



# City of Sacramento City Council

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915 I Street, Sacramento, CA, 95814  
[www.CityofSacramento.org](http://www.CityofSacramento.org)

**Meeting Date:** 9/13/2011

**Report Type:** Consent

**Title:** Summary Vacation of a Portion of the Public Service Easement at B Street West of Alhambra Boulevard

**Report ID:** 2011-00761

**Location:** District 3

**Recommendation:** Adopt a Resolution vacating a portion of the public service easement located west of Alhambra Boulevard at "B" Street as described in Exhibit A and Exhibit B attached to the proposed resolution.

**Contact:** Thomas Adams, Engineering Technician, (916) 808-7929; Nicholas Theocharides, Engineering Services Manager, (916) 808-5065

**Presenter:** None

**Department:** Transportation Department

**Division:** Development Engineering

**Dept ID:** 15001151

## **Attachments:**

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- 1- Description/Analysis
- 2 - Attachment 1 - Background Information
- 3 - Attachment 2 - Location Map
- 4 - Attachment 3 - Recorded B Street Abandonment
- 5 - Resolution
- 6 - Exhibit A - Legal Description
- 7 - Exhibit B - Plat Map of Area to be Vacated

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## **City Attorney Review**

Approved as to Form  
Paul Gale  
9/1/2011 10:59:08 AM

## **City Treasurer Review**

Prior Council Financial Policy Approval or  
Outside City Treasurer Scope  
Russell Fehr  
8/24/2011 11:05:45 AM

## **Approvals/Acknowledgements**

Department Director or Designee: Jerry Way - 9/1/2011 7:23:17 AM

Eileen Teichert, City Attorney

Shirley Concolino, City Clerk  
John F. Shirey, City Manager

Russell Fehr, City Treasurer



## Description/Analysis

**Issue:** Hardpipe Properties LLC, the property owner of the parcel located at 0 “B” Street, has requested the vacation of a portion of the public service easement (PSE) located west of Alhambra Boulevard along the previously vacated portion of right of way at “B” street. This area will be utilized as part of a new building, drive aisle and parking lot. The subject area to be abandoned is currently vacant with no structures.

**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 Sections 8333(a), which establishes that the subject PSE has not been used for the purpose for which it was dedicated for the previous five consecutive years.

### **Environmental Considerations:**

**California Environmental Quality Act (CEQA):** Status is exempt under Sections 15304 and 15305 in which this project consists of the minor alteration of land use limitations which does not involve the removal of healthy, mature, scenic trees which 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.

**Financial Considerations:** The applicant is responsible for all fees required to process this application and there is no cost to the City.

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



## **Background**

Hardpipe Properties LLC, the property owners of the parcel located at 0 “B” Street, has requested the vacation of a portion of the public service easement (PSE) located over the previously abandoned portion of “B” Street as recorded in Book 20050714 and Page 2239 of the Official Records of Sacramento County. The subject PSE requested for vacation will be part of a proposed new building, parking lot and drive aisle.

Currently the subject area is unimproved with dirt and vegetation. A small portion of sidewalk, curb and gutter has been built within the subject area. AT&T has requested that the most southern five (5) feet of this vacation request be reserved for their existing facilities. Hardpipe Properties LLC granted the five-foot easement to AT&T and was recorded in Book 20110607 O.R. 0560 with Sacramento County Recorder’s Office.

The subject PSE was reserved under “The Vacation of “B” Street between Alhambra Boulevard and the Capital City Freeway located in Council District 3” as recorded in Book 20050714 of O.R. Page 2239; Official Records of Sacramento County. (See Attachment 3)

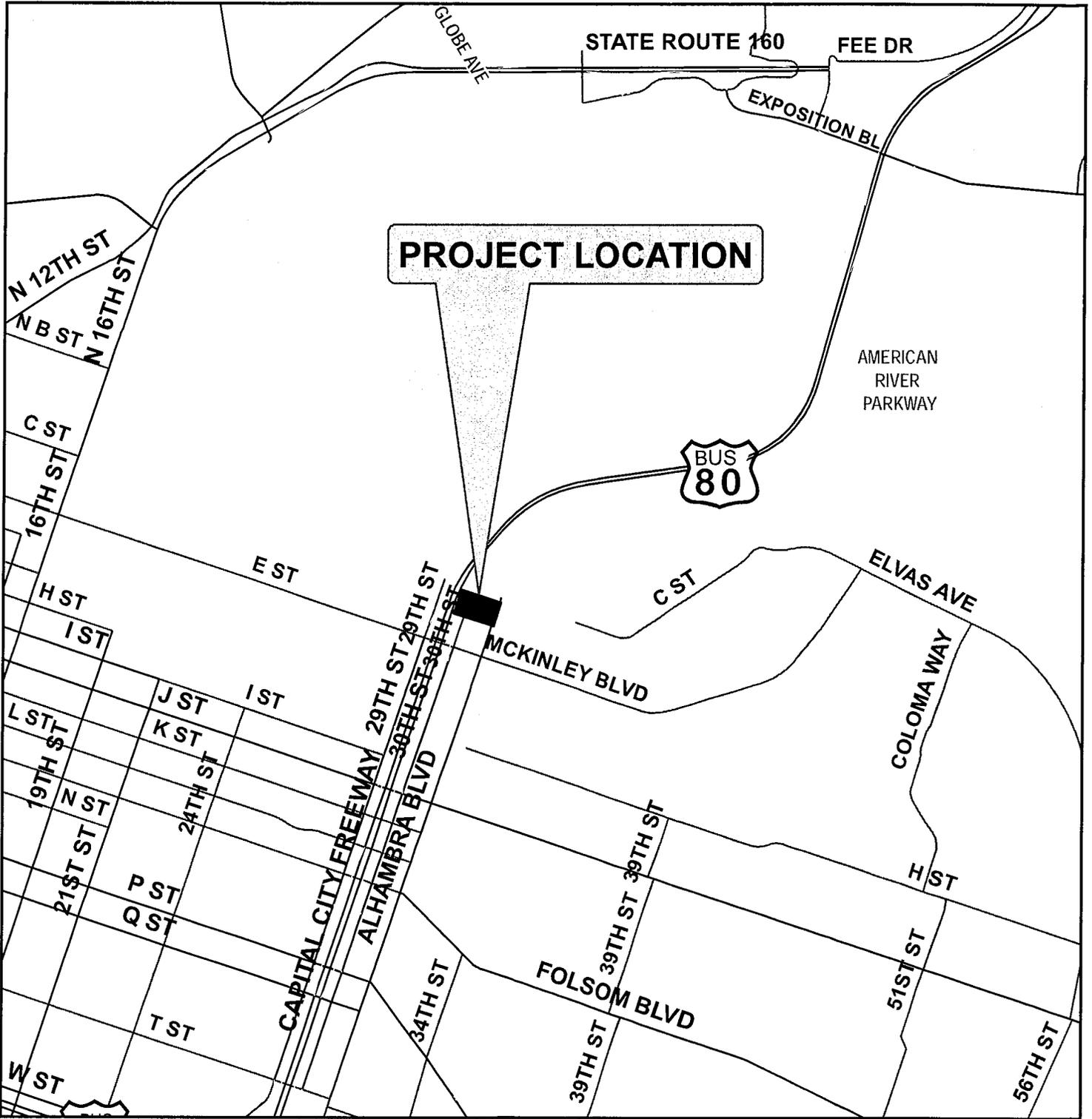
This request is being processed under the Streets and Highways Code (S&HC) Sections 8333(a) as a summary vacation for City Council approval. The applicant requesting the vacation alley has submitted all documents required by the City of Sacramento’s Department of Transportation to process this request.

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



# LOCATION MAP FOR

## B Street Easement Vacation



<p>Record for the Benefit of the City of Sacramento - Fee Exempt Pursuant to Government Code Section 6103.</p> <p>When Recorded, Mail to:</p> <p>Attn: Carolyn E. Hoover Office of the City Clerk 730 "I" Street, Room 211 Sacramento CA 95814</p>	 <p>Sacramento County Recording Mark Norris, Clerk/Recorder BOOK <b>20050714</b> PAGE <b>2239</b> Thursday, JUL 14, 2005 1:38:14 PM Ttl Pd \$0.00 Nbr-0003710487 REB/51/1-8</p>
<p>1) Resolution 2005-221 approving the time extension for Resolution 2003-259. 2) Resolution 2003-259: The vacation of a portion of "B" Street between Alhambra Boulevard and the Capital City Freeway Located within Council District 3.</p>	

Title of Document

**RESOLUTION NO. 2005-221**

**ADOPTED BY THE SACRAMENTO CITY COUNCIL**

**ON DATE OF: APR 05 2005**

**RESOLUTION APPROVING THE TIME EXTENSION FOR  
RESOLUTION NO. 2003-259, THE VACATION OF A PORTION OF  
"B" STREET BETWEEN ALHAMBRA BOULEVARD AND THE  
CAPITAL CITY FREEWAY LOCATED WITHIN COUNCIL DISTRICT 3  
VACATION PROCEEDING NO. VP05-05**

WHEREAS, Pursuant to Resolution No. 2003-259, the vacation of a portion of "B" Street between Alhambra Boulevard and the Capital City Freeway, the City Council may grant a time extension for the completion of conditions of vacation, and

WHEREAS, the vacation shall become void if the conditions of vacation are not completed in the specified two-year period, which will expire on May 8, 2005, unless a time extension is granted by City Council.

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SACRAMENTO:**

1. The time extension for completing the conditions of vacation required by Resolution No. 2003-259 is hereby granted and will expire on May 8, 2006.

SHIRLEY CONCOLINO  
City Clerk

HEATHER FARGO  
Mayor

CERTIFIED AS TRUE COPY

OF Resolution 2005-221

June 15, 2005

DATE CERTIFIED

*ant* Shirley Concolino  
CITY CLERK, CITY OF SACRAMENTO



FOR CITY CLERK USE ONLY

2005-221

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

DATE ADOPTED: APR 05 2005

**RESOLUTION NO. 2003-259**

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF MAY 18 2003

**RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING THE ABANDONMENT OF A PORTION OF B STREET, BETWEEN ALHAMBRA BOULEVARD AND THE CAPITAL CITY FREEWAY, LOCATED WITHIN COUNCIL DISTRICT 3**

**ABANDONMENT PROCEEDING NO. AP02-09**

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:**

- A. WHEREAS, the City received a request from the Tom Yancey Company to abandon the public street within the City of Sacramento requesting the City Council to consider abandonment of the subject public street easement; and
- B. WHEREAS, a notice that the City Council would consider the proposed abandonment at a Public Hearing was given in compliance with California Streets and Highways Code, Section 8300, et. seq.; and
- C. WHEREAS, the Neighborhood Services and Planning and Building Departments and the Planning Commission reviewed the proposed abandonment pursuant to Government Code Section 65402 and concluded that said abandonment would be consistent with the City General Plan and the applicable Community Plan; and

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:**

- 1. A portion of B Street, between Alhambra Blvd and the Capital City Freeway, specifically described in Exhibit "A" and shown in Exhibit "B" attached hereto, is hereby ordered abandoned subject to the conditions specified in this resolution.

Reserving however, a 40 feet wide public service easement, specifically described in Exhibit "A" and shown in Exhibit "B" (as defined in Section 8306 and 8340 of the California Streets and Highways Code) and 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 that portion of B Street to be abandoned, specifically described in Exhibit "A" and Shown in Exhibit "B" attached hereto.

**FOR CITY CLERK USE ONLY**

CERTIFIED AS TRUE COPY  
OF Resolution 2003-259  
June 15, 2005  
DATE CERTIFIED

RESOLUTION NO.: 2003-259  
DATE ADOPTED: MAY 08 2003

*Dawn Bullwinkel*  
CITY CLERK, CITY OF SACRAMENTO

A map or plan of the proposed abandonment is attached as Exhibit "B" and is on file with the Department of Public Works, Development Services Division, located at 1231 I Street, Room 200.

3. The City Council finds that the above described public street is not necessary for present or prospective public use in that:
  - a. It is not necessary for through traffic circulation; The City Engineer has reviewed said abandonment and found that it will not interfere with the traffic flow in the area or affect the aesthetics of the neighborhood; and
  - b. A parcel adjacent to the abandoned portion of the public street described above has other access and said abandonment will not create any land-locked parcels; and
  - c. The street to be abandoned is not necessary or useful as a non-motorized transportation facility as defined in the Streets and Highways Code.
4. This abandonment is subject to the following conditions:
  - a. The applicant shall construct full frontage improvements along the area proposed for abandonment pursuant to 16.48.110 of the City Code to the satisfaction of the Department of Public Works.
  - b. The applicant shall conform to ADA requirements in all aspects.
  - c. The applicant shall construct a standard driveway per City Standards to the satisfaction of Department of Public Works.
  - d. All gates shall be placed 20 feet behind the right of way.
  - e. The applicant shall apply and obtain an encroachment permit from the Department of Public Works to execute the above mentioned improvements.
5. After all the conditions in paragraph 4 of this resolution have been fulfilled, the City Clerk shall cause a certified copy of this resolution, attested by the City Clerk under seal, to be recorded. The abandonment shall be effective when the City Clerk records this resolution with the County Recorder.

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**FOR CITY CLERK USE ONLY**

RESOLUTION NO.: 2003-259  
DATE ADOPTED: MAY 08 2003

6. All conditions specified in paragraph 4 of this resolution must be completed within two years of the date of this resolution. If all the conditions are not completed within the two years specified, this resolution approving the abandonment shall become void, unless the City Council grants a time extension.

Deborah Fung  
MAYOR

ATTEST:

Patricia A. Burrows  
CITY CLERK

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**FOR CITY CLERK USE ONLY**

RESOLUTION NO.: 2003-259  
DATE ADOPTED: MAY 08 2003

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Tom Yancey Storage - Sacramento, 3000 B Street  
Abandonment of a Portion of B Street  
Job No. 1350-00-0743  
Page 1



**EXHIBIT "A"**

All that certain property situate in the City of Sacramento, County of Sacramento, State of California, being a portion of "B" Street per the Official Map of said city, said portion lying between 30<sup>th</sup> Street and Alhambra Boulevard, formerly 31<sup>st</sup> Street, 30<sup>th</sup> Street, and being more particularly described as follows:

Beginning at the intersection of the Southerly line of said "B" Street and the Westerly line of said Alhambra Boulevard, formerly 31<sup>st</sup> Street of said Official Map, said intersection point being the Northeastly corner of Lot 4 of said Official Map; thence from said POINT OF BEGINNING along a line at right angles to the centerline of said "B" Street, North 18°31'47" East, a distance of 80.00 feet to a point lying at the intersection of the Northerly line of said "B" Street and said Westerly line of said Alhambra Boulevard, said point being the Southeastly corner of Lot 5 of said Official Map; thence along said Northerly line of said "B" Street, North 71°28'13" West, a distance of 292.30 feet to the Southeast corner of that certain parcel of land described in the deed to the State of California recorded August 1, 1951, in Book 2080, Page 339, Official Records of said county, said point also being a point lying on the Easterly line cited as "Access Prohibited" on the state of California Right of Way Map, filed as SAC., 80, 4.4, Drawing Number 2 of 4, records of District 3, State of California Department of Transportation; thence, Southwesterly thereon South 30°37'00" West, a distance of 81.81 feet, more or less, to a point lying on the Southerly line of said "B" Street from which the Northwesterly corner of Lot 1 of said Official Map lies 13.78 feet distant; thence along said Southerly line of said "B" Street, South 71°28'13" East, a distance of 309.44 feet to said point of beginning.

RESERVING therefrom the following described public service easement of the following described parcel:

All that certain property situate in the City of Sacramento, County of Sacramento, State of California, being a portion of "B" Street per the Official Map of said city, said portion lying between 30<sup>th</sup> Street and Alhambra Boulevard, formerly 31<sup>st</sup> Street, 30<sup>th</sup> Street, and being more particularly described as follows:

COMMENCING at the intersection of the Southerly line of said "B" Street and the Westerly line of said Alhambra Boulevard, formerly 31<sup>st</sup> Street of said Official Map, said intersection point being the Northeastly corner of Lot 4 of said Official Map; thence along a line at right angles to the centerline of said "B" Street, North 18°31'47" East, a distance of 20.00 feet to a line parallel with and lying 20.00 feet Southerly, measured at right angles, of the centerline of said "B" Street, said point being the POINT OF BEGINNING; thence from said POINT OF BEGINNING along said

Land Surveying  
Civil Engineering

1001 Enterprise Way, Suite 100  
Rossville, CA 95678

(916) 783-8898  
Fax (916) 783-8222

Site Design/Planning  
Email: office@burrellengineering.com

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**FOR CITY CLERK USE ONLY**

RESOLUTION NO.: 2003-259  
DATE ADOPTED: MAY 08 2003

Tom Yancey Storage - Sacramento, 3000 B Street  
Abandonment of a Portion of B Street  
Job No. 1350-00-0743  
Page 2

parallel line North 71°28'13" West 300.04 feet to a line parallel with and lying 5.00 feet Easterly, measured at right angles, of the Easterly line of that certain parcel of land described in the deed to the State of California recorded August 1, 1951, in Book 2080, Page 339, Official Records of said county; thence along said parallel line South 30°37'00" West 20.42 feet to the Southerly of "B" Street; thence along the said Southerly line of said "B" Street North 71°28'13" West 5.11 feet to a point from which the Northwesterly corner of Lot 1 of said Official Map lies 13.78 feet distant, said point also being a point lying on the easterly line cited as "Access Prohibited" on the state of California Right of Way Map, filed as SAC., 80, 4.4, Drawing Number 2 of 4, records of District 3, State of California Department of Transportation; thence, Northeasterly thereon North 30°37'00" East, a distance of 61.33 feet to a line parallel with and lying 20.00 feet Northerly, measured at right angles, from said centerline of said "B" Street; thence along said parallel line South 71°28'13" East, a distance of 296.59 feet to a point on the Westerly line of said Alhambra Boulevard, thence along said Westerly line of said Alhambra Boulevard South 18°31'47" West 40.00 feet to said POINT OF BEGINNING.

Containing 0.28 acres of land, more or less.

END OF DESCRIPTION



Written by: Jerry A. Plass, P.E., P.L.S.

Date: November 8, 2002

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FOR CITY CLERK USE ONLY

RESOLUTION NO.: 2003-259

DATE ADOPTED: MAY 08 2003

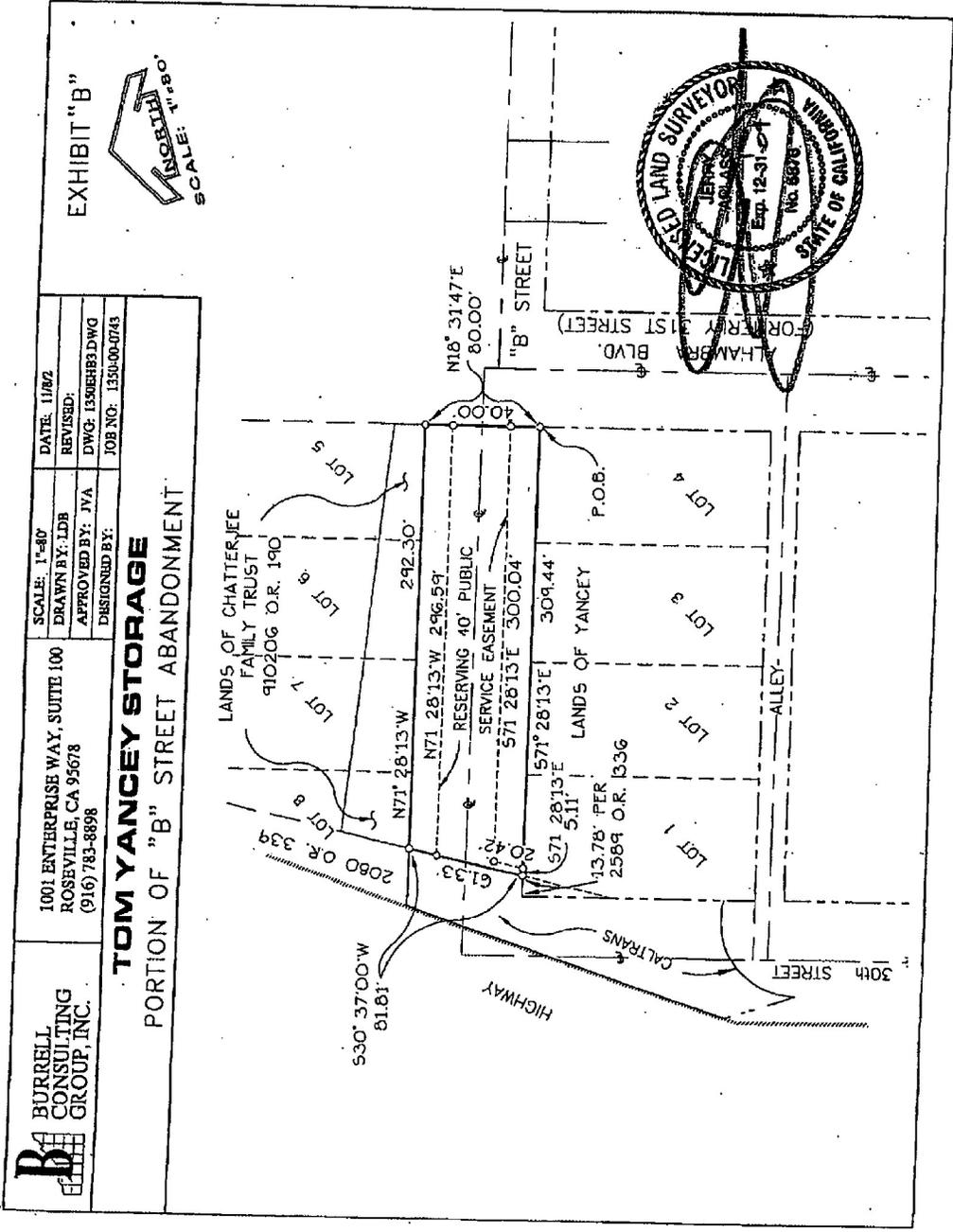
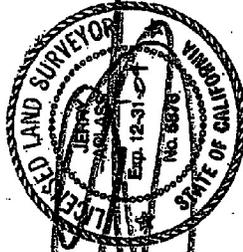


EXHIBIT "B"



<b>B</b> BURRELL CONSULTING GROUP, INC.	1001 ENTERPRISE WAY, SUITE 100 ROSEVILLE, CA 95678 (916) 783-8898		SCALE: 1"=80' DRAWN BY: LDB APPROVED BY: JVA DESIGNED BY:	DATE: 1/02 REVISED: DWG: 135H8B3.DWG JOB NO: 1350-00-0743
	<b>TOM YANCEY STORAGE</b> PORTION OF "B" STREET ABANDONMENT			



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**FOR CITY CLERK USE ONLY**

RESOLUTION NO.: 2003-259  
 DATE ADOPTED: MAY 08 2003



# RESOLUTION NO.

Adopted by the Sacramento City Council

## SUMMARY VACATION OF A PORTION OF THE PUBLIC SERVICE EASEMENT LOCATED AT 0 "B" STREET, WITHIN COUNCIL DISTRICT 3 VACATION PROCEEDING NO. VAC 11-0001

### BACKGROUND

- A. Hardpipe Properties LLC, has requested the vacation of a portion of the public service easement (PSE) located at 0 "B" Street west of Alhambra Boulevard.
- 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 PSE at 0 "B" Street within Council District 3, more specifically described in Exhibits A and B of this Resolution is vacated.
- Section 2. The vacation of the portion of the PSE 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 8333(a), the City Council finds that the portion of the PSE, more specifically described in Exhibits A and B, has not been used for the purpose it was acquired or dedicated for more than five consecutive years.
- Section 3. 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 4. 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 5. 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'  
20 Foot Public Service Easement Abandonment  
APN: 003-0061-010

The Southerly 20.00 feet of that real property granted to Hardpipe Properties, LLC from The Satya N. Chatterjee Revocable Trust as recorded in Book 20110114 of Official Records of Sacramento County, Page 898, City of Sacramento, State of California.

Said Southerly 20.00 feet being more particularly described as follows:

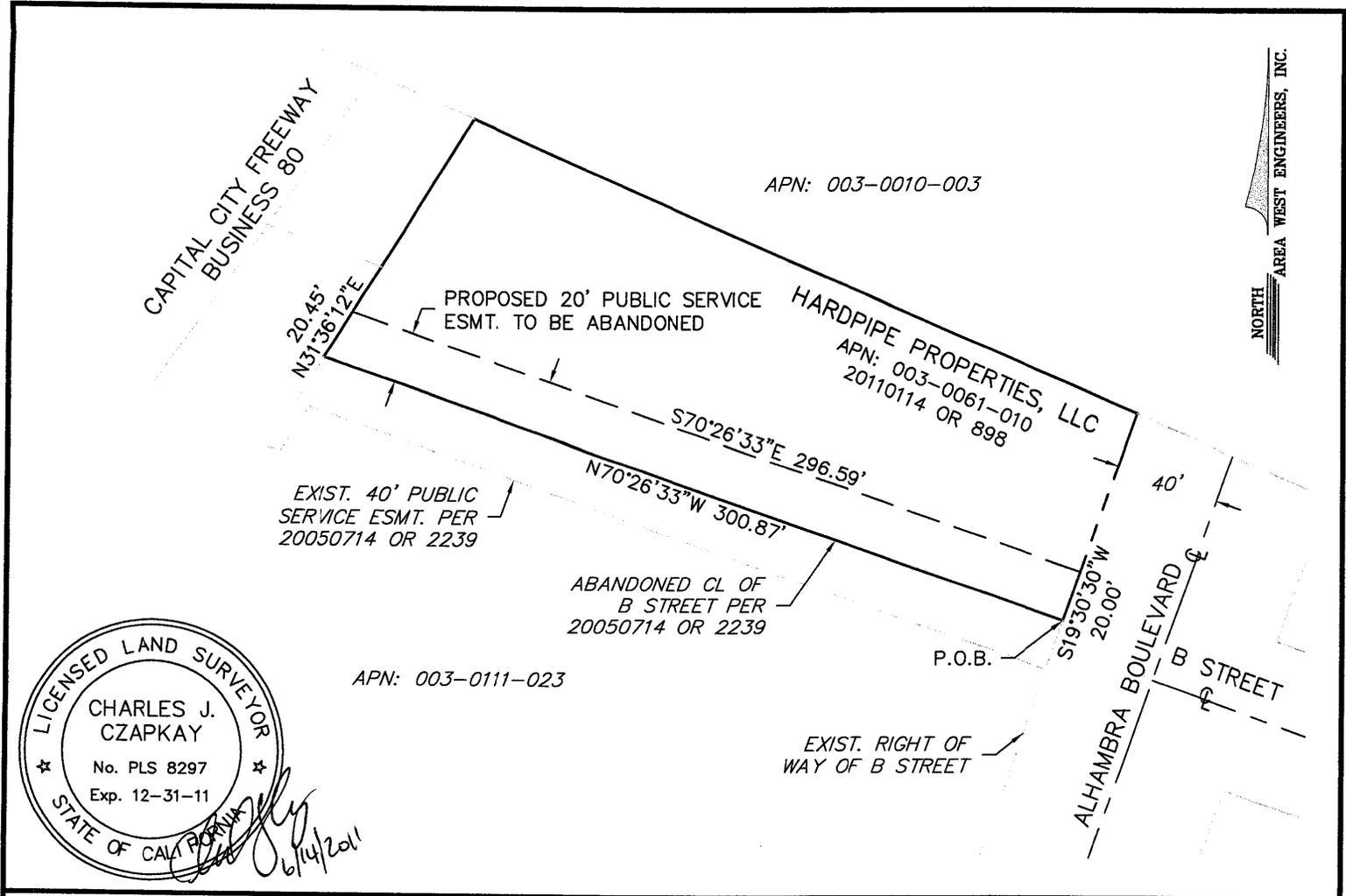
BEGINNING at the intersection of the centerline of B Street as described on the Official Map of the City of Sacramento and the westerly line of Alhambra Boulevard, formerly known as 31<sup>st</sup> Street as shown on said Official Map, said Alhambra Boulevard being a 80 foot wide public boulevard; THENCE from said POINT OF BEGINNING, along said centerline of B Street, North 70°26'33" West, 300.87 feet, to the Westerly of said Grant Deed 20110114 OR 898; THENCE along said Westerly line, North 31°36'12" East, 20.45 feet, to the point of intersection of said Westerly line and the line that is parallel and 20.00 feet northerly of said centerline of B Street; THENCE along said parallel line, South 70°26'33" East, 296.59 feet, to said Westerly line of Alhambra Boulevard; THENCE along the last mentioned Westerly line, South 19°30'30" West, 20.00 feet, to the POINT OF BEGINNING.

The Basis of Bearings of this description and the attached Exhibit 'B' is identical to the centerline of Alhambra Boulevard as shown on the Record of Survey recorded in Book 82 of Surveys, at Page 5, Sacramento County Records.

End description.



EXHIBIT 'B'



LICENSED LAND SURVEYOR  
 CHARLES J. CZAPKAY  
 No. PLS 8297  
 Exp. 12-31-11  
 STATE OF CALIFORNIA  
*Charles J. Czapkay*  
 6/14/2011

<p><b>AREA WEST ENGINEERS, INC.</b>          ENGINEERING - SURVEYING - PLANNING          7478 SANDALWOOD DRIVE, SUITE 400          CITRUS HEIGHTS, CA 95621          (916) 725-5551 (916) 725-5808 (FAX)          AWE@AREAWESTENG.COM</p>	<p>EXHIBIT 'B'                  20' WIDE PUBLIC SERVICE EASEMENT ABANDONMENT                  0 B STREET                  APN: 003-0061-010                  CITY OF SACRAMENTO                  STATE OF CALIFORNIA</p>	SCALE		
		HORIZ.:	1" = 50'	11008
		VERT.:	NONE	1 SHEET
		DATE:	JUNE, 2011	1 OF 1