



## REPORT TO COUNCIL City of Sacramento

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

PUBLIC HEARING  
March 10, 2009

Honorable Mayor and  
Members of the City Council

**Title:** Vacation of a Portion of the Public Right-of-Way and Public Utility Easement on Butterwick Court

**Location/Council District:** The East and West Side of the cul-de-sac on Butterwick Court in Council District 2 (see Attachment 2).

**Recommendation:** Conduct a public hearing and upon conclusion, adopt the attached **Resolution** vacating a portion of the public right-of-way and the public utility easement at the cul-de-sac on Butterwick Court within Council District 2 described in Exhibit A and B.

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

**Presenters:** Thomas Adams

**Department:** Transportation

**Division:** Engineering Services

**Organization No:** 15001181

### Description/Analysis

**Issue:** Mr. Shankar Prasad is in the process of building a small subdivision south of Butterwick Court. (P04-207) This small subdivision is an approved infill project that requires a modification of the cul-de-sac to meet the City's street improvements standards. The request for vacation is offsite next to the adjoining property owner's parcels at the end of Butterwick Court. The request will remove the bulb area around the court and a new easement will be recorded modifying the curb, gutter and sidewalk to the satisfaction of the Department of Transportation and Utility Department. The two property owners affected by this subject vacation have approved this vacation request. They have also approved and signed an easement agreement to relocate a portion of the public utility easement within their parcels.

**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.

**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.

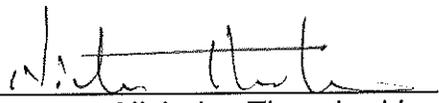
**Sustainability Considerations:** None

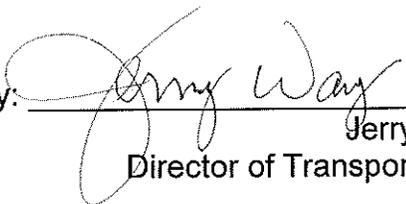
**Committee/Commission Action:** None

**Rationale for Recommendation:** This action is necessary to ensure that private development complies with development and street improvements standards within the City of Sacramento.

**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:

*Bar*  
  
Ray Kerridge  
City Manager

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**Attachment 1**

**Background**

**The Vacation of a Portion of the Public Right-of-Way and Public Utility Easement on Butterwick Court**

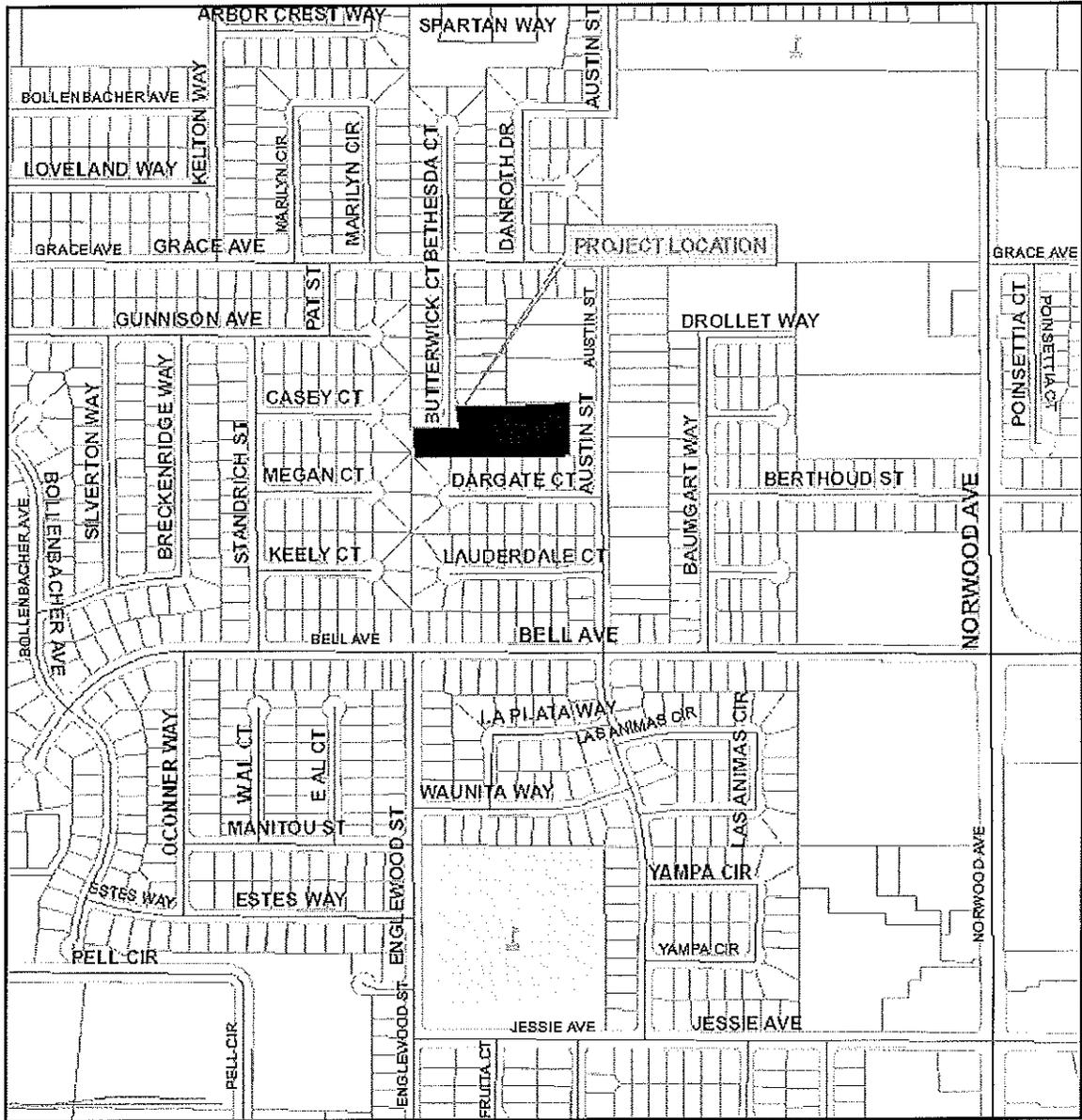
German Engineering on behalf of the property owners Rita and Shankar Prasad of the newly proposed infill development at 4511 Austin Street (P04-207) has requested the vacation of a portion of the right-of-way and public utility easement (PUE) located on Butterwick Court located within the City of Sacramento. This subject portion of right-of-way and PUE at Butterwick Court needs to modify its bulbed configuration to a straight 180 degree configuration to meet the street improvement design standards of the City of Sacramento. This request is being processed under the Streets and Highways Code (S&HC) Section 8320-8325 as a vacation for City Council approval.

Mr. Prasad's new development of 10 residential lots requires that all street improvements meet the City's street improvement guidelines for development. The new development would open the street end of cul-de-sac on Butterwick Court. This portion of the cul-de-sac would need to be modified to be consistent with the new sidewalk, curb and gutter layout within the new Shankar subdivision. This consistency would allow the vacation of a portion of the street right-of-way and the PUE. A relocation of a portion of the PUE to accommodate the utilities along Butterwick Court was approved and signed by the two adjacent property owners being affected by the vacation request.

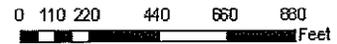
The vacation of the right-of-way and PUE along with the relocation of a portion of the PUE will provide consistent development standards for the curb, gutter and sidewalk along Butterwick Court.

Various City agencies and utility companies have reviewed this request and support the proposed vacation. In addition the City Clerk has published the Notice of Hearing of the proposed vacation, and the Notice of Hearing has been posted at the subject site as required by law pursuant to Streets and Highways Code Sections 8222 and 8223 respectively.

# LOCATION MAP FOR BUTTERWICK CT



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



## **RESOLUTION NO.**

Adopted by the Sacramento City Council

### **THE VACATION OF A PORTION OF THE PUBLIC RIGHT-OF-WAY AND PUBLIC UTILITY EASEMENT ON BUTTERWICK COURT, WITHIN COUNCIL DISTRICT 2 VACATION PROCEEDING NO. VAC 08-012**

#### **BACKGROUND**

- A. German Engineering on behalf of the property owners of the Rita and Shankar Prasad Subdivision (P04-207) with parcel (APN: 237-0680-010) has requested the vacation of a portion of the Public Right-Of-Way and Public Utility Easement (PUE) located on the east and west side of Butterwick Court.
- 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 condition below in Section 2, the right-of-way and public utility easement located on the East and West side of the cul-de-sac on Butterwick Court within Council District 2, more specifically described in Exhibit A and Exhibit B of this resolution is hereby ordered vacated.
- Section 2. This vacation is pursuant to the following condition:  
  
The owners of Parcels 237-0460-062, 063 must grant the City of Sacramento a 12.5 foot Public Utility Easement over a portion of the subject area to be vacated to the satisfaction of Department of Transportation.
- Section 3. The vacation of the Right-Of-Way and PUE 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 Right-of-Way and PUE, more specifically described in Exhibit A and Exhibit B has been petitioned for vacation by an interested person.

- 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 conditions specified in Section 2 of this Resolution must be completed within 2 years of the date of this Resolution. If all conditions are not completed within 2 years of the date of this Resolution, 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 A-1: Exhibit Plat/Map
- Exhibit B: Legal Description
- Exhibit B-1: Exhibit Plat/Map

**EXHIBIT "A"**

**EXHIBIT "A"**

**LOT 62 GLENWOOD PARK UNIT NO. 9**

**RIGHT-OF-WAY ABANDONMENT**

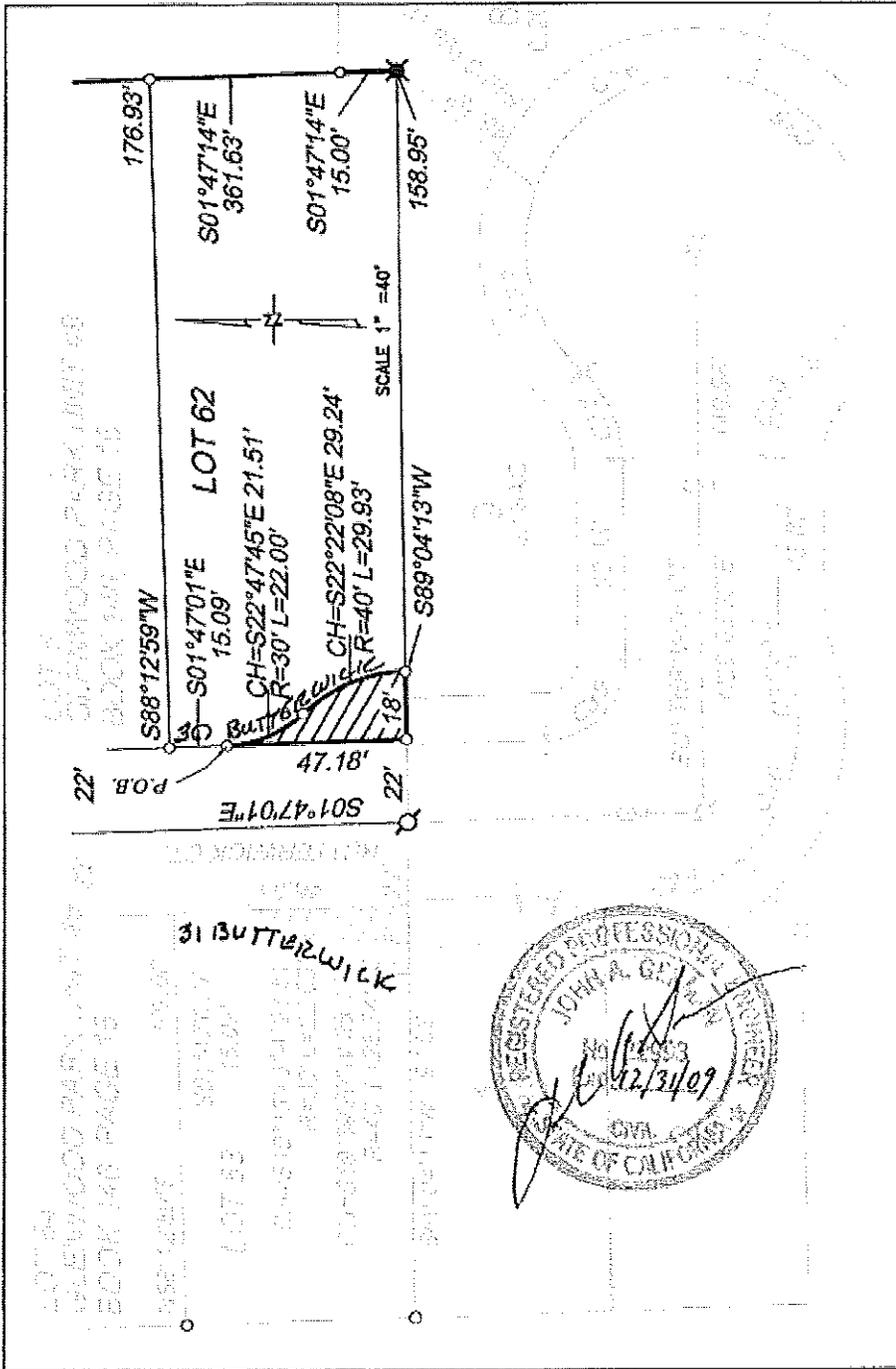
All that real property being a roadway and the adjacent PUE to be abandoned and being a part of Lot 62 of that certain subdivision called "GLENWOOD PARK UNIT NO. 9" recorded in Book 146, Page 16 in the office of the County Recorder of the county of Sacramento, State of California and more particularly described as follows:

Beginning at a point on the east right-of-way of that certain city street called Butterwick Court, said point lying  $S01^{\circ}47'01''E$ , 15.09 feet from the northwest corner of said Lot 62; thence from said point of beginning 22.00 feet along a 30.00 foot tangent curve, concave to the northeast, having a chord bearing  $S22^{\circ}47'45''E$ , 21.51 feet; thence 29.93 feet along a 40.00 foot tangent curve, concave to the southwest, having a chord bearing  $S22^{\circ}22'08''E$ , 29.24 feet to the south boundary line of said "GLENWOOD PARK UNIT NO. 9"; thence  $S89^{\circ}04'13''W$ , 18.00 feet to the east right-of-way of said Butterwick Court; thence along the east right-of-way of said Butterwick Court,  $N01^{\circ}47'01''W$ , 47.18 feet to the point of beginning.

**END OF DESCRIPTION**



EXHIBIT "A-1"



EXHIBIT

AREA TO BE VACATED

BUTTERWICK CT., CITY OF SACRAMENTO, CA.  
GLENWOOD PARK UNIT 9, BK. 146, PG. 16

CALIFORNIA

COUNTY OF SACRAMENTO

GERMAN ENGINEERING  
3000 FRANKLIN BLVD.  
SACRAMENTO, CALIFORNIA 95818  
(916) 455-3000 Fax (916) 455-3118



CIVIL ENGINEERING - SURVEYING - LAND PLANNING

**EXHIBIT "B"**

**EXHIBIT "B"**

**LOT 63 GLENWOOD PARK UNIT NO. 9**

**RIGHT-OF-WAY ABANDONMENT**

All that real property being a roadway and adjacent PUE to be abandoned and being a part of Lot 63 of that certain subdivision called "GLENWOOD PARK UNIT NO. 9" recorded in Book 146, Page 16 in the office of the County Recorder of the county of Sacramento, State of California and more particularly described as follows:

Beginning at a point on the west right-of-way of that certain city street called Butterwick Court, said point lying  $S01^{\circ}47'01''E$ , 15.09 feet from the northeast corner of said Lot 63; thence from said point of beginning 22.00 feet along a 30.00 foot tangent curve concave to the northwest having a chord bearing  $S19^{\circ}13'43''W$ , 21.51 feet; thence 28.74 feet along a 40.00 foot tangent curve concave to the southeast having a chord bearing  $S19^{\circ}39'20''W$ , 28.13 feet to the south boundary line of said "GLENWOOD PARK UNIT NO. 9"; thence  $N89^{\circ}04'13''E$ , 18.00 feet to the west right-of-way of said Butterwick Court; thence along the west right-of-way of said Butterwick Court,  $N01^{\circ}47'01''W$ , 46.53 feet to the point of beginning.

END OF DESCRIPTION

