



REPORT TO COUNCIL

City of Sacramento

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

CONSENT
September 8, 2009

Honorable Mayor and
Members of the City Council

Title: Summary Vacation of a Portion of the Public Right of Way

Location/Council District: At 1017 Silvano Street in Council District 2 (see Attachment 2).

Recommendation: Adopt a **Resolution** vacating a Portion of the Public Right of Way at 1017 Silvano.

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: 15001151

Description/Analysis

Issue: Varney Land Surveys has requested the vacation of a Portion of the Public Right of Way (ROW) as recorded in Book 12 of Maps, Map 22; Official Records of Sacramento County to utilize as an additional area to landscape and improve portions of the front yard space. The ROW area is not currently accessible to the public for pedestrian or vehicular travel and is not needed for public access now or in the future. The subject area is currently part of the owner's front yard and driveway.

Policy Considerations: The Council action recommended in this report is consistent with the 2030 General Plan, and is in compliance with California Streets and Highways Code Sections 8334(a), which establishes that the subject ROW is an excess that is not required for street and highway purposes.

Environmental Considerations:

California Environmental Quality Act (CEQA): Status is exempt under Section 15305 in which this project consists of the minor alteration of land use limitations in areas with an average slope less than 20 percent, which does not result in any changes in land use or density.

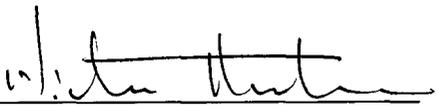
Sustainability Considerations: None

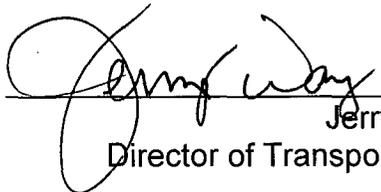
Committee/Commission Action: None

Rationale for Recommendation: Staff, along with various agencies, supports this vacation request along with proposed use to facilitate landscaping and a vehicular entrance to his property.

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:

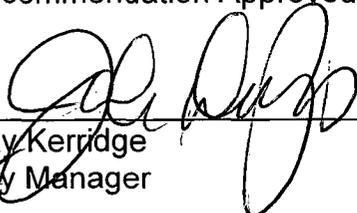

Ray Kerridge
City Manager

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Attachment 1

Background

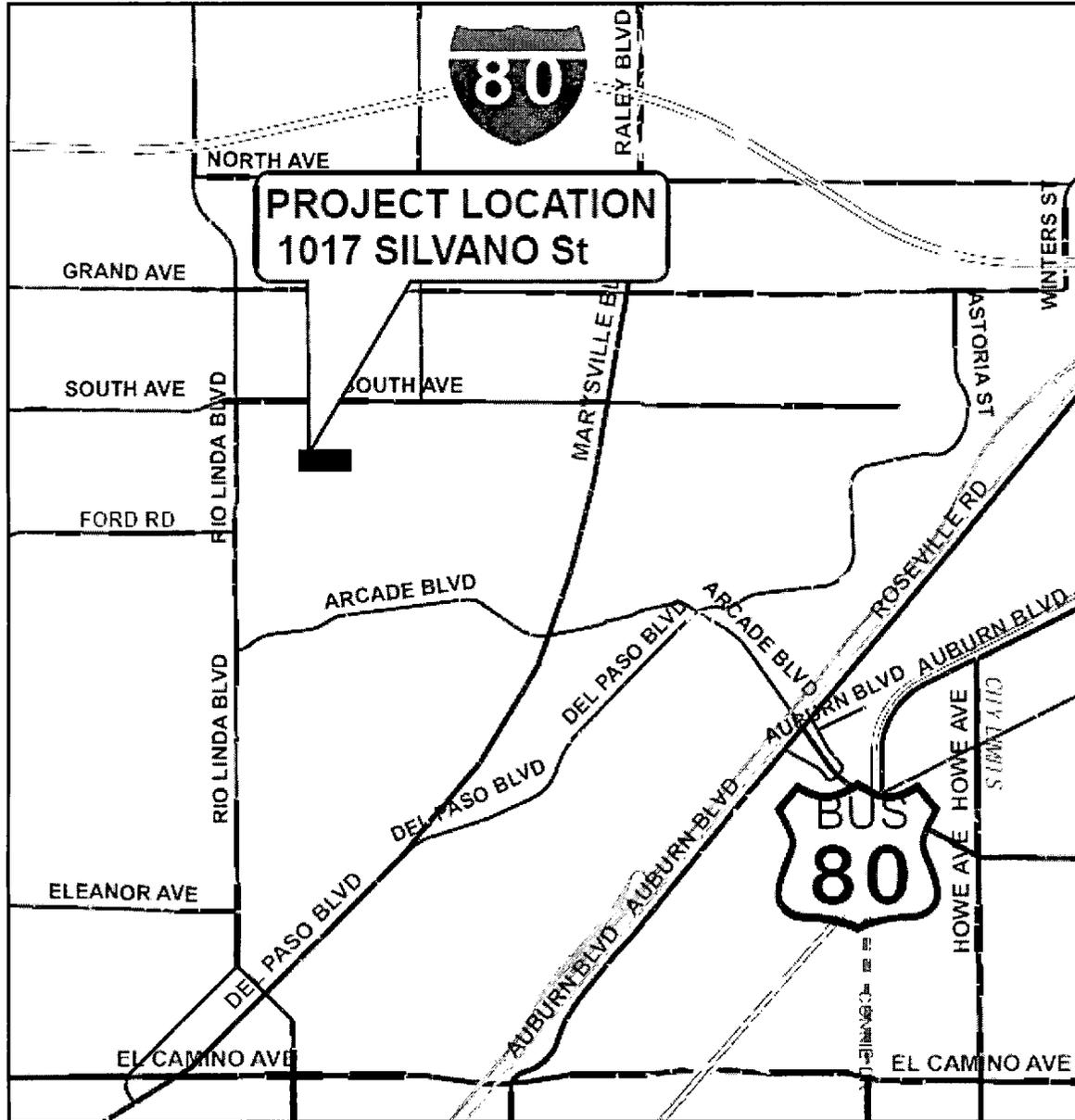
Varney Land Surveys, on behalf of the property owner located at 1017 Silvano Street, has requested the vacation of the subject Portion of the Public Right of Way (ROW) to utilize for landscaping and a driveway. The roadway fronting the property is fully improved to a width of 40 feet and the excess right of way is not needed for public access now or in the future. This request is being processed under the Streets and Highways Code (S&HC) Sections 8334(a) as a summary vacation for City Council approval. The applicant requesting the vacation of this subject ROW has submitted all documents required by the City of Sacramento's Department of Transportation to process this request.

The subject area incorporates two separate parcels owned by the same owner. The lots were split and the applicant wants to utilize the area to create a vehicular entrance to his property and enhance the property with landscaping.

The City will retain a Public Utility Easement (PUE) over the subject area for the existing facilities. Once the subject portion of the ROW has been vacated the owner will move forward to landscape this area appropriately.

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

LOCATION MAP FOR
1017 Silvano Street
Vacation



Attachment 3

RESOLUTION NO.

Adopted by the Sacramento City Council

**THE SUMMARY VACATION OF A PORTION OF THE PUBLIC RIGHT OF WAY
LOCATED AT 1017 SILVANO STREET, WITHIN COUNCIL DISTRICT 2
VACATION PROCEEDING NO. VAC 09-0005**

BACKGROUND

- A. Varney Land Surveys has requested the vacation of a Portion of the Public Right of Way located at 1017 Silvano Street.
- B. The City of Sacramento's 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 2030 General Plan.

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

- Section 1. The Public Right of Way (ROW) located at 1017 Silvano Street within Council District 2, more specifically described in Exhibits A, A-1 and B of this Resolution is hereby ordered vacated.
- Section 2. Pursuant to Streets and Highways Code Section 8306 an 8340, the City of Sacramento reserves a Public Service Easement along the vacated portions of the subject alleys which are more specifically described in Exhibit A and B of this resolution 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 portion of the ROW within Council District 2, more specifically described in Exhibits A, A-1 and 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(a), the City Council finds that the portion of the ROW, more specifically described in Exhibits A, A-1 and B is an excess ROW not needed for Street or Highway purposes.

Section 4. The City Council finds that the said vacation has been submitted to and reported on by the City of Sacramento's Planning Director and finds that the said vacation is consistent with the 2030 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 of Right of Way on Lot 15

Exhibit A-1: Legal Description of Right of Way on Lot 16

Exhibit B: Exhibit Plat/Map Public Right of Way

Attachment A

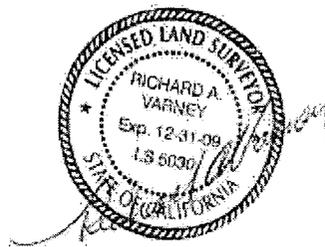
EXHIBIT "A"
Abandonment of right of way
Lot 15

All that real property situate in the City of Sacramento, County of Sacramento, State of California, described as follows:

Beginning at a point on the westerly line of Lot 15 Block 24, as shown on that certain "Plat of North Sacramento Heights" According to the Official Plat thereof, filed in the office of the county recorder of Sacramento county, California on June 9, 1911, in book 12 of maps, map no. 22, that bears from the southwest corner of Lot 15 North 20.00 feet; thence from the true point of beginning along the right of way of Silvano Street South 89°59'00" East 40.00 feet; thence South 13.80 feet; thence along a curve to the left having a radius of 120.00 feet, an arc length of 30.27 feet, an a central angle of 14°27'17"; subtended by a chord bearing and distance of North 82°45'21" West 30.19 feet; thence North 89°59'00" West 10.05 feet to the point of beginning.

End of Description

APN= 251-0155-007-0000



**Abandonment of right of way
Lot 16**

All that real property situate in the City of Sacramento, County of Sacramento, State of California, described as follows:

Beginning at a point on the westerly line of Lot 16 Block 24, as shown on that certain "Plat of North Sacramento Heights " According to the Official Plat thereof, filed in the office of the county recorder of sacramento county, california on june 9, 1911, in book 12 of maps, map no. 22, that bears from the southwest corner of Lot 16 North 20.00 feet; thence from the true point of beginning along the right of way of Silvano Street South 89°59'00" East 60.00 feet to a point on the easterly line of Lot 16; thence along the easterly line of Lot 16 South 10.00 feet; thence North 89°59'00" West 60.00 feet to the point of beginning.

End of Description

APN= 251-0155-007-0000

