

RESOLUTION NO. 2010-669

Adopted by the Sacramento City Council

November 23, 2010

SUMMARY VACATION OF 5TH STREET BOUNDED BETWEEN BANNON STREET AND RICHARDS BOULEVARD AND SUMMARY VACATION OF TWO PUBLIC SERVICE EASEMENTS LOCATED ADJACENT TO 5TH STREET, WITHIN COUNCIL DISTRICT 1 VACATION PROCEEDING NO. VAC 10-0006

BACKGROUND

- A. As part the project to relocate the Greyhound Bus Depot to a site located adjacent to Richards Boulevard, the City of Sacramento General Services Department and Economic Development Department propose that the City Council summarily vacate a portion of 5th Street located between Bannon Street and Richards Boulevard and two adjacent public service easements (also known as public utility easements) and reserve from the vacated portion of 5th Street three separate public service easements.
- 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 reservations below in Section 3 and Section 4, the subject Right-Of-Way (ROW) known as 5th Street located between Richards Boulevard and Bannon Street within Council District 1, more specifically described in the attached Exhibit A and Exhibit B to this Resolution is vacated.
- Section 2. The two public utility easements (also known as public service easements) located adjacent to 5th Street more specifically described in the attached Exhibit A-1 and Exhibit B-1 to this Resolution are vacated.
- Section 3. Pursuant to Streets and Highways Code Section 8306 and 8340, the City of Sacramento reserves a public service easement (also known as a public utility easement) over a portion of the ROW more specifically described in the attached Exhibit A-2 and Exhibit B-2 to this Resolution for the purposes of maintaining, operating, repairing, replacing, removing, or renewing sewer pipelines and appurtenances in, upon, or over and across the subject property to be vacated.

- Section 4. Pursuant to Streets and Highways Code Sections 8306 and 8340, the City of Sacramento reserves a public service easement (also known as a public utility easement) for future utility services over a portion of the ROW more specifically described in the attached Exhibit A-3 and Exhibit B-3 to 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 5. The vacation of the portion of the ROW within Council District 1, more specifically described in Exhibit A and Exhibit B and the vacation of the two public service easements located adjacent to 5th Street as described in Exhibit A-1 and Exhibit B-1 are 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 ROW more specifically described in Exhibits A and B is an excess ROW not needed for street or highway purposes. Pursuant to California Streets and Highway Code Section 8333(c), the City Council finds that the two public service easements (also known as public utility easements) located adjacent to 5th Street as described in Exhibit A-1 and Exhibit B-1 are excess easements.
- Section 6. The City Council finds that the said vacations have been submitted to and reported on by the City of Sacramento's Planning Director and finds that the said vacations are consistent with the 2030 General Plan.
- Section 7. 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 8. Exhibits A, A-1, A-2, A-3, B, B-1, B-2 and B-3 are incorporated into and made part of this resolution.

Table of Contents:

- Exhibit A: Legal Description Vacation of 5th Street
Exhibit A-1: Legal Description of PUE/PSE Vacation
Exhibit A-2: Legal Description of Sewer PSE Reservation
Exhibit A-3: Legal Description of PSE/PUE Reservation
Exhibit B: Exhibit Plat/Map of Area of 5th Street to be Vacated
Exhibit B-1: Exhibit Area of PUE/PSE Vacation
Exhibit B-2: Exhibit Area of Sewer PSE Reservation
Exhibit B-3: Exhibit Area of PSE/PUE Reservation

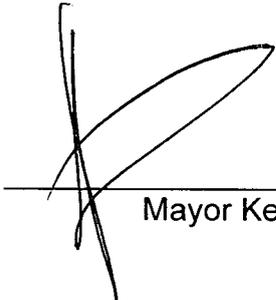
Adopted by the City of Sacramento City Council on November 23, 2010 by the following vote:

Ayes: Councilmembers Ashby, Cohn, Fong, McCarty, Pannell, and Mayor Johnson.

Noes: None.

Abstain: None.

Absent: Councilmembers Hammond and Sheedy.



Mayor Kevin Johnson

Attest:



Shirley Condolino, City Clerk

EXHIBIT "A"
LEGAL DESCRIPTION
ABANDONMENT OF 5TH STREET
Page 1 of 1



ABANDONMENT OF 5TH STREET

ALL THAT REAL PROPERTY SITUATE IN THE CITY OF SACRAMENTO, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

A PORTION OF 5TH STREET AS SHOWN ON THAT CERTAIN PARCEL MAP ENTITLED "DISCOVERY CENTRE" RECORDED IN BOOK 158 OF PARCEL MAPS, AT PAGE 12, OFFICIAL RECORDS OF SACRAMENTO COUNTY, DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST EASTERLY CORNER OF PARCEL 5, AS SHOWN ON SAID MAP; THENCE FROM SAID POINT OF COMMENCEMENT ALONG THE NORTHEASTERLY LINE OF SAID PARCEL NORTH 42°43'16" WEST, 131.87 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF 5TH STREET AND A POINT ON THE NORTHEASTERLY LINE OF SAID PARCEL;

THENCE, FROM SAID TRUE POINT OF BEGINNING ALONG THE EASTERLY RIGHT OF WAY LINE OF SAID 5TH STREET SOUTH 18°23'42" WEST, 84.02 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, SUBTENDED BY A CHORD BEARING SOUTH 27°42'20" EAST, 36.03 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF BANNON STREET; THENCE ALONG THE NORTHERLY RIGHT OF WAY LINE OF BANNON STREET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1048.00 FEET, SUBTENDED BY A CHORD BEARING NORTH 77°17'46" WEST, 127.59 FEET; THENCE LEAVING SAID NORTHERLY RIGHT OF WAY LINE ALONG THE WESTERLY RIGHT OF WAY LINE OF SAID 5TH STREET, ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, SUBTENDED BY A CHORD BEARING NORTH 58°48'47" EAST, 32.41 FEET; THENCE NORTH 18°23'42" EAST, 88.60 FEET; THENCE NORTH 16°06'15" EAST, 100.08 FEET; THENCE NORTH 18°23'42" EAST, 170.00 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, SUBTENDED BY A CHORD BEARING NORTH 34°58'46" WEST, 40.13 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF RICHARDS BOULEVARD; THENCE ALONG THE SOUTHERLY RIGHT OF WAY LINE OF RICHARDS BOULEVARD ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 952.00 FEET, SUBTENDED BY A CHORD BEARING SOUTH 85°04'13" EAST, 109.20 FEET; THENCE LEAVING SAID SOUTHERLY RIGHT OF WAY LINE ALONG THE EASTERLY BOUNDARY OF SAID MAP SOUTH 18°23'42" WEST, 305.47 FEET; THENCE SOUTH 42°43'16" EAST, 11.42 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 0.733 ACRE OF LAND, MORE OR LESS.

THE MERIDIAN SHOWN HEREON IS BASED UPON THE CALIFORNIA COORDINATE SYSTEM, ZONE 2 (NAD83, 1991.35).

EXHIBIT "A-1"
LEGAL DESCRIPTION
ABANDONMENT OF 5TH STREET
(PUBLIC UTILITY EASEMENT/PUBLIC SERVICE EASEMENT ABANDONMENT)

Page 1 of 3

AREA 1

ALL THAT REAL PROPERTY SITUATE IN THE CITY OF SACRAMENTO, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

A PORTION OF PARCEL 4 AS SHOWN ON THAT CERTAIN PARCEL MAP ENTITLED "DISCOVERY CENTRE" RECORDED IN BOOK 158 OF PARCEL MAPS, AT PAGE 12, OFFICIAL RECORDS OF SACRAMENTO COUNTY, DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST EASTERLY CORNER OF PARCEL 5, AS SHOWN ON SAID MAP; THENCE FROM SAID POINT OF COMMENCEMENT ALONG THE NORTHEASTERLY LINE OF SAID PARCEL NORTH 42°43'16" WEST, 117.59 FEET TO THE TRUE POINT OF BEGINNING.

THENCE, FROM SAID TRUE POINT OF BEGINNING SOUTH 18°23'42" WEST, 77.12 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 12.50 FEET, SUBTENDED BY A CHORD BEARING SOUTH 27°42'20" EAST, 18.02 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1,060.50 FEET, SUBTENDED BY A CHORD BEARING NORTH 74°23'30" WEST, 21.52 FEET; TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF 5TH STREET; THENCE ALONG THE EASTERLY RIGHT OF WAY LINE OF 5TH STREET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, SUBTENDED BY A CHORD BEARING NORTH 02°00'15" EAST, 14.11 FEET; THENCE NORTH 18°23'42" EAST, 84.02 FEET TO A POINT ON THE EASTERLY BOUNDARY OF SAID PARCEL MAP; THENCE ALONG THE EASTERLY BOUNDARY OF SAID PARCEL MAP SOUTH 42°43'16" EAST, 14.28 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 1,193.95 SQUARE FEET OF LAND, MORE OR LESS.



EXHIBIT "A-1"
LEGAL DESCRIPTION

ABANDONMENT OF 5TH STREET
(PUBLIC UTILITY EASEMENT/PUBLIC SERVICE EASEMENT ABANDONMENT)

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AREA 2

ALL THAT REAL PROPERTY SITUATE IN THE CITY OF SACRAMENTO, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

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COMMENCING AT THE MOST EASTERLY CORNER OF PARCEL 5, AS SHOWN ON SAID MAP; THENCE FROM SAID POINT OF COMMENCEMENT ALONG THE SOUTHEASTERLY LINE OF SAID PARCEL SOUTH 47°16'44" WEST, 50.79 FEET TO THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY LINE OF BANNON STREET AND A POINT ON THE SOUTHEASTERLY LINE OF SAID PARCEL; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE NORTH 71°43'39" WEST, 26.96 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1,048.00 FEET, SUBTENDED BY A CHORD BEARING NORTH 76°15'26" WEST, 165.52; THENCE LEAVING SAID NORTHERLY RIGHT OF WAY LINE, ALONG THE WESTERLY RIGHT OF WAY LINE OF 5TH STREET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, SUBTENDED BY A CHORD BEARING NORTH 69°30'03" EAST, 24.78 FEET TO THE TRUE POINT OF BEGINNING.

THENCE, FROM SAID TRUE POINT OF BEGINNING LEAVING SAID WESTERLY RIGHT OF WAY LINE OF 5TH STREET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1,060.50 FEET, SUBTENDED BY A CHORD BEARING NORTH 80°12'23" WEST, 21.52 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 12.50 FEET, SUBTENDED BY A CHORD BEARING NORTH 58°48'21" EAST, 16.20 FEET; THENCE NORTH 18°23'42" EAST, 9.90 FEET; THENCE SOUTH 71°36'18" EAST, 10.50 FEET; THENCE NORTH 18°23'42" EAST, 78.86 FEET; THENCE NORTH 16°06'15" EAST, 100.08 FEET; THENCE NORTH 18°23'42" EAST, 161.51 FEET; THENCE NORTH 71°36'18" WEST, 10.50 FEET; THENCE NORTH 18°23'42" EAST, 8.53 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 12.50 FEET, SUBTENDED BY A CHORD BEARING NORTH 34°58'55" WEST, 20.07 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 939.50 FEET, SUBTENDED BY A CHORD BEARING SOUTH 87°41'39" EAST, 21.80 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF SAID 5TH STREET; THENCE ALONG WESTERLY RIGHT OF WAY LINE OF SAID 5TH STREET ALONG THE ARC

EXHIBIT "A-1"
LEGAL DESCRIPTION

ABANDONMENT OF 5TH STREET
(PUBLIC UTILITY EASEMENT/PUBLIC SERVICE EASEMENT ABANDONMENT)

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AREA 2 CONTINUED

OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, SUBTENDED BY A CHORD BEARING SOUTH 04°38'51" EAST, 19.57 FEET; THENCE SOUTH 18°23'42" WEST, 170.00 FEET; THENCE SOUTH 16°06'15" WEST, 100.08 FEET; THENCE SOUTH 18°23'42" WEST, 88.60 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, SUBTENDED BY A CHORD BEARING SOUTH 29°05'42" WEST, 9.28 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 1,294.05 SQUARE FEET OF LAND, MORE OR LESS.

THE MERIDIAN SHOWN HEREON IS BASED UPON THE CALIFORNIA COORDINATE SYSTEM, ZONE 2 (NAD83, 1991.35).

EXHIBIT "A-2"
LEGAL DESCRIPTION
ABANDONMENT OF 5TH STREET
(SEWER PUBLIC SERVICE EASEMENT RESERVATION)

Page 1 of 1

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THENCE, FROM SAID TRUE POINT OF BEGINNING SOUTH 18°14'18" WEST, 340.88 FEET; THENCE SOUTH 26°12'19" WEST, 53.63 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1,060.50 FEET, SUBTENDED BY A CHORD BEARING NORTH 78°16'21" WEST, 20.66 FEET; THENCE NORTH 26°12'19" EAST, 57.40 FEET; THENCE NORTH 18°14'18" EAST, 334.99 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 939.50 FEET, SUBTENDED BY A CHORD BEARING SOUTH 84°25'35" EAST, 20.50 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 7,869.10 SQUARE FEET OF LAND, MORE OR LESS.

THE MERIDIAN SHOWN HEREON IS BASED UPON THE CALIFORNIA COORDINATE SYSTEM, ZONE 2 (NAD83, 1991.35).



EXHIBIT "A-3"
LEGAL DESCRIPTION

ABANDONMENT OF 5TH STREET
(PUBLIC SERVICE EASEMENT/PUBLIC UTILITY EASEMENT RESERVATION)

Page 1 of 2

AREA 1

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THENCE, FROM SAID TRUE POINT OF BEGINNING 12.50 FEET SOUTH OF AND PARALLEL TO THE SOUTHERLY RIGHT OF WAY LINE OF RICHARDS BOULEVARD ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 939.50 FEET, SUBTENDED BY A CHORD BEARING NORTH 84°28'29" WEST, 83.76 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF 5TH STREET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, SUBTENDED BY A CHORD BEARING NORTH 58°01'35" WEST, 25.25 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF RICHARDS BOULEVARD; THENCE ALONG THE SOUTHERLY RIGHT OF WAY LINE OF RICHARDS BOULEVARD ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 952.00 FEET, SUBTENDED BY A CHORD BEARING SOUTH 85°04'14" EAST, 109.20 FEET; THENCE LEAVING SAID SOUTHERLY RIGHT OF WAY LINE ALONG THE EASTERLY RIGHT OF WAY LINE OF 5TH STREET SOUTH 18°23'42" WEST, 12.70 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 1,149.03 SQUARE FEET OF LAND, MORE OR LESS.



EXHIBIT "A-3"
LEGAL DESCRIPTION

ABANDONMENT OF 5TH STREET
(PUBLIC SERVICE EASEMENT/PUBLIC UTILITY EASEMENT RESERVATION)

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AREA 2

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THENCE, FROM SAID TRUE POINT OF BEGINNING AND CONTINUING ALONG THE NORTHERLY RIGHT OF WAY LINE OF BANNON STREET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1,048.00 FEET, SUBTENDED BY A CHORD BEARING NORTH 77°17'46" WEST, 127.59 FEET; THENCE LEAVING SAID NORTHERLY RIGHT OF WAY LINE ALONG THE WESTERLY RIGHT OF WAY LINE OF SAID 5TH STREET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, SUBTENDED BY A CHORD BEARING NORTH 69°30'03" EAST, 24.78 FEET; THENCE LEAVING SAID WESTERLY RIGHT WAY LINE ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1,060.50 FEET, SUBTENDED BY A CHORD BEARING SOUTH 77°17'57" EAST, 86.12 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF 5TH STREET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, SUBTENDED BY A CHORD BEARING SOUTH 44°06'16" EAST, 24.78 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 1,224.42 SQUARE FEET OF LAND, MORE OR LESS.

THE MERIDIAN SHOWN HEREON IS BASED UPON THE CALIFORNIA COORDINATE SYSTEM, ZONE 2 (NAD83, 1991.35).

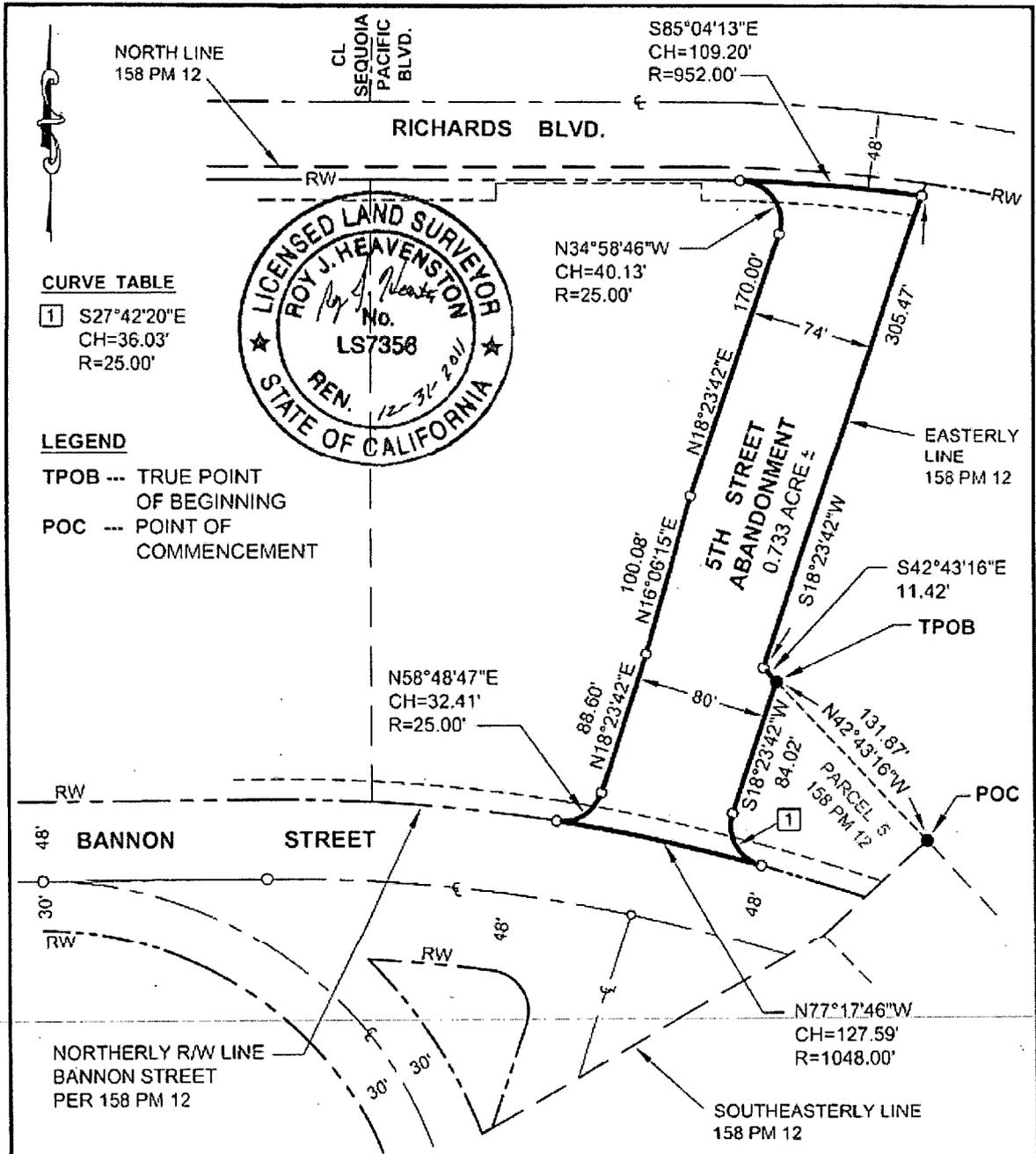
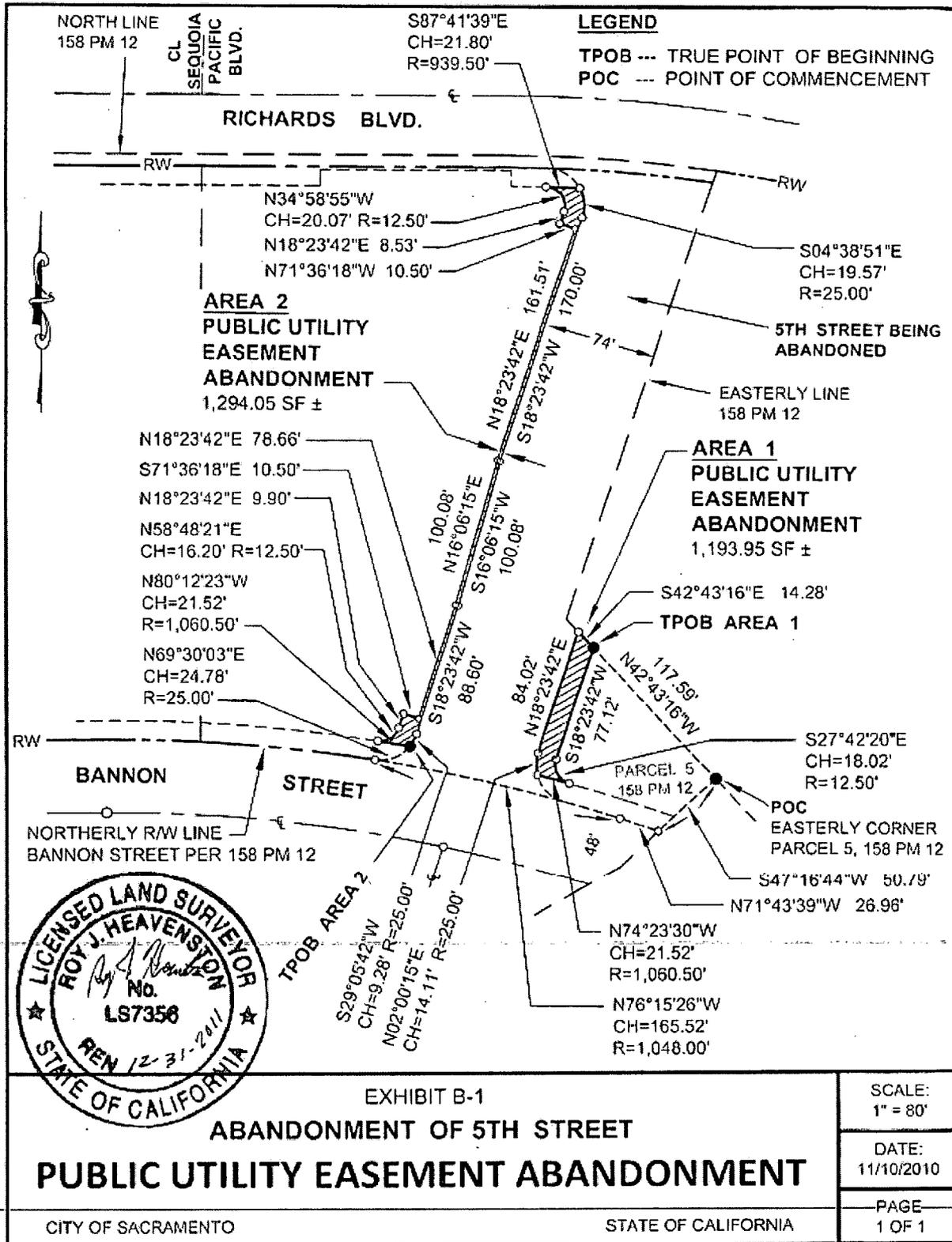


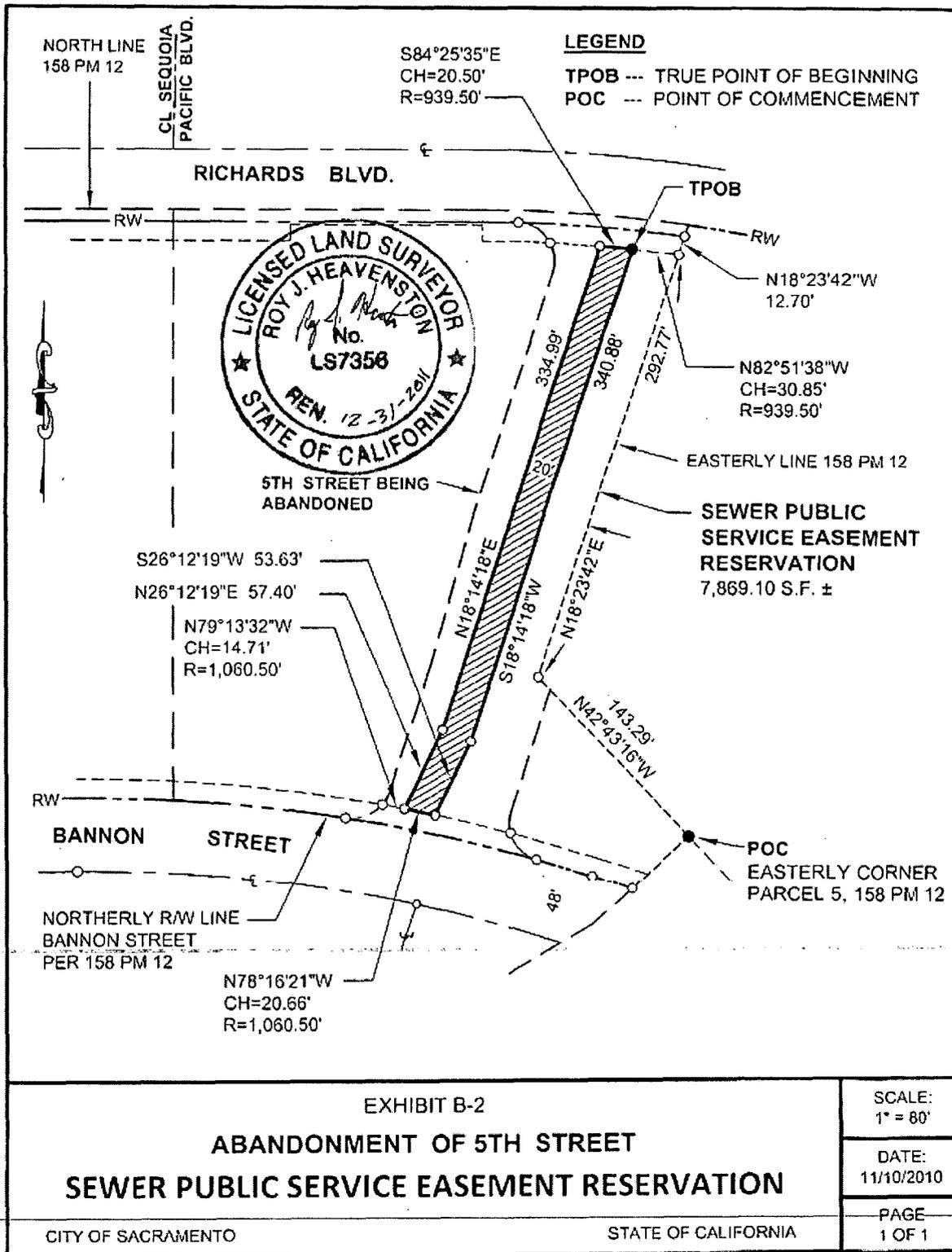
EXHIBIT B
ABANDONMENT OF 5TH STREET
5TH STREET

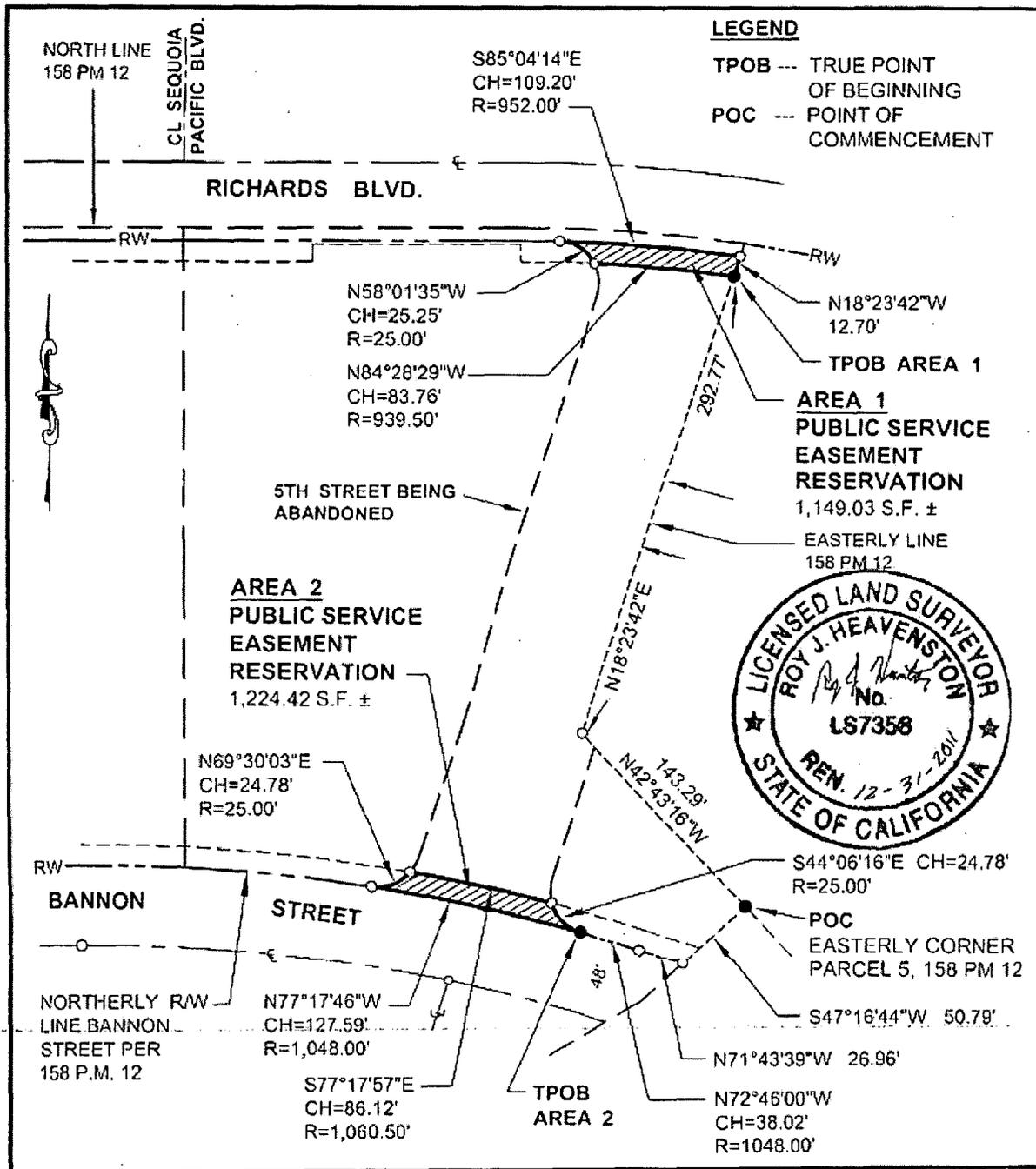
CITY OF SACRAMENTO

STATE OF CALIFORNIA

SCALE: 1" = 80'
DATE: 11/10/2010
PAGE: 1 OF 1







LEGEND
 TPOB --- TRUE POINT OF BEGINNING
 POC --- POINT OF COMMENCEMENT

AREA 2
PUBLIC SERVICE EASEMENT RESERVATION
 1,224.42 S.F. ±

AREA 1
PUBLIC SERVICE EASEMENT RESERVATION
 1,149.03 S.F. ±



EXHIBIT B-3		SCALE: 1" = 80'
ABANDONMENT OF 5TH STREET PUBLIC SERVICE EASEMENT RESERVATION		DATE: 11/10/2010
CITY OF SACRAMENTO	STATE OF CALIFORNIA	PAGE 1 OF 1