



REPORT TO COUNCIL City of Sacramento

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

PUBLIC HEARING
April 29, 2008

Honorable Mayor and
Members of the City Council

Title: Vacation of Alley and Public Right-of-Way in Sheraton Garage

Location/Council District: Public alley and right-of-way in Council District 3 that is located between 12th and 13th Streets and south of I Street (see Attachment 2, Page 5).

Recommendation: Conduct a public hearing and upon conclusion, adopt a **Resolution** vacating the public right-of-way located inside the City parking garage at 1223 J Street. The right-of-way opens onto I Street and is a north-to-south extension of the east-to-west alley between 12th Street and the garage.

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

Presenters: Thomas Adams

Department: Transportation

Division: Development Engineering

Organization No: 4887

Description/Analysis

Issue: The City of Sacramento has approved the sale of the parking garage, and the subject public right-of-way is inside the garage on the western side (the "Right-of-Way"). As a condition of sale, the buyer requires that the City convey fee title to the garage unencumbered by the Right-of-Way. Accordingly, the City proposes to vacate the Right-of-Way and retain an ingress-and-egress public-access easement over the vacated area of the Right-of-Way. This will allow continued vehicular access for service vehicles that maintain utilities; it also will allow ingress and egress traffic from 12th Street and I Street.

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 California Streets and Highways Code, sections 8310 through 8325, which establish the procedure for the vacation of streets, alleys, and easements.

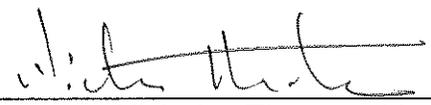
Committee/Commission Action: The City Planning Division reviewed the vacation of the Right-of-Way and determined that is consistent with the City's general plan.

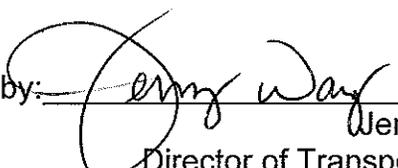
Environmental Considerations: The Environmental Planning Services section of the Development Services Department reviewed the proposed vacation of the Right-of-Way and determined that it is exempt from the California Environmental Quality Act (CEQA) under section 15061(b)(3) of the CEQA guidelines. Projects 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: After the garage has been sold, the ingress-and-egress public-access easement will provide the same public access as the vacated Right-of-Way.

Financial Considerations: The Economic Development Department 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: 
Nicholas Theocharides
Engineering Services Manager

Approved by: 
Jerry Way
Director of Transportation

Recommendation Approved:


RAY KERRIDGE
City Manager

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Background

Vacation of Alley and Public Right-of-Way in the Sheraton Garage

The Economic Development Department of the City of Sacramento has requested the vacation of the public right-of-way of the north-to-south alleyway located south of I Street and between 12th and 13th Streets (the "Right-of-Way"). The Right-of-Way is located *inside* the City parking garage at 1223 J Street (see Attachment 2, Page 5).

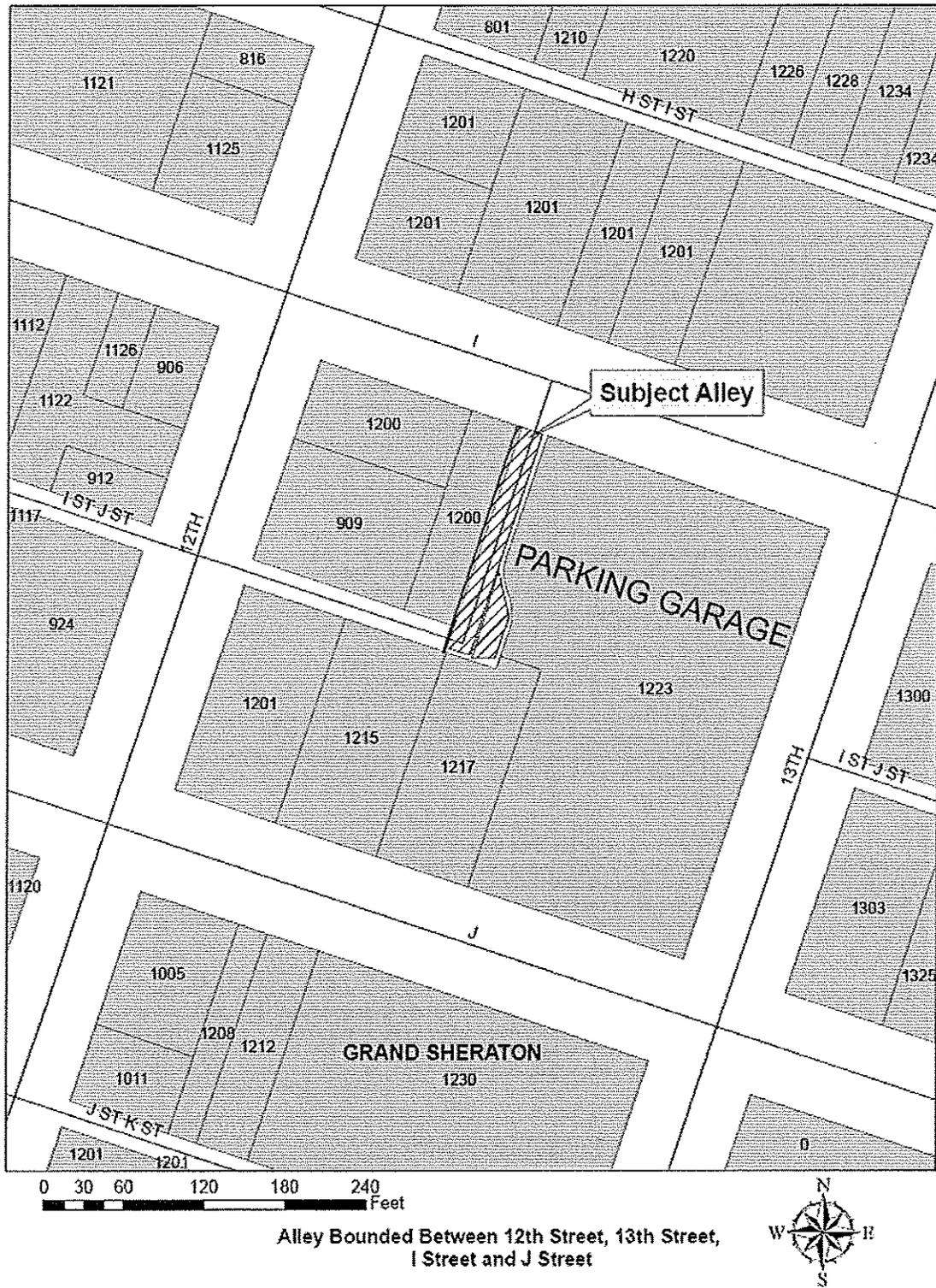
The Right-of-Way was established in 1966 by Resolution No. 419, which was recorded the same year in Book 66-10-10 at page 408 (Attachment 3, Page 6). It is an extension of the west-to-east alley that runs between the garage and 12th Street, and it allows for public travel.

This request for vacation of the Right-of-Way is in conjunction with the City's sale of the parking garage. The buyer requires that the City convey fee title unencumbered by the Right-of-Way. To comply with this requirement, the Economic Development Department has requested the City Council vacate the Right-of-Way subject to two conditions: the City will reserve all public-utility easements from the vacation, and the buyer or its successor must grant the City an ingress-and-egress easement over the subject alleyway within two years.

After the Right-of-Way has been vacated, there will be no encroachment issue and the sale can be completed.

Staff finds that this request for vacation conforms to California Streets and Highways Code sections 8310 through 8325; in addition, various City agencies and utility companies have reviewed the proposed vacation and support it. Staff thus recommends that the City Council approve this vacation request. The City Clerk has published the required notice of hearing for the vacation, and the notice has also been posted at the Right-of-Way site, all as required by Streets and Highways Code sections 8222 and 8223.

Alley Vacation



BOOK 66-10-10 PAGE 408

OFFICIAL RECORDS
SACRAMENTO COUNTY, CALIF.

OCT 10 1 24 PM 1966

RESOLUTION No. 419

Adopted by The Sacramento City Council on date of
OCT - 6 1966

81352

Edward J. Hansen
COUNTY RECORDER

NO FEE

RESOLUTION AFFIRMING THE ESTABLISHMENT
OF A CERTAIN ALLEY IN THE CITY OF
SACRAMENTO

WHEREAS, the construction of a city-owned offstreet parking lot on the easterly portion of the block bounded by 12th, 13th, I and J Streets, in the City of Sacramento, caused the vacation and abandonment of the easterly 200 feet of the then existing alley in said block; and

WHEREAS, on July 12, 1957, the City did complete the improvement of a north-south extension of the remaining portion of said alley to I Street, and did open said extension to the travel of the public and property owners in said block, and has at all times since maintained said extension as an alley and public right-of-way; and

WHEREAS, it is desirable that a public record thereof be established;

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

That the north-south extension of the east-west alley in the block bounded by 12th, 13th, I and J Streets, in the City of Sacramento, is hereby acknowledged to be a public alley and right-of-way; and that the existing alley in said block, including the north-south extension thereof to I Street is more particularly shown on the map prepared by the City Engineer and attached to and made a part of this resolution.

81352
OCT 10 1966

WALTER CHRISTENSEN
MAYOR

ATTEST:

ELMER C. CLEVELAND
CITY CLERK

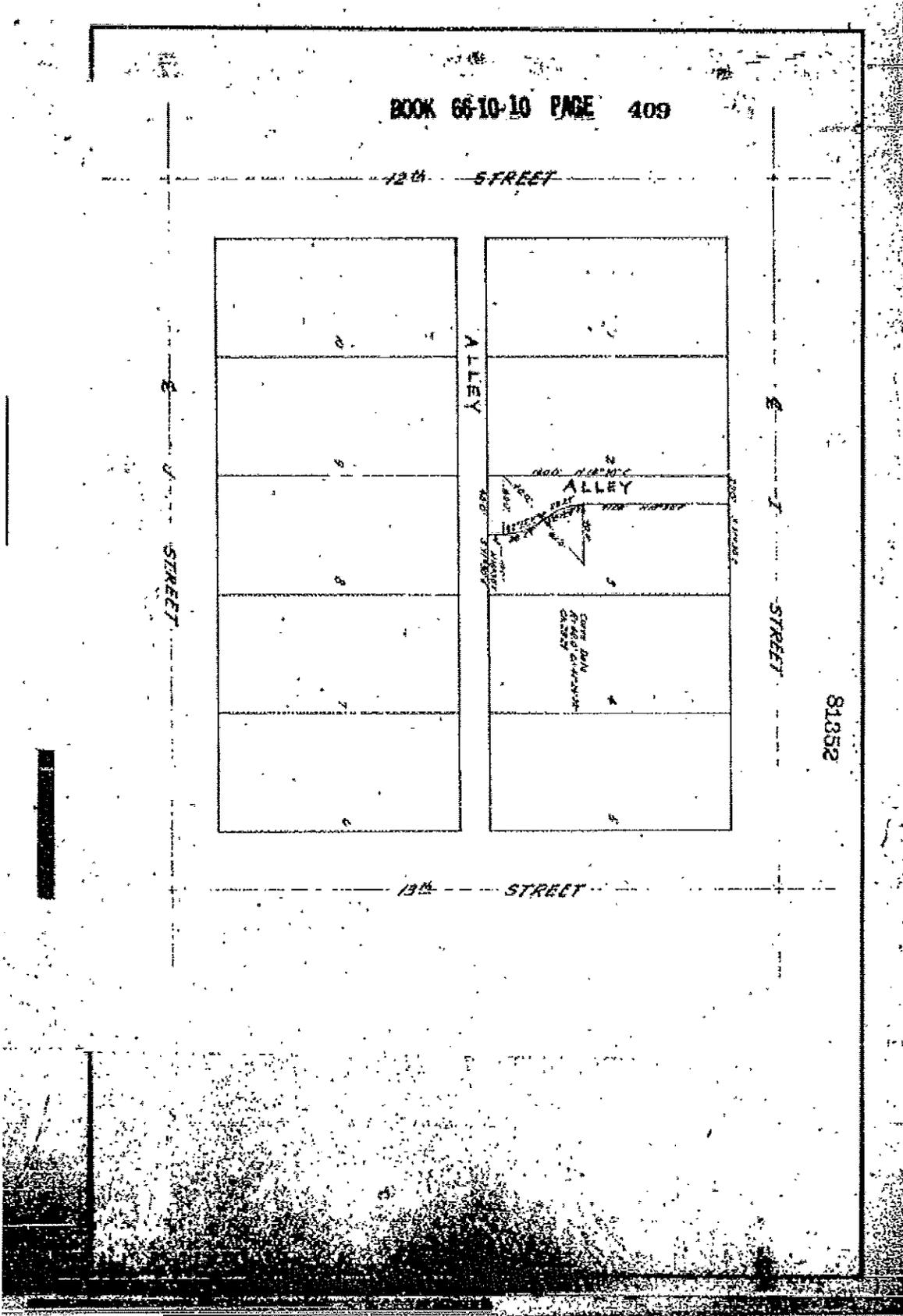
CERTIFIED AS TRUE COPY

OF Resolution # 419

OCT - 7 1966
DATE CERTIFIED

Elmer C. Cleveland
CITY CLERK

WHEN RECORDED RETURN TO:
City of Sacramento, Real Estate Div.
Rm. 207, City Hall, Sacramento, CALIF.



RESOLUTION NO.

Adopted by the Sacramento City Council

**VACATION OF PUBLIC RIGHT-OF-WAY IN SHERATON GARAGE
LOCATED IN COUNCIL DISTRICT 3**

VACATION PROCEEDING NO. VAC08-009

BACKGROUND

- A.** The City intends to sell the parking garage located at 1223 J Street. Inside the garage, on its western side, there is an alley and public right-of-way (the "Right-of-Way") that runs south from I Street and is a north-to-south extension of the east-to-west alley between the garage and 12th Street. The Right-of-Way is described and depicted in **Exhibits A and B** to this resolution.
- B.** As a condition of sale, the prospective buyer of the garage requires that the City convey fee title unencumbered by the Right-of-Way. Accordingly, the Economic Development Department has requested that the City Council vacate the Right-of-Way subject to the following conditions: the City will retain public-utility easements, and the buyer or its successor in interest must grant the City an ingress-and-egress easement to replace the vacated Right-of-Way.
- C.** As required by Sacramento City Code section 2.112.080 and California Government Code section 65402, the City Planning Director reviewed the proposed vacation and concluded that the vacation is consistent with the City's general plan.
- D.** In accordance with section 8320, subdivision (a)(1), of the California Streets and Highways Code (the "S&H Code"), the City Clerk set April 29, 2008, at 6:00 p.m. in the City Council's Chambers as the date, hour, and place of a public hearing on the proposed vacation. The City Clerk also published and posted notice of hearing in accordance with S&H Code sections 8320, 8322, and 8323. A hearing was held at the appointed date, hour, and place, during which the City Council heard evidence offered by persons interested in the proposed vacation.

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

Section 1. The City Council hereby finds and determines, from all the evidence submitted, that the Right-of-Way is unnecessary for present or prospective public use and is not useful as a non-motorized transportation facility. Accordingly, in accordance with chapter 3 (General Vacation) of the Public Streets, Highways, and Service Easements Vacation Law (which begins at S&H Code section 8300), the City Council hereby vacates the Right-of-Way, subject to the following:

- (a) The vacation will occur only after the conditions specified in section 2 of this resolution have been satisfied.
- (b) In accordance with S&H Code section 8340, the City reserves and excepts from the vacation a public-service easement along the vacated Right-of-Way for all of the purposes described in S&H Code section 8340, subdivisions (a) and (c).

Section 2. As a condition for vacation, the buyer of the garage or its successor must grant the City a public-access ingress-and-access easement over the property burdened with the Right-of-Way. The easement will terminate automatically if and when the east-to-west portion of the alley is vacated. The document that creates the easement may be either an agreement or a deed, at the discretion of the City Attorney's Office; its provisions must be satisfactory to both the City Attorney's Office and the City Department of Transportation; and it is to be recorded in the official records of the Sacramento County Recorder within two years after the date of this resolution.

Section 3. If and when the conditions in section 2 are satisfied, the City Clerk shall cause a certified copy of this resolution, attested by the City Clerk under seal, to be recorded in the official records of the Sacramento County Recorder. The vacation of the Right-of-Way will be effective on the day the resolution is recorded. If the conditions in section 2 are not satisfied, then this resolution will become void *ab initio*, and the vacation will not occur.

Table of Contents:

- Exhibit A: Legal Description
- Exhibit B: Exhibit Plat/Map

EXHIBIT "A"
ABANDONMENT
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 Lot 3 and a portion of alley coincident with said Lot 3 in the block bounded by 12th and 13th Streets, "I" and "J" Streets of the City of Sacramento, according to the Official Plat thereof, described as follows:

Beginning at the northwesterly corner of said Lot 3, said point also located on the southerly right of way of said "I" Street; thence, from said Point of Beginning, along said southerly line of "I" Street, South 71°24'41" East, 20.00 feet; thence, leaving said southerly line, South 18°33'04" West, 97.08 feet; thence along a curve concave easterly having a radius of 40.00 feet and an arc length of 28.91 feet, subtended by a chord bearing South 02°09'14" East, 28.28 feet to a point of reverse curvature; thence along a curve concave westerly having a radius of 40.00 feet and an arc length of 28.91 feet, subtended by a chord bearing South 02°09'14" East, 28.28 feet; thence South 18°33'04" West, 10.20 feet to the southerly line of said Lot 3, said point also being the northerly line of said alley; thence South 18°33'04" West, 20.00 feet to the southerly line of said alley; thence coincident with said southerly line of alley, North 71°26'49" West, 40.00 feet to the southerly projection of the westerly line of said Lot 3; thence North 18°33'04" East, 20.00 feet to the northerly line of said alley, said line also the southerly line Lot 3; thence, coincident with the westerly line of said Lot 3, North 18°33'04" East, 160.21 feet to the Point of Beginning.



EXHIBIT B

