



REPORT TO COUNCIL

City of Sacramento

FF

915 I Street, Sacramento, CA 95814-2604
www.CityofSacramento.org

CONSENT
November 9, 2010

Honorable Mayor and
Members of the City Council

**Title: Summary Vacation of the Irrevocable Offer of Dedication and
Public Utility Easement West of Opportunity Street at 53 Morrison
Avenue**

Location/Council District: West of Opportunity Street on the parcel located at 53 Morrison Avenue in Council District 2 (see Attachment 2).

Recommendation: Adopt the attached **Resolution** vacating the irrevocable offer of dedication (IOD) and the public utility easement (PUE) located west of Opportunity Street at 53 Morrison Avenue, Parcel 4 and 5 of Parcel Map 140 PM 19, ("53 Morrison") subject to the condition 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: JTS Engineering Consultants, Inc. (JTS Engineering) on behalf of the property owner at 53 Morrison Avenue has requested the vacation of a 58 foot IOD and a 12.5 foot PUE located at 53 Morrison. The subject area of the IOD and PUE are within the Penske Trucking parking lot and are excess and not required for street or highway purposes.

Policy Considerations: The Council action recommended in this report is consistent with the 2030 General Plan and in compliance with the California Government Code Section 66477.2(c), California Streets and Highways Code Section 8333(c) which provides for summary vacation of a public service easement determined to be excess if there are no other public facilities located within the easement and California Streets and Highways Code Section 8334(a) which provides for summary vacation of an IOD which is excess and not required for street or highway purposes.

Environmental Considerations:

California Environmental Quality Act (CEQA): Status is exempt under Section 15061(b)(3) in which this activity has no potential of causing any significant effect on the environment.

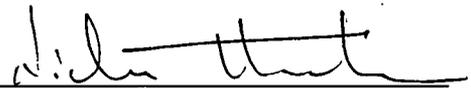
Sustainability Considerations: None.

Committee/Commission Action: None.

Rationale for Recommendation: Staff, along with various agencies, supports this vacation request along with proposed use to facilitate the parking lot for Penske Trucking.

Financial Considerations: The owner/applicant is responsible for all fees required to process this application. 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

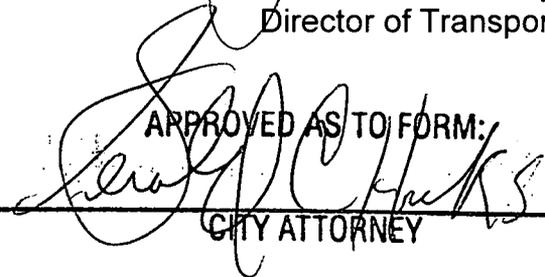

APPROVED AS TO FORM:
CITY ATTORNEY

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**Attachment 1****Background**

JTS Engineering on behalf of Penske Trucking, the property owner of 53 Morrison, has requested the vacation of the IOD and the vacation of the PUE located at 53 Morrison. This request is made to complete conditions of planning entitlements (P04-193) for the development of the Penske Trucking regional office and truck rental facility. The applicant requesting the vacation of this subject IOD and PUE has submitted all documents required by the City of Sacramento's Department of Transportation to process this request.

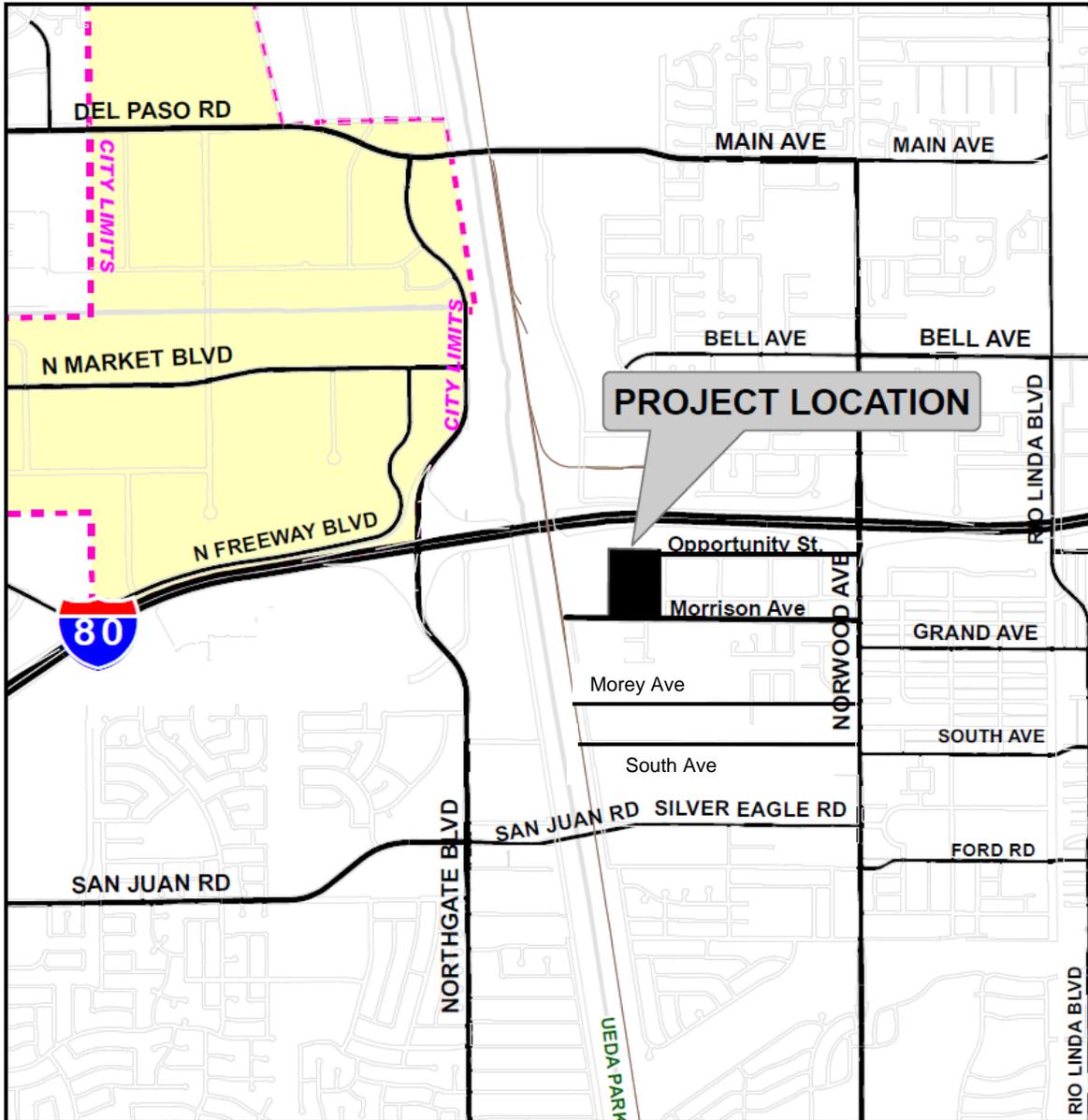
Penske Trucking submitted a planning application to build a regional office and truck rental facility (P04-194). The vacation of the IOD and the PUE were conditions of its entitlements to develop. In addition, Penske Trucking was conditioned to make an irrevocable offer of dedication for a new 58 foot IOD approximately 200 feet north of the subject IOD and record with the Sacramento County Recorder's Office a new 20 foot PUE for an existing drainage line. The new IOD and new PUE will not have any structures built on or adjacent to them. The subject areas for the new IOD and new PUE are currently part of the Penske Trucking parking lot and driveway access. There are no plans to modify or change the current use within the subject area to be vacated.

The Department of Transportation is processing this request to complete the conditions of the Planning Entitlement (P04-194). A transition in which the applicant changed engineers to process this request and staff changes within the City of Sacramento led to a delay in the completion of this request to vacate.

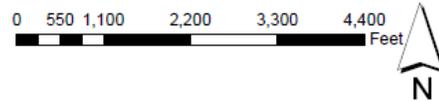
This request to vacate the subject IOD and PUE will complete the conditions of the planning entitlements application for Penske Trucking. Various City departments and utility companies have reviewed this request and support the proposed vacation. If approved, the vacation of this subject area will be recorded after all conditions and fees have been satisfied.



LOCATION MAP FOR 53 Morrison Avenue I.O.D & PUE Vacation



Map Contact: T. Adams
Map Date: Mar/10





RESOLUTION NO.

Adopted by the Sacramento City Council

SUMMARY VACATION OF THE IRREVOCABLE OFFER OF DEDICATION AND PUBLIC UTILITY EASEMENT WEST OF OPPORTUNITY STREET AT 53 MORRISON AVENUE, WITHIN COUNCIL DISTRICT 2 VACATION PROCEEDING NO. VAC 08-0019

BACKGROUND

- A. JTS Engineering Consultants, Inc., on behalf of the property owner, has requested the vacation of the irrevocable offer of dedication and the public utility easement west of Opportunity Street at 53 Morrison Avenue, Parcel 4 and 5 of Parcel Map 140 PM 19, ("53 Morrison").
- 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 irrevocable offer of dedication (IOD) and the public utility easement (PUE) located at 53 Morrison within Council District 2, more specifically described in Exhibits A and B of this resolution, are vacated subject to the conditions in Section 4.
- Section 2. The vacation of the IOD and the vacation of the PUE at 53 Morrison are made pursuant to California Government Code Section 66477.2(c) and California Streets and Highways Code, Division 9, Part 3, Chapter 4. Pursuant to California Streets and Highways Code Section 8333(c), the PUE more specifically described in Exhibits A and B is an excess public service easement. Pursuant to California Streets and Highways Code Section 8334(a), the IOD more specifically described in Exhibits A and B concerns potential right of way that would be excess right of way not needed for highway purposes.
- Section 3. This vacation was submitted to and reported on by the City's Planning Director and finds that the said vacation is consistent with the 2030 General Plan.

Section 4. This vacation is subject to the following conditions:

- a. The owner must make a new irrevocable offer of dedication approximately 200 feet to the north to the satisfaction of the City of Sacramento's Department of Transportation.
- b. The owner must record with the Sacramento County Recorder's Office a new 20 foot public utility easement to the satisfaction of the City of Sacramento's Department of Utilities.
- c. The property owner must enter into an agreement with PG&E to purchase the existing PG&E facilities that fall outside of the PUE specified above in (b).

Section 5. The conditions specified in Section 4 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 6. Upon completion of all the conditions in Section 4 above and payment of any required fees, the City Clerk shall cause a certified copy of this Resolution, attested to by the City Clerk under seal, to be recorded with the Sacramento County Recorder's Office. The vacation shall be effective when the City Clerk records this Resolution with the Sacramento County Recorder.

Section 5. 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"
Page: 1 of 1

*Legal Description for Abandonment Area
53 Morrison Avenue, Sacramento, California 95838*

All that certain property situated in the City of Sacramento, County of Sacramento, State of California, described as follows:

AREA - 1:

All of that certain 58' Irrevocable Offer of Dedication (I.O.D.) over Parcels 4 and 5 as depicted and shown on that certain parcel map entitled "*Lot 7 and a Portion of Lot 6 - Oak Knoll Subdivision - 11BM20 and Parcel 3 (16PM50)*", according to the Official Plat thereof, filed in the Office of the Recorder of Sacramento County, California, on October 26, 1994, in Book 140 of Parcel Maps, Page 19 (140 PM 19).

AREA - 2:

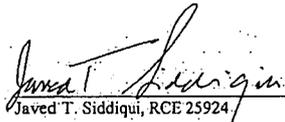
All of that certain 58' Public Utility Easement (P.U.E.) over the 58' Irrevocable Offer of Dedication (I.O.D.) over Parcels 4 and 5 as depicted and shown on that certain parcel map entitled "*Lot 7 and a Portion of Lot 6 - Oak Knoll Subdivision - 11BM20 and Parcel 3 (16PM50)*", according to the Official Plat thereof, filed in the Office of the Recorder of Sacramento County, California, on October 26, 1994, in Book 140 of Parcel Maps, Page 19 (140 PM 19).

AREA - 3:

All of that certain 12.50' Public Utility Easement (P.U.E.) along the 58' Irrevocable Offer of Dedication (I.O.D.) adjacent to Parcels 4 and 5 as depicted and shown on that certain parcel map entitled "*Lot 7 and a Portion of Lot 6 - Oak Knoll Subdivision - 11BM20 and Parcel 3 (16PM50)*", according to the Official Plat thereof, filed in the Office of the Recorder of Sacramento County, California, on October 26, 1994, in Book 140 of Parcel Maps, Page 19 (140 PM 19).

End of Legal Description

Prepared by JFS Engineering Consultants, Inc. from Record Data.


Javed T. Siddiqui, RCE 25924

Date: 1/19/2005



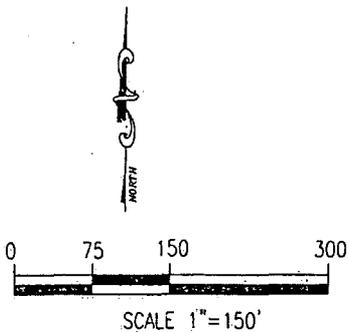


EXHIBIT 'B'

REQUEST:

TO ABANDON THE FOLLOWINGS:

- ① IRREVOCABLE OFFER OF DEDICATION (I.O.D.) PER 140 PM 9
- ② 58' P.U.E. PER 140 PM 9 OVER I.O.D.
- ③ 12.5' P.U.E. PER 140 PM 9 ALONG I.O.D.



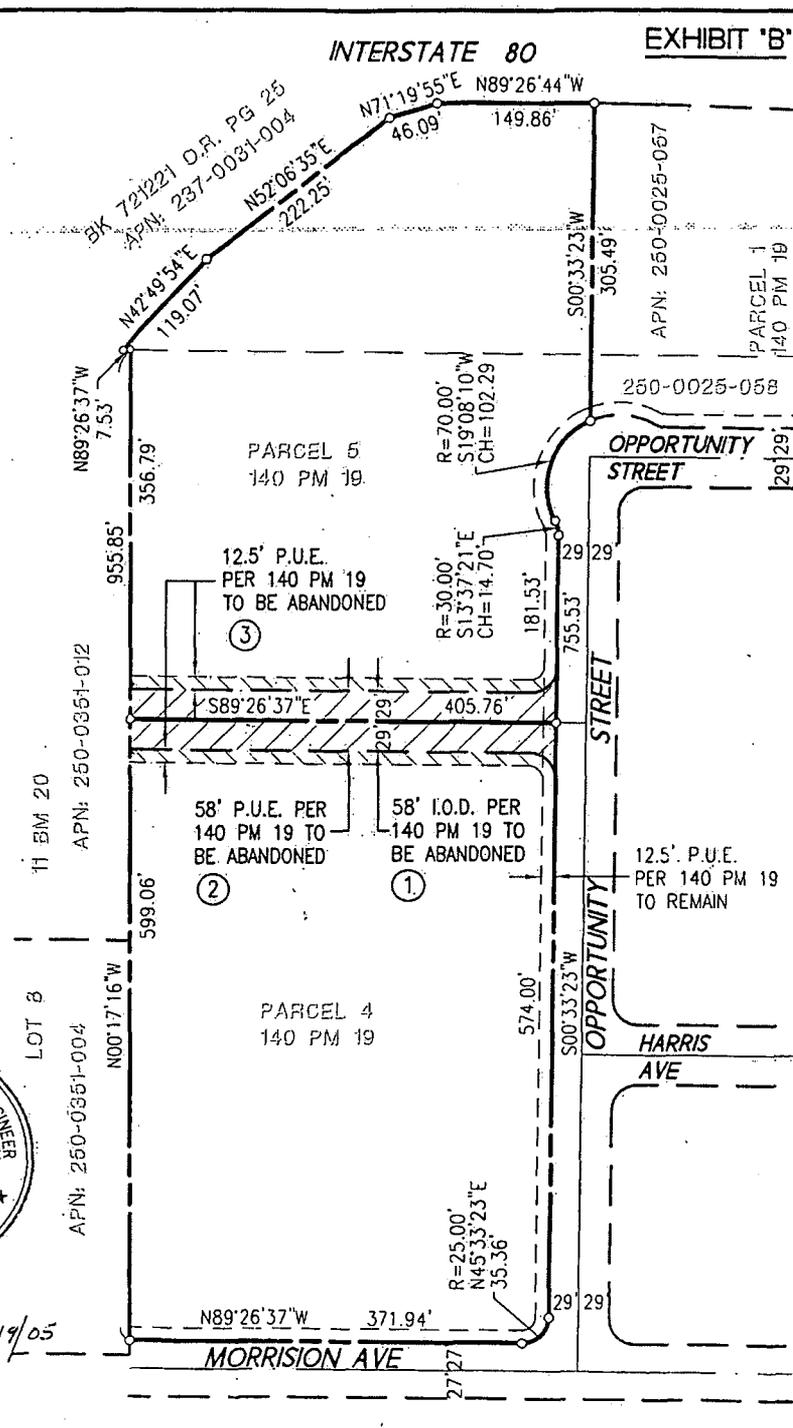
NOTE:

THIS EXHIBIT IS PREPARED FROM RECORD DATA. IT IS NOT BASED ON A SURVEY.



PREPARED BY:

Javed T. Siddiqui 1/19/05
 JAVED T. SIDDIQUI RCE 25924



JTS ENGINEERING CONSULTANTS, INC. <small>1808 J STREET SACRAMENTO CALIFORNIA 95814 (916) 441-6708</small>	SCALE: 1"=150'	AREA MAP FOR I.O.D. & EASEMENT ABANDONMENT PARCELS 4 AND 5 OF 140 PM 19 CITY OF SACRAMENTO CALIFORNIA
	DATE: 10-01-2004	
	DRAWN: MMA	
	CHECKED: JTS.	
	JOB No: 2004-053	