



## REPORT TO COUNCIL City of Sacramento

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

CONSENT  
December 9, 2008

Honorable Mayor and  
Members of the City Council

**Title:** The Summary Vacation of the Irrevocable Offer of Dedication and a Portion of the Right of Way Adjacent to Freeport Boulevard

**Location/Council District:** Parcel located between Interstate 5 and Freeport Boulevard and North of Stonecrest Avenue in Council District 7 (see Attachment 2).

**Recommendation:** Adopt the attached proposed Resolution 1) vacating the 200 foot Irrevocable Offer of Dedication located east of Freeport Boulevard specifically described in the Exhibit A and Exhibit B included with the attached proposed Resolution; and 2) vacating a 90 foot public right-of-way located east of Freeport Boulevard specifically described in the Exhibit A-1 and Exhibit B-1 included with the attached proposed Resolution located within Council District 7.

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

**Presenters:** None

**Department:** Transportation

**Division:** Engineering Services

**Organization No:** 15001181

### Description/Analysis

**Issue:** Blu Croix, Ltd. has requested the vacation of the subject Irrevocable Offer of Dedication (IOD) along with a 90 foot public Right-of-Way (ROW) on behalf of Verizon Data Services. This request to vacate this subject IOD and ROW has been requested to help facilitate the placement of a utility substation to expand telecommunications services within the region. Information of the two recorded documents detailing the IOD and ROW are attached. (See Attachments 3, 4)

In consideration of Verizon's request, the City has conditioned Verizon to dedicate a 20 foot easement for a bike trail adjacent to Freeport Boulevard along with a 90 foot Temporary Construction Easement for the Cosumnes River Boulevard/Interstate 5 Interchange and Extension Project.

**Policy Considerations:** The Council action recommended in this report is consistent with the City's Strategic Plan to promote infill development, rehabilitation, and reuse that contributes positively to the surrounding areas and assists in meeting neighborhood and other City goals, and is in compliance with the California Government Code Section 66477.2(c) and California Streets and Highways Code Sections 8330-8340 provide the mechanism for the vacation of IOD and public ROW's.

**Environmental Considerations:**

**California Environmental Quality Act (CEQA):** Status is exempt under Section 15061(b)(3) in which this activity has no potential of causing any significant effect on the environment.

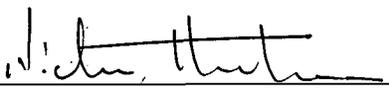
**Sustainability Considerations:** None

**Committee/Commission Action:** None

**Rationale for Recommendation:** Staff, along with various agencies, support this vacation request in which this subject IOD and ROW will not be needed for future access for any of the future development within this area.

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

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

Respectfully Submitted by:   
Nicholas Theocharides  
Engineering Services Manager

Approved by:   
Mr. Jerry Way  
Director of Transportation

Recommendation Approved:

*Ben*  
  
Ray Kerridge  
City Manager

**Table of Contents:**

	Report	Pg. 1
<b>Attachments</b>		
1	Background	Pg. 4
2	Map Location	Pg. 5
3	Offer of Dedication	Pg. 6
4	Acceptance of ROW, Resolution 84-486	Pg.13
5	Resolution	Pg.16

**Attachment 1**

**Background**

**Summary Vacation of the Irrevocable Offer of Dedication and a Portion of the Right of Way Adjacent to Freeport Boulevard**

Verizon Data Services (Verizon) has requested the vacation of the subject 200 foot wide Irrevocable Offer of Dedication and the 90 foot Right of Way (ROW) located south of Meadowview Road and West of Interstate 5 next to Freeport Boulevard. This request for vacation is part of Verizon's future plans to complete certain improvements on their property. These improvements include the placement of a new utility substation along with a 69 Kv SMUD transformer to assist with expanding telecommunication services in this region. This request is being processed under the California Government Code Section 66477.2(c) and Streets and Highways Code (S&HC) Sections 8330-8336 as a summary vacation for City Council approval. The applicant requesting the vacation of this subject IOD and ROW has submitted all documents required by the City of Sacramento's Department of Transportation to process this request.

In 1980 GTE Data Services Inc. on behalf of its successor in interest Verizon, offered the 200 foot IOD to the City of Sacramento for the purpose of re-aligning Freeport Boulevard and allowing additional access to the Delta Shores Planned Unit Development (PUD). (See Attachment 3) In 1984 the City of Sacramento accepted 90 feet of the 200 foot IOD creating a 90 foot ROW with Resolution 84-486. (See Attachment 4)

Currently, the Delta Shores PUD does not require the use of the subject 200 foot IOD or the 90 foot ROW for re-alignment of Freeport Boulevard or additional access to the Delta Shores PUD. The new ownership of the Delta Shores PUD, M&H Realty Partners have signed documentation concurring with the vacation request of the subject IOD and ROW.

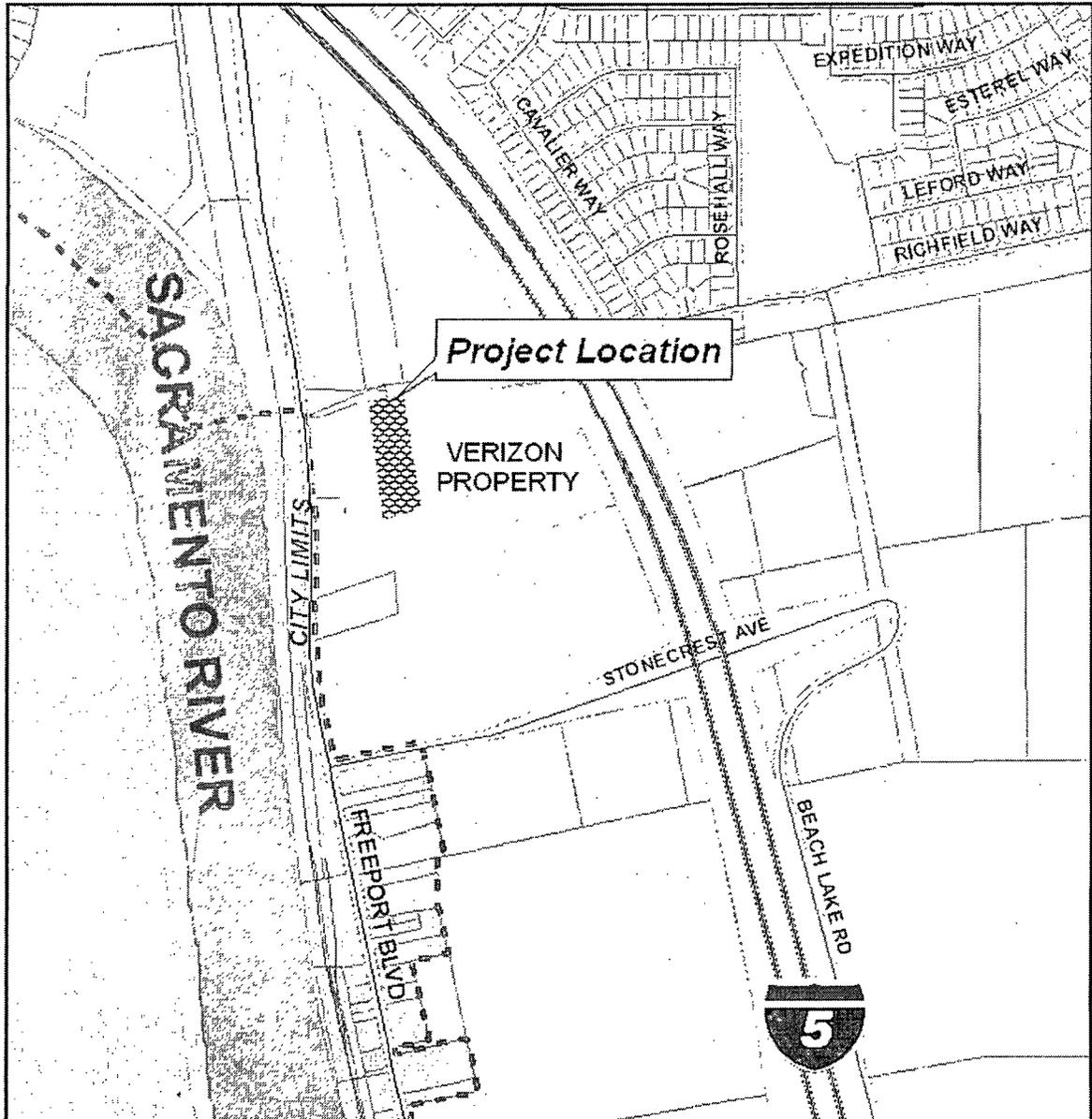
The City has requested that Verizon dedicate a 20 foot easement for a bike trail adjacent to Freeport Boulevard along with a 90 foot Temporary Construction Easement for the Consumnes River Boulevard/Interstate 5 Interchange and Extension Project.

Once subject IOD and ROW have been approved for vacation and all conditions have been satisfied along with all outstanding fees being paid, the City's Department of Transportation will request the City Clerk's office to initiate a certified copy of the Resolution to be recorded with the Sacramento County Recorder's Office.

Various City departments and utility companies have reviewed this request and support the proposed vacation.

**Attachment 2**

LOCATION MAP FOR  
VACATION OF I.O.D AND ROW  
VAC08-018  
7901 FREEPORT BOULEVARD



Department of  
**TRANSPORTATION**  
City of Sacramento

Map Contact: T. Adams  
Map Date: Nov/08

0 115 230 460 690 920  
Feet



8007 1 1

SACRAMENTO COUNTY

RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:

68007-11870

Susan K. Edling  
McDonough, Holland & Allen  
555 Capitol Mall, Suite 950  
Sacramento, CA 95814

J. A. SIMPSON  
SACRAMENTO COUNTY CLERK/REGISTRAR

OFFER OF DEDICATION

49.00

GTE DATA SERVICES INCORPORATED, a Delaware corporation, ("GTE") is the present owner of record of the real property described in Exhibit A attached hereto and shown diagrammatically in Exhibit B attached hereto ("the property"). GTE hereby makes an irrevocable offer of dedication to the City of Sacramento and its successor or assign of a right-of-way for a street which shall run generally north/south over a portion of the property which lies within a 200 foot strip as shown in Exhibit B and described in Exhibit C attached hereto. Such right-of-way shall be not more than 110 feet wide and its exact location within the area shown in Exhibit B, shall be determined by the City of Sacramento within five (5) years from the date when this offer is recorded among the official records of Sacramento County ("recording date"). This offer shall remain irrevocable for five years from the recording date, but may be terminated following the fifth anniversary of the recording date if the City of Sacramento has not, by the fifth anniversary date, determined the exact location of the right-of-way and accepted the same by appropriate resolution of its governing body.

102100

It is understood and agreed that the City of Sacramento shall incur no liability with respect to this offer or the portion of the property over which the right-of-way may be located until such offer is accepted by appropriate action of the City Council.

05615/002  
050680 SKE

# 800711

SACRAMENTO COUNTY

8007-11-673

32031  
1st Amended

## EXHIBIT "A"

In the State of California, County of Sacramento, City of Sacramento, and being:

All that certain real property situate, lying and being in the County of Sacramento, State of California, particularly described as follows:

All that portion of Section 11 and 12, Township 7 North, Range 4 East, M. D. B. & M., described as follows:

Beginning at a point on the Easterly line of Freeport Boulevard, as shown on the official plat of Freeport Acres, recorded in the office of the Recorder of Sacramento County in Book 15 of Maps, Map No. 20, said point of beginning being the northwest corner of that certain tract of land described as Parcel No. 1 in that certain deed recorded in the office of said Recorder in Book 4111 of Official Records, Page 716; said point of beginning is further described as being a point on the Southerly boundary of that certain 6.315 acre tract of land granted to the County of Sacramento by deed recorded in the office of said Recorder in Book 3200 of Official Records, page 168; thence from said point of beginning along said Southerly boundary North 86 degrees 54' 37" East, 53.65 feet; North 70 degrees 54' 37" East 148.54 feet; North 78 degrees 42' 47" East 100.00 feet and North 86 degrees 45' 37" East 94.81 feet the most Southwesterly corner of that certain tract of land described as Parcel No. 2 granted to the County of Sacramento by deed recorded in the office of said Recorder in Book 3200 of Official Records, page 162; thence along the southerly boundary of said Parcel No. 2 and the Easterly production thereof North 86 degrees 45' 37" East 487.78 feet; thence North 78 degrees 13' 47" East 1264.30 feet; thence South 11 degrees 46' 10" East 180.02 feet; thence South 43 degrees 29' 20" East 63.53 feet; thence Southwesterly, curving to the left on an arc of 20.00 feet radius, said arc being subtended by a chord bearing South 33 degrees 13' 50" West 28.28 feet; thence South 11 degrees 46' 10" East 124.11 feet thence curving to the left on an arc of 30.00 feet radius, said arc being subtended by a chord bearing South 24 degrees 42' 45" East 13.42 feet; thence curving to the right on an arc of 50.00 feet radius, said arc being subtended by a chord bearing South 15 degrees 42' 15" East 37.33 feet; thence South 83 degrees 47' 10" East 99.29 feet; thence South 11 degrees 46' 10" East 81.53 feet to a point on the North line of a 100.00 foot right of way, recorded in the office of said Recorder in Book 525 of Deeds, page 174; thence along said North line South 72 degrees 07' 22" West

8007 1 1

SACRAMENTO COUNTY

Exhibit A, page 2

8007-111674

1428.07 feet; thence North 17 degrees 52' 40" West 231.00 feet; thence curving to the right on an arc of 400.00 feet radius, said arc being subtended by a chord bearing North 16 degrees 52' 15" West 14.05 feet; thence South 74 degrees 08' 10" West 166.25 feet; thence South 71 degrees 07' 20" West 123.00 feet; thence South 79 degrees 22' 25" West 127.44 feet; thence South 63 degrees 23' 00" West 65.87 feet; thence South 88 degrees 15' 00" West 67.68 feet; thence South 86 degrees 02' 40" West 42.03 feet; thence North 88 degrees 15' 00" West 100.00 feet; thence North 01 degrees 45' 00" West 85.21 feet; thence South 88 degrees 15' 00" West 178.95 feet to a point on the easterly line of Freeport Boulevard; thence along said easterly line, North 01 degrees 45' 04" West 337.00 feet to the point of beginning.

EXCEPTING therefrom all that portion thereof described in Grant Deed to the State of California, recorded July 29, 1979, in Book 70 07 29, page 29, of Official Records.



# 8007 1 1

SACRAMENTO COUNTY

EXHIBIT "C"

LS007-11P876

H.L.L. Project, Fremont Boulevard

200 Foot Easement

ALL THE REAL PROPERTY situated in the City of Sacramento, County of Sacramento, State of California, and being a portion of Section 13, Township 7 North, Range 8 East, N.B.M. & T., 1842, particularly described as follows:

BEING at a point on the Southern boundary of that certain 0.115 acre tract of land recorded in the County of Sacramento by deed recorded in the office of said Recorder in Book 3783 of Official Records, Page 102, from which a point on the Eastern line of Fremont Boulevard as shown on the Official Plat of Fremont Avenue, recorded in Book 35 of Maps, Map No. 28, Records of said County being the north-west corner of that certain tract of land described as Parcel 1 in that certain deed recorded in Book 6181 of Official Records of said County, Page 710, bears also aforesaid Southern boundary the following (2) courses and distances: 1.) North 69° 54' 37" East 81.63 feet 2.) North 29° 59' 37" East 67.00 feet.

Thence from said point of beginning, along said Southern boundary the following three (3) courses and distances: 1.) North 70° 54' 37" East 81.50 feet 2.) North 71° 42' 42" East 100.00 feet 3.) North 69° 54' 37" East 26.64 feet. Thence along said Southern boundary the following five (5) courses and distances: 1.) South 75° 34' 15" East 103.10 feet 2.) South 72° 22' 25" West 96.30 feet 3.) South 53° 23' 00" West 85.03 feet 4.) South 66° 15' 00" West 67.60 feet 5.) North 74° 15' West 154.77 feet to the point of beginning.

Containing 2.227 acres more or less.

8007 111

SACRAMENTO COUNTY

63007-111872

FLORIDA  
STATE OF ~~FLORIDA~~ )  
COUNTY OF HILLSBOROUGH ) ss.

On July 6, 1986, before me, the undersigned, a notary public in and for said State, personally appeared J. E. W. [unclear], known to me to be the V.P. [unclear] of the corporation that executed the within instrument, known to me to be the person who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the within instrument pursuant to its bylaws or a resolution of its Board of Directors.

Witness by hand and official seal.

[Signature]  
Notary Public

My Commission Expires Oct. 2, 2008

8007 1 1

SACRAMENTO COUNTY

8007-11/871

The provisions hereof shall inure to the benefit of and be binding upon the successors and assigns of GTE and the City of Sacramento.

Dated: JUL 6 8 1990

GTE DATA SERVICES INCORPORATED

By *L. E. Whiship*

L. E. WHISHIP  
VICE PRESIDENT - OPERATIONS

Recording requested by:  
WHEN RECORDED RETURN TO:  
City of Sacramento, Real Estate Div.  
Rm 207, City Hall, Sacramento, Calif

105562

**RESOLUTION NO. 84-186**

Adopted by The Sacramento City Council on date of **JUN 13 1984**

JUNE 12, 1984

DETERMINING EXACT LOCATION OF RIGHT  
OF WAY FOR THE RE-ALIGNMENT OF FREEPORT  
BOULEVARD THROUGH COUNTY PARCEL NO.  
119-010-33 AND ACCEPTING SAID RIGHT  
OF WAY

NO  
FEE  
C

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

That the City of Sacramento has determined the exact location of the right of way necessary for the re-alignment of Freeport Boulevard through G.T.E. Data property (County Parcel No. 119-101-33) in accordance with the Offer of Dedication recorded on July 11, 1980 in the office of the Recorder of Sacramento County, California, in Book 80-071-11, Official Records, at Page 87d.

JUN 13 1984

BE IT FURTHER RESOLVED

That the City of Sacramento hereby accepts the right of way described below in accordance with said Offer of Dedication by the recording of a certified copy of this Resolution.

All that certain property situate in the City of Sacramento, County of Sacramento, State of California and being a portion of the lands conveyed to GTE Data Services, Incorporated, by the deed recorded in Book 800407 of Official Records of Sacramento County at Page 485; said real property being a strip of land 50 feet in width and being more particularly described as follows:

Beginning at the point of intersection of the general southerly line of said lands of GTE and the Easterly right of way line of that proposed road as shown on the Record of Survey filed in Book 10 of records of

#10

surveys at page 12, Sacramento County Records, thence from said point of beginning along last said line North 19° 48' 46" West 183.14 feet and tangent to the preceding course along the arc of a curve to the left having a radius of 1545 feet and a central angle of 11° 24' 34", an arc distance of 307.66 feet (chord North 25° 31' 03" West 307.15 feet) to a point on the general northerly line of said lands of GTE; thence along last said line South 78° 43' 10" West 59.09 feet and South 70° 59' 00" West 35.52 feet to a point thereon; thence leaving last said line along the westerly right of way line of said proposed road from a tangent that bears South 12° 18' 41" East along the arc of a curve to the right having a radius of 1455 feet and a central angle of 12° 29' 55", an arc distance of 317.40 feet (chord South 26° 03' 44" East 316.77 feet) and South 19° 48' 46" East 175.97 feet to the said general southerly line of lands of GTE, thence along last said line North 88° 15' 12" East 42.27 feet and North 63° 23' 23" East 50.17 feet to the point of beginning and containing 1.030 acres of land, more or less.

11 06 19 1 130  
 1302

ANNE RUDIN  
 NOTAR

ATTEST:

CORRAINE MAGANA  
 CITY CLERK

CERTIFIED AS TRUE COPY  
 of Resolution No. 84-186

JUN 18 1984

*[Signature]*  
 City Clerk



## **RESOLUTION NO.**

**Adopted by the Sacramento City Council**

**THE SUMMARY VACATION OF THE IRREVOCABLE OFFER OF DEDICATION AND  
A PORTION OF THE RIGHT OF WAY ADJACENT TO FREEPORT BOULEVARD,  
WITHIN COUNCIL DISTRICT 7  
VACATION PROCEEDING NO. VAC 08-018**

### **BACKGROUND**

- A. Verizon Data Services has requested the vacation of the 200 foot Irrevocable Offer of Dedication (IOD) and the vacation of a 90 foot public right-of-way (ROW) adjacent to Freeport Boulevard.
- 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. The 200 foot Irrevocable Offer of Dedication located east of Freeport Boulevard specifically described in the attached Exhibit A and Exhibit B and the 90 foot public right-of-way located east of Freeport Boulevard specifically described in the attached Exhibit A-1 and Exhibit B-1 located within Council District 7 are hereby ordered vacated.
- Section 2. This vacation is pursuant to the following conditions:
  - The owner must grant the City of Sacramento a 20 foot bike trail easement over the parcel with assessor's parcel number 119-0010-066 to the satisfaction of the City's Department of Transportation.
  - The owner must grant a Temporary Construction Easement to the City of Sacramento to the satisfaction of the City's Department of Transportation.
- Section 3. The vacation of the subject I.O.D. and ROW just east of Freeport Boulevard within Council District 7, is made pursuant to California Government Code Section 66477.2(c) and California Streets and Highways Code, Division 9, Part 3, Chapter 4. Pursuant to California Streets and Highways Code Section 8334(a), the City Council finds that the IOD and ROW within Council District 7, more specifically described in

Exhibit A and Exhibit A-1 are an excess right-of-way not required for street purposes.

Section 4. 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 5. The City Clerk shall cause a certified copy of this Resolution, attested by the City Clerk under seal; to be recorded after all conditions and fees have been satisfied. The vacation shall be effective when the City Clerk records this Resolution with the County Recorder.

**Table of Contents:**

Exhibit A: Legal Description/IOD  
Exhibit B: Exhibit Plat/Map/IOD  
Exhibit A1: Legal Description/ROW  
Exhibit B1: Exhibit Plat/Map/ROW

**Exhibit A**

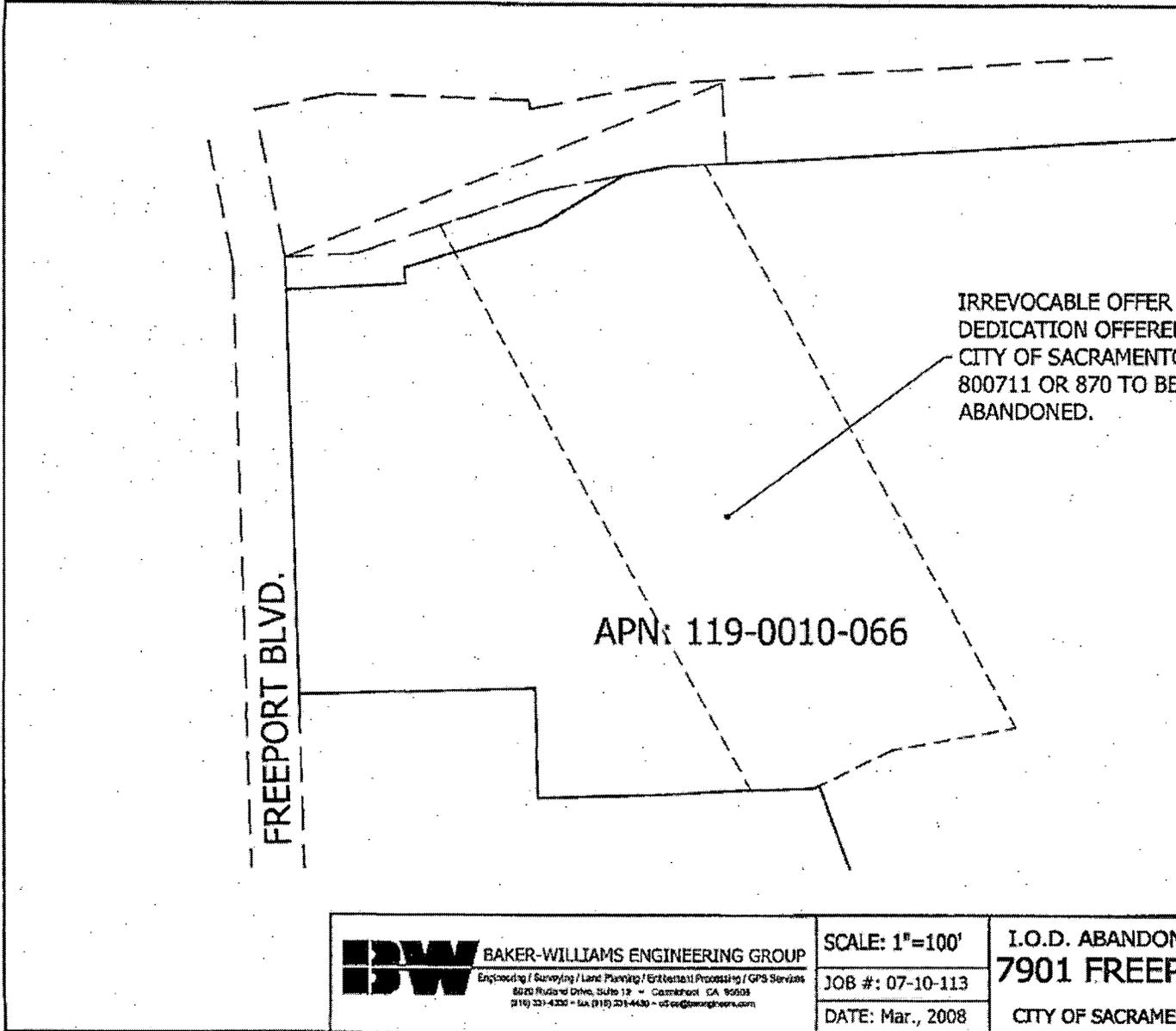
Portion of

**Freeport Boulevard J.O.D. Abandonment**

Legal Description

All that real property situate in the City of Sacramento, County of Sacramento, State of California described in that Offer of dedication filed for record in the office of the Recorder of said County in Book 800711, at Page 870, Official Records of said County.

Exhibit B

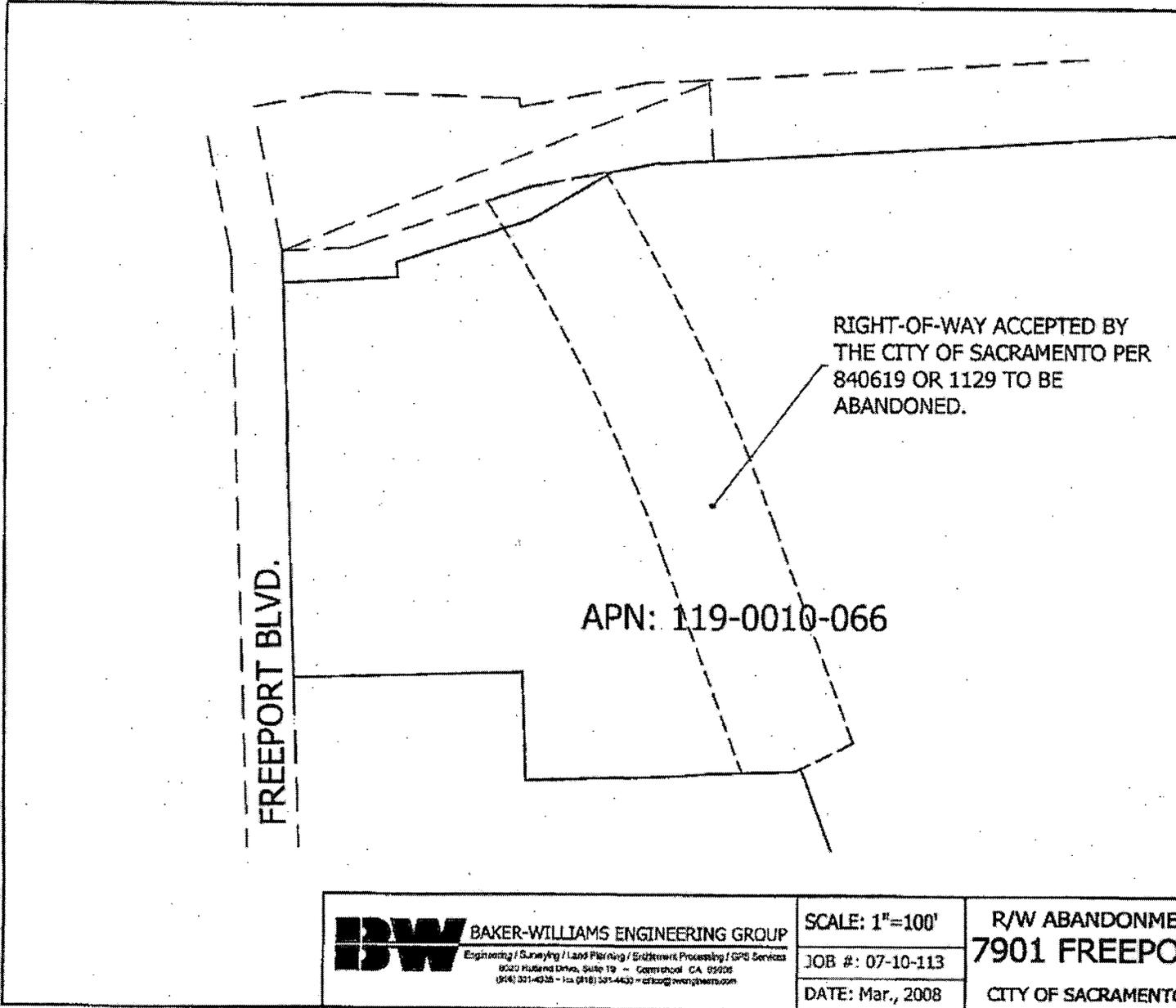


**Exhibit A1**

Portion of  
**Freeport Boulevard R/W Abandonment**  
Legal Description

All that real property situate in the City of Sacramento, County of Sacramento, State of California accepted as Right-of-Way, described in Resolution No. 84-486, filed for record in the office of the Recorder of said County in Book 840619, at Page 1129, Official Records of said County.

Exhibit B1



**BW** BAKER-WILLIAMS ENGINEERING GROUP  
 Engineering / Surveying / Land Planning / Earthwork Processing / GPS Services  
 8020 Hubland Drive, Suite 119 - Colusa, CA 95606  
 (916) 331-4938 - fax (916) 331-4432 - [office@bwengr.com](mailto:office@bwengr.com)

SCALE: 1"=100'
JOB #: 07-10-113
DATE: Mar., 2008

R/W ABANDONME  
**7901 FREEPO**  
 CITY OF SACRAMENTO