



## REPORT TO COUNCIL City of Sacramento

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

CONSENT  
February 24, 2009

Honorable Mayor and  
Members of the City Council

**Title:** The Summary Vacation of the Portions of the Irrevocable Offer of Dedication Adjacent to East Commerce Way

**Location/Council District:** Two Parcels located on the east side of East Commerce Way at Natomas Crossing Drive in North Natomas in Council District 1 (see Attachment 2).

**Recommendation:** Adopt the attached **Resolution** vacating the Irrevocable Offer of Dedication of right of way located on the east side of East Commerce Way specifically described in Exhibits A and B located within Council District 1.

**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:** Morton & Pitalo, Inc. has requested the vacation of portions of the subject Irrevocable Offer of Dedication (IOD) located along the east side of East Commerce Way on behalf the property owners; Beazer Homes. This request to vacate this subject IOD has been requested to incorporate these areas as part of the landscaping and residential lots of the Beazer Natomas Field Phase 2 and 3A final maps.

**Policy Considerations:** The Council action recommended in this report is consistent with the City's General Plan. This request is in compliance with the California Government Code Section 66477.2(c) and California Streets and Highways Code Sections 8330-8334 which provides the mechanism for the vacation of the subject IOD.



**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

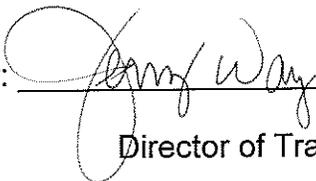
**Committee/Commission Action:** None

**Rationale for Recommendation:** Staff, along with various agencies, supports this vacation request in which this subject IOD will allow conformance for the dedicated Right of Way described in the Master Parcel Map of Natomas Field (P04-236).

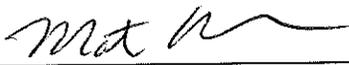
**Financial Considerations:** The applicant is responsible for all fees required to process this application and there is no cost to the City.

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

Respectfully Submitted by:   
Nicholas Theocharides  
Engineering Services Manager

Approved by:   
Jerry Way  
Director of Transportation

Recommendation Approved:

  
Ray Kerridge  
City Manager

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**Attachment 1**

**Background**

**The Summary Vacation of the Portions of the Irrevocable Offer of Dedication of Right of Way Adjacent to East Commerce Way**

Morton and Pitalo Inc. on behalf of Beazer Homes has requested the vacation of the subject portions of the Irrevocable Offer of Dedication (IOD) of right of way for a public road and utilities located on the most eastern side of East Commerce Way at Natomas Crossing Drive. This vacation request is for the sole purpose to comply with the more current Roadway dedication and Public Utility Easement (PUE) as described in the recorded Master Parcel Map of Natomas Field in the book of maps of Book 191 Page 5 with the Sacramento County's Recorder's Office. This request is being processed under the California Government Code Section 66477.2(c) and Streets and Highways Code (S&HC) Sections 8330-8334 as a summary vacation for City Council's approval. The applicant requesting the vacation of this subject IOD has submitted all documents required by the City of Sacramento's Department of Transportation to process this request.

In 1987 the underlying real property owners of the subject IOD dedicated a specific area for future public road use to the City of Sacramento. (See Attachment 3)

Subsequently, Beazer Homes recorded a master parcel map that in Book 191 of Parcel Maps, Page 5 with Sacramento County Recorder's Office that included dedications of right of way required by the City rendering the 1987 IOD immaterial.

Once Council vacates the subject IOD and all fees have been paid, the City's Department of Transportation will request the City Clerk's office to record a certified copy of the Resolution with the Sacramento County Recorder's Office.

Various City departments and utility companies have reviewed this request and support the proposed subject vacations of the IOD.

Attachment 2

LOCATION MAP FOR  
EAST COMMERCE WAY



Map Contact: T. Adams  
Map Date: Jan/09



<p>North American Title 151527-LAB</p> <p>Recording Requested by CITY OF SACRAMENTO</p> <p>When Recorded Mail to:</p> <p>Department of Public Works Development Section 927 10th Street, Room 100 Sacramento, California 95814</p>	<p>BOOK PAGE 87 1013 2182</p> <p>OFFICIAL RECORDS 131 OCT 13 PM 2:38</p> <p>279543</p> <p>FEE \$19 A</p>
	<p>Above Space for Recorder's use</p> <p>Documentary Transfer Tax Not Required: Sec. 11922 Revenue and Taxation Code</p>

IRREVOCABLE OFFER TO DEDICATE

The undersigned hereby certifies that I/we/am/are the legal owners of or are parties having an interest in the hereinafter described real property, and the undersigned, for themselves, their heirs, successors and assigns, do hereby designate and set aside for future street, and irrevocably offer to dedicate to the City of Sacramento, a municipal corporation, a Right of Way for public road and public utilities in, over, along, upon and across the hereinafter described real property located in the City of City of Sacramento, County of Sacramento State of California, described as follows to-wit:

SEE EXHIBIT "A"

Reserving, however, unto the undersigned, their heirs, successors and assigns any and all present lawful uses of said land, until such time as the City Engineer of the City of Sacramento gives written notice that said land will be improved for public street purposes, and it is also hereby understood and agreed by the undersigned, their heirs successors and assigns, that any improvements hereinafter placed by them in or upon the above described property shall be removed without cost or expense to the City of Sacramento. Until such notice is given by the City Engineer, the undersigned, and their heirs, successors or assigns agree to assume full responsibility or liability for any injury or damage to any person or property on said land or arising out of its use or occupancy by them. It is also hereby understood that all work to be done in or upon the above described property shall be done under permit and done in accordance with plans to be furnished by the Principal and approved by the City Engineer of the City of Sacramento, and in accordance with the specifications of the City Engineer of the City of Sacramento.

The dedication offered hereunder shall be complete upon its acceptance by the City Engineer of the City of Sacramento.

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EXHIBIT "A"

All that portion of lots 6, 7, 11, 12, 19, 20, 21, 22, 23, 24, 25, 27, 28, 30, 47, 48, 53, 54, & 55, as shown on "Natomas Central Subdivision," the official plat of which is recorded in the Office of the Recorder of Sacramento County in Book 16 of Maps, Map No. 3, described as follows:

Beginning at a point located on the Northerly line of said lot 47, from which the Northwest corner thereof bears South 88° 49' 23" West 1541.84 feet; thence from said point of beginning South 01° 06' 44" East 211.86 feet; thence South 04° 32' 45" East 50.09 feet; thence South 01° 06' 44" East 211.13 feet; thence curving to the right on an arc of 1532.50 feet radius, said arc being subtended by a chord bearing South 03° 40' 09" West 520.59 feet; thence South 18° 26' 45" West 101.01 feet; thence curving to the left on an arc of 1727.50 feet radius, said arc being subtended by a chord bearing South 05° 25' 03" West 720.01 feet; thence South 00° 07' 09" East 50.00 feet; thence curving to the left on an arc of 1733.00 feet radius, said arc being subtended by a chord bearing South 09° 44' 14" East 150.00 feet; thence curving to the right on an arc of 25.00 feet radius, said arc being subtended by a chord bearing South 31° 23' 49" West 34.49 feet; thence South 16° 11' 02" East 120.03 feet; thence curving to the right on an arc of 25.00 feet radius, said arc being subtended by a chord bearing South 61° 22' 35" East 34.49 feet; thence curving to the left on an arc of 1730.50 feet radius, said arc being subtended by a chord bearing South 19° 25' 11" East 100.00 feet; thence South 25° 20' 31" East 50.00 feet; thence curving to the left on an arc of 1727.50 feet radius, said arc being subtended by a chord bearing South 35° 36' 20" East 828.60 feet; thence South 44° 59' 25" East 50.00 feet; thence curving to the left on an arc of 1733.00 feet radius, said arc being subtended by a chord bearing South 52° 51' 59" East 44.69 feet; thence South 53° 36' 19" East 105.31 feet; thence curving to the right on an arc of 25.00 feet radius, said arc being subtended by a chord bearing South 03° 36' 19" East 35.36 feet; thence South 54° 47' 56" East 120.03 feet; thence curving to the right on an arc of 25.00 feet radius, said arc being subtended by a chord bearing North 81° 23' 41" East 35.36 feet; thence South 53° 36' 19" East 100.00 feet; thence South 57° 02' 21" East 50.09 feet; thence South 53° 36' 19" East 539.20 feet; thence curving to the right on an arc of 932.50 feet radius, said arc being subtended by a chord bearing South 27° 21' 32" East 824.77 feet; thence South 05° 02' 34" West 51.30 feet; thence South 01° 06' 44" East 150.00 feet; thence curving to the right on an arc of 25.00 feet radius, said arc being subtended by a chord bearing South 44° 13' 17" West 35.56 feet; thence South 39° 31' 17" West 100.00 feet; thence South 86° 07' 16" West 50.09 feet; thence South 89° 33' 17" West 303.09 feet; thence South 89° 35' 00" West 210.65 feet; thence South 00° 25' 00" East 135.00 feet; thence North 89° 35' 00" East 210.70 feet; thence North 89° 33' 17" East 257.87 feet; thence South 84° 19' 05" East 50.30 feet; thence North 89° 33' 17" East 150.00 feet; thence curving to the right on an arc of 25.00 feet radius, said arc being subtended by a chord bearing South 45° 46' 43" East 35.15 feet; thence South 01° 06' 44" East 100.00 feet; thence South 04° 32' 45" East 50.09 feet; thence South 01° 06' 44" East 53.45 feet; thence curving to the right on an arc of 1432.50 feet radius, said arc being subtended by a chord bearing South 04° 53' 16" West 299.47 feet; thence South 10° 53' 16" West 778.50 feet; thence curving to the left on an arc of 1450.84 feet radius, said arc being subtended by a chord bearing South 10° 39' 31" East 1065.65 feet; thence South 26° 51' 07" East 50.00 feet; thence South 33° 54' 00" East 62.67 feet; thence curving to the right on an arc of 1058.04 feet radius, said arc being subtended by a chord bearing bearing South 31° 33' 23" East 87.35 feet; thence curving to the right on an arc of 25.00 feet radius, said arc being subtended by a chord bearing South 21° 11' 38" West 38.53 feet; thence South 29° 26' 21" East 143.66 feet; thence curving to the right on an arc of 25.00 feet radius, said arc being

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Curved points in Public Act Code require by statute and by local Ordinance to be defined by the following:

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subtended by a chord bearing South 63° 31' 38" East 35.28 feet; thence curving to the right on an arc of 1077.09 feet radius, said arc being subtended by a chord bearing South 18° 17' 43" East 13.51 feet; thence South 17° 56' 09" East 86.49 feet; thence South 21° 51' 45" East 50.00 feet; thence curving to the left on an arc of 1561.00 feet radius, said arc being subtended by a chord bearing South 32° 38' 16" East 721.75 feet; thence curving to the right on an arc of 1367.73 feet radius, said arc being subtended by a chord bearing South 23° 13' 02" East 1051.73 feet; thence South 00° 25' 47" East 1036.56 feet; thence North 82° 18' 10" East 122.99 feet; thence North 00° 25' 47" West 1021.00 feet; thence curving to the left on an arc of 1479.73 feet radius, said arc being subtended by a chord bearing North 23° 13' 02" West 1146.24 feet; thence curving to the right on an arc of 1439.00 feet radius, said arc being subtended by a chord bearing North 33° 39' 38" West 615.26 feet; thence North 16° 52' 58" West 50.00 feet; thence curving to the right on an arc of 1436.00 feet radius, said arc being subtended by a chord bearing North 18° 37' 53" West 34.87 feet; thence North 17° 56' 09" West 100.00 feet; thence curving to the left on an arc of 1205.04 feet radius, said arc being subtended by a chord bearing North 18° 16' 36" West 14.34 feet; thence curving to right on an arc of 25.00 feet radius, said arc being subtended by a chord bearing North 26° 29' 28" East 35.42 feet; thence North 22° 10' 38" West 143.81 feet; thence curving to the right on an arc of 25.00 feet radius, said arc being subtended by a chord bearing North 68° 00' 40" West 32.40 feet; thence curving to the left on an arc of 1211.54 feet radius, said arc being subtended by a chord bearing North 29° 59' 15" West 100.00 feet; thence North 36° 49' 58" West 50.00 feet; thence North 33° 54' 00" West 52.15 feet; thence curving to the right on an arc of 1315.84 feet radius, said arc being subtended by a chord bearing North 11° 30' 22" West 1002.60 feet; thence North 10° 53' 16" East 778.50 feet; thence curving to the left on an arc of 1567.50 feet radius, said arc being subtended by a chord bearing North 04° 53' 16" East 327.70 feet; thence North 04° 31' 49" East 55.94 feet; thence North 01° 06' 44" West 150.00 feet; thence curving to the right on an arc of 25.00 feet radius, said arc being subtended by a chord bearing North 44° 30' 22" East 35.53 feet; thence curving to the left on an arc of 1646.33 feet radius, said arc being subtended by a chord bearing North 87° 43' 04" East 100.00 feet; thence North 81° 40' 07" East 50.00 feet; thence curving to the left on an arc of 1643.33 feet radius said arc being subtended by a chord bearing North 61° 48' 18" East 1254.23 feet; thence North 33° 22' 17" East 334.72 feet; thence curving to the right on an arc of 1532.50 feet radius, said arc being subtended by a chord bearing North 40° 25' 36" East 56.45 feet; thence North 48° 43' 38" East 50.00 feet; thence curving to the right on an arc of 1527.00 feet radius, said arc being subtended by a chord bearing North 46° 09' 32" East 150.00 feet; thence curving to the right on an arc of 25.00 feet radius, said arc being subtended by a chord bearing South 84° 24' 14" East 36.34 feet; thence North 51° 01' 22" East 120.03 feet; thence curving to right on an arc of 25.00 feet radius, said arc being subtended by a chord bearing North 08° 50' 15" East 36.34 feet; thence curving to the right on an arc of 1529.50 feet radius, said arc being subtended by a chord bearing North 57° 19' 49" East 100.00 feet; thence North 56° 41' 54" East 50.00 feet; thence curving to the right on an arc of 1532.50 feet radius, said arc being subtended by a chord bearing North 74° 02' 45" East 688.13 feet; thence South 88° 36' 25" East 50.00 feet; thence North 89° 51' 06" East 148.60 feet; thence curving to the right on an arc of 25.00 feet radius, said arc being subtended by a chord bearing South 46° 06' 44" East 35.36 feet; thence South 01° 06' 44" East 100.00 feet; thence South 04° 32' 45" East 50.09 feet; thence South 01° 06' 44" East

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1140.46 feet; thence curving to the left on an arc of 2079.50 feet radius, said arc being subtended by a chord bearing South 22° 05' 14" East 1488.76 feet; thence North 00° 18' 08" West 246.81 feet; thence curving to the right on an arc of 1920.50 feet radius, said arc being subtended by a chord bearing North 19° 22' 48" West 1203.59 feet; thence North 01° 06' 44" West 1143.46 feet; thence North 05° 09' 54" East 50.30 feet; thence North 01° 06' 44" West 150.00 feet; thence curving to the right on an arc of 25.00 feet radius, said arc being subtended by a chord bearing North 43° 53' 16" East 35.36 feet; thence North 02° 11' 21" West 133.02 feet; thence curving to the right on an arc of 25.00 feet radius, said arc being subtended by a chord bearing North 45° 06' 44" West 35.36 feet; thence North 01° 06' 44" West 100.00 feet; thence North 04° 32' 45" West 50.09 feet; thence North 01° 06' 44" West 25.21 feet; thence curving to the left on an arc of 1679.50 feet radius, said arc being subtended by a chord bearing North 20° 33' 01" West 1117.84 feet; thence North 39° 59' 19" West 200.00 feet; thence curving to the right on an arc of 1520.50 feet radius, said arc being subtended by a chord bearing North 36° 38' 11" West 177.82 feet; thence North 26° 01' 54" West 50.00 feet; thence curving to the right on an arc of 1515.00 feet radius, said arc being subtended by a chord bearing North 28° 34' 14" West 150.00 feet; thence curving to the right on an arc of 25.00 feet radius, said arc being subtended by a chord bearing North 20° 54' 08" East 36.35 feet; thence North 23° 39' 29" West 120.03 feet; thence curving to the right on an arc of 25.00 feet radius, said arc being subtended by a chord bearing North 65° 49' 49" West 36.35 feet; thence curving to the right on an arc of 1517.50 feet radius, said arc being subtended by a chord bearing North 17° 18' 39" West 100.00 feet; thence North 17° 55' 10" West 50.00 feet; thence curving to the right on an arc of 1520.50 feet radius, said arc being subtended by a chord bearing North 07° 19' 31" West 329.12 feet; thence North 01° 06' 44" West 607.09 feet; thence North 05° 09' 54" East 50.30 feet; thence North 01° 06' 44" West 258.09 feet to the Northerly line of said lot 55; thence along said Northerly line the following two (2) courses: (1) South 88° 51' 07" West 85.00 feet and (2) South 88° 49' 23" West 82.50 feet; thence South 01° 06' 44" East 219.44 feet; thence South 04° 32' 45" East 50.09 feet; thence South 01° 06' 44" East 645.59 feet; thence curving to the left on an arc of 1679.50 feet radius, said arc being subtended by a chord bearing South 06° 57' 55" East 342.54 feet; thence South 07° 21' 00" East 50.00 feet; thence curving to the left on an arc of 1685.00 feet radius, said arc being subtended by a chord bearing South 17° 03' 44" East 150.00 feet; thence curving to the right on an arc of 25.00 feet radius, said arc being subtended by a chord bearing South 23° 57' 43" West 34.47 feet; thence South 23° 39' 27" East 120.03 feet; thence curving to the right on an arc of 25.00 feet radius, said arc being subtended by a chord bearing South 28° 53' 21" East 34.46 feet; thence curving to the left on an arc of 1682.50 feet radius, said arc being subtended by a chord bearing South 27° 01' 06" East 100.00 feet; thence South 33° 00' 43" East 50.00 feet; thence curving to the left on an arc of 1679.50 feet radius, said arc being subtended by a chord bearing South 35° 12' 21" East 280.07 feet; thence South 39° 59' 19" East 200.00 feet; thence curving to the right on an arc of 1520.50 feet radius, said arc being subtended by a chord bearing South 20° 58' 08" East 991.05 feet; thence South 02° 08' 29" West 50.00 feet; thence South 00° 09' 27" East 150.02 feet; thence curving to the right on an arc of 25.00 feet radius, said arc being subtended by a chord bearing South 43° 53' 16" West 35.36 feet; thence South 88° 53' 16" West 100.00 feet; thence South 85° 26' 34" West 50.00 feet; thence curving to the left on an arc of 1667.50 feet radius, said arc being subtended by a chord bearing South 75° 20' 37" West 773.59 feet; thence South 67° 23' 36" West 50.00 feet; thence curving to the left on an arc of 1673.00 feet radius, said arc being subtended by a chord bearing South 57° 39' 25" West 150.00 feet; thence curving to the right on an arc of 25.00 feet radius, said arc being subtended by a chord bearing North 81° 20' 49" West 34.46 feet; thence South 51° 01' 24" West

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120.03 feet; thence curving to the right on an arc of 25.00 feet radius, said arc being subtended by a chord bearing South 05° 46' 53" West 34.46 feet; thence curving to the left on an arc of 1670.50 feet radius, said arc being subtended by a chord bearing South 47° 37' 46" West 100.01 feet; thence South 41° 37' 05" West 50.00 feet; thence curving to the left on an arc of 1667.50 feet radius, said arc being subtended by a chord bearing South 41° 47' 10" West 140.51 feet; thence South 39° 22' 48" West 322.58 feet; thence curving to the right on an arc of 1509.33 feet radius, said arc being subtended by a chord bearing South 60° 27' 49" West 1108.24 feet; thence South 89° 16' 38" West 50.00 feet; thence curving to the right on an arc of 1502.83 feet, said arc being subtended by a chord bearing South 86° 44' 26" West 148.51 feet; thence South 89° 34' 22" West 1.47 feet; thence curving to the right on an arc of 25.00 feet radius, said arc being subtended by a chord bearing North 45° 46' 11" West 35.14 feet; thence North 01° 06' 44" West 100.00 feet; thence North 05° 07' 35" West 42.85 feet; thence North 01° 06' 44" West 58.03 feet; thence curving to the left on an arc of 1067.50 feet radius, said arc being subtended by a chord bearing North 27° 21' 32" West 944.17 feet; thence North 53° 36' 19" West 595.24 feet; thence North 47° 19' 41" West 50.30 feet; thence North 53° 36' 19" West 150.00 feet; thence curving to the right on an arc of 25.00 feet radius, said arc being subtended by a chord bearing North 10° 25' 02" West 34.22 feet; thence North 53° 17' 27" West 120.28 feet; thence curving to the right on an arc of 25.00 feet radius, said arc being subtended by a chord bearing South 79° 34' 58" West 36.46 feet; thence North 53° 36' 19" West 99.09 feet; thence North 56° 08' 46" West 50.00 feet; thence curving to the right on an arc of 1592.50 feet radius, said arc being subtended by a chord bearing North 38° 33' 45" West 729.76 feet; thence North 18° 06' 25" West 50.00 feet; thence curving to the right on an arc of 1587.00 feet radius, said arc being subtended by a chord bearing North 20° 49' 02" West 150.00 feet; thence curving to the right on an arc of 25.00 feet radius, said arc being subtended by a chord bearing North 28° 27' 05" East 36.30 feet; thence North 16° 11' 03" West 120.03 feet; thence curving to the right on an arc of 25.00 feet radius, said arc being subtended by a chord bearing North 58° 25' 54" West 36.30 feet; thence curving to the right on an arc of 1589.50 feet radius, said arc being subtended by a chord bearing North 10° 04' 19" West 100.00 feet; thence North 10° 48' 36" West 50.00 feet; thence curving to the right on an arc of 1592.50 feet radius, said arc being subtended by a chord bearing North 05° 59' 14" East 687.12 feet; thence North 18° 26' 45" East 101.01 feet; thence curving to the left on an arc of 1667.50 feet radius, said arc being subtended by a chord bearing North 08° 40' 00" East 565.45 feet; thence North 01° 06' 44" West 161.29 feet; thence North 02° 19' 17" East 50.09 feet; thence North 01° 06' 44" West 261.86 feet to the Northerly line of said Lot 47; thence along said Northerly line South 88° 49' 23" West 141.00 feet to the point of beginning.

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WITNESS our hands this 13<sup>th</sup> day of February, 1987.

SACRAMENTO SPORTS ASSOCIATION, a California General Partnership  
BY: C.G.M & L, a California General Partnership, General Partner  
BY: LUKENBILL ENTERPRISES, a California General Partnership, General Partner

by [Signature]  
GREGG F. LUKENBILL, General Partner

BY: B & B SONS ENTERPRISES, a California corporation, General Partner

by [Signature]  
Joseph Benvenuti, President

BY: JB COMPANY, a sole proprietorship, General Partner

by [Signature]  
Joseph Benvenuti, Sole proprietor

WHITNEY PROPERTIES, a limited Partnership

by [Signature]  
Gary Benvenuti, General Partner

by [Signature]

[Signature]  
Joseph Benvenuti

[Signature]  
Nancy F. Benvenuti

SACRAMENTO SAVINGS AND LOAN ASSOCIATION, a California corporation

by [Signature]  
Jacob H. Fallis, Vice President

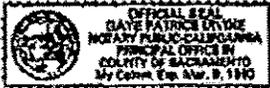
APPROVED AS TO DESCRIPTION

by NOT APPLICABLE AT THIS TIME  
Supervising Engineer

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STATE OF CALIFORNIA )  
COUNTY OF SACRAMENTO )

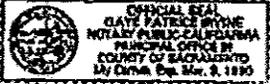
ON THIS 9<sup>th</sup> DAY OF APRIL, 1917, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED CELESTINE MULLER KNOWN TO ME TO BE ONE OF THE PARTNERS OF THE SACRAMENTO THE PARTNERSHIP THAT EXECUTED THE WITHIN INSTRUMENT ON BEHALF OF SAID PARTNERSHIP, SAID PARTNERSHIP BEING KNOWN TO ME TO BE THE GENERAL PARTNER OF CELESTINE SAID PARTNERSHIP BEING KNOWN TO ME TO BE THE GENERAL PARTNER OF SACRAMENTO THE PARTNERSHIP THAT EXECUTED THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT SUCH PARTNERSHIP EXECUTED THE SAME AS SUCH PARTNER AND THAT SUCH PARTNERSHIP EXECUTED THE SAME.



Gaye Patrice Irvine  
NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE

STATE OF CALIFORNIA )  
COUNTY OF SACRAMENTO )

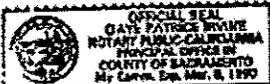
ON THIS 9<sup>th</sup> DAY OF APRIL, 1917, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JOSEPH MULLER, PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHO EXECUTED THE WITHIN INSTRUMENT AS CELESTINE OF SACRAMENTO THE CORPORATION THAT EXECUTED THE WITHIN INSTRUMENT AND KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE WITHIN INSTRUMENT ON BEHALF OF SAID CORPORATION, SAID CORPORATION BEING KNOWN TO ME TO BE ONE OF THE PARTNERS OF SACRAMENTO THE PARTNERSHIP THAT EXECUTED THE WITHIN INSTRUMENT, AND ACKNOWLEDGED TO ME THAT SUCH CORPORATION EXECUTED THE SAME AS SUCH PARTNER AND THAT SUCH PARTNERSHIP EXECUTED THE SAME.



Gaye Patrice Irvine  
NOTARY'S SIGNATURE

STATE OF CALIFORNIA )  
COUNTY OF SACRAMENTO )

ON APRIL 9 1917, before me, the undersigned a Notary Public in and for said County and State, personally appeared JOSEPH MULLER proved to me on the basis of satisfactory evidence to be the person that executed the instrument, on behalf of the partnership and acknowledged to me that the partnership executed it



Notary's Signature Gaye Patrice Irvine

PARTNERSHIP ACKNOWLEDGMENT  
Form No. 11 Rev. 1987

STATE OF CALIFORNIA )  
COUNTY OF SACRAMENTO )

ON APRIL 9 1917, before me, the undersigned, a Notary Public in and for said County and State, personally appeared JOSEPH MULLER proved to me on the basis of satisfactory evidence to be the person that executed this instrument, on behalf of the partnership and acknowledged to me that the partnership executed it.



Notary's Signature Gaye Patrice Irvine

PARTNERSHIP ACKNOWLEDGMENT  
Form No. 11 Rev. 1987

=

Document prepared by 190113 2182 Page 8 of 8

BOOK PAGE  
07 1013 2189

STATE OF CALIFORNIA ) ss  
COUNTY OF SACRAMENTO )

On this 9<sup>th</sup> day of ~~October~~, in the year 1987,  
before me, the undersigned, a Notary Public in and for  
said County and State, personally appeared



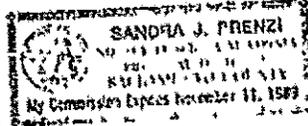
Joseph L. ... & Nancy F. ...  
personally known to me (or proved to me on the basis of  
satisfactory evidence) to be the person whose name  
subscribed to this instrument, and acknowledged that  
executed it.

Individual Acknowledgment

Notary's Signature: Gaye Patricia Irvine

State of California )  
County of Sacramento ) ss

On this 9<sup>th</sup> day of October in the year 1987,  
before me, Sandra J. Prenzi  
the undersigned Notary Public, State of California duly commissioned and  
sworn, personally appeared JAMES R. FALLIS



(X) personally known to me, ( ) proved to me on the basis of satisfactory  
evidence to be the person(s) who executed the within instrument as  
Executive Vice President  
on behalf of the corporation therein named and acknowledged to me that  
the corporation executed it.

Sandra J. Prenzi  
Notary Public, State of California

Acknowledgment, Corporate

CS 173 Rev 4-83

## **RESOLUTION NO.**

**Adopted by the Sacramento City Council**

### **THE SUMMARY VACATION OF THE PORTIONS OF THE IRREVOCABLE OFFER OF DEDICATION OF RIGHT OF WAY ADJACENT TO EAST COMMERCE WAY, WITHIN COUNCIL DISTRICT 1 VACATION PROCEEDING NO. VAC 08-020**

#### **BACKGROUND**

- A. Beazer Homes has requested the vacation of portions of the Irrevocable Offer of Dedication (IOD) of roadway along the eastern side of East Commerce Way.
- 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 Irrevocable Offer of Dedication of roadway located on the east side of East Commerce Way located within Council District 1, specifically described in the attached Exhibits A and B, is hereby ordered vacated.
- Section 2. The vacation of the IOD along the east side of East Commerce Way within Council District 1, 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 Sections 8334(a), and 8333(c), the City Council finds that the IOD within Council District 1, more specifically described in Exhibits A and B concerns potential right of way that would be excess right of ways not needed for highway purposes.
- 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. 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.

**Table of Contents:**

Exhibit A: Legal Description/IOD  
Exhibit A-1: Exhibit Plat/Map/IOD  
Exhibit A-2: Tabulations of Legal/Exhibits  
Exhibit B: Legal Description/IOD  
Exhibit B-1: Exhibit Plat/Map/IOD  
Exhibit B-2: Tabulations of Legal/Exhibits

**EXHIBIT A**

050125  
JANUARY 28, 2009

EXHIBIT "A"

DESCRIPTION  
VACATION OF ROAD RIGHT-OF-WAY

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF SACRAMENTO,  
COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

ABANDONMENT NO. 1

ALL THAT PORTION OF EAST COMMERCE WAY DESCRIBED IN THAT CERTAIN  
IRREVOCABLE OFFER OF DEDICATION FOR PUBLIC ROAD AND PUBLIC  
UTILITIES GRANTED TO THE CITY OF SACRAMENTO AND RECORDED IN BOOK  
87-1013, PAGE 2182, OFFICIAL RECORDS OF SACRAMENTO COUNTY, MORE  
PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY CORNER OF THAT CERTAIN 17.616  
ACRE (NET) PARCEL OF LAND DESIGNATED AS PARCEL 6 AS SHOWN ON THE  
MASTER PARCEL MAP FOR NATOMAS FIELD, FILED IN BOOK 191 OF PARCEL  
MAPS, PAGE 5, SACRAMENTO COUNTY RECORDS, SAID POINT BEING  
LOCATED ON THE EASTERLY RIGHT-OF-WAY LINE OF EAST COMMERCE WAY,  
AS SHOWN ON SAID MASTER PARCEL MAP;

THENCE FROM SAID POINT OF BEGINNING, ALONG SAID EASTERLY RIGHT-OF-  
WAY LINE OF EAST COMMERCE WAY THE FOLLOWING SIX (6) COURSES:

(1) ALONG THE ARC OF A CURVE TO THE RIGHT, CONCAVE TO THE  
NORTHEAST, HAVING A RADIUS OF 1,450.00 FEET AND BEING SUBTENDED BY  
A CHORD BEARING NORTH 24°43'05" WEST 338.58 FEET;

(2) NORTH 05°40'08" WEST 21.96 FEET;

(3) NORTH 17°56'09" WEST 80.51 FEET;

(4) NORTHERLY ALONG THE ARC OF A TANGENT CURVE TO THE LEFT,  
CONCAVE TO THE WEST, HAVING A RADIUS OF 1,195.71 FEET AND BEING  
SUBTENDED BY A CHORD BEARING NORTH 19°41'55" WEST 73.56 FEET;

(5) NORTHERLY ALONG THE ARC OF A REVERSE CURVE TO THE RIGHT,  
CONCAVE TO THE EAST, HAVING A RADIUS OF 25.33 FEET AND BEING  
SUBTENDED BY A CHORD BEARING NORTH 01°04'13" WEST 17.65 FEET AND

(6) NORTH 65°37'41" EAST 27.36 FEET TO THE EASTERLY LINE OF THE ABOVE-  
REFERENCE IRREVOCABLE OFFER OF DEDICATION RECORDED IN BOOK 87-  
1013 AT PAGE 2182;

THENCE ALONG SAID EASTERLY LINE THE FOLLOWING SEVEN (7) COURSES:

(1) SOUTH 22°10'38" EAST 54.00 FEET;

(2) SOUTHWESTERLY ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 25.00 FEET AND BEING SUBTENDED BY A CHORD BEARING SOUTH 26°29'28" WEST 35.42 FEET;  
(3) SOUTHERLY ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, CONCAVE TO THE WEST, HAVING A RADIUS OF 1,205.04 FEET AND BEING SUBTENDED BY A CHORD BEARING SOUTH 18°16'36" EAST 14.34 FEET;  
(4) SOUTH 17°56'09" EAST 100.00 FEET;  
(5) SOUTHERLY ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, CONCAVE TO THE EAST, HAVING A RADIUS OF 1,436.00 FEET AND BEING SUBTENDED BY A CHORD BEARING SOUTH 18°37'53" EAST 34.87 FEET;  
(6) SOUTH 16°52'58" EAST 50.00 FEET;  
(7) SOUTHEASTERLY ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 1,439.00 FEET AND BEING SUBTENDED BY A CHORD BEARING SOUTH 26°28'44" EAST 258.96 FEET TO THE SOUTH LINE OF THE ABOVE-MENTIONED PARCEL 6;  
THENCE ALONG SAID SOUTH LINE SOUTH 85°04'16" WEST 12.31 FEET TO THE POINT OF BEGINNING.

APN 225-2300-005

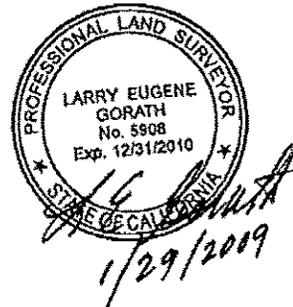
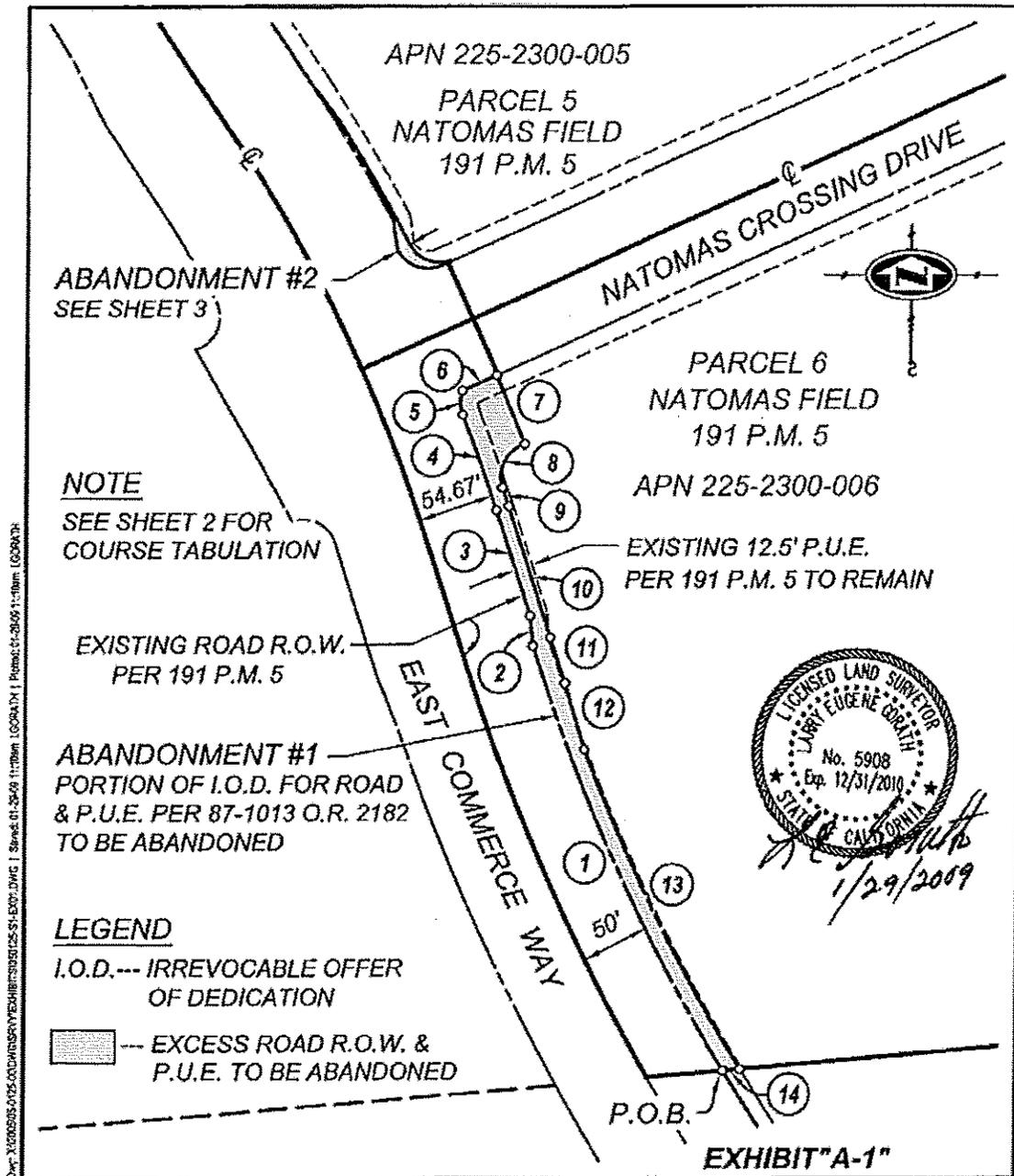


EXHIBIT A-1



Date: 1/29/2009 09:55:00 AM User: LARRY EUGENE GORTH State: CA Project: 08-020-001-001

**mp** **MORTON & PITALO, INC.**  
 CIVIL ENGINEERING • PLANNING • SURVEYING  
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 phone: 916.927.2420 • fax: 916.567.0120 • survey fax: 916.563.6770  
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DRAWN:	JSZ	JOB NO:	050125
CHECKED:	LEG	DATE:	JANUARY 2009
SCALE:	1"=100'	SHEET:	1 of 2

PLAT TO ACCOMPANY LEGAL DESCRIPTION  
**EAST COMMERCE WAY**  
**ROAD ABANDONMENT**  
 POR. OF PARCELS 5 & 6  
 NATOMAS FIELD - 191 P.M. 5  
 CITY OF SACRAMENTO, CALIFORNIA

EXHIBIT A-2

TABULATION

- ① R=1450' N24°43'05"W 338.58'
- ② N05°40'08"W 21.96'
- ③ N17°56'09"W 80.51'
- ④ R=1195.71' N19°41'55"W 73.56'
- ⑤ R=25.33' N01°04'13"W 17.65'
- ⑥ N65°37'41"E 27.36'
- ⑦ S22°10'38"E 54.00'
- ⑧ R=25' S26°29'28"W 35.42'
- ⑨ R=1205.04' S18°16'36"E 14.34'
- ⑩ S17°56'09"E 100.00'
- ⑪ R=1436' S18°37'53"E 34.87'
- ⑫ S16°52'58"E 50.00'
- ⑬ R=1439' S26°28'44"E 258.96'
- ⑭ S85°04'16"W 12.31'



*1/29/2009*

EXHIBIT "A-2"

Doc: X:\2009\15-173-020\NATSRV\EXHIBITS\02A-2\LEG.DWG | Sheet: 01-29-26 (1) | Date: 01-29-09 11:06am | User: LCOBARR | Plot: 01-29-09 11:06am | LCOBARR

 <p><b>MORTON &amp; PITALO, INC.</b>          CIVIL ENGINEERING • PLANNING • SURVEYING          1728 Florio Road, Suite 220 • Sacramento, CA 95815          phone: 916.927.3420 • fax: 916.361.0120 • survey fax: 916.545.1770          email: engr@mpengr.com • web: www.mpengr.com</p>		JOB NO: 050125 DATE: JANUARY 2009	
		DRAWN: JSZ CHECKED: LEG SCALE:	

PLAT TO ACCOMPANY LEGAL DESCRIPTION  
**EAST COMMERCE WAY  
 ROAD ABANDONMENT**  
 POR. OF PARCELS 5 & 6  
 NATOMAS FIELD - 191 P.M. 5  
 CITY OF SACRAMENTO, CALIFORNIA

**EXHIBIT B**

050125  
JANUARY 28, 2009

**EXHIBIT "B"**

**DESCRIPTION  
VACATION OF ROAD RIGHT-OF-WAY**

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF SACRAMENTO,  
COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

ABANDONMENT NO. 2

ALL THAT PORTION OF EAST COMMERCE WAY DESCRIBED IN THAT CERTAIN  
IRREVOCABLE OFFER OF DEDICATION FOR PUBLIC ROAD AND PUBLIC  
UTILITIES GRANTED TO THE CITY OF SACRAMENTO AND RECORDED IN BOOK  
87-1013, PAGE 2182, OFFICIAL RECORDS OF SACRAMENTO COUNTY, MORE  
PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY CORNER OF THAT CERTAIN 22.878  
ACRE (GROSS) PARCEL OF LAND DESIGNATED AS PARCEL 5, AS SAID PARCEL  
IS SHOWN ON THE MASTER PARCEL MAP FOR NATOMAS FIELD, FILED IN BOOK  
191 OF PARCEL MAPS, PAGE 5, SACRAMENTO COUNTY RECORDS  
THENCE FROM SAID POINT OF BEGINNING, ALONG THE SOUTHEASTERLY LINE  
OF SAID PARCEL 5 NORTH 65°37'41" EAST 88.42 FEET TO THE EASTERLY  
RIGHT-OF-WAY LINE OF EAST COMMERCE WAY, AS SHOWN OF SAID MASTER  
PARCEL MAP;  
THENCE ALONG THE EASTERLY RIGHT OF-WAY LINE OF SAID EAST  
COMMERCE WAY NORTH 24°22'19" WEST 44.50 FEET TRUE POINT OF  
BEGINNING;  
THENCE FROM SAID TRUE POINT OF BEGINNING ALONG THE EASTERLY  
RIGHT-OF-WAY LINE OF SAID EAST COMMERCE WAY THE FOLLOWING FIVE (5)  
COURSES:  
(1) SOUTH 65°37'41" WEST 4.41 FEET;  
(2) WESTERLY ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT,  
CONCAVE TO THE NORTH, HAVING A RADIUS OF 25.33 FEET AND BEING  
SUBTENDED BY A CHORD BEARING NORTH 71°00'11" WEST 34.79 FEET;  
(3) NORTH 07°54'58" WEST 21.24 FEET;  
(4) NORTHWESTERLY ALONG THE ARC OF A NON-TANGENT CURVE TO THE  
LEFT, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1,209.04 FEET  
AND BEING SUBTENDED BY A CHORD BEARING NORTH 31°14'28" WEST 112.17  
FEET AND

(5) NORTH 33°54'00" WEST 7.45 FEET TO THE EASTERLY LINE OF THE ABOVE-REFERENCED IRREVOCABLE OFFER OF DEDICATION RECORDED IN BOOK 87-1013 AT PAGE 2182;  
THENCE ALONG SAID EASTERLY LINE THE FOLLOWING FOUR (4) COURSES:  
(1) SOUTH 36°49'58" EAST 40.22 FEET;  
(2) SOUTHEASTERLY ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1,211.54 FEET AND BEING SUBTENDED BY A CHORD BEARING SOUTH 29°59'15" EAST 100.00 FEET;  
(3) EASTERLY ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, CONCAVE TO THE NORTH, HAVING A RADIUS OF 25.00 FEET AND BEING SUBTENDED BY A CHORD BEARING SOUTH 68°00'40" EAST 32.40 FEET AND  
(4) SOUTH 22°10'38" EAST 0.74 FEET;  
THENCE LEAVING THE EASTERLY LINE OF SAID IRREVOCABLE OFFER OF DEDICATION SOUTH 65°37'41" WEST 2.46 FEET TO THE TRUE POINT OF BEGINNING.

APN 225-2300-006

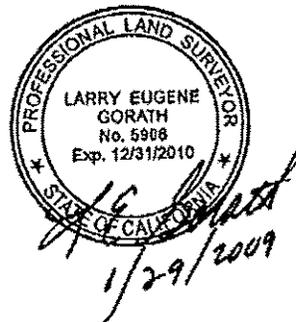
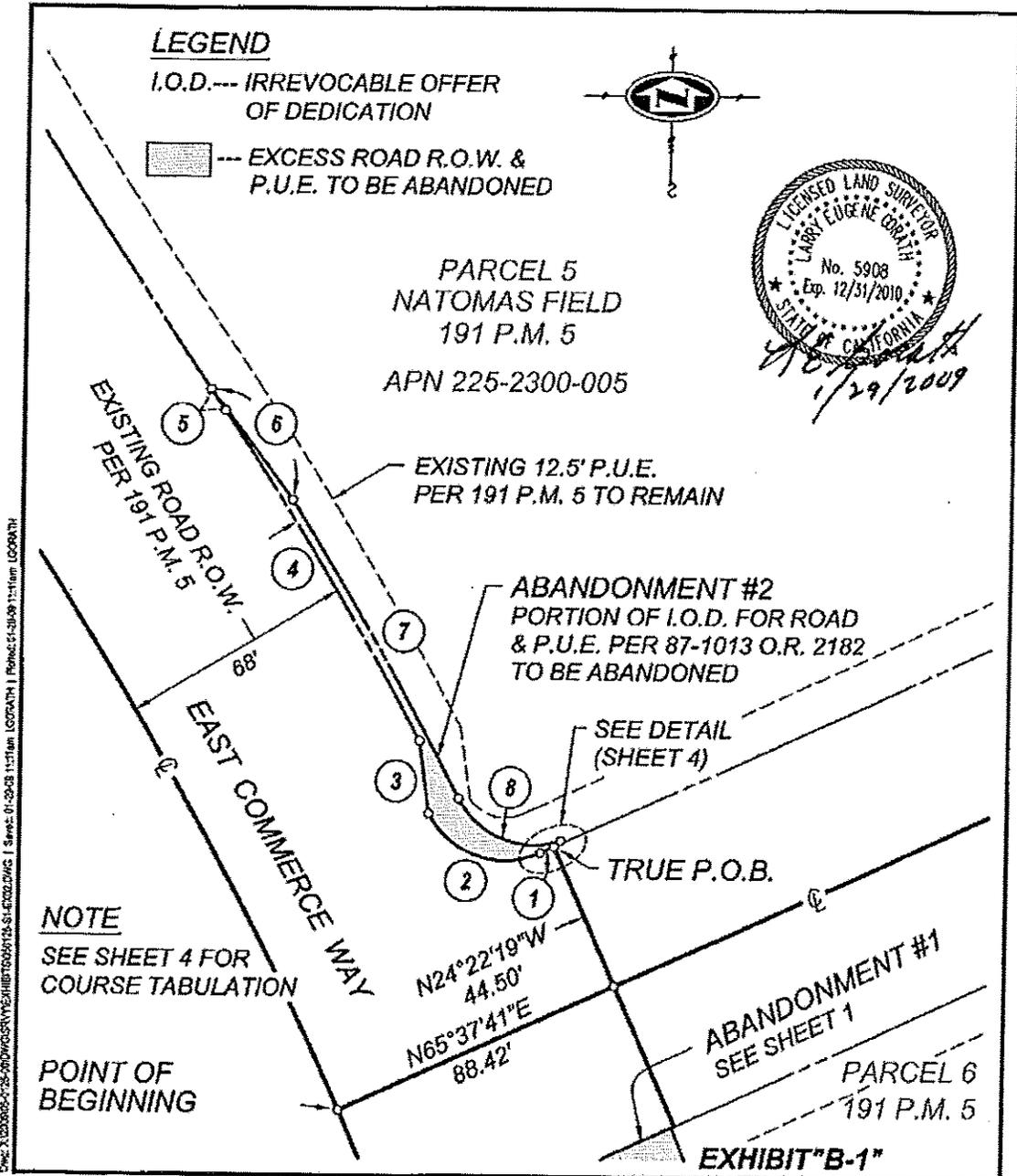


EXHIBIT B-2



**mp** **MORTON & PITALO, INC.**  
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DRAWN:	JSZ	JOB NO:	050125
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PLAT TO ACCOMPANY LEGAL DESCRIPTION  
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