

## **RESOLUTION NO. 2009-598**

Adopted by the Sacramento City Council

September 22, 2009

### **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

Adopted by the City of Sacramento City Council on September 22, 2009 by the following vote:

Ayes: Councilmembers Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters, and Mayor Johnson.

Noes: None.

Abstain: None.

Absent: None.

Attest:

  
Shirley Concolino, City Clerk

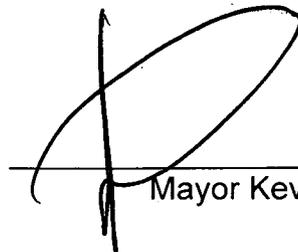
  
\_\_\_\_\_  
Mayor Kevin Johnson

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**

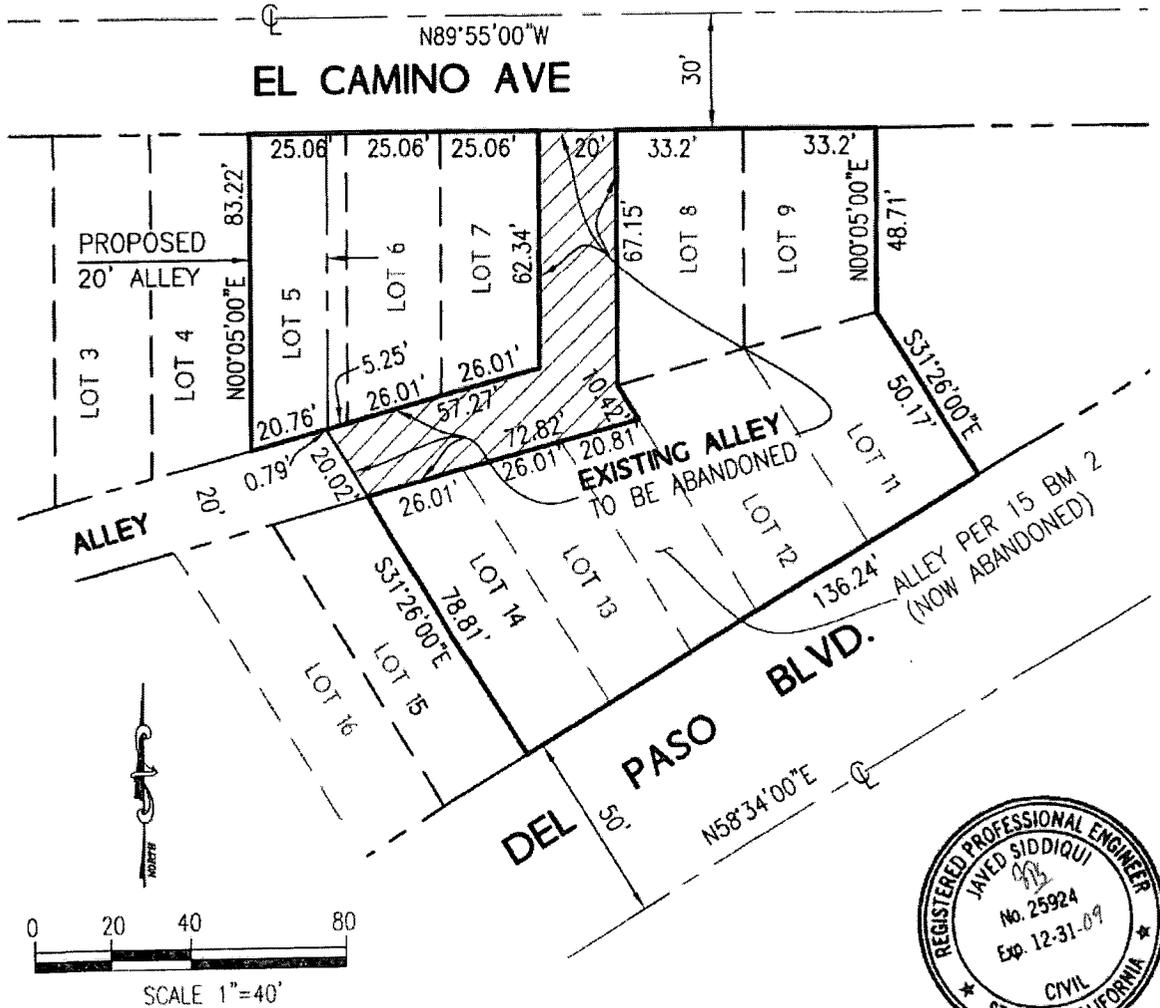
CITY OF SACRAMENTO  
SHEET 1 OF 1

**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: \_\_\_\_\_