



REPORT TO COUNCIL

City of Sacramento

915 I Street, Sacramento, CA 95814-2604

www. CityofSacramento.org

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CONSENT
January 12, 2010

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

Title: Summary Vacation: Portion of the Right of Way on Folsom Boulevard

Location/Council District: At the rear of the lot located at 5625 Folsom Boulevard in Council District 3 (see Attachment 2).

Recommendation: Adopt the attached **Resolution** vacating a portion of the Right of Way on Folsom Boulevard.

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: SKW & Associates on behalf of property owners Mabel M. Viglione and Marguerite Scomazzon has requested the vacation of a Portion of the Right of Way (ROW) for landscaping and the relocation of the walkway and driveway for the existing Taco Bell restaurant. The ROW area is currently being utilized as a landscaped area, driveway and walkway. The subject area is not part of the public sidewalk or street and is not needed for future public use.

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 15304 (minor public or private alterations in the condition of land, water or vegetation) which do not involve removal of any healthy, mature, scenic trees.

Sustainability Considerations: None

Committee/Commission Action: None

Rationale for Recommendation: No portions of the improved public street or sidewalk will be diminished or relocated in relation to this subject vacation and the area proposed to be vacated is not needed for future public improvements. This request to vacate the subject ROW will assist the owner in improving and upgrading the existing restaurant to a more accessible and modern establishment. Various City departments and utility companies have reviewed this request and support the proposed vacation.

Financial Considerations: The owner/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: Tim M. For
for Nicholas Theocharides
Engineering Services Manager

Approved by: Jerry Way
for Jerry Way
Director of Transportation

Recommendation Approved:

Cassandra H.B. Jerny
for Ray Kerridge
City Manager

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Attachment 1

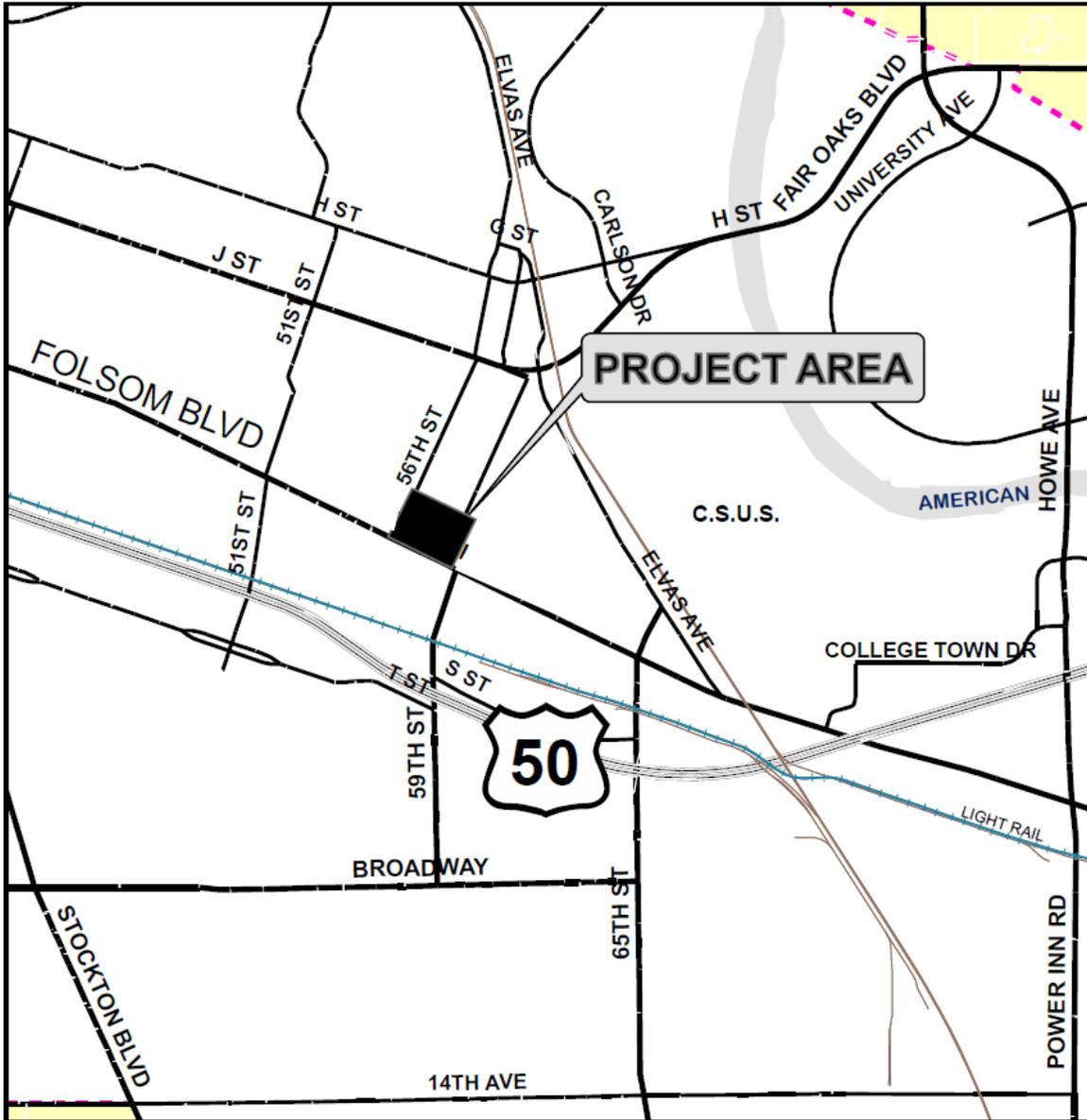
Background

SKW & Associates on behalf of the property owner located at 5625 Folsom Boulevard has requested the vacation of portion of the Right of Way (ROW) that fronts the Taco Bell restaurant for the purpose of relocating the driveway and walkway and for landscaping upgrades. 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 of vacation fronts a single parcel which includes a Taco Bell restaurant. The subject area is currently being utilized as a landscaped area, walkway and driveway for the restaurant. The use of the area will remain the same with the exception of the relocation of the driveway and walkway. No portions of the improved public street or sidewalk will be diminished or relocated in relation to this subject vacation and the area proposed to be vacated is not needed for future public improvements.

This request to vacate the subject ROW will assist the owner in improving and upgrading the existing restaurant to a more accessible and modern establishment. 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
**5625 Folsom Boulevard
Vacation**



RESOLUTION NO.

Adopted by the Sacramento City Council

SUMMARY VACATION OF A PORTION OF THE RIGHT OF WAY ON FOLSOM BOULEVARD, WITHIN COUNCIL DISTRICT 3 VACATION PROCEEDING NO. VAC 09-0007

BACKGROUND

- A. SKW & Associates, on behalf of the property owners, has requested the vacation of a portion of the Right of Way located at 5625 Folsom 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 subject Right of Way (ROW) on Folsom Boulevard within Council District 3, more specifically described in Exhibits A and B of this resolution is hereby ordered vacated subject to the conditions in Section 5.
- Section 2.** The vacation of the portion of the ROW within Council District 3, more specifically described in Exhibits A 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 and B is an excess ROW not needed for Street or Highway purposes.
- Section 3.** 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 4.** This vacation request is subject to the following condition:
 - a. To the satisfaction of the Department of Transportation, the property owner must grant an easement to Comcast for their existing aerial facilities within the subject area.

Section 5. The condition specified in Section 4 of this Resolution must be completed within two years of the date of this Resolution. If the condition is 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 6. Once the conditions in Section 4 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.

Section 7. Exhibits A and B are incorporated into and made part of this resolution.

Table of Contents:

- Exhibit A: Legal Description of Right of Way
- Exhibit B: Exhibit Plat/Map Right of Way

EXHIBIT A

EXHIBIT "A"

Right-of-Way Vacation
Legal Description

All that Real Property being a portion of Lot 248 and Lot 249 as shown on the "Plat of Smith Tract No 4" filed for record December 26, 1906 in Book 7 Maps, Map 39, Sacramento County records, situate in a portion of Section 8, Township 8 North, Range 5 East, Mount Diablo Base and Meridian, City of Sacramento, County of Sacramento, State of California, more particularly described as follows:

Parcel 1:

The South 20 Feet of said Lot 249 and the South 20 feet of the East 12 feet of said Lot 248 as granted to the City of Sacramento for street purposes in document recorded January 20, 1947 in Book 1315 of Official Records at Page 388, Sacramento County Records.

Parcel 2:

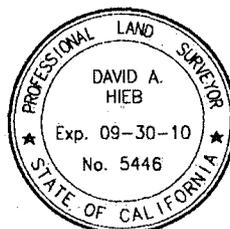
The South 20 Feet of West 21.50 feet of the East 33.5 of said Lot 248 as granted to the City of Sacramento for street purposes in document recorded January 20, 1947 in Book 1315 of Official Records at Page 389, Sacramento County Records.

Containing 2,040 square feet, more or less.

END OF DESCRIPTION



David A. Hieb
P.L.S. 5446
Exp. Date: 09-30-2010



10-05-2009

EXHIBIT B

