

RESOLUTION NO. 2010-688

Adopted by the Sacramento City Council

November 30, 2010

SUMMARY VACATION OF A PORTION OF THE PUBLIC ALLEY BOUNDED BETWEEN 50TH, 51ST, AND P STREETS AND HIGHWAY 50 WITHIN COUNCIL DISTRICT 3 VACATION PROCEEDING NO. VAC 10-0005

BACKGROUND

- A. Sheron Violini has requested the vacation of a portion of the public right of way (alley) bounded between 50th, 51st, P Streets and Highway 50. The alley runs horizontally adjacent to the Light Rail Tracks.
- B. The City of Sacramento's Planning Director reviewed the vacation pursuant to Sacramento City Code Section 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 portion of the alley bounded between 50th, 51st, P Streets and Highway 50 within Council District 3, more specifically described in Exhibits A and B of this Resolution is vacated subject to the reservation below in Section 2 and subject to the condition specified in Section 5.
- Section 2. Pursuant to Streets and Highways Code Sections 8306 and 8340, the City of Sacramento reserves a public service easement which reservation is 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 alley 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 portion of the right-of-way, more specifically described in Exhibits A and B is excess right-of-way not needed for street or highway purposes.
- Section 4. The City Council finds that the proposed vacation has been submitted to and reported on by the City of Sacramento's Planning Director and finds that the vacation is consistent with the 2030 General Plan.

Section 5. This vacation is subject to the following condition:

At the option of the City of Sacramento's utilities department, the owner must either dedicate an easement or enter into an agreement or agreements, the form and terms of which shall be approved by the City of Sacramento's utilities department in its sole discretion, that: A) provides no building or any other structure shall be constructed over all or any portion of the reserved public service easement described in Exhibits A and Exhibits B; B) ensures City personnel and contractors unrestricted access at all times to repair, replace and maintain City facilities; and C) indemnifies and holds harmless the City with respect to any fence, gate or other surface improvement constructed by or for the owner. The Director of the Department of Utilities is authorized to execute the agreement(s) on behalf of the City.

Section 6. The condition specified in Section 5 of this Resolution must be satisfied and the easement or agreement(s), as applicable, must be recorded within two years of the date of this Resolution. If this 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 satisfied and the easement or agreement(s) described in Section 5, as applicable, is recorded, the City Clerk shall cause a certified copy of this Resolution, attested by the City Clerk under seal, to be recorded. The vacation shall be effective when the City Clerk records the 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

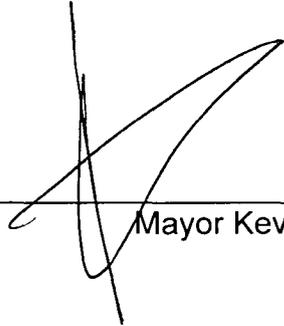
Adopted by the City of Sacramento City Council on November 30, 2010 by the following vote:

Ayes: Councilmembers Ashby, Cohn, D Fong, R Fong, McCarty, Pannell, Schenirer, Sheedy, and Mayor Johnson.

Noes: None.

Abstain: None.

Absent: None.



Mayor Kevin Johnson

Attest:



Shirley Concolino, City Clerk

EXHIBIT A

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

BEGINNING AT THE SOUTHEASTERLY CORNER OF LOT 19 OF "MONITOR TRACT" ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED IN THE OFFICE OF THE RECORDER OF SACRAMENTO COUNTY, CALIFORNIA ON SEPTEMBER 30, 1938, IN BOOK 21 OF MAPS, MAP NO. 4;

THENCE FROM SAID POINT OF BEGINNING, ALONG THE SOUTHERLY LINE OF SAID LOT 19 NORTH 70° 17' 00" WEST A DISTANCE OF 82.95 FEET;

THENCE LEAVING SAID SOUTHERLY LINE OF LOT 19 NORTH 70° 17' 00" WEST A DISTANCE OF 12.55 FEET TO A POINT ON THE PROJECTION OF THE EASTERLY RIGHT-OF-WAY OF 50TH STREET;

THENCE ALONG SAID RIGHT-OF-WAY PROJECTION SOUTH 9° 33' 00" WEST A DISTANCE OF 15.24 FEET;

THENCE SOUTH 70° 17' 00" EAST A DISTANCE OF 95.50 FEET;

THENCE NORTH 9° 33' 00" EAST A DISTANCE OF 15.24 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.032 ACRE, MORE OR LESS.

RESERVING THEREFROM THE FOLLOWING DESCRIBED PORTION FOR PUBLIC UTILITIES PURPOSES:

BEGINNING AT THE SOUTHEASTERLY CORNER OF LOT 19 OF "MONITOR TRACT" ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED IN THE OFFICE OF THE RECORDER OF SACRAMENTO COUNTY, CALIFORNIA ON SEPTEMBER 30, 1938, IN BOOK 21 OF MAPS, MAP NO. 4;

THENCE FROM SAID POINT OF BEGINNING, ALONG THE SOUTHERLY LINE OF SAID LOT 19 NORTH 70° 17' 00" WEST A DISTANCE OF 2.54 FEET;

THENCE LEAVING SAID SOUTHERLY LINE OF LOT 19 SOUTH 09° 33' 00" WEST A DISTANCE OF 1.08 FEET;

THENCE NORTH 80° 27' 00" WEST A DISTANCE OF 22.00 FEET;

THENCE NORTH 09° 33' 00" EAST 5.00 TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 19;

THENCE ALONG THE SOUTHERLY LINE OF SAID LOT 19 NORTH 70° 17' 00" WEST A DISTANCE OF 58.06 FEET;

THENCE LEAVING SAID SOUTHERLY LINE OF LOT 19 SOUTH 70° 17' 00" WEST A DISTANCE OF 12.55 FEET TO A POINT ON THE PROJECTION OF THE EASTERLY RIGHT-OF-WAY OF 50TH STREET;

THENCE ALONG SAID RIGHT-OF-WAY PROJECTION SOUTH 9° 33' 00" WEST A DISTANCE OF 15.24 FEET;

THENCE SOUTH 70° 17' 00" EAST A DISTANCE OF 95.50 FEET;

THENCE NORTH 9° 33' 00" EAST A DISTANCE OF 15.24 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.031 ACRE, MORE OR LESS.

