



# REPORT TO COUNCIL

## City of Sacramento

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

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CONSENT  
September 7, 2010

Honorable Mayor and  
Members of the City Council

**Title:** Summary Vacation of a Portion of the Alley Bounded Between 12<sup>th</sup>, 13<sup>th</sup>, D  
and E Streets

**Location/Council District:** Alley adjacent to 1209 E Street in Council District 3.

**Recommendation:** Adopt the attached **Resolution** vacating a portion of the public  
right-of-way between 12<sup>th</sup>, 13<sup>th</sup>, D and E Streets 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:** Domus Development, on behalf of the Sacramento Housing and  
Redevelopment Agency (SHRA), has requested the vacation of a portion of the  
alley east of 12<sup>th</sup> Street between D and E Streets to utilize as an additional area  
for the proposed mixed-use development (P08-106). The alley is currently  
restricted with a gate that was approved by City Council in 1990.

**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  
right-of-way (alley) is an excess that is not required for street and highway  
purposes.

**Environmental Considerations:**

**California Environmental Quality Act (CEQA):** The Environmental Planning Services section of the Community Development Department has reviewed the previously described segment of the alley subject for vacation, and has determined that the vacation is exempt under Section 15305 in which this project consists of the minor alteration of land with a minor slope less than 20%, which does not result in any changes to land use or density .

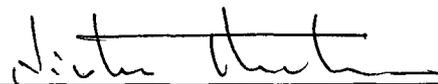
**Sustainability Considerations:** None.

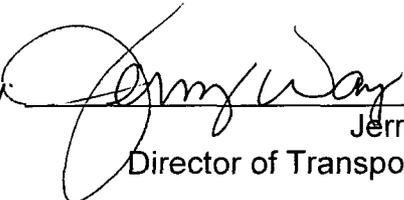
**Committee/Commission Action:** None.

**Rationale for Recommendation:** Staff, along with various agencies, supports this vacation request along with proposed use to help facilitate the approved mixed-use development.

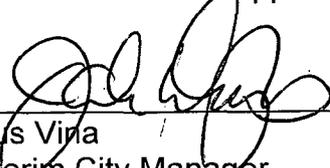
**Financial Considerations:** The applicant is responsible for all fees required to process this application, and there is no cost to the City.

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

Respectfully Submitted by:   
Nicholas Theocharides  
Engineering Services Manager

Approved by:   
Jerry Way  
Director of Transportation

Recommendation Approved:

  
Gus Vira  
Interim City Manager

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Domus Development on behalf of the property owners, Sacramento Housing and Redevelopment Agency (SHRA), has requested the vacation of a portion of the subject alley. The alley is part of the approved mixed-use (P06-106) development. The subject area will help facilitate vehicular movement and parking for the future tenants of the development. The development will consist of 63 apartment units along with another 18 office/commercial type units.

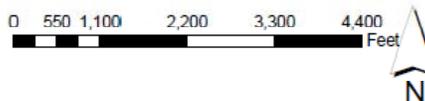
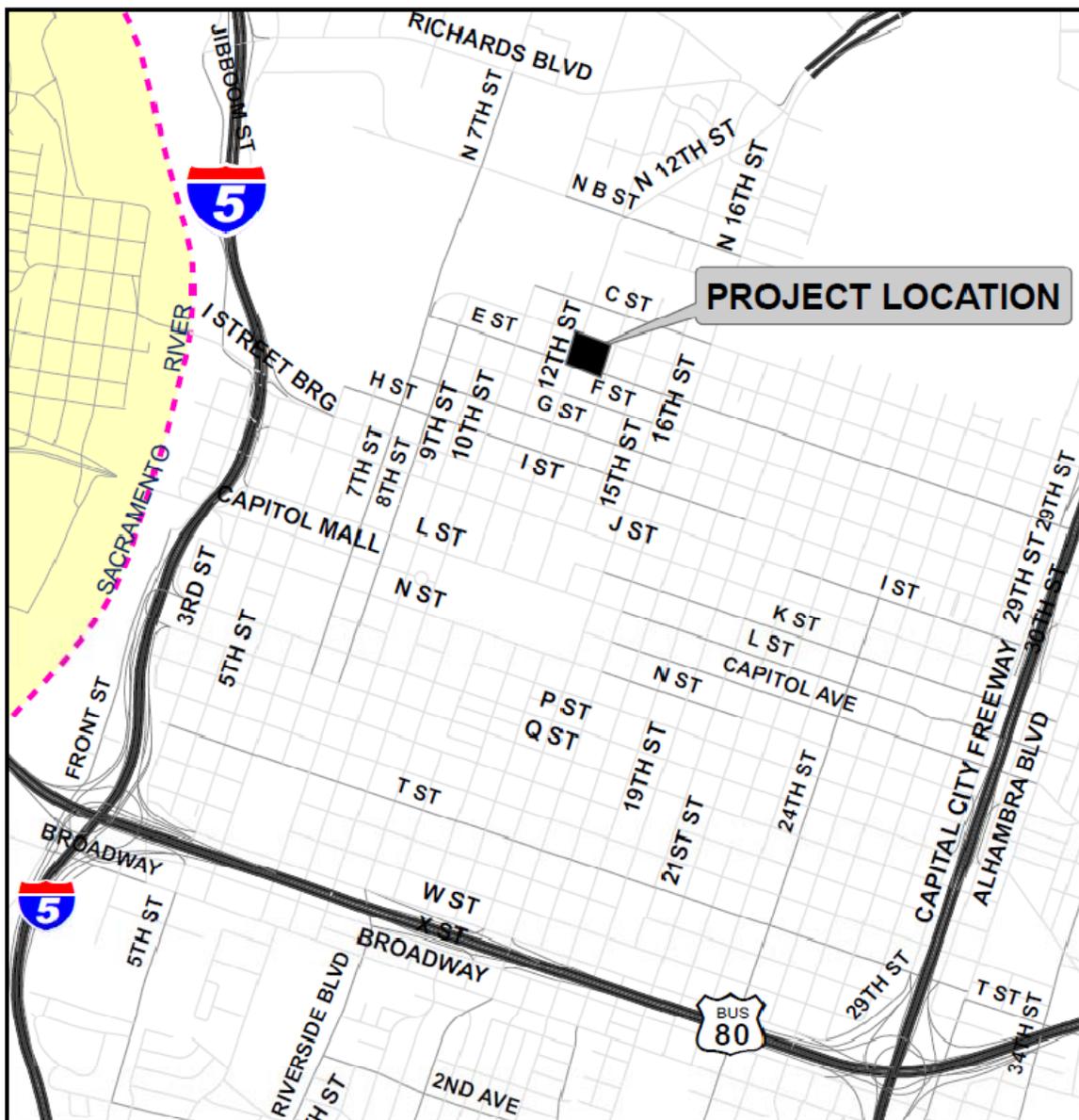
The alley is currently improved and restricted with a wrought iron gate that is installed towards the west end of the alley. The City of Sacramento approved the restriction of the alley in 1997 with Resolution No. 97-146 to help prevent criminal activities that were occurring within the alleyway and the adjacent properties. This gate will be removed at the applicants expense when this subject vacation has been approved.

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 alley has submitted all documents required by the City of Sacramento's Department of Transportation to process this request.

Several utility agencies have existing services within the subject alley and have requested the reservation of a Public Utility Easement (PUE) under S&HC 8306 and 8340 to preserve the integrity for current and future access. In addition to the PUE reservation, the vacation request will be conditioned to relocate the fire hydrant to the satisfaction of the City's Fire Department.

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

### LOCATION MAP FOR Alley Abandonment



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**Attachment 3**

## **RESOLUTION NO.**

**Adopted by the Sacramento City Council**

### **SUMMARY VACATION OF A PORTION OF THE PUBLIC ALLEY BOUNDED BETWEEN 12<sup>TH</sup>, 13<sup>TH</sup>, D AND E STREETS WITHIN COUNCIL DISTRICT 3 VACATION PROCEEDING NO. VAC 10-0002**

#### **BACKGROUND**

- A. Domus Development, on behalf of the Sacramento Housing and Redevelopment Agency (SHRA), has requested the vacation of a portion of the public alley bounded between 12<sup>th</sup>, 13<sup>th</sup>, D and E Streets. The alley is perpendicularly adjacent to the Light Rail Tracks.
- 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. Subject to the reservation below in Section 2, the portion of the alley bounded between 12<sup>th</sup>, 13<sup>th</sup>, D and E Streets within Council District 3, more specifically described in Exhibits A and B of this Resolution is hereby ordered vacated subject to the condition specified in Section 5.
- Section 2. Pursuant to Streets and Highways Code Section 8306 and 8340, the City of Sacramento reserves a public service easement along the vacated portions of the alley, 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 public alleyway 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 right-of-way (ROW), more

specifically described in Exhibits A 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. This vacation is subject to the following condition:

The fire hydrant located near the 12<sup>th</sup> street end of the alley entrance shall be relocated to the satisfaction of the City's Fire Department.

Section 6. The condition specified in Section 5 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 7. Once the condition in Section 5 is 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 8. 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 of Area to be Vacated

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EXHIBIT A

REAL PROPERTY IN THE CITY OF SACRAMENTO, SACRAMENTO COUNTY, CALIFORNIA, BEING A PORTION OF THE "D" STREET / "E" STREET ALLEY BOUNDED BY "D" AND "E", 12<sup>TH</sup> AND 13<sup>TH</sup> STREETS OF THE CITY OF SACRAMENTO, ACCORDING TO THE OFFICIAL PLAT THEREOF, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF PARCEL ONE (1) DESCRIBED IN THE DEED FROM THE REDEVELOPMENT AGENCY OF THE CITY OF SACRAMENTO TO THE SACRAMENTO REGIONAL TRANSIT DISTRICT, RECORDED MARCH 24, 1994, IN BOOK 94-03-24 OF OFFICIAL RECORDS, AT PAGE 84; THENCE NORTHERLY, 20.00 FEET TO A POINT ON THE NORTH LINE OF SAID ALLEY, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF PARCEL TWO (2) OF SAID DEED (94-03-24 OR 84); THENCE EASTERLY, 112.00 FEET ALONG SAID NORTH LINE OF ALLEY TO THE SOUTHEAST CORNER OF THE PARCEL DESCRIBED IN THE DEED FROM ALEJANDRO OROPEZA-GUTIERREZ AND JANET OROPEZA TO THE REDEVELOPMENT AGENCY OF THE CITY OF SACRAMENTO, RECORDED SEPTEMBER 5, 2008, IN BOOK 20080905 OF OFFICIAL RECORDS, AT PAGE 1089; THENCE SOUTHERLY, 20.00 FEET TO A POINT ON THE SOUTH LINE OF SAID ALLEY, SAID POINT BEING ALSO THE NORTHEAST CORNER OF THE PARCEL DESCRIBED IN THE DEED FROM NELSON HAV SHAW AND LIN TSUI-LIEN SHAW TO THE REDEVELOPMENT AGENCY OF THE CITY OF SACRAMENTO, RECORDED OCTOBER 30, 1986, IN BOOK 86-10-30 OF OFFICIAL RECORDS, AT PAGE 164; THENCE WESTERLY, 112.00 FEET ALONG SAID SOUTH LINE OF ALLEY TO THE POINT OF BEGINNING.

CONTAINING: 2,240 SQ FT, MORE OR LESS

EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART OF THIS DESCRIPTION.

Keith S. Bush 02/18/09  
KEITH S. BUSH,           DATE  
L.S. NO. 8494  
REGISTRATIONS EXPIRES: 12/31/10

