covenant running with the land such that it is binding upon future purchasers and shall be, by its terms, effective until terminated or amended by written consent of the parties.
 - ii. Street light and all appurtenances shall be removed and salvaged to the City of Sacramento.
 - iii. Proper signage shall be installed to the entrance of the vacated portion of "T" Street.
 - iv. Construct a standard driveway per City Standards at such place as shall be approved by the City.
 - v. Any new sidewalk, driveway or access ramp constructed with this vacation shall conform with the American Disability Act (A.D.A.) requirements in all respects.
 - vi. Prior to recordation of the T Street vacation, a special permit shall be reviewed and approved for off-site or stand alone parking on the property south of the public right of way to be vacated, and/ or other development entitlements, as required. (As an advisory note to the vacation, the public right-of-way that will be incorporated into the parking lot for the office building on the north side of the public right-of-way will need to comply with shading requirements.)

The applicant shall submit public improvement plans and obtain notice to proceed from the Development Services Department to execute the above-mentioned improvements.

- vii. Access to Fire Department shall be in accordance to the California Fire Code Section 902.

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

4. All conditions specified in paragraph 3 for 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.
5. Once the conditions in paragraph 2 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.

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

EXHIBIT "A"

**PORTION OF T STREET
TO BE ABANDONED**

ALL THAT PORTION OF T STREET, AS SHOWN ON THE OFFICIAL PLAT OF THE CITY OF SACRAMENTO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WESTERLY LINE OF 3RD STREET WITH THE SOUTHERLY LINE OF T STREET; THENCE FROM SAID POINT OF BEGINNING, ALONG THE SOUTHERLY LINE OF T STREET, NORTH 71°33'19" WEST 187.08 FEET TO THE EASTERLY LINE OF CALIFORNIA INTERSTATE ROUTE 5, THENCE, ALONG SAID EASTERLY LINE, NORTH 03°17'48" WEST 86.13 FEET TO THE NORTHERLY LINE OF T STREET; THENCE, ALONG SAID NORTHERLY LINE, SOUTH 71°33'19" EAST 219.06 FEET TO THE INTERSECTION OF SAID NORTHERLY LINE WITH SAID EASTERLY LINE OF 3RD STREET ; THENCE SOUTH 18°30'50" WEST 80.00 FEET TO THE POINT OF BEGINNING.



FOR CITY CLERK USE ONLY

RESOLUTION NO: _____

DATE ADOPTED: _____

EXHIBIT "B"

CALIFORNIA INTERSTATE ROUTE 5

N03°17'48"W 86.13'

S71°33'19"E 219.06'

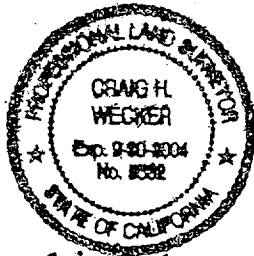
PORTION OF T STREET
TO BE ABANDONED

N71°33'19"W 187.08'

S18°30'05"W 80.00'

3rd Street

POINT OF BEGINNING



Craig H. Wecker

SCALE: 1" = 40'

Right of Way Abandonment
A Portion of T Street
City of Sacramento,
County of Sacramento,
State of California

**WECKER
SURVEYS**

1111 KENNEDY PLACE
SUITE 4
DAVIS, CA 95616
530-792-7252
FAX 530-792-7171

FOR CITY CLERK USE ONLY

RESOLUTION NO: _____

DATE ADOPTED: _____