

RESOLUTION NO. 2008-252

Adopted by the Sacramento City Council

April 29, 2008

VACATION OF A PORTION OF THE PUBLIC UTILITY EASEMENT WITHIN THE VACATED ALLEY BOUNDED BY BEAUMONT STREET, EMPRESS STREET, DIXIEANNE AND EL CAMINO AVENUE, WITHIN COUNCIL DISTRICT 2, VACATION PROCEEDING NO. VAC08-006

BACKGROUND

- A. Representing Dino Varlas of Interra-Vision Development, LLC; the owner of the property with Assessor's Parcel No. 275-0054-027, Burrell Consulting Group Inc., has requested the vacation of a portion of the Public Utility Easement within a previously vacated alley within the City of Sacramento.
- 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 this vacation is consistent with the City's General Plan.

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

- Section 1. Subject to the conditions below in Section 4, the PUE located south of El Camino Avenue between Empress and Beaumont streets within Council District 2, more specifically described in Exhibit A and Exhibit B of this resolution is hereby ordered vacated.
- Section 2. The vacation of the portion of the public utility easement south of Assessor's Parcel Number 275-0054-027 within Council District 2, more specifically described in Exhibit A and Exhibit B is made pursuant to State of California Streets and Highways Code, Division 9, Part 3, Chapter 4. Pursuant to California Streets and Highways Code Section 8320, the City Council finds that the portion of the public utility easement, more specifically described in Exhibit A and Exhibit B was requested to be vacated by interested parties for the purposes of development within the City of Sacramento.
- 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.

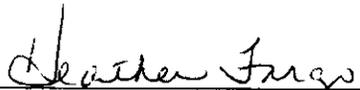
- Section 4. This vacation is pursuant to the following conditions:
- a. The applicant must relocate all existing utilities within subject area of the public utility easement to the satisfaction of the Department of Utilities and all other affected utility companies.
 - b. The applicant must complete an ingress and egress access agreement with the adjacent property with Assessor's Parcel Number 275-0054-026 over the previously abandoned portion of the alley.
- 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 one or more time extensions.
- Section 6. 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

Adopted by the City of Sacramento City Council on April 29, 2008 by the following vote:

- Ayes: Councilmembers Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters, and Mayor Fargo.
- Noes: None.
- Abstain: None.
- Absent: Councilmember Cohn.



Mayor Heather Fargo

Attest:



Shirley Concolino, City Clerk

Walgreens - Sacramento, Del Paso and El Camino
Public Utility Easement Abandonment
Job No. 1620-00-0896

EXHIBIT "A"

A Portion of Block 42 as shown on the subdivision map entitled "Plat of North Sacramento Subdivision No. 1" filed December 15, 1910, in Book 11 of Maps at Page 26, in the office of the county recorder of Sacramento County, California.

More Particularly described as follows:

Commencing at the Southeast corner of Lot 1 of Block 42 of the aforesaid subdivision map, thence along the South Line of said Lot 1 North 89°36'20" West, 22.38 feet to the **Point of Beginning**; thence leaving said point of beginning South 00°23'40" West, 4.00 feet; thence North 89°36'20" West, 90.00 feet; thence North 00°23'40" East, 4.00 feet; thence South 89°36'20" East, 90.00 feet to the Point of Beginning.

Area Contains:(360 Sq. Ft.) More or Less.

THE LAND DESCRIBED HEREON IS SHOWN ON THE ATTACHED **EXHIBIT "B"** PLAT AND BY REFERENCE MADE A PART HEREOF.

END OF DESCRIPTION

This Description was prepared by me or under my direction pursuant to the requirements of the Professional Land Surveyor's Act.

Jerry V. Aplass, L.S. 5876
Exp. Date: December 31, 2008
Date Prepared: September 25, 2007

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