



# REPORT TO COUNCIL

## City of Sacramento

7

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

CONSENT  
April 6, 2010

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

**Title: Summary Vacation: The Alleyway Bounded by 27<sup>th</sup> Street, 53<sup>rd</sup>, Toy Avenue  
and Carnation Avenue**

**Location/Council District:** At 2730 53<sup>rd</sup> Avenue in Council District 5 (see Attachment  
2).

**Recommendation:** Adopt a **Resolution** vacating the Alleyway Bounded by 27<sup>th</sup> Street,  
53<sup>rd</sup>, Toy Avenue and Carnation Avenue.

**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:** Slooten Consulting Inc. on behalf of property owner Pete Rich has requested the vacation of the Alleyway Bounded by 27<sup>th</sup> Street, 53<sup>rd</sup>, Toy Avenue and Carnation Avenue as recorded in Book 167 of Maps, Map 15; Official Records of Sacramento County to satisfy conditions of the Tentative Map Z06-080. In addition to the condition of the Tentative Map to vacate a portion of the subject alleyway, the remaining portion of the alleyway is also being included with this vacation request. This application to vacate will include the entire alleyway between 27<sup>th</sup> Street, 53<sup>rd</sup>, Toy Avenue and Carnation Avenue. The alleyway is not currently accessible to the public for pedestrian or vehicular travel. Many of the properties have encroaching fences into the alleyway in the belief that the alleyway had been previously vacated.

**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 legislative body of a local agency may summarily vacate an excess of right of way of a street or highway 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.

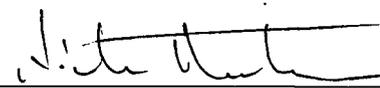
**Sustainability Considerations:** None.

**Committee/Commission Action:** None.

**Rationale for Recommendation:** Staff, along with various agencies, supports this vacation request along with proposed use for additional residential units.

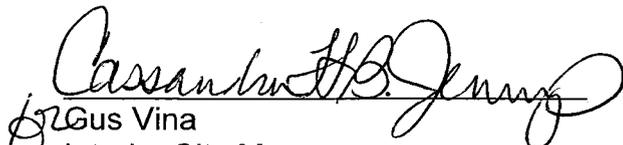
**Financial Considerations:** The applicant is responsible for all fees required to process this application and there is no cost to the City.

**Emerging Small Business Development (ESBD):** None

Respectfully Submitted by:   
Nicholas Theocharides  
Engineering Services Manager

Approved by:   
Jerry Way  
Director of Transportation

Recommendation Approved:

  
Gus Vina  
Interim City Manager

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**Attachment 1**

**Background**

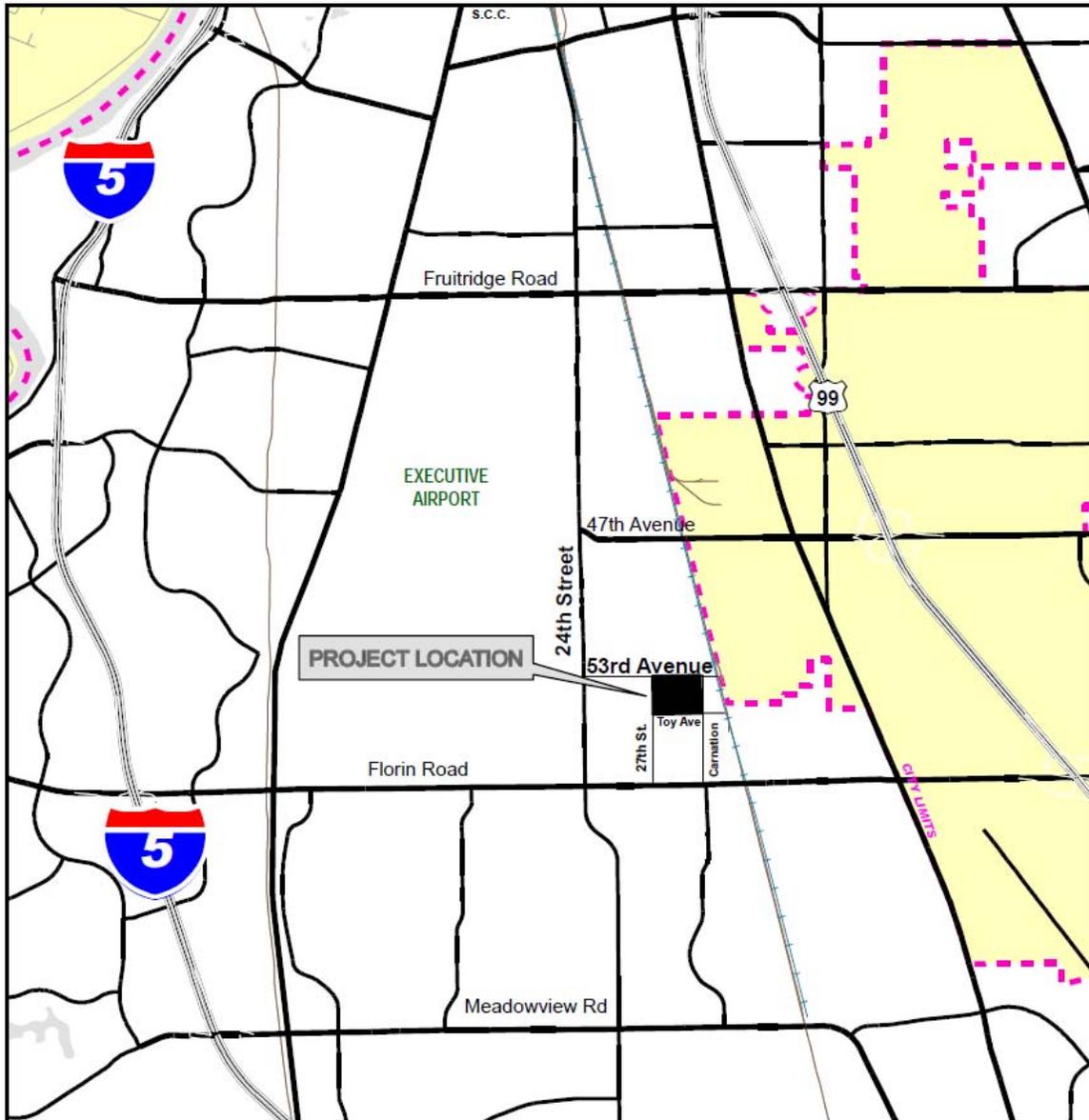
Slooten Consultants, on behalf of the property owner located at 2730 53<sup>rd</sup> Avenue, has requested the vacation of the subject alleyway so it can be utilized for the private development of three single story duplexes. The alleyway is currently not accessible to any pedestrian or vehicular traffic and will not be needed for street or highway purposes or 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 the subject alleyway has submitted all documents required by the City of Sacramento's Department of Transportation to process this request.

The subject alleyway sits adjacent to eleven separate parcels. The applicant owns the largest adjacent parcel and requests that the entire alleyway be vacated to satisfy conditions of the approved Tentative Map (Z06-080) which will create three new parcels. The approved tentative map allows the existing residential units to exist on one single parcel each. Currently the one large parcel contains all three units which consist of two duplexes and one single family residence.

A portion of the subject alleyway was conditioned to be vacated in the tentative map. The alleyway is not currently accessible. All fence lines have been relocated and are encroaching into the alleyway. No easement reservations have been conditioned with this request and the City of Sacramento does not maintain any facilities within the subject alleyway. If approved the current physical status of the alleyway would not change. All fence lines along the alleyway have been moved to the center and no access is available from 27<sup>th</sup> Street and Carnation Avenue.

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

LOCATION MAP FOR  
**2730 53rd Avenue  
Alley Vacation**



## **RESOLUTION NO.**

**Adopted by the Sacramento City Council**

**THE SUMMARY VACATION: THE ALLEYWAY BOUNDED BY 27<sup>TH</sup> STREET, 53<sup>RD</sup>,  
TOY AVENUE AND CARNATION AVENUE, WITHIN COUNCIL DISTRICT 5  
VACATION PROCEEDING NO. VAC 07-0012**

### **BACKGROUND**

- A. Slooten Consulting, Inc. on behalf of property owner Pete Rich has requested the vacation of the Alleyway bounded by 27<sup>th</sup> Street, 53<sup>rd</sup>, Toy Avenue and Carnation Avenue.
- 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 entire Alleyway is located behind 2730 53<sup>rd</sup> Avenue within Council District 5 bounded by 27<sup>th</sup> Street, 53<sup>rd</sup>, Toy Avenue and Carnation Avenue, more specifically described in Exhibits A and B of this Resolution is hereby ordered vacated.
- Section 2. The vacation of the alleyway within Council District 5, 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 alleyway more specifically described in Exhibits A and B is an excess right of way 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 of Sacramento's Planning Director and finds that the said vacation is consistent with the 2030 General Plan.
- Section 4. 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 5. Exhibits A and B are incorporated into and made part of this resolution.

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Exhibit A: Legal Description

Exhibit B: Exhibit Plat/Map

**Exhibit A**

ABANDONMENT OF ALLEY LEGAL DESCRIPTION:

ALL THAT CERTAIN REAL PROPERTY IN THE CITY OF SACRAMENTO, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

THE ALLEY BOUNDED TO THE NORTH BY LOTS 7 & 8 AS DEPICTED IN THE PLAT OF CAMELLIA ACRES. FILED IN THE OFFICE OF THE RECORDER OF SACRAMENTO COUNTY, CALIFORNIA ON JUNE 02, 1915, IN BOOK 15 OF MAPS, MAP NO. 21 AND TO THE SOUTH BY LOTS 2-7 AND 9 AS DEPICTED IN THE PLAT OF CAMELLIA VILLA. FILED IN THE OFFICE OF THE RECORDER OF SACRAMENTO COUNTY, CALIFORNIA ON JANUARY 30, 1986, IN BOOK 167 OF MAPS, MAP NO. 15 AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHEASTERLY CORNER OF SAID LOT 8, A POINT ON THE WESTERLY LINE OF CARNATION AVENUE, THENCE ALONG SAID WESTERLY LINE SOUTH, 16.00 FEET; THENCE LEAVING SAID WESTERLY LINE NORTH 89°59'49" WEST, 469.85 FEET TO THE EASTERLY LINE OF 27<sup>TH</sup> STREET; THENCE ALONG SAID EASTERLY LINE NORTH, 16.00 FEET; THENCE LEAVING SAID EASTERLY LINE SOUTH 89°59'49" EAST, 469.85 FEET TO THE POINT OF BEGINNING.

CONTAINS 7518 SQUARE FEET MORE OR LESS

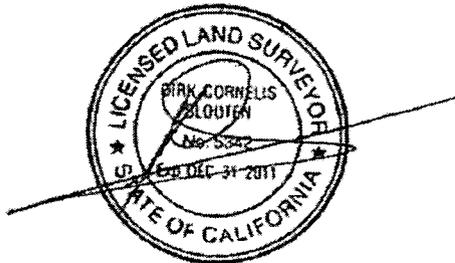
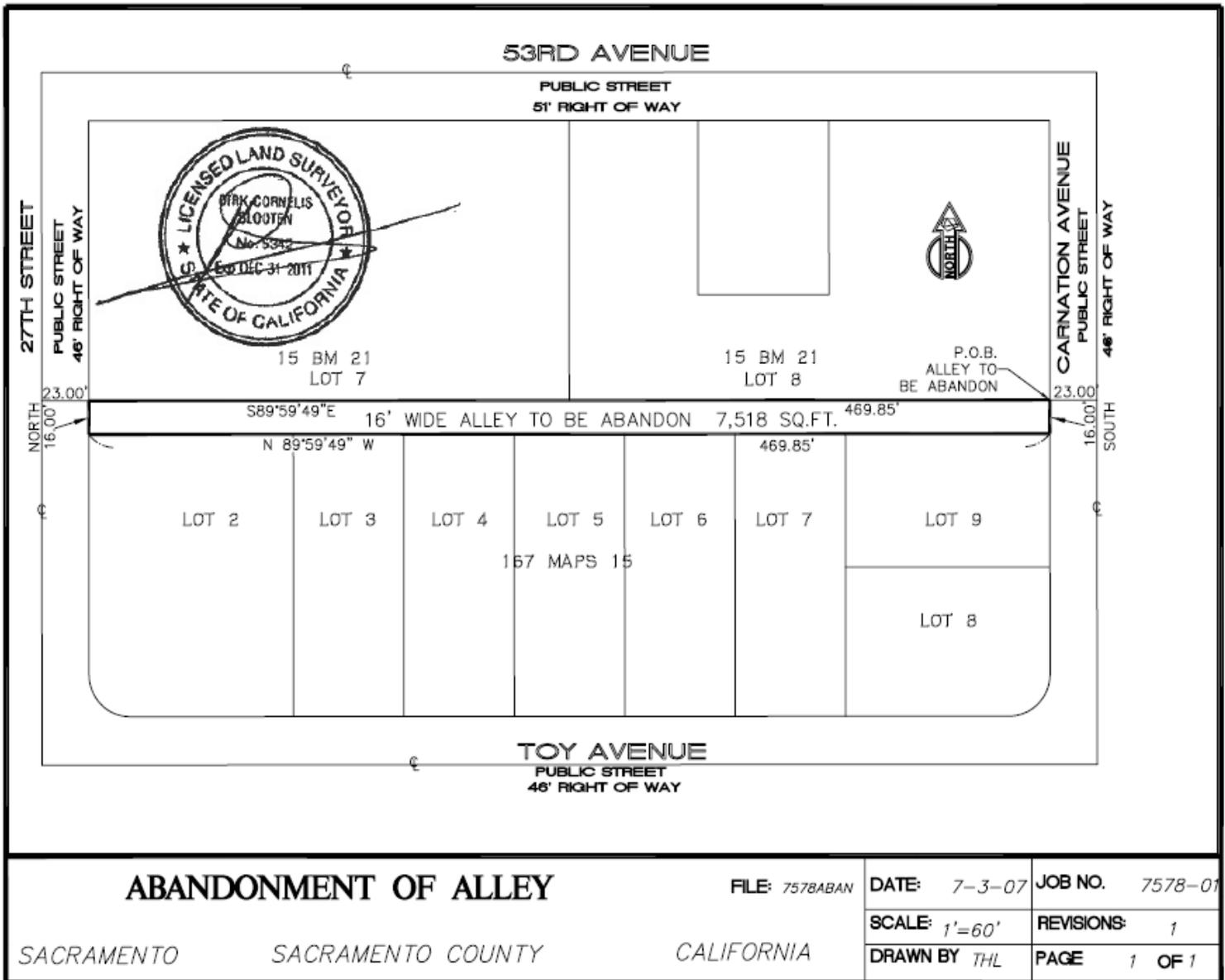


EXHIBIT B



**ABANDONMENT OF ALLEY**

FILE: 7578ABAN

DATE: 7-3-07

JOB NO. 7578-07

SCALE: 1"=60'

REVISIONS: 1

DRAWN BY THL

PAGE 1 OF 1

SACRAMENTO

SACRAMENTO COUNTY

CALIFORNIA