



# 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 a Portion of the Alleyway Bounded Between 7<sup>th</sup> Avenue, 9<sup>th</sup> Avenue, 35<sup>th</sup> and 37<sup>th</sup> Streets**

**Location/Council District:** Alleyway located between 7<sup>th</sup> Avenue, 9<sup>th</sup> Avenue, 35<sup>th</sup> Street and 37<sup>th</sup> Street in Council District 5 (see Attachment 1).

**Recommendation:** Adopt the attached proposed **Resolution** vacating the public alleyway located within Council District 5 between 7<sup>th</sup> Avenue, 9<sup>th</sup> Avenue, 35<sup>th</sup> and 37<sup>th</sup> Streets specifically described in Exhibit A and Exhibit B of the attached proposed Resolution.

**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:** Shiloh Baptist Church has requested the vacation of a portion of the subject public alleyway to help facilitate the construction of a multi-purpose and storage facility on its lot which has an existing church. The subject portion of the alleyway will be part of the parking and access area for vehicular movement. The alleyway is currently closed with gates on opposite ends. 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 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 California Streets and Highways Code Sections 8334(a), which establishes that an excess right-of-way not required for street or highway purposes may be summarily vacated.

**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.

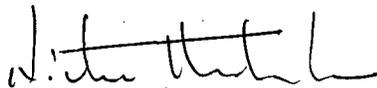
**Sustainability Considerations:** None

**Committee/Commission Action:** None

**Rationale for Recommendation:** Staff along with various agencies supports this vacation request along with proposed use to facilitate the revitalization of the existing building once the alleyway has been vacated.

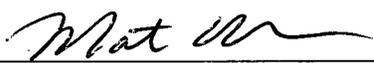
**Financial Considerations:** The applicant is responsible for all fees required to process this application and there is no cost to the City.

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

Respectfully Submitted by:   
Nicholas Theocharides  
Engineering Services Manager

Approved by:   
for Jerry Way  
Director of Transportation

Recommendation Approved:

  
Ray Kerridge  
City Manager

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**Attachment 1**

**Background**

**The Summary Vacation of a Portion of the Alleyway Bounded Between 7<sup>th</sup> Avenue, 9<sup>th</sup> Avenue, 35<sup>th</sup> and 37<sup>th</sup> Streets**

CNA Engineering has requested the vacation of the subject alleyway on behalf of Shiloh Baptist Church to help facilitate the development of a multi-purpose and storage garage facility. This request is being processed under the 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 alleyway has submitted all documents required by the City of Sacramento's Department of Transportation to process this request.

The subject alleyway was temporarily closed through the City's problem alley abatement program by the request of the adjacent property owners in 2004 due to crime element within the alleyway. It has gates on opposite ends of the alleyway that is only accessible to property owners, emergency personnel and utility services for maintenance and repair. Only a portion of the alleyway has been requested for vacation because some property owners want to maintain the same access as it currently exists. A public utility easement will remain over the subject portion of alleyway and the gates installed by the City will not be removed. Shiloh Baptist Church will be required to meet all building and development standards for improvement to the satisfaction of the City's Department of Transportation.

Once the alleyway has been vacated it will help facilitate the construction of the proposed additions of the 18,565 square foot multi-purpose facility and the 2,400 square foot storage facility. (Z06-233) It will also allow vehicular access and maneuverability throughout the church's merged parcel.

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

LOCATION MAP FOR  
VACATION OF PORTION OF ALLEYWAY  
VAC08-007  
3565 9th AVENUE



Department of  
**TRANSPORTATION**  
City of Sacramento

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

0 45 90 180 270 360  
Feet



## **RESOLUTION NO.**

**Adopted by the Sacramento City Council**

### **THE SUMMARY VACATION OF A PORTION OF THE ALLEYWAY BOUNDED BETWEEN 7<sup>TH</sup> AVENUE, 9<sup>TH</sup> AVENUE, 35<sup>TH</sup> AND 37<sup>TH</sup> STREETS, WITHIN COUNCIL DISTRICT 5**

#### **VACATION PROCEEDING NO. VAC 08-015**

#### **BACKGROUND**

- A. Shiloh Baptist Church has requested the vacation of a portion the public alleyway bounded by 7<sup>th</sup> Avenue, 9<sup>th</sup> Avenue, 35<sup>th</sup> and 37<sup>th</sup> Streets.
- 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 portion of the public alleyway bounded by 7<sup>th</sup> Avenue, 9<sup>th</sup> Avenue, 35<sup>th</sup> and 37<sup>th</sup> Streets within Council District 5, more specifically described in Exhibit A and Exhibit B of this resolution is hereby ordered vacated.
- Section 2. Pursuant to Streets and Highways Code Section 8306 an 8340, all existing public service easements located within and along the subject alley to be vacated, more specifically described in Exhibit A and B of this resolution, will be reserved for all the purposes and reasons described in Streets and Highways Code Sections 8306 and 8340 including, but not limited to, the 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 the subject property to be vacated.
- Section 3. The vacation of the public alleyway within Council District 5, 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 8334, the City Council finds that the public alleyways, more specifically described in Exhibit A and Exhibit B 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 fees have been satisfied. The vacation shall be effective when the City Clerk records this Resolution with the County Recorder.

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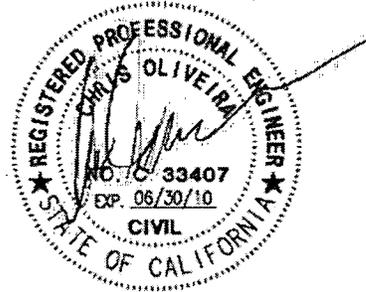
Exhibit A: Legal Description

Exhibit B: Exhibit Plat/Map

**EXHIBIT A**

THE LAND DESCRIBED HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF SACRAMENTO, CITY OF SACRAMENTO, AND IS DESCRIBED AS FOLLOWS:

THE ALLEYWAY AS DEDICATED ON THE "PLAT OF OAK TERRACE" FILED FOR RECORD ON JUNE 15, 1904, IN BOOK 5 OF MAPS, PAGE 46 LOCATED ADJACENT TO THE SOUTH LINES OF LOTS 2656, 2657, 2658, 2659, 2660 AND 2661 OF SAID PLAT, THE NORTH LINE OF LOT 2682, AND THE NORTH LINE OF THE WEST 95.50 FEET OF LOT 2683 OF SAID PLAT.





**CNA ENGINEERING INC.**  
 CIVIL ENGINEERING, LAND SURVEYING, PLANNING, STRUCTURAL DESIGN  
 PHONE: (916) 485-3746  
 1375 VALLEY ROAD, SACRAMENTO, CA 95821

DATE: 10/16/08  
 SHEET 1 OF 1  
 SCALE: 1" = 100'

**EXHIBIT B**  
 ALLEY VACATION/ABANDONMENT  
 35TH ST, 37TH ST, 9TH AVE AND 7TH AVE  
 CITY OF SACRAMENTO, CALIFORNIA

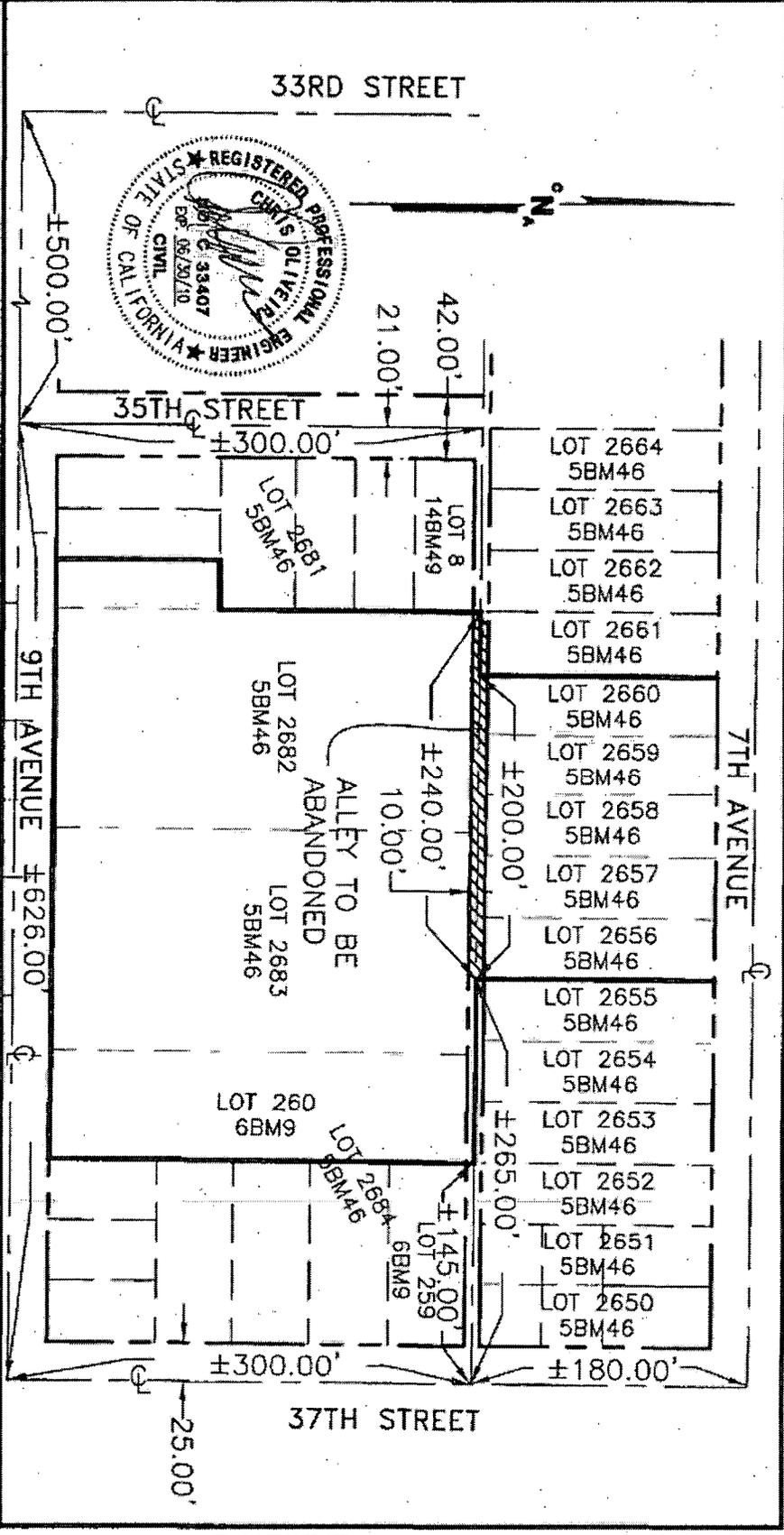


EXHIBIT B