

RESOLUTION NO. 2010-639

Adopted by the Sacramento City Council

November 9, 2010

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

Adopted by the City of Sacramento City Council on November 9, 2010 by the following vote:

Ayes: Councilmembers Cohn, Fong, Hammond, McCarty, Sheedy, Waters.

Noes: None.

Abstain: None.

Absent: Councilmembers Pannell, Tretheway, and Mayor Johnson.



Robbie Waters, Vice-Mayor

Attest:


Shirley Corcolino
Shirley Corcolino, City Clerk

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:

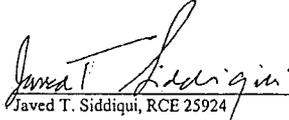
All of that certain 58' Public Utility Easement (P.U.E.) over the 58' Irrevocable Offer of Dedication (I.O.D.) over Parcels 4 and 5 as depicted and shown on that certain parcel map entitled "*Lot 7 and a Portion of Lot 6 - Oak Knoll Subdivision - 11BM20 and Parcel 3 (16PM50)*", according to the Official 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 JTS Engineering Consultants, Inc. from Record Data.


Javed T. Siddiqui, RCE 25924

Date: 1/19/2005



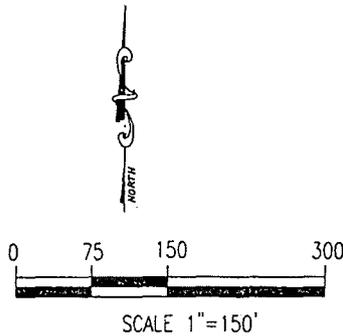
W:20042004-053-Legal-Abandonment.doc

INTERSTATE 80

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.



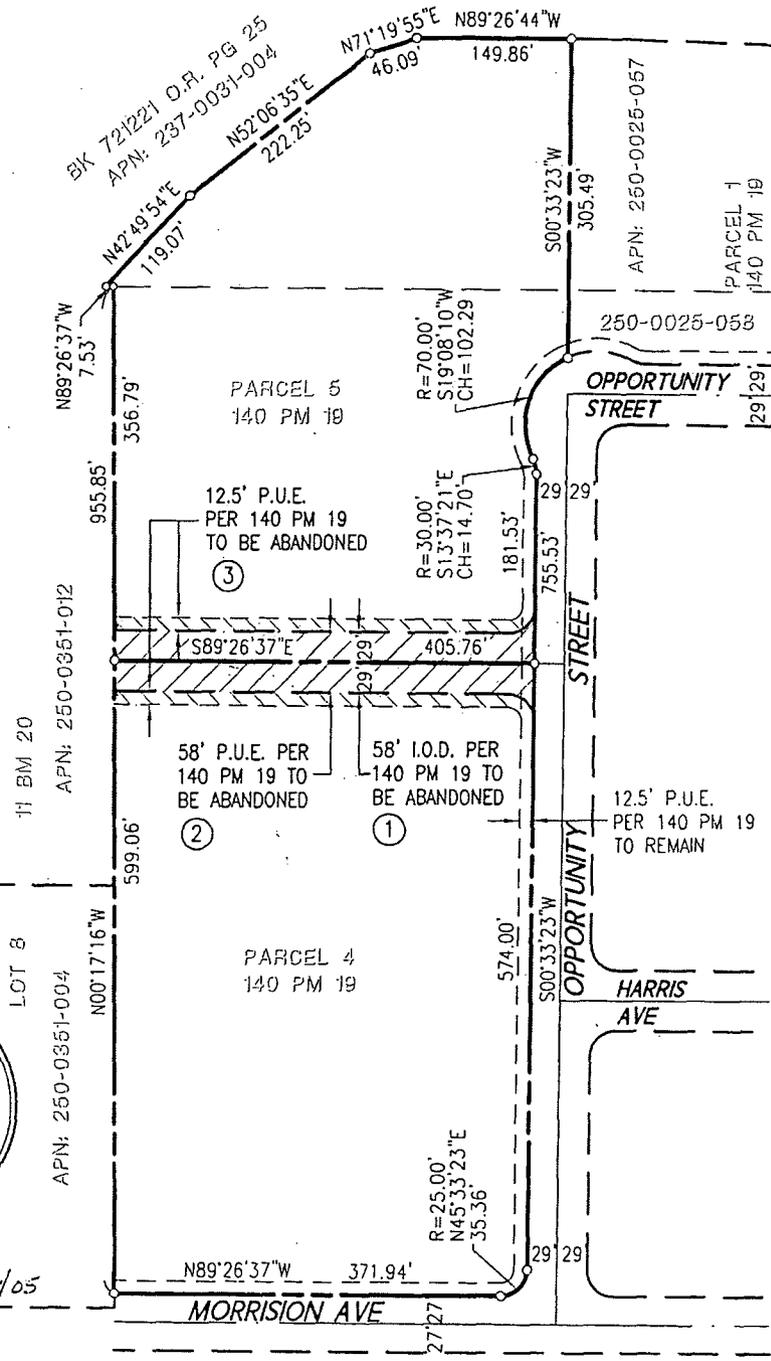
NOTE:

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



PREPARED BY:

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



JTS ENGINEERING CONSULTANTS, INC.
 1808 J STREET
 SACRAMENTO CALIFORNIA 95814 (916) 441-6708

SCALE: 1"=150'
 DATE: 10-01-2004
 DRAWN: MMA
 CHECKED: JTS
 JOB No: 2004-053

AREA MAP FOR
 I.O.D. & EASEMENT ABANDONMENT
 PARCELS 4 AND 5 OF 140 PM 19
 CITY OF SACRAMENTO CALIFORNIA