

## **RESOLUTION NO. 2010-541**

Adopted by the Sacramento City Council

September 7, 2010

### **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.

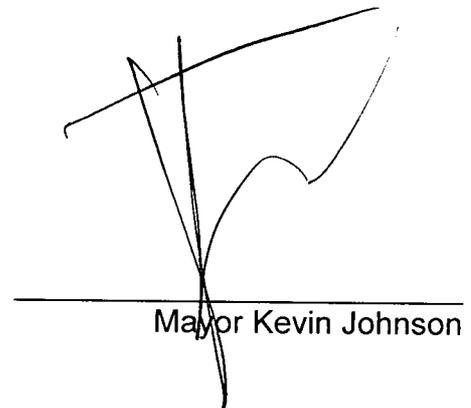
- Section 4. The City Council finds that the said vacation has been submitted to and reported on by the City of Sacramento's Planning Director and finds that the said vacation is consistent with the 2030 General Plan.
- Section 5. This vacation is subject to the following condition:  
 The fire hydrant 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.

**Table of Contents:**

- Exhibit A: Legal Description  
 Exhibit B: Exhibit Plat/Map of Area to be Vacated

Adopted by the City of Sacramento City Council on September 7, 2010 by the following vote:

- Ayes: Councilmembers Cohn, Hammond, McCarty, Pannell, Tretheway, and Mayor Johnson.
- Noes: None.
- Abstain: None.
- Absent: Councilmembers Fong, Sheedy, and Waters



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

Attest:

  
 Shirley Concolino, City Clerk

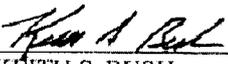
EXHIBIT A

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 I-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.

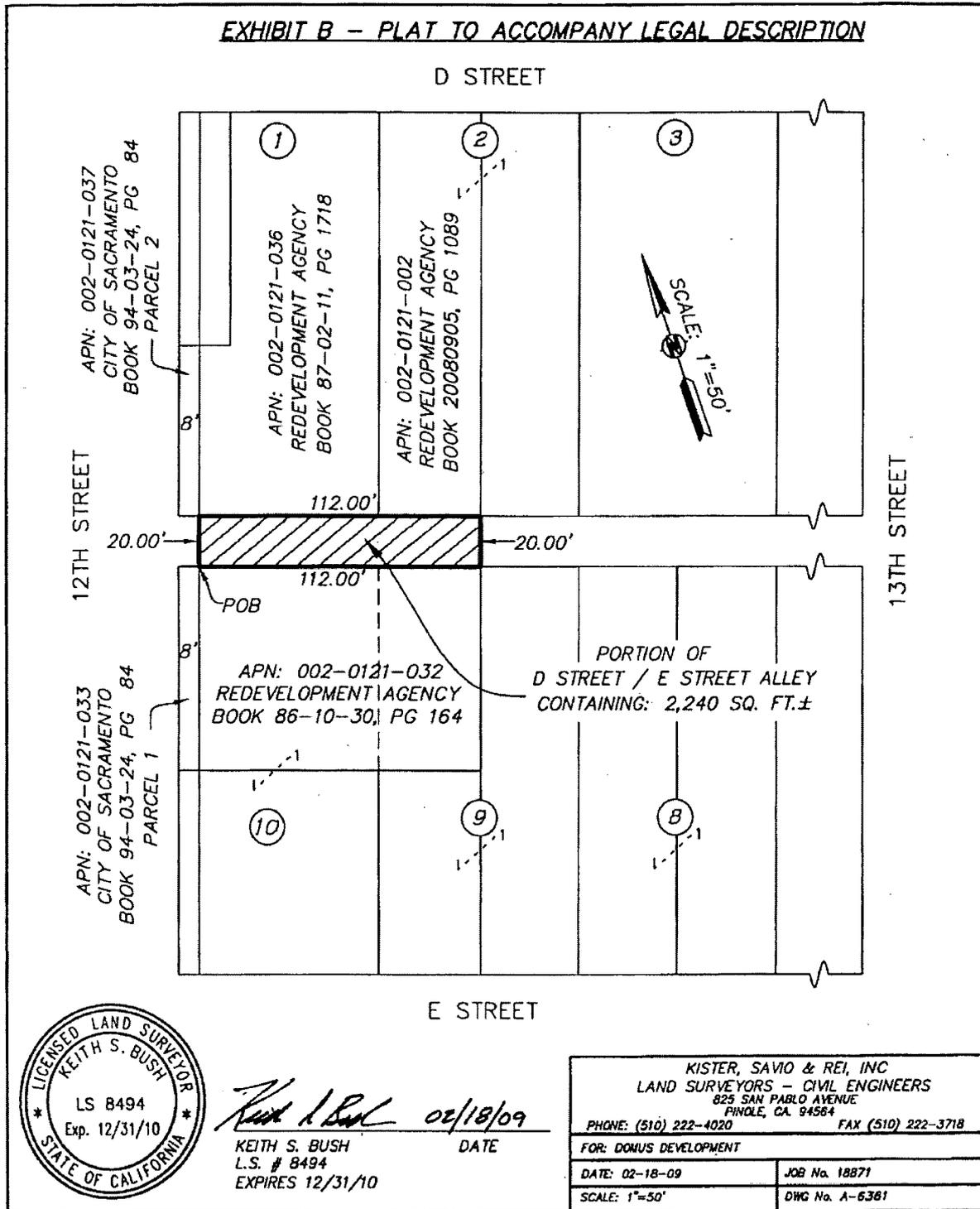
CONTAINING: 2,240 SQ FT, MORE OR LESS

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

 03/18/09  
\_\_\_\_\_  
KEITH S. BUSH, DATE  
L.S. NO. 8494  
REGISTRATIONS EXPIRES: 12/31/10



**EXHIBIT B - PLAT TO ACCOMPANY LEGAL DESCRIPTION**



*Keith S. Bush* 02/18/09  
 KEITH S. BUSH DATE  
 L.S. # 8494  
 EXPIRES 12/31/10

KISTER, SAVIO & REI, INC LAND SURVEYORS - CIVIL ENGINEERS 825 SAN PABLO AVENUE PINOLE, CA. 94564	
PHONE: (510) 222-4020	FAX (510) 222-3718
FOR: DOMUS DEVELOPMENT	
DATE: 02-18-09	JOB No. 18871
SCALE: 1"=50'	DWG No. A-6381