



REPORT TO COUNCIL

City of Sacramento

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

CONSENT
September 22, 2009

**Honorable Mayor and
Members of the City Council**

**Title: Summary Vacation of a Portion of the Alleyway Located at El Camino
Avenue and Del Paso Boulevard**

Location/Council District: The alley adjacent to the property at 738 El Camino
Avenue in Council District 2 (see Attachment 2).

Recommendation: Adopt the attached **Resolution** vacating a portion of the alleyway
adjacent to 738 El Camino Avenue as described in Exhibits A and B of the attached
Resolution subject to the conditions in the 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: 15001151

Description/Analysis

Issue: JTS Engineering, on behalf of the property owner Gerald Greenberg, has
requested the vacation of a portion of the subject alleyway for the development
and upgrade of the adjacent businesses located at the northwest intersection of
El Camino Avenue and Del Paso Boulevard. The subject area will be utilized as
the expanded parking area for the adjacent businesses.

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 minor alteration of land use
limitations in areas with an average slope of less than 20 percent, which does
not result in any changes in land use or density.

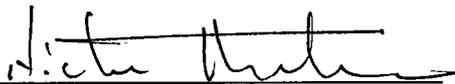
Sustainability Considerations: None

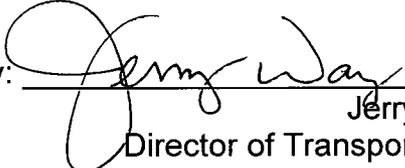
Committee/Commission Action: None

Rationale for Recommendation: Staff, along with various agencies, supports this vacation request along with proposed use to facilitate extra parking space and security around the renovated businesses.

Financial Considerations: The owner/applicant is responsible for all fees required to process this application and there is no cost to the City. There are no general funds planned or allocated for this project.

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

Table of Contents:

Report	Pg. 1
Attachments	
1 Background	Pg. 3
2 Map Location	Pg. 4
3 Resolution	Pg. 5

Attachment 1**Background**

JTS Engineering, on behalf of the property owner located at 738 El Camino Avenue, has requested the vacation of a portion of the alleyway located at the southwest intersection of El Camino Avenue and Del Paso Boulevard to create additional parking spaces and add additional security for the adjacent renovated businesses. 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 alleyway has submitted all documents required by the City of Sacramento's Department of Transportation to process this request.

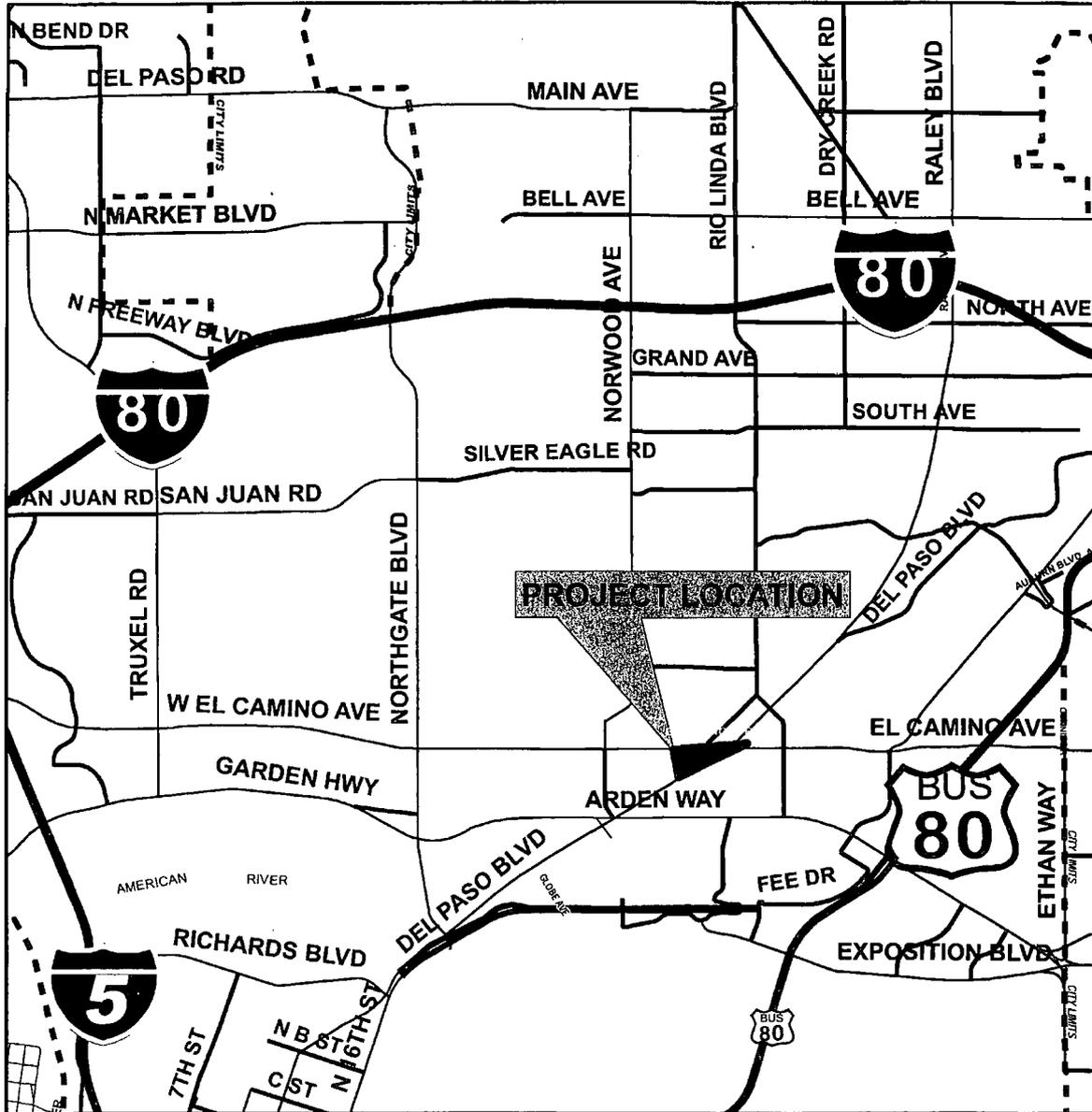
The subject area of vacation incorporates an existing parking lot, an apartment complex and another commercial establishment all owned by Mr. Gerald Greenberg. This subject area will be fenced with an access gate that will remain open during business hours. This will allow additional security for the businesses and apartment complex when the gates are closed after hours of operation. Utility departments and agencies as well as emergency personnel will have access to the subject area when the gates are closed.

There are several utilities located within and adjacent to subject area. The City of Sacramento will reserve a Public Utility Easement for their existing utilities along the subject vacation area. SMUD, PG&E, Comcast and AT&T utility companies have existing facilities that require an easement reservation for their existing facilities. The City of Sacramento's Fire Department requires that the subject alleyway being vacated be posted as a "No Parking Fire Lane."

This request to vacate the subject alleyway will improve and enhance parking circulation and security of the adjacent properties. In addition the project is helping to visually enhance the neighborhood and the adjacent businesses.

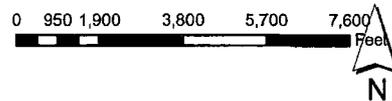
Various City departments and utility companies have reviewed this request and support the proposed vacation. If approved the vacation of this subject area will be recorded after all conditions and fees have been satisfied.

LOCATION MAP FOR
738 Del Paso Boulevard



Department of
TRANSPORTATION
City of Sacramento

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



RESOLUTION NO.

Adopted by the Sacramento City Council

**THE SUMMARY VACATION OF A PORTION OF THE ALLEYWAY LOCATED AT
THE SOUTHWEST CORNER OF EL CAMINO AVENUE AND DEL PASO
BOULEVARD, WITHIN COUNCIL DISTRICT 2
VACATION PROCEEDING NO. VAC 09-0006**

BACKGROUND

- A. Mr. Gerald Greenberg has requested the vacation of a portion of the alleyway located at southwest corner of El Camino Avenue and Del Paso Boulevard.
- 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 portion of subject alleyway adjacent to 738 El Camino Avenue within Council District 2, more specifically described in Exhibits A, and B of this resolution is hereby ordered vacated subject to the conditions in Section 5.
- Section 2. Pursuant to Streets and Highways Code Section 8306 and 8340, the City reserves a public service easement located within and along the subject alley to be vacated, more specifically described in Exhibit A and B of this resolution, for all 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 alley adjacent to 738 El Camino Avenue as described in Exhibits A and B within Council District 2, 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 alley adjacent to 738 El Camino Avenue as described in Exhibits A and B, is 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 Director and finds that the said vacation is consistent with the applicable General Plan.

Section 5. This vacation request is subject to the following conditions:

- a. The owner must complete and record a Hold-Harmless agreement with the City of Sacramento's Department of Utilities for the existing facilities within and adjacent to subject alleyway being vacated to the satisfaction of the Department of Utilities.
- b. The subject area must be posted "NO PARKING FIRE LANE" to the satisfaction of the City of Sacramento's Fire Department.

Section 6. The conditions specified in Section 5 of this Resolution must be completed within two years of the date of this Resolution. If all conditions are not completed within the two years specified, this Resolution approving the vacation shall become void, unless the City Council grants one or more time extensions.

Section 7. Once the conditions in Section 5 are met, 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
Exhibit B: Exhibit Plat/Map Right of Way

EXHIBIT A

**EXHIBIT "A"
LEGAL DESCRIPTION
OF
ALLEY ABANDONMENT**

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF SACRAMENTO, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, BEING A PORTION OF ALLEY IN BLOCK 5, AS SHOWN ON THE "PLAT OF NORTH SACRAMENTO, SUBDIVISION NO. 9", RECORDED IN BOOK 15 OF MAPS, MAP NO. 2, RECORDS OF SACRAMENTO COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF LOT 8 OF SAID BLOCK 5, SAID POINT ALSO BEING A POINT ON THE SOUTHERLY RIGHT OF WAY OF EL CAMINO AVENUE, AS SHOWN ON SAID PLAT; THENCE FROM SAID POINT OF BEGINNING, SOUTHERLY ALONG THE WESTERLY LINE OF SAID LOT 8, A DISTANCE OF 67.15 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 8 AND ALSO THE NORTHWESTERLY CORNER OF LOT 12 OF SAID BLOCK 5; THENCE ALONG THE WESTERLY LINE OF SAID LOT 12, A DISTANCE OF 10.42 FEET TO A POINT ON THE EASTERLY EXTENSION OF THE NORTHERLY LINE OF LOT 13 OF SAID BLOCK 5; THENCE WESTERLY ALONG SAID EASTERLY EXTENSION AND THE NORTHERLY LINE OF LOTS 13 AND 14 OF SAID BLOCK 5, A DISTANCE OF 72.82 FEET TO THE NORTHWESTERLY CORNER OF SAID LOT 14; THENCE NORTHERLY ALONG THE NORTHERLY EXTENSION OF THE WESTERLY LINE OF SAID LOT 14, A DISTANCE OF 20.02 FEET TO A POINT ON A LINE PARALLEL WITH AND A DISTANCE OF 20.00 FEET EASTERLY OF THE WESTERLY LINE OF LOT 5 OF SAID BLOCK 5; THENCE NORTHERLY ALONG SAID PARALLEL LINE A DISTANCE OF 0.79 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 5; THENCE EASTERLY ALONG SAID SOUTHERLY LINE AND THE SOUTHERLY LINE OF LOTS 6 AND 7 OF SAID BLOCK 5, A DISTANCE OF 57.27 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 7; THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID LOT 7, A DISTANCE OF 62.34 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT 7 AND ALSO A POINT ON THE SOUTHERLY RIGHT OF WAY OF SAID EL CAMINO AVENUE; THENCE EASTERLY ALONG SAID SOUTHERLY RIGHT OF WAY, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

END OF LEGAL DESCRIPTION

PREPARED BY JTS ENGINEERING CONSULTANTS, INC. FROM RECORD DATA.



EXHIBIT B

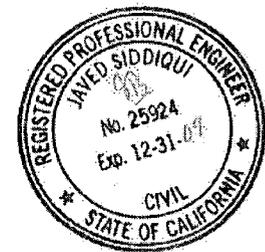
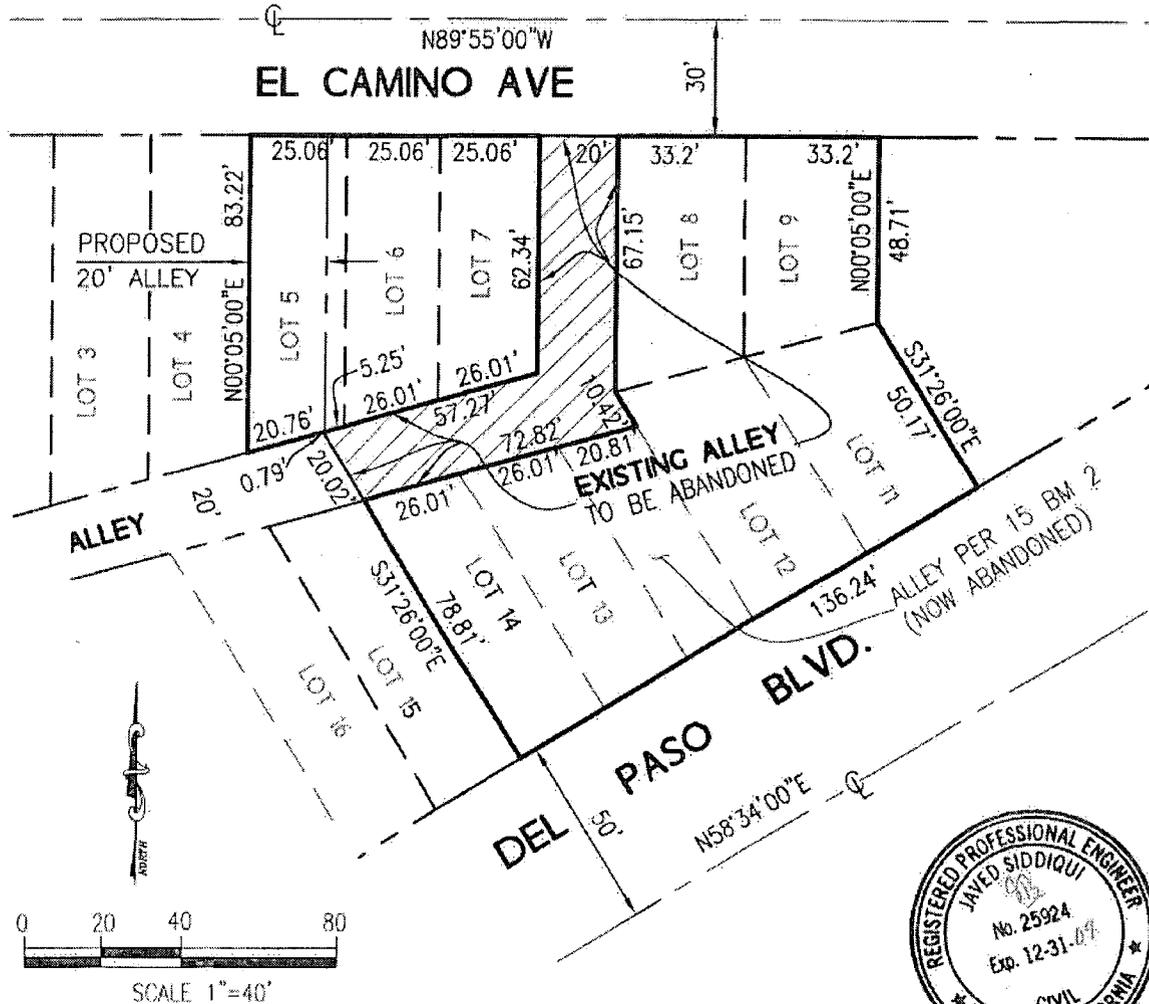
CITY OF SACRAMENTO
SHEET 1 OF 1

EXHIBIT 'B'
ABANDONMENT EXHIBIT

CALIFORNIA
FEBRUARY 2009

A PORTION OF ALLEY IN BLOCK 5 OF PLAT OF
NORTH SACRAMENTO, SUBDIVISION NO. 9, FILED IN 15 BM 2

JTS ENGINEERING
CONSULTANTS, INC.



NOTE:
THIS EXHIBIT IS PREPARED FROM RECORD DATA.
IT IS NOT BASED ON A SURVEY.

FOR CITY CLERK USE ONLY
RESOLUTION NO: _____
DATE ADOPTED: _____