

## **RESOLUTION NO. 2011-072**

Adopted by the Sacramento City Council

February 15, 2011

### **VACATION OF A PORTION OF 11<sup>TH</sup> STREET BETWEEN "B" AND "C" STREETS, "B" STREET BETWEEN 12<sup>TH</sup> AND 11<sup>TH</sup> STREETS AND THE EAST/WEST ALLEY BOUNDED BETWEEN 10<sup>TH</sup> AND 11<sup>TH</sup> STREETS NORTH OF "C" STREET, WITHIN COUNCIL DISTRICT 1 VACATION PROCEEDING NO. VAC 10-0007**

#### **BACKGROUND**

- A. JTS Engineering Consultants, Inc., on behalf of the property owner located at 200 11<sup>th</sup> Street, has requested the vacation of a portion of 11<sup>th</sup> Street, "B" Street and alley bounded between 10<sup>th</sup> and 11<sup>th</sup> Streets north of "C" Street.
- 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 and subject to the conditions in Section 5, the right of ways at 11<sup>th</sup> Street, "B" Street and the Alley bounded between 10<sup>th</sup> and 11<sup>th</sup> Street south of "C" Street within Council District 1, more specifically described in the attached Exhibit A and Exhibit B of this resolution are vacated.
- Section 2. Pursuant to Streets and Highways Code Sections 8306 and 8340, the City of Sacramento reserves a public service easement (public utility easement) along the vacated portions of the right of ways which are more specifically described in the attached 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 right of way within Council District 1, more specifically described in Exhibit A and Exhibit B is made pursuant to California Streets and Highways Code, Division 9, Part 3, Chapter 4. Pursuant to California Streets and Highways Code Section 8334(a), the right of ways more

specifically described in Exhibit A and Exhibit B is excess right of way not needed for street or highway purposes.

- Section 4. 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 5. This vacation is subject to the following condition:  
The owner must have a "Private Property" sign on 11<sup>th</sup> Street at the entrance of the subject area being vacated.
- Section 6. The condition specified in Section 5 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 7. Upon completion of all the conditions in Section 5 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 8. 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 February 15, 2011 by the following vote:

- Ayes: Councilmembers Ashby, Cohn, D Fong, R Fong, McCarty, Pannell, Schenirer, Sheedy.
- Noes: None.
- Abstain: None.
- Absent: Mayor Johnson.

  
Bonnie Pannell, Vice-Mayor

Attest:

  
Shirley Concolino, City Clerk

**EXHIBIT "A"**  
**PAGE 1 OF 2**

**LEGAL DESCRIPTION  
OF  
ABANDONMENT OF PORTIONS OF 11TH STREET, "B" STREET AND ALLEY**

ALL THAT CERTAIN PROPERTY SITUATED IN THE CITY OF SACRAMENTO, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, BEING PORTIONS OF 11TH STREET, "B" STREET AND ALLEY IN THE BLOCK BOUNDED BY "B", "C", 10TH AND 11TH STREETS, ACCORDING TO THE OFFICIAL MAP OR PLAT OF CITY OF SACRAMENTO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**ITEM 1:**

(ABANDONMENT OF 11TH STREET PUBLIC ROAD EASEMENT AND PUBLIC UTILITY EASEMENT)

BEING ALL THAT PORTION OF SAID 11TH STREET LYING NORTHERLY OF THE NORTHERLY LINE OF THE ALLEY BETWEEN "B" AND "C" STREETS AND SOUTHERLY OF THE SOUTHERLY RIGHT-OF-WAY OF THE SOUTHERN PACIFIC RAILROAD;  
EXCEPTING THEREFROM THE SOUTHERLY 5.00 (FIVE) FEET.

**ITEM 2:**

(ABANDONMENT OF 11TH STREET PUBLIC ROAD EASEMENT AND RESERVING PUBLIC UTILITY EASEMENT)

BEING THE SOUTHERLY 5.00 (FIVE) FEET OF THAT PORTION OF SAID 11TH STREET LYING NORTHERLY OF THE NORTHERLY LINE OF THE ALLEY BETWEEN "B" AND "C" STREETS AND SOUTHERLY OF THE SOUTHERLY RIGHT-OF-WAY OF THE SOUTHERN PACIFIC RAILROAD.

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**ITEM 3:**

(ABANDONMENT OF ALLEY AND RESERVING PUBLIC UTILITY EASEMENT)

BEING ALL THAT PORTION OF THE ALLEY IN THE BLOCK BOUNDED BY "B", "C", 10TH AND 11TH STREETS OF THE CITY OF SACRAMENTO, ACCORDING TO THE OFFICIAL MAP OR PLAT THEREOF.

**EXHIBIT "A"**  
**PAGE 2 OF 2**

**ITEM 4:**

(ABANDONMENT OF "B" STREET PUBLIC ROAD EASEMENT AND PUBLIC UTILITY EASEMENT)

BEING ALL THAT PORTION OF SAID "B" STREET LOCATED BETWEEN 11<sup>TH</sup> STREET AND 12<sup>TH</sup> STREET AND LYING SOUTHERLY OF THE SOUTHERN PACIFIC RAILROAD;

EXCEPTING THEREFROM THE EASTERLY 50.00 FEET.

**ITEM 5:**

(ABANDONMENT OF "B" STREET PUBLIC ROAD EASEMENT AND RESERVING PUBLIC UTILITY EASEMENT)

BEING THE EASTERLY 50.00 FEET OF THAT PORTION OF SAID "B" STREET LOCATED BETWEEN 11<sup>TH</sup> STREET AND 12<sup>TH</sup> STREET AND LYING SOUTHERLY OF THE SOUTHERLY RIGHT-OF-WAY OF THE SOUTHERN PACIFIC RAILROAD.

END OF LEGAL DESCRIPTION

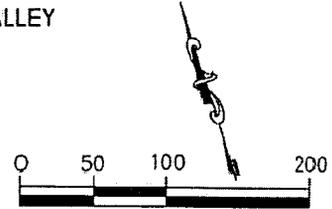
PREPARED FROM RECORD DATA  
BY JTS ENGINEERING CONSULTANTS INC.



# EXHIBIT "B" ABANDONMENT EXHIBIT

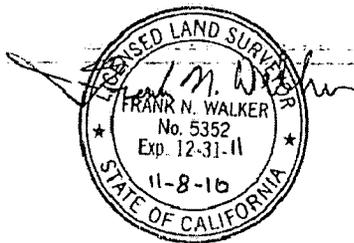
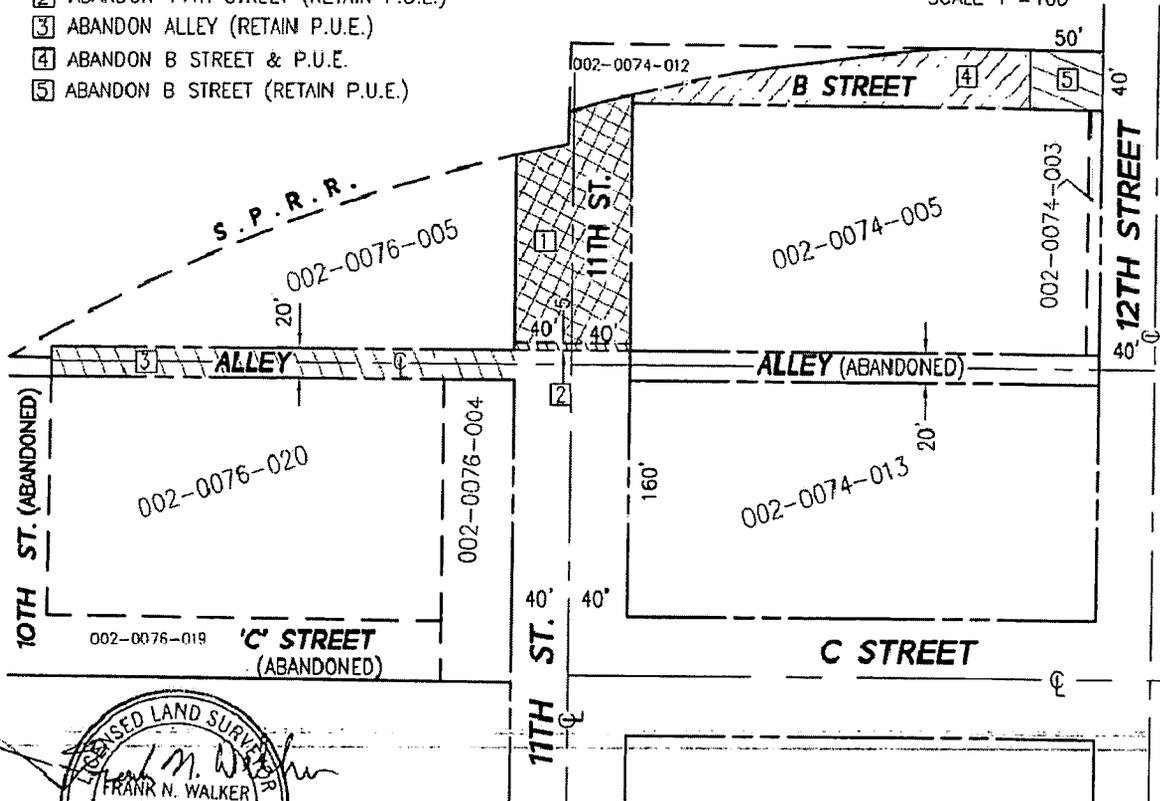
CALIFORNIA  
NOVEMBER 2010

PORTIONS OF 11TH STREET, 'B' STREET AND ALLEY



**REQUESTS TO:**

- 1 ABANDON 11TH STREET & P.U.E.
- 2 ABANDON 11TH STREET (RETAIN P.U.E.)
- 3 ABANDON ALLEY (RETAIN P.U.E.)
- 4 ABANDON B STREET & P.U.E.
- 5 ABANDON B STREET (RETAIN P.U.E.)



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

FOR CITY CLERK USE ONLY

RESOLUTION NO: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_