



# REPORT TO COUNCIL

## City of Sacramento

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

CONSENT  
November 23, 2010

Honorable Mayor and  
Members of the City Council

**Title:** Summary Vacation of the Alley North of "S" Street Between 22<sup>nd</sup> and 23<sup>rd</sup> Streets

**Location/Council District:** Alley between 22<sup>nd</sup>, 23<sup>rd</sup>, "S" streets and previously vacated R Street adjacent to the Sacramento Bee media building in Council District 4 (see Attachment 2).

**Recommendation:** Staff recommends that the City Council adopt the attached **Resolution** vacating the alley South of Regional Transit's Light Rail Tracks between 22<sup>nd</sup>, 23<sup>rd</sup> and S streets.

**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:** The City of Sacramento's Department of Utilities has existing facilities within the subject alley and has requested that the alley be vacated with the reservation of a public service easement ("PSE") also known as a public utility easement. This request is to complete the proposed street closure that was intended to vacate the subject alley in 1925. In 1925 Resolution No. 1979 was approved with the intent to vacate the alley. Unfortunately the resolution only confirmed the closing of the alley and did not legally vacate the alley. The request is to now vacate the alley while reserving a PSE. The alley is currently part of the adjacent owner's parking and driveway access. Nothing within or adjacent to the subject alley is being conditioned to be removed or modified.

**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 Section 8334(a), which establishes that the subject right-of-way (alley) is excess right-of-way not required for street and highway purposes.

**Environmental Considerations:**

**California Environmental Quality Act (CEQA):** The proposed action is exempt under Section 15305 as it does not result in any changes to land use or density.

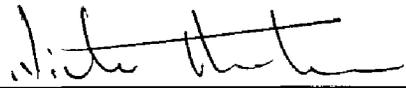
**Sustainability Considerations:** None.

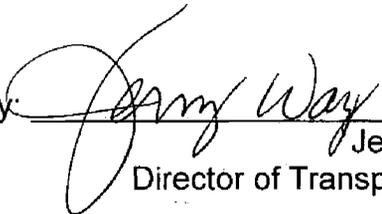
**Committee/Commission Action:** None.

**Rationale for Recommendation:** Staff, along with various agencies, supports this vacation request.

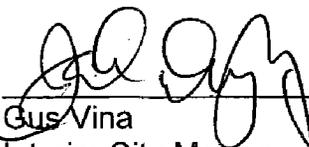
**Financial Considerations:** The funding for this vacation request and process is being paid for by Department of Utilities under program codes 14528 and 14530 at an estimated cost of \$3,000.

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

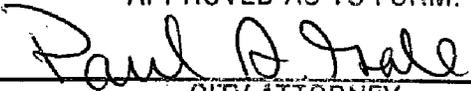
Respectfully Submitted by:   
Nicholas Theocharides  
Engineering Services Manager

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

The City of Sacramento Department of Utilities has requested the vacation of the subject alley. The alley was closed under Resolution Ordering Work No. 1979 in March of 1925 (Attachment 3). The intent to use the alley as part of the adjacent owners' businesses took effect with the understanding that the alley would be closed. No structures have been built over the alley but the alley currently serves as part of the parking and access to the adjacent parcels. The adjacent lots have been properly permitted for their current use.

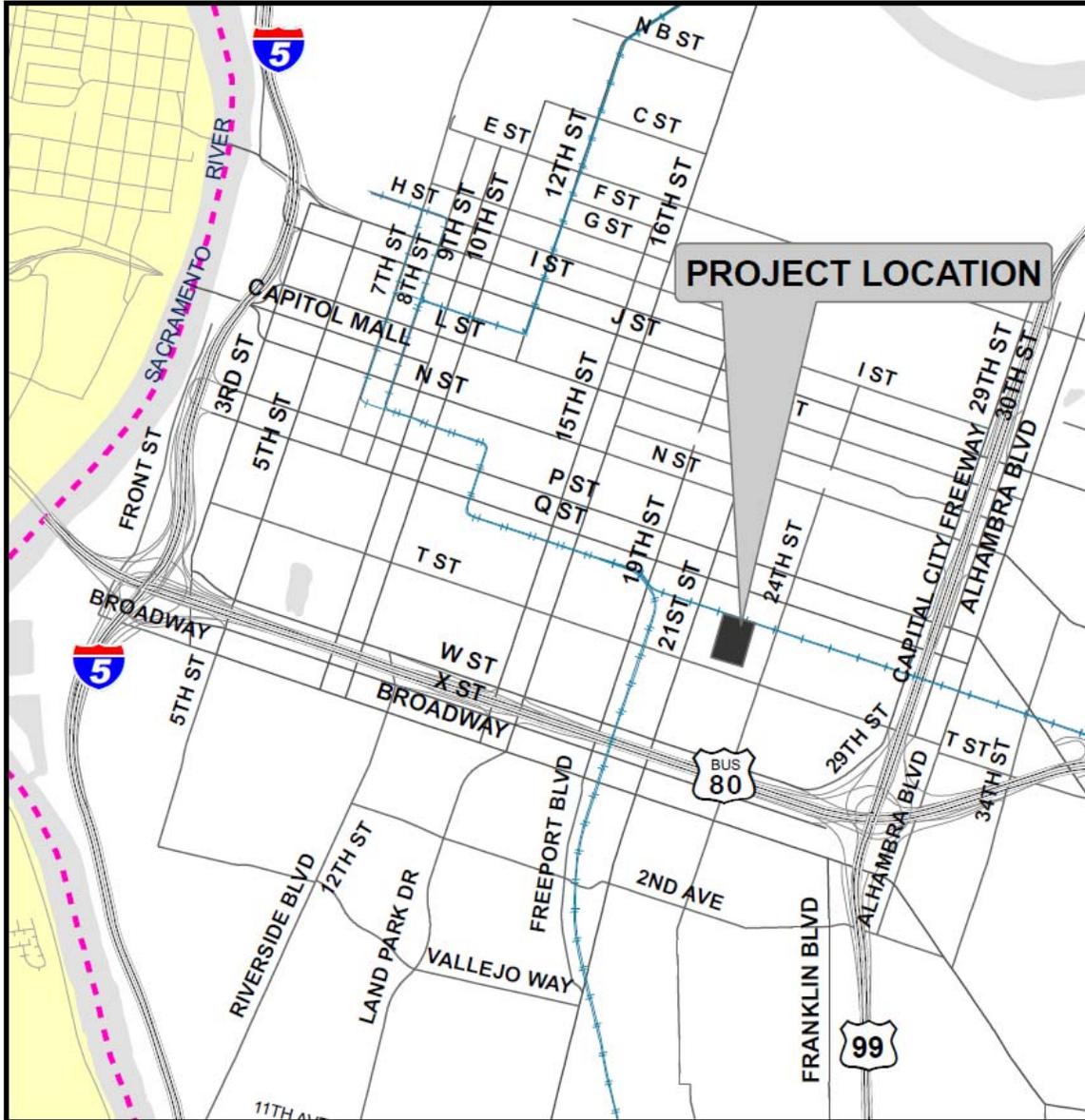
It is the intent of this request to formally vacate the subject alley that was properly closed by Resolution Ordering Work No. 1979. The PSE will be reserved over the entire area of the alley. No additional conditions or requests are being made with this vacation request.

This request is being processed under the Streets and Highways Code Section 8334(a), which provides for summary vacation of right-of-way which is excess and not required for street or highway purposes. The applicant requesting the vacation of the subject alley has submitted all documents required by the City of Sacramento's Department of Transportation to process this request.

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

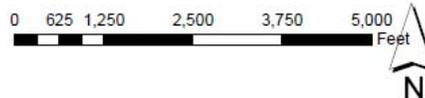


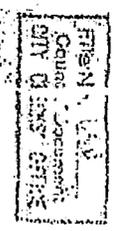
### LOCATION MAP FOR Alley North of "S" Street Between 22nd and 23rd Streets



Department of  
**TRANSPORTATION**  
City of Sacramento

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





RESOLUTION ORDERING WORK NO. 1979

WHEREAS, the City Council of the City of Sacramento did, on the 26th day of March, 1925, pass its Resolution of Intention No. 1979, declaring its intention to order the following street work to be done, to-wit:

*attached*

To close the alley between "R" Street and "S" Street, in the City of Sacramento, from the easterly line of 22nd Street to the westerly line of 23rd Street.

WHEREAS, the Superintendent of Streets of the City of Sacramento did thereupon cause notice of the passage of said Resolution to be posted and published for ten days in the manner required by law; and

WHEREAS, no objections have been filed against said proposed work and improvement and more than ten days have elapsed after the expiration of the time of the publication of said notice of the passage of said Resolution of Intention, and the City Council of the City of Sacramento has acquired jurisdiction to order said work as proposed in said Resolution of Intention to be done;

NOW, THEREFORE, IT IS HEREBY ORDERED that said work and improvement be done as aforesaid and as specifically described in said Resolution of Intention No. 1979.

IN THE CITY COUNCIL; Sacramento, Calif. April 30, 1925

*Albert J. ...*  
MAYOR

RESOLUTION OF INTENTION NO. 1979.

WHEREAS, in the opinion of the City Council of the City of Sacramento, the public interest and convenience require that the work and improvement hereinafter described should be done,

NOW, THEREFORE, the said City Council of the City of Sacramento does hereby resolve and declare that it is the intention of said City Council to order the following work and improvement to be done in said City, to-wit:

To close the alley between "R" Street and "S" Street, in the City of Sacramento, from the easterly line of 22nd Street to the westerly line of 23rd Street.

Said City Council does hereby declare that the exterior boundaries of the district of land which will be affected or benefited by said work and improvement is described as follows:

On the north by the south line of "R" Street; on the east by the west line of 23rd Street; on the south by the north line of "S" Street; and on the west by the east line of 22nd Street.

The entire damages, costs and expenses of said work and improvement shall be and are hereby made chargeable against and shall be assessed upon said lands embraced within the exterior boundaries of said district.

All of the aforesaid work and improvement shall be done in accordance with the provisions of an Act of the Legislature of the State of California entitled, "An Act to provide for laying out, opening, extending, widening, straightening, or closing up, in whole or in part, any street, square, lane, alley, court or place within municipalities, and to condemn and acquire any and all land and

property necessary for that purpose", approved March 6, 1889,  
and the several Acts amendatory thereof or supplemental thereto.

The Superintendent of Streets of said City is hereby  
directed to cause notice of the passage of this Resolution to  
be printed and posted in the manner, and for the time prescribed  
by law, in the Sacramento Bee, a daily newspaper published and  
circulated in said City of Sacramento.

Sacramento, California, March 24, 1925.

IN THE CITY COUNCIL:

Adopted by the following vote:



~~Mayor~~  
President Pro Tem.

ATTEST:



City Clerk.



**Attachment 4**

**RESOLUTION NO.**

**Adopted by the Sacramento City Council**

**SUMMARY VACATION OF THE ALLEY NORTH OF "S" STREET BETWEEN 22<sup>ND</sup>  
AND 23<sup>RD</sup> STREETS, WITHIN COUNCIL DISTRICT 4**

**VACATION PROCEEDING NO. VAC 10-0008**

**BACKGROUND**

- A. The City's Department of Utilities has requested the vacation of the public alley located south of the Sacramento Bee building between 22<sup>nd</sup> and 23<sup>rd</sup> streets.
- 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 subject alley located north of "S" street between 22<sup>nd</sup> and 23<sup>rd</sup> streets within Council District 4, more specifically described in the attached Exhibit A and Exhibit B of this Resolution is hereby ordered vacated.
- Section 2. Pursuant to Streets and Highways Code Sections 8306 and 8340, the City of Sacramento reserves a public service easement along the vacated portions of the alley which is more specifically described in Exhibit A and Exhibit 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 4, more specifically described in Exhibit A and Exhibit 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, more specifically described in Exhibit A and Exhibit B is an excess right-of-way 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. The City Clerk shall cause a certified copy of this Resolution, attested by the City Clerk under seal; to be recorded after all fees have been satisfied. The vacation shall be effective when the City Clerk records this Resolution with the County Recorder.

Section 6. 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



EXHIBIT A

LEGAL DESCRIPTION

VACATION OF PUBLIC ALLEY

PAGE 1 OF 1

ALL THAT REAL PROPERTY SITUATE IN THE CITY OF SACRAMENTO, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA IN THE BLOCK BOUNDED BY 22<sup>ND</sup> STREET, 23<sup>RD</sup> STREET, "S" STREET AND "R" STREET (SAID "R" STREET WAS ABANDONED PER BOOK 880115, PAGE 1291, OFFICIAL RECORDS OF THE OFFICE OF THE RECORDER OF SACRAMENTO COUNTY) ACCORDING TO THE OFFICIAL MAP THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF THAT TWENTY FOOT (20 FOOT) WIDE ALLEY FROM THE EASTERLY RIGHT OF WAY LINE OF 22<sup>ND</sup> STREET TO THE WESTERLY RIGHT OF WAY LINE OF 23 STREET AS SHOWN AND SO DESIGNATED ON SAID MAP.



