



City of Sacramento City Council

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

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Meeting Date: 7/31/2012

Report Type: Consent

Title: Summary Vacation of Excess Right-of-Way at 3947 Rio Linda Boulevard

Report ID: 2012-00092

Location: 3947 Rio Linda Boulevard, District 2

Recommendation: Pass a Resolution vacating a portion of the public right-of-ways located along 3947 Rio Linda Boulevard and North Avenue reserving to the City a public service easement.

Contact: Thomas Adams, Engineering Technician II, (916) 808-7929; Nicholas Theocharides, Engineering Services Manager, (916) 808-5065, Department of Public Works

Presenter: None

Department: Public Works Department

Division: Development Engineering

Dept ID: 15001151

Attachments:

- 1- Description/Analysis
- 2 - Background
- 3 - Location Map
- 4 - Resolution
- 5 - EXHIBIT A - Legal Description of Right of Way Abandonment
- 6 - EXHIBIT A-1 - Legal Description of Public Service Easement Reservation
- 7 - EXHIBIT B - Exhibit Plat Map of Area to be Vacated

City Attorney Review

Approved as to Form
Paul Gale
7/17/2012 10:24:18 AM

City Treasurer Review

Reviewed for Impact on Cash and Debt
John Colville
7/2/2012 12:14:45 PM

Approvals/Acknowledgements

Department Director or Designee: Jerry Way - 7/13/2012 2:35:17 PM

Description/Analysis

Issue: The representative for the Bible Way Overcoming Church of Jesus Christ located at 3947 Rio Linda Boulevard has requested the vacation of a portion of right-of-ways located on the westerly side of Rio Linda Boulevard and the portion of North Avenue located to the North. These areas will be utilized as part of the church's new development to build a larger church sanctuary and parking lot (Z09-078). The subject areas to be abandoned are 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 8334(a), which establishes that the subject right-of-ways are excess that is not required for street and highway purposes.

Economic Impacts: None.

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 request along with proposed use to help facilitate the proposed development of a new church sanctuary.

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

The property owners of Bible Way Overcoming Church of Jesus Christ located at 3947 Rio Linda Boulevard have requested the vacation of a portion of the right of ways adjacent to their subject property. The portions of North Avenue and Rio Linda Boulevard are the subject areas requested for vacation. These areas will help facilitate the newly proposed church sanctuary and parking area. (Z09-078)

Currently the majority of the subject area is unimproved with vegetation cover. A driveway entrance to the existing church along with some utility services exist within subject vacation area. Certain conditions will be required with this vacation. A 15 foot wide public service easement will be reserved for the existing PG&E services. In addition to the reservation of the service easement, the applicant will be required to accept the conveyance of the existing sewer services within the subject area along with dedicating an exclusive drainage easement for the manhole located at the south end of the project. An additional public road easement will be required for a portion of the existing roadway and sidewalk located north of the cul-de-sac at Altos Avenue. These requirements are specified per the conditions of the Resolution to the satisfaction of the Department of Public Works.

The subject right of ways were dedicated for public use through the document entitled "Amended Plat of West Del Paso" as recorded in Book 12 of Maps, Map 52; Official Records of Sacramento County. The subject right of ways are located along Rio Linda Boulevard and a portion of North Avenue. Only a portion of the area being requested for vacation is accessible for vehicular traffic as an entrance to the existing church. The subject areas are not being used for public road or pedestrian access and there is no City plan to utilize these areas in the future.

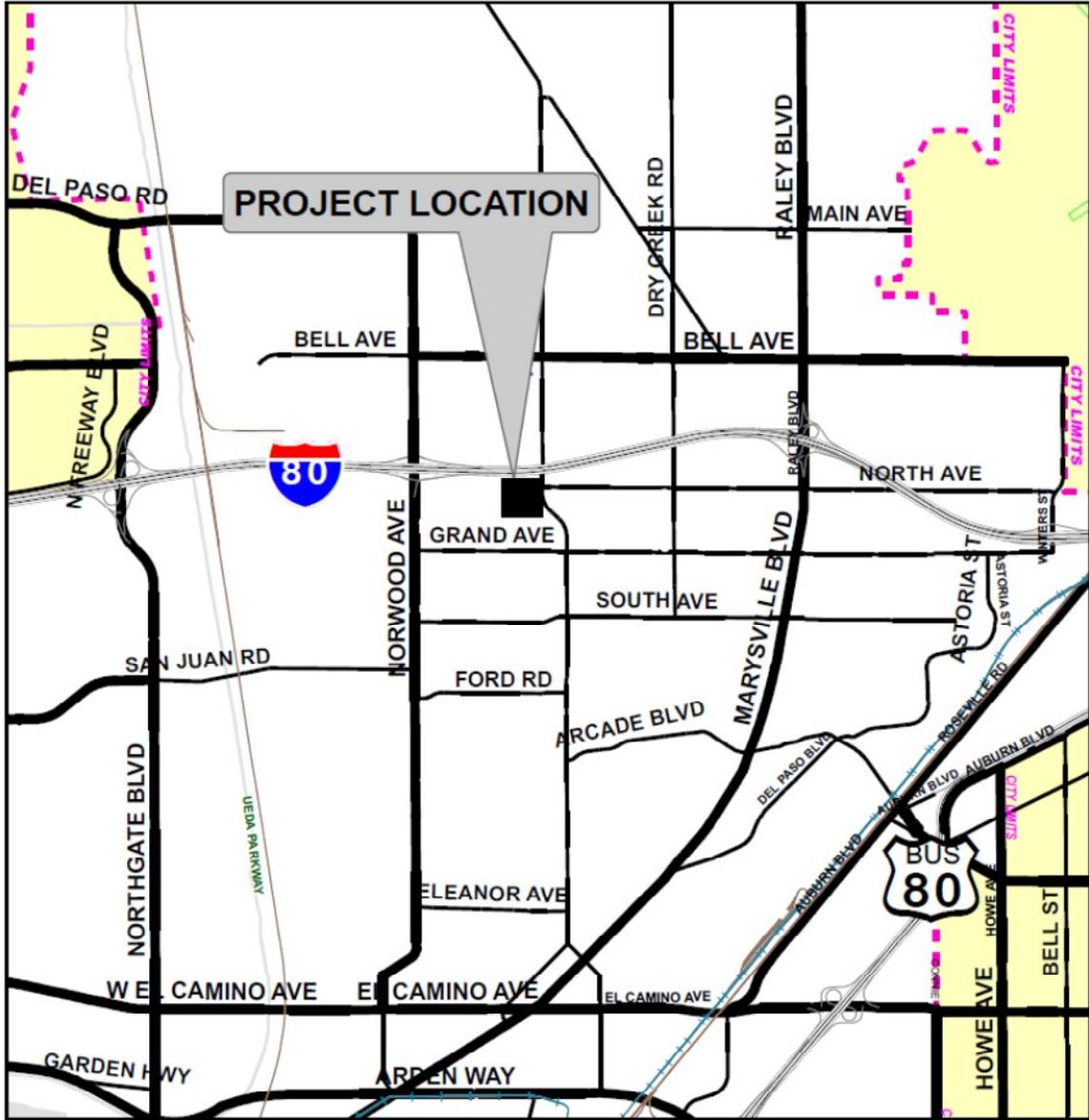
This request is being processed under the Streets and Highways Code (S&HC) Sections 8334(a) as a summary vacation for City Council approval. By S&HC section 8334(a) these areas are excess right of ways not needed for streets or highway purposes. The applicant requesting the vacation has submitted all documents required by the City of Sacramento's Department of Public Works to process this request.

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



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LOCATION MAP FOR 3947 Rio Linda Boulevard



Map Contact: T. Adams
Map Date: Jan/12





RESOLUTION NO.

Adopted by the Sacramento City Council

SUMMARY VACATION OF A PORTION OF THE PUBLIC RIGHT OF WAYS LOCATED AT 3947 RIO LINDA BOULEVARD, WITHIN COUNCIL DISTRICT 2 VACATION PROCEEDING NO. VAC 09-0009

BACKGROUND

- A. Bible Way Overcoming Church of Jesus Christ at 3947 Rio Linda Boulevard has requested the vacation of a portion of the public right-of-ways located along Rio Linda Boulevard and North Avenue adjacent to lots 1 thru 7 as shown on the “Amended Plat of the West Del Paso” recorded in Book 12 of Maps, Map 52 filed in the Office of the Recorder of Sacramento County.
- 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 in Section 2 and the conditions specified in Section 5 the right-of-ways located adjacent to the property at 3947 Rio Linda Boulevard within Council District 2, more specifically described in Exhibits A and B of this Resolution is hereby ordered vacated.
- Section 2. Pursuant to Streets and Highways Code Section 8306 and 8340, the City of Sacramento reserves a 15 foot-wide public service easement along a portion of the vacated right-of -way (ROW) which are more specifically described in Exhibit A-1 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 ROW within Council District 2, 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 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.

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. This vacation is subject to the following conditions:

- a. Dedicate and record a 20 foot drainage easement to the City of Sacramento to the satisfaction of the City's Utility Department.
- b. Record a conveyance of easement agreement prepared by the City's Utility Department for the private sanitary sewer.
- c. Dedicate an easement for the storm drain manhole located at the southeast end of the project to the satisfaction of the City's Utility Department.
- d. Dedicate a public road easement at Altos Avenue for roadway purposes to the satisfaction of the Public Works Department.
- e. Obtain a Revocable Permit for the portion of the private sanitary sewer line that will encroach into the City's ROW to the satisfaction of the Public Works Department.

Section 6. The conditions 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. Once the conditions in Section 5 are met, the City Clerk shall cause a certified copy of this Resolution, attested by the City Clerk under seal; to be recorded after all conditions and 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, and B are incorporated into and made part of this resolution.

Table of Contents:

Exhibit A: Legal Description of Right-of-Way Abandonment

Exhibit A-1: Legal Description of Public Service Easement Reservation

Exhibit B: Exhibit Plat/Map of Area to Be Vacated

EXHIBIT "A"

**LEGAL DESCRIPTION
RIGHT OF WAY ABANDONMENT
PAGE 1 OF 4**

All that real property situate in the City of Sacramento, County of Sacramento, State of California, being more particularly described as follows:

A portion of Rio Linda Boulevard adjacent to Lots 1 and 2, Block 1; and a portion of North Avenue as shown on that certain Map entitled "Amended Plat of West Del Paso Heights" filed for record in the Office of the Recorder, County of Sacramento, on December 5, 1911 in Book 12 of Maps at Page 52; all being located in the West Half of Section 12, Rancho Del Paso; being more particularly described as follows:

Beginning at a point on the North line of North Avenue, which point is the Northerly extension of the East line of said Lots 2 and 1; thence leaving said point and running South 89°33'06" East along the Easterly extension of the North line of North Avenue a distance of 35.40 feet to a point, which point is on the Westerly right of way line of the realigned Rio Linda Boulevard; thence leaving the Easterly extension of the North line of North Avenue and running South 00°19'45" East along the realigned Rio Linda Boulevard right of way line a distance of 123.74 feet to a point, which point is on the Easterly extension of the South line of said Lot 2; thence leaving the realigned Rio Linda Boulevard right of way line and running North 89°29'23" West along the Easterly extension of the South line of said Lot 2 a distance of 35.40 feet to a point, which point is the Southeast corner of said Lot 2; thence leaving the Southeast corner of said Lot 2 and running North 00°19'45" West a distance of 123.70 feet along the East line of said Lots 2 and 1 and the Northerly extension of said East Lot lines to the Point of Beginning, containing 0.10 acres more or less.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS THE WEST LINE OF SAID LOTS 7, 6, 5, 4, 3, 2, 1, AND THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID LOTS AS NORTH 00°19'47" WEST AS SHOWN ON SAID RECORD OF SURVEY MAP FILED IN BOOK 67 OF SURVEYS AT PAGE 3.

EXHIBIT "A"

**LEGAL DESCRIPTION
RIGHT OF WAY ABANDONMENT
PAGE 2 OF 4**

All that real property situate in the City of Sacramento, County of Sacramento, State of California, being more particularly described as follows:

A portion of Rio Linda Boulevard adjacent to Lots 3, 4 and 5, Block 1; as shown on that certain Map entitled "Amended Plat of West Del Paso Heights" filed for record in the Office of the Recorder, County of Sacramento, on December 5, 1911 in Book 12 of Maps at Page 52; all being located in the West Half of Section 12, Rancho Del Paso; being more particularly described as follows:

Beginning at the Northeast corner of said Lot 3; thence leaving said Northeast corner of said Lot 3 and running South 89°29'23" East along the Easterly extension of the North line of said Lot 3 a distance of 35.40 feet to a point, which point is on the Westerly right of way line of the realigned Rio Linda Boulevard; thence leaving the Easterly extension of the North line of said Lot 3 and running South 00°19'45" East along the realigned Rio Linda Boulevard right of way line a distance of 31.54 feet to a point, which point is the beginning of a 497.83 foot radius curve concave to the Northeast; thence leaving the beginning of said 497.83 foot radius curve and running Southeasterly along the realigned Rio Linda Boulevard right of way line an arc distance of 93.28 feet through a central angle of 10°44'09" to a point on curve, which point is on the Easterly extension of the South line of said Lot 5; thence leaving the realigned Rio Linda Boulevard right of way line and running North 89°30'07" West along the Easterly extension of the South line of said Lot 5 a distance of 44.12 feet to a point, which point is the Southeast corner of said Lot 5; thence leaving the Southeast corner of said Lot 5 and running North 00°19'45" West a distance of 124.16 feet along the East line of said Lots 5, 4 and 3 to the Point of Beginning, containing 0.11 acres more or less.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS THE WEST LINE OF SAID LOTS 7, 6, 5, 4, 3, 2, 1, AND THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID LOTS AS NORTH 00°19'47" WEST AS SHOWN ON SAID RECORD OF SURVEY MAP FILED IN BOOK 67 OF SURVEYS AT PAGE 3.

EXHIBIT "A"

LEGAL DESCRIPTION RIGHT OF WAY ABANDONMENT PAGE 3 OF 4

All that real property situate in the City of Sacramento, County of Sacramento, State of California, being more particularly described as follows:

A portion of Rio Linda Boulevard adjacent to Lots 6 and 7, Block 1; as shown on that certain Map entitled "Amended Plat of West Del Paso Heights" filed for record in the Office of the Recorder, County of Sacramento, on December 5, 1911 in Book 12 of Maps at Page 52; all being located in the West Half of Section 12, Rancho Del Paso; being more particularly described as follows:

Beginning at the Northeast corner of said Lot 6; thence leaving said Northeast corner of said Lot 6 and running South 89°30'37" East along the Easterly extension of the North line of said Lot 6 a distance of 44.12 feet to a point, which point is on the Westerly right of way line of the realigned Rio Linda Boulevard and which point is on a curve; said point is on a 497.83 foot radius curve concave to the Northeast; thence leaving said point and running Southeasterly along the realigned Rio Linda Boulevard right of way line an arc distance of 64.40 feet through a central angle of 7°24'43" to a point on curve; which point is on the Easterly extension of the North line of a 20.00 foot wide Emergency Fire Access Easement, recorded in Book 970617 at Page 912, Official Records of Sacramento County; thence leaving the realigned Rio Linda Boulevard right of way line and running North 89°30'35" West along the Easterly extension of said North line of a 20.00 foot wide Emergency Fire Access Easement, a distance of 60.17 feet to a point, which point is on the East line of said Lot 7; thence leaving said point and running North 00°19'45" West a distance of 62.10 feet along the East line of said Lots 7 and 6 to the Point of Beginning, containing 0.07 acres more or less.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS THE WEST LINE OF SAID LOTS 7, 6, 5, 4, 3, 2, 1, AND THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID LOTS AS NORTH 00°19'47" WEST AS SHOWN ON SAID RECORD OF SURVEY MAP FILED IN BOOK 67 OF SURVEYS AT PAGE 3.

EXHIBIT "A"

**LEGAL DESCRIPTION
RIGHT OF WAY ABANDONMENT
PAGE 4 OF 4**

All that real property situate in the City of Sacramento, County of Sacramento, State of California, being more particularly described as follows:

A portion of North Avenue (formerly Elliott Avenue) adjacent to Lot 1, Block 1 as shown on that certain Map entitled "Amended Plat of West Del Paso Heights" filed for record in the Office of the Recorder, County of Sacramento, on December 5, 1911 in Book 12 of Maps at Page 52; all being located in the West Half of Section 12, Rancho Del Paso; being more particularly described as follows:

Beginning at a point on the North line of North Avenue, which point is the Northerly extension of the East line of said Lot 1; thence leaving said point and running South 00°19'45" East along the Northerly extension of the East line of said Lot 1 a distance of 39.60 feet to a point, which point is the Northeast corner of said Lot 1; thence leaving the Northeast corner of said Lot 1 and running North 89°28'45" West along the North line of said Lot 1 and the Southerly Line of North Avenue (formerly Elliott Avenue) a distance of 150.07 feet to a point, which point is the Northwest corner of said Lot 1; thence leaving the Northwest corner of said Lot 1 and running North 00°19'47" West along the Northerly extension of the West line of said Lot 1 a distance of 39.41 feet to a point, which point is on the North Boundary line of said Subdivision and the Northerly line of said North Avenue (formerly Elliott Avenue); thence leaving said point and running South 89°33'06" East a distance of 150.07 feet along the North Boundary line of said Subdivision and the Northerly line of said North Avenue (formerly Elliott Avenue) to the Point of Beginning, containing 0.136 acres more or less.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS THE WEST LINE OF SAID LOTS 7, 6, 5, 4, 3, 2, 1, AND THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID LOTS AS NORTH 00°19'47" WEST AS SHOWN ON SAID RECORD OF SURVEY MAP FILED IN BOOK 67 OF SURVEYS AT PAGE 3.

RESERVING THEREFROM the following described property for the purposes of a Public Service Easement:

EXHIBIT "A-1"

**LEGAL DESCRIPTION
PUBLIC SERVICE EASEMENT RESERVATION
PAGE 1 OF 2**

All that real property situate in the City of Sacramento, County of Sacramento, State of California, being more particularly described as follows:

A 15.00 foot wide easement for a gas line being 7.50 feet on each side of the following described centerline:

Being a portion of Rio Linda Boulevard adjacent to Lots 1, 2, 3, 4, 5, 6, and 7 in Block 1; and a portion of North Avenue as shown on that certain Map entitled "Amended Plat of West Del Paso Heights" filed for record in the Office of the Recorder, County of Sacramento, on December 5, 1911 in Book 12 of Maps at Page 52; all being located in the West Half of Section 12, Rancho Del Paso; being more particularly described as follows:

Commencing at a point on the North line of North Avenue, which point is the Northerly extension of the East line of said Lots 2 and 1; thence leaving said point and running South 89°33'06" East along the Easterly extension of the North line of North Avenue a distance of 35.40 feet to a point, which point is on the Westerly right of way line of the realigned Rio Linda Boulevard; thence leaving the Easterly extension of the North line of North Avenue and running South 00°19'45" East along the realigned Rio Linda Boulevard right of way line a distance of 21.44 feet to a point, which point is the Point of Beginning for the herein described centerline; thence leaving the realigned Rio Linda Boulevard right of way line and running South 44°15'11" West, 16.37 feet; thence South 38°47'39" West, 9.21 feet; thence South 00°02'48" East 269.48 feet to a point, which point is on the Easterly extension of the North line of a 20.00 foot wide Emergency Fire Access Easement, recorded in Book 970617 at page 912, Official Records of Sacramento County and which point is North 89°30'35" West, 43.40 feet from the Westerly right of way line of the realigned Rio Linda Boulevard and the end of the herein described centerline.

EXHIBIT "A-1"

**LEGAL DESCRIPTION
PUBLIC SERVICE EASEMENT RESERVATION
PAGE 2 OF 2**

All that real property situate in the City of Sacramento, County of Sacramento, State of California, being more particularly described as follows:

A 15.00 foot wide Public Service easement being 7.50 feet on each side of the following described centerline:

Being a portion of Rio Linda Boulevard adjacent to Lots 1, 2, 3, 4, 5, 6, and 7 in Block 1; and a portion of North Avenue as shown on that certain Map entitled "Amended Plat of West Del Paso Heights" filed for record in the Office of the Recorder, County of Sacramento, on December 5, 1911 in Book 12 of Maps at Page 52; all being located in the West Half of Section 12, Rancho Del Paso; being more particularly described as follows:

Commencing at a point on the North line of North Avenue, which point is the Northerly extension of the East line of said Lots 2 and 1; thence leaving said point and running South 89°33'06" East along the Easterly extension of the North line of North Avenue a distance of 35.40 feet to a point, which point is on the Westerly right of way line of the realigned Rio Linda Boulevard; thence leaving the Easterly extension of the North line of North Avenue and running South 00°19'45" East along the realigned Rio Linda Boulevard right of way line a distance of 31.64 feet to a point, which point is the Point of Beginning for the herein described centerline; thence leaving the realigned Rio Linda Boulevard right of way line and running North 82°36'47" West, 1.42 feet; thence North 84°06'32" West, 7.69 feet to the end of the herein described centerline.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS THE WEST LINE OF SAID LOTS 7, 6, 5, 4, 3, 2, 1, AND THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID LOTS AS NORTH 00°19'47" WEST AS SHOWN ON SAID RECORD OF SURVEY MAP FILED IN BOOK 67 OF SURVEYS AT PAGE 3.



**LICENSE EXPIRES JUNE 30, 2013
DATED JULY 5, 2012**

PG&E GAS RESERVATION

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LOT 5
NORWOOD BUSINESS PARK
UNIT NO. 2 - 148 BM 10

S89°33'06"E 193.31'

150.07'

POB PUBLIC SERVICE EASEMENT (1)

S44°15'11"W 16.37'
S38°47'39"W 9.21'

35.40'

21.44'

47.83'

NORTH AVE.

POB PUBLIC SERVICE EASEMENT (2)

39.41'

123.54'

LOT 1
12 BM 52 250-0050-050

LOT 2
12 BM 52

N89°29'23"W 185.47'

150.07' 250-0050-011
BIBLE WAY OVERCOMING CHURCH
OF JESUS CHRIST APOSTOLIC FAITH
LOT 3 - 12 BM 52

LOT 4
12 BM 52 0.629 ACS. ±
250-0050-012

LOT 5
12 BM 52

186.31'

250-0050-014 N89°30'07"W 144.19'

LOT 6
12 BM 52

250-0050-015

LOT 7
12 BM 52

50.00'

N89°30'35"W

116.84'

20'

20' EMERGENCY FIRE ACCESS
EASEMENT PER 970617 O.R. 912

PUBLIC SERVICE
EASEMENT

PUBLIC SERVICE
EASEMENT

PUBLIC SERVICE
EASEMENT

123.74'
N84°06'32"W 7.69'
N82°36'47"W 1.42'
S00°19'45"E 155.17'

RIO LINDA BLVD.

31.64'

31.54'

124.16'

100.07'

44.12'

62.10'

15.00'

43.40'

60.17'

210.24'

144.38'

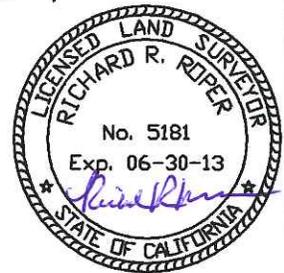
RIGHT OF WAY
CURVE DATA
D = 10°44'09"
R = 497.83'
L = 93.28'

RIGHT OF WAY
CURVE DATA
D = 7°24'43"
R = 497.83'
L = 64.40'



SCALE 1" = 50'

THE BASIS OF BEARINGS FOR THIS PLAT IS THE WEST LINE OF LOTS 7, 6, 5, 4, 3, 2, 1, IN BLOCK 1, AND THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID LOTS AS N00°19'47"W AS SHOWN ON RECORD OF SURVEY MAP FILED IN BOOK 67 OF SURVEYS AT PAGE 3, SACRAMENTO COUNTY RECORDS



RICHARD R. ROPER

LAND SURVEYOR

166 ACACIA AVENUE
OROVILLE, CALIFORNIA 95966
530-532-7917 HOME
530-520-1553 CELL

EXHIBIT "B"
RIGHT OF WAY ABANDONMENT & PUBLIC
SERVICE EASEMENT RESERVATION
LOTS 1, 2, 3, 4, 5 AND 6; AND A PORTION OF LOT 7
AND ABANDONED NORTH AVENUE; AND A PORTION
OF RIO LINDA BLVD., ALL SHOWN ON THAT CERTAIN
MAP ENTITLED "AMENDED PLAT OF WEST DEL PASO
HEIGHTS" FILED IN BOOK 12 OF MAPS AT PAGE 52;
IN THE W 1/2 SECTION 12, RANCHO DEL PASO
CITY OF SACRAMENTO, SACRAMENTO COUNTY, CA.

SCALE:
1" = 50'

DATE:
7-5-12

SHEET
1 of 1