



City of Sacramento City Council

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

Meeting Date: 7/31/2012

Report Type: Consent

Title: Vacation of a Portion of Bannon and 5th Streets and the Street Acceptance of an Additional Portion of Bannon Street

Report ID: 2012-00521

Location: District 3

Recommendation: Pass 1) a Resolution vacating the areas of Bannon and 5th Street specified in Exhibits A and B to the proposed resolution; and 2) Resolution accepting a portion of Bannon Street into the City's street system as streets for roadway and pedestrian .

Contact: Jerry Lovato, Senior Engineering Technician, (916) 808-7918; Thomas Adams, Engineering Technician, (916) 808-7929; Nicholas Theocharides, Engineering Services Manager, (916) 808-5065, Department of Transportation

Presenter: Jerry Lovato, Senior Engineering Technician, (916) 808-7918; Thomas Adams, Engineering Technician, (916) 808-7929; Nicholas Theocharides, Engineering Services Manager, (916) 808-5065, Department of Public Works

Department: Public Works Department

Division: Development Engineering

Dept ID: 15001151

Attachments:

- 1- Description/Analysis
- 2 - Background
- 3 - Attachment 1 - Location Map
- 4 - Resolution - Vacation of Portions of Bannon Street and 5th Street
- 5 - Exhibit A - Legal Description Vacation of Bannon Street and 5th Street and PUE
- 6 - Exhibit B - Exhibit Area of Right of Way and PUE Vacation
- 7 - Resolution - Acceptance of Portion of Street at Bannon Street
- 8 - Exhibit A-1 - Legal Description of Area of Bannon Street
- 9 - Exhibit B-1 - Exhibit Plat/Map of Portion of Bannon Street

City Attorney Review

Approved as to Form
Paul Gale
7/19/2012 11:01:36 AM

City Treasurer Review

Reviewed for Impact on Cash and Debt
Russell Fehr
6/14/2012 9:52:15 AM

Approvals/Acknowledgements

Department Director or Designee: Jerry Way - 7/18/2012 3:54:26 PM

Description/Analysis

Issue: As part of the project to relocate the Greyhound Terminal to a site located adjacent to Richards Boulevard, the City of Sacramento General Services Department and Economic Development Department propose to complete a phase of improvements for the Bannon Street, 5th Street, and Sequoia Pacific Boulevard intersection. The vacation of a portion of right of way along Bannon Street and 5th Street and the inclusion of roadway (part of Bannon Street) that is owned by the City in fee into the City's street system are necessary for the improvements. A reservation of a public service easement for existing and future utility services is proposed as part of the vacation.

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 8330-8340 concerning summary vacation and Sections 1806(b) which allows the acceptance of any public or private street or road into the City's street system.

Economic Impacts: None.

Environmental Considerations:

California Environmental Quality Act (CEQA): A Subsequent Mitigated Negative Declaration was prepared according to Section 15162 of the CEQA Guidelines and circulated for a 20-day public review period from April 21, 2010, to May 10, 2010. On February 24, 2009, the City Council approved the Greyhound Terminal Relocation Mitigated Negative Declaration (MND) and Mitigation Monitoring Plan by Resolution 2009-115. On May 27, 2010, the Planning Commission determined that the Subsequent MND constitutes an adequate, accurate, objective, and complete review of the environmental effects of the proposed project and approved the Subsequent MND. The prior environmental review satisfies requirements for review under CEQA and no additional environmental review is required. In addition The Community Development Department, Environmental Planning Services Division has reviewed this project and determined that this is exempt from the provisions of CEQA Section 15305, Minor Alteration in Land Use Limitation. The project consists of the minor alteration in land use limitations with an average slope of less than 20%, which do not result in any changes in land use or density.

Sustainability Considerations: None.

Committee/Commission Action: None.

Rationale for Recommendation: Staff, along with various agencies, supports the two requests to vacate and accept the roadway.

Financial Considerations: This vacation request and process is funded through the Economic Development Department's Greyhound-Contingency Project (B18420007). Sufficient funds are available in the project to cover the estimated \$7,000 cost of this vacation and street acceptance request.

Emerging Small Business Development (ESBD): None



Background

As part of the Greyhound Terminal Relocation Project, the City's General Services Department is requesting that the Council vacate certain portions of Bannon Street and 5th Street. In addition, the City's General Services Department is requesting that a separate portion of Bannon Street that exists over City owned fee property be added to the City of Sacramento's street system.

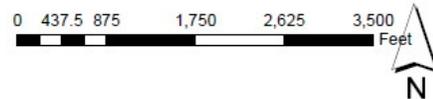
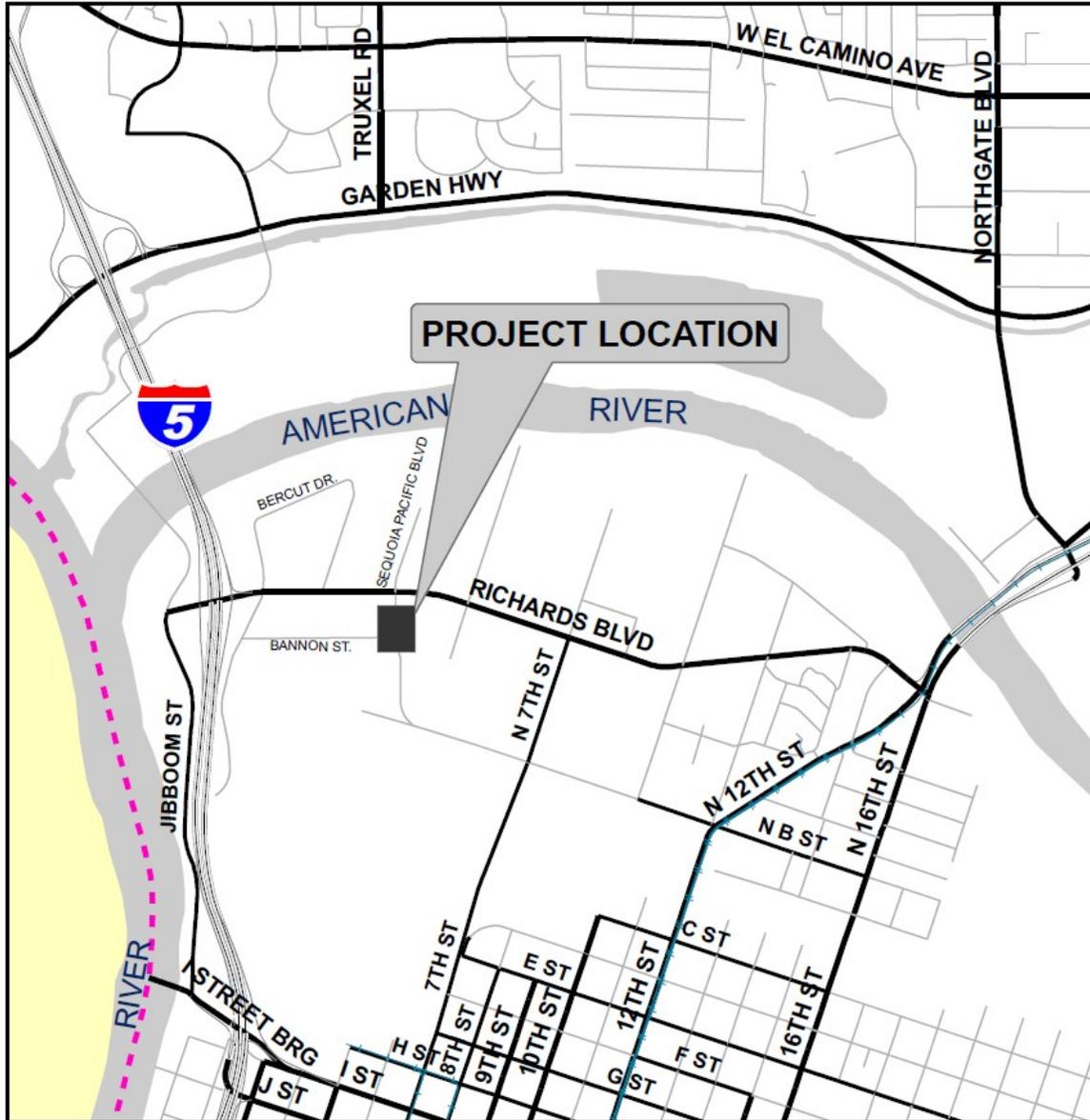
The City's General Services Department is requesting that the Council vacate portions of Bannon Street and 5th Street and a portion of a public utility easement as recorded in Book 158 of parcel maps, at Page 12 and Book 340 at Page 344 of Official Records in the Sacramento County Recorder's Office as shown on the Exhibits A and B that are attached to the proposed resolution. The proposed vacations are detailed in Area 1, Area 2 and Area 3 in Exhibits A and B. A public service easement is proposed to be reserved over the entire Area 1 as shown in Exhibits A and B. There are existing water, drainage, gas, and telecommunication services within Area 1, and the reservation of a public service easement is necessary. Area 2 is proposed to have a 12.5' public service easement reserved for future utility services along Bannon Street. The request to vacate Areas 1 and 2 is pursuant to Streets and Highways Code Section 8334(a) as vacation of excess right of way not required for street or highway purposes. The request to vacate the PUE (also known as Public Service Easement) in Area 3 is pursuant to Streets and Highways Code Section 8333(a) as vacation of an easement that has not been used for the purpose for which it was dedicated within the last five consecutive years preceding this vacation request.

In addition, a portion of the roadway that currently exists as a path of travel along Bannon Street is part of fee-owned city property that will be added to the City of Sacramento's street and roadway system per the attached proposed resolution. The City owns the underlying property in fee, but there is no easement for street purposes. The subject area is more specifically described in the attached Exhibit A-1 and Exhibit B-1 in the attached proposed resolution. This request to add a portion of Bannon Street to the City's street system is pursuant to Streets and Highways Code Sections 1806(b,) which provides for the governing body to accept any public or private street into the city's street system by resolution.

Various City departments including the City of Sacramento's General Services Facilities and Real Property Management Division and utility companies have reviewed these requests and support the proposed vacation and street acceptance.



LOCATION MAP FOR Bannon Street and 5th Street





RESOLUTION NO.

Adopted by the Sacramento City Council

VACATION OF PORTIONS OF BANNON STREET AND 5TH STREET AND PUBLIC SERVICE EASEMENT LOCATED ADJACENT TO 5TH STREET, WITHIN COUNCIL DISTRICT 3 VACATION PROCEEDING NO. VAC 12-0004

BACKGROUND

- A. As part of 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 vacate a portion of Bannon Street, 5th Street, and a Public Utility Easement (PUE) located at the intersection of Bannon Street and Sequoia Pacific Boulevard. Two public service easements (also known as public utility easements) will be reserved from the vacated portions of the right of way.
- 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 subject portions of Right-Of-Way (ROW) along Bannon Street and 5th Street located Richards Boulevard and Bannon Street within Council District 3, more specifically described in the attached Exhibit A and Exhibit B to this Resolution are excess right of way not required for street or highway purposes and are vacated pursuant to California Streets and Highways Code Section 8334(a) subject to the reservations below in Section 3.
- Section 2. A portion of Public Utility Easement as described in Book 158 of Parcel Maps, at Page 12 of Official Records as specifically described in Exhibit A and Exhibit B to this Resolution has not been used for the purpose for which it was dedicated within the last five consecutive years and is vacated pursuant to California Streets and Highways Code Section 8333(a).
- Section 3. Pursuant to Streets and Highways Code Section 8306 and 8340, the City of Sacramento reserves public service easements (also known as a public utility easement) over a portion of the ROW more specifically described in

the attached Exhibit A and Exhibit B 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 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. 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 this Resolution with the County Recorder.

Section 6. Exhibits A and B are incorporated into and made part of this resolution.

Table of Contents:

Exhibit A: Legal Description Vacation of Bannon Street and 5th Street and PUE
Exhibit B: Exhibit Area of Right of Way and PUE Vacation

EXHIBIT "A"
LEGAL DESCRIPTION

ABANDONMENT OF PORTIONS OF BANNON STREET AND 5TH STREET

PAGE 1 OF 3

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

AREA 1, BANNON STREET ABANDONMENT

A PORTION OF THAT EASEMENT FOR "PUBLIC HIGHWAY OR ROAD" GRANTED TO THE COUNTY OF SACRAMENTO IN BOOK 340, AT PAGE 344 OFFICIAL RECORDS OF SACRAMENTO COUNTY, DESCRIBED AS FOLLOWS:

COMMENCING AT THE EASTERN TERMINUS OF THE LINE DESCRIBED AS "NORTH 89°40'42" EAST, 874.87 FEET", SAID LINE BEING NORTH 89°37'27" EAST FOR THE PURPOSE OF THIS DESCRIPTION, AS SHOWN ON THE CENTERLINE OF BANNON STREET ON THAT PARCEL MAP OF "DISCOVERY CENTRE" FILED IN THE OFFICE OF THE RECORDER OF SACRAMENTO COUNTY ON JULY 31, 2000 IN BOOK 158 OF PARCEL MAPS, AT PAGE 12;

THENCE FROM SAID POINT OF COMMENCEMENT CONTINUING ALONG THE CENTERLINE OF BANNON STREET, ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 250.00 FEET, A CHORD BEARING SOUTH 72°09'06" EAST, 156.37 FEET TO THE **TRUE POINT OF BEGINNING**;

THENCE FROM SAID TRUE POINT OF BEGINNING, ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 29.00 FEET, A CHORD BEARING SOUTH 43°37'10" EAST, 31.18 FEET TO THE BEGINNING OF A REVERSE CURVE;

THENCE ALONG SAID REVERSE CURVE TO THE LEFT, HAVING A RADIUS OF 536.00 FEET, A CHORD BEARING SOUTH 14°18'48" EAST, 60.12 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF BANNON STREET;

THENCE ALONG THE SOUTHWESTERLY LINE OF BANNON STREET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 220.00 FEET, A CHORD BEARING NORTH 50°14'24" WEST, 127.16 FEET;

THENCE LEAVING THE SOUTHWESTERLY LINE OF BANNON STREET NORTH 89°37'27" EAST, 49.66 FEET;

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 952.00 FEET, A CHORD BEARING NORTH 89°46'01" EAST, 4.73 FEET TO THE BEGINNING OF A COMPOUND CURVE;



EXHIBIT "A"
LEGAL DESCRIPTION
ABANDONMENT OF PORTIONS OF BANNON STREET AND 5TH STREET
PAGE 2 OF 3

THENCE ALONG SAID COMPOUND CURVE, HAVING A RADIUS OF 29.00 FEET, A CHORD BEARING SOUTH 83°06'57" EAST, 7.04 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 2219 SQ. FT. OF LAND, MORE OR LESS.

RESERVING A PUBLIC SERVICE EASEMENT OVER THE ENTIRE VACATION AREA DESCRIBED ABOVE.

AREA 2, 5TH STREET ABANDONMENT

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, FILED IN THE OFFICE OF THE RECORDER OF SACRAMENTO COUNTY ON JULY 31, 2000 IN BOOK 158 OF PARCEL MAPS, AT PAGE 12, DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST SOUTHERLY CORNER OF PARCEL 6, AS SHOWN ON SAID PARCEL MAP; THENCE FROM SAID POINT OF COMMENCEMENT ALONG THE SOUTHEASTERLY LINE OF SAID PARCEL, NORTH 60°03'19" EAST, 7.03 FEET TO A POINT ON THE WESTERLY LINE OF 5TH STREET, SAID POINT ALSO BEING THE **TRUE POINT OF BEGINNING**;

THENCE, FROM SAID TRUE POINT OF BEGINNING ALONG THE WESTERLY LINE OF SAID 5TH STREET, NORTH 18°23'42" EAST, 66.49 FEET;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, A CHORD BEARING NORTH 31°55'36" WEST, 38.48 FEET TO A POINT ON THE SOUTHERLY LINE OF BANNON STREET;

THENCE ALONG THE SOUTHERLY LINE OF BANNON STREET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 952.00 FEET, A CHORD BEARING SOUTH 78°29'19" EAST, 124.85 FEET TO A POINT ON THE SOUTHEASTERLY BOUNDARY OF SAID PARCEL MAP;

THENCE ALONG THE SOUTHEASTERLY BOUNDARY OF SAID PARCEL MAP, SOUTH 60°03'19" WEST, 141.91 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 4809 SQ. FT. OF LAND, MORE OR LESS.

RESERVING A PUBLIC SERVICE EASEMENT OVER THE NORTHERLY 12.50 FEET OF VACATION AREA DESCRIBED ABOVE.

EXHIBIT "A"
LEGAL DESCRIPTION
ABANDONMENT OF PORTIONS OF BANNON STREET AND 5TH STREET
PAGE 3 OF 3

AREA 3, PUBLIC UTILITY EASEMENT ABANDONMENT

A PORTION OF PARCEL 6 AS SHOWN ON THAT CERTAIN PARCEL MAP ENTITLED "DISCOVERY CENTRE" RECORDED IN BOOK 158 OF PARCEL MAPS, AT PAGE 12, FILED IN THE OFFICE OF THE RECORDER OF SACRAMENTO COUNTY ON JULY 31, 2000 IN BOOK 158 OF PARCEL MAPS, AT PAGE 12, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY CORNER OF PARCEL 6, AS SHOWN ON SAID PARCEL MAP; THENCE FROM SAID POINT OF BEGINNING ALONG THE EASTERLY LINE OF BANNON STREET, ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 280.00 FEET, A CHORD BEARING NORTH 21°04'59" WEST, 12.32 FEET;

THENCE LEAVING THE EASTERLY LINE OF BANNON STREET, NORTH 18°23'42" EAST, 62.24 FEET;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 12.50 FEET, A CHORD BEARING NORTH 31°55'42" WEST, 19.24 FEET;

THENCE ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 939.50 FEET, A CHORD BEARING SOUTH 81°35'01" EAST, 21.80 FEET TO A POINT ON THE WESTERLY LINE OF AREA 2 SHOWN HEREON;

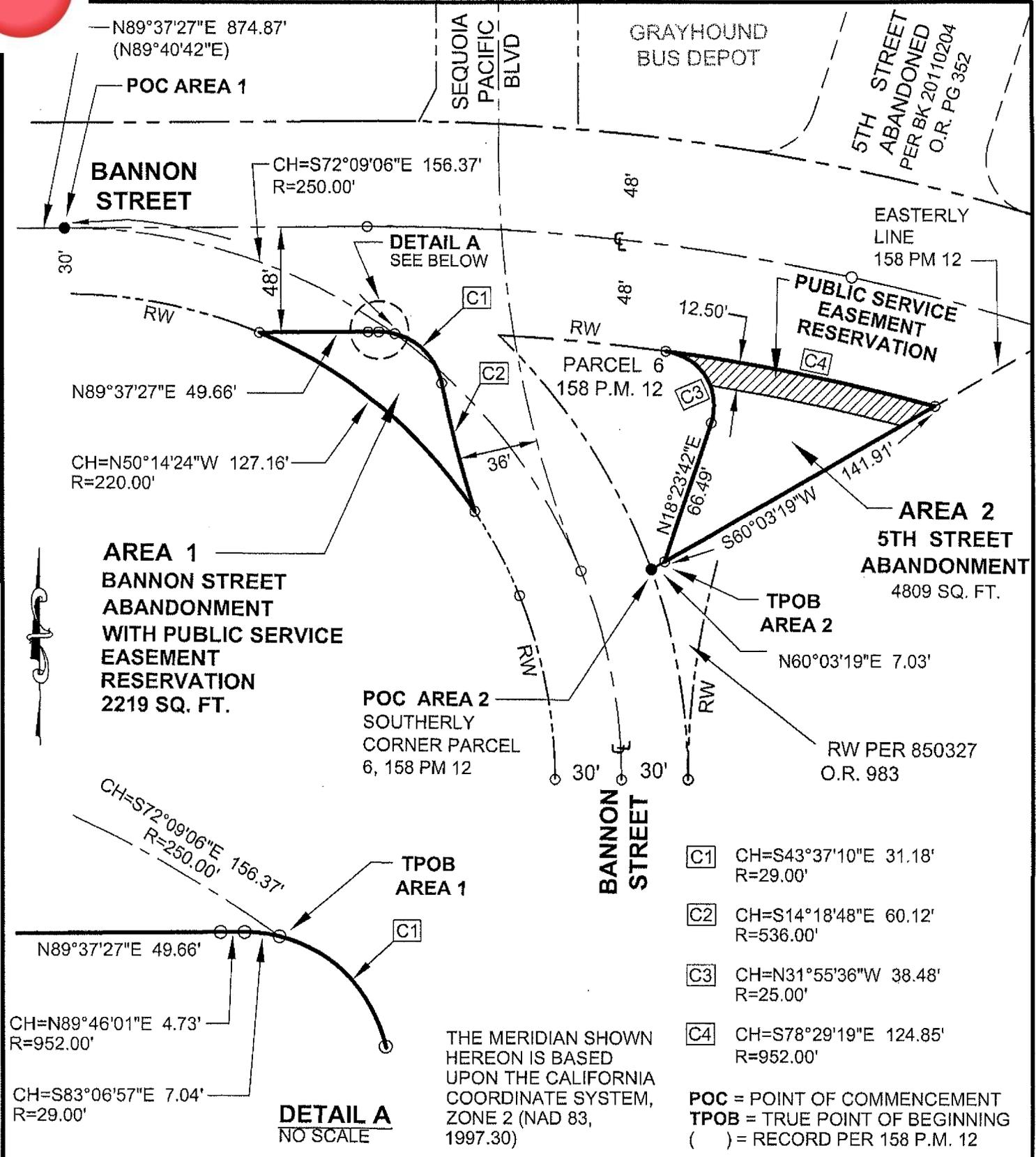
THENCE ALONG THE WESTERLY LINE OF AREA 2, ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET, A CHORD BEARING SOUTH 01°35'41" EAST, 17.09 FEET;

THENCE SOUTH 18°23'42" WEST, 66.49 FEET TO A POINT ON THE SOUTHEASTERLY BOUNDARY OF SAID PARCEL MAP;

THENCE ALONG THE SOUTHEASTERLY BOUNDARY OF SAID PARCEL MAP, SOUTH 60°03'19" WEST, 7.03 FEET TO THE POINT OF BEGINNING.

CONTAINING 1065 SQ. FT. OF LAND, MORE OR LESS.

THE MERIDIAN SHOWN HEREON IS BASED UPON THE CALIFORNIA COORDINATE SYSTEM, ZONE 2 (NAD83, 1997.30).



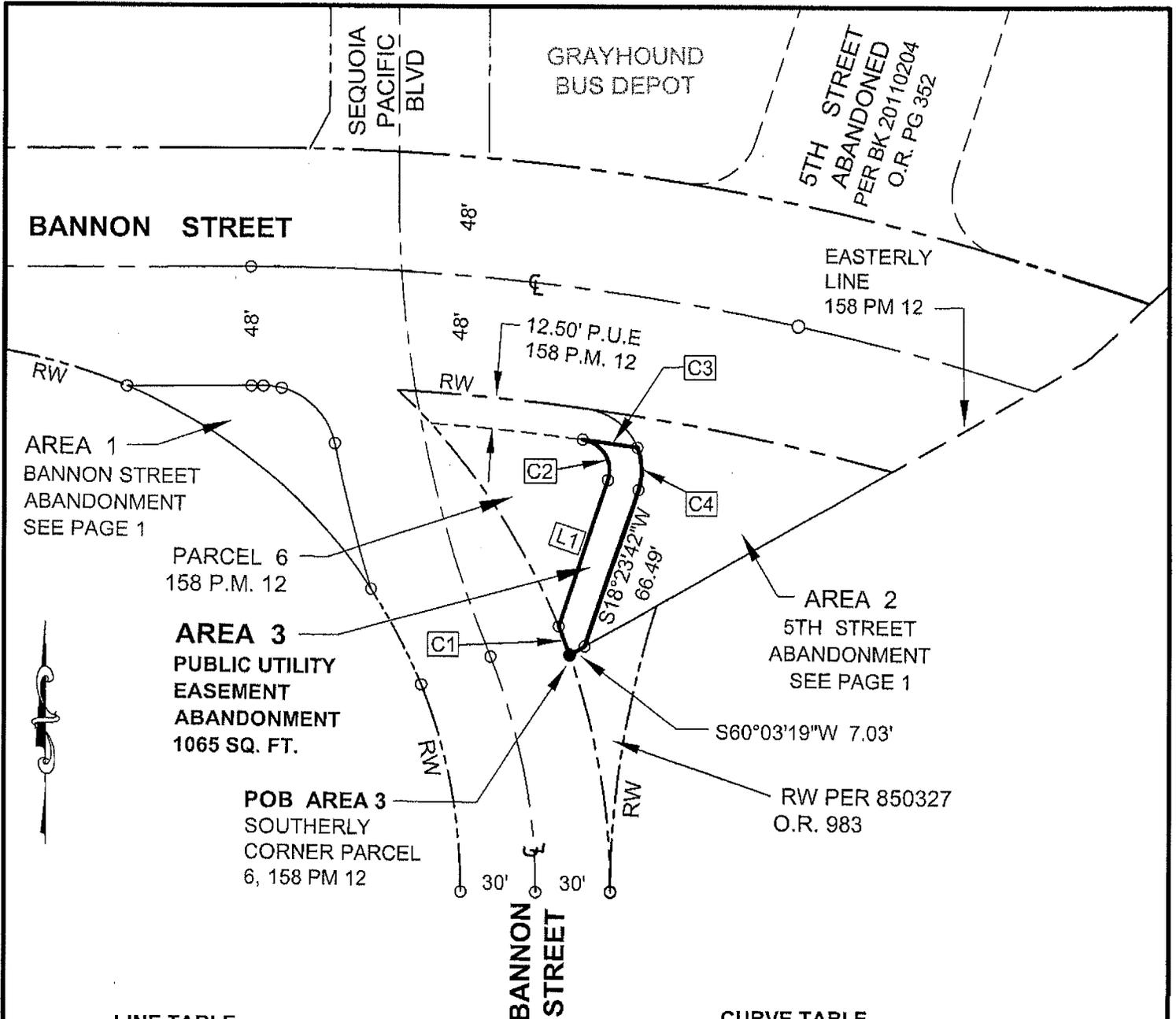
- C1** CH=S43°37'10"E 31.18'
R=29.00'
- C2** CH=S14°18'48"E 60.12'
R=536.00'
- C3** CH=N31°55'36"W 38.48'
R=25.00'
- C4** CH=S78°29'19"E 124.85'
R=952.00'

POC = POINT OF COMMENCEMENT
TPOB = TRUE POINT OF BEGINNING
 () = RECORD PER 158 P.M. 12

THE MERIDIAN SHOWN
 HEREON IS BASED
 UPON THE CALIFORNIA
 COORDINATE SYSTEM,
 ZONE 2 (NAD 83,
 1997.30)

DETAIL A
 NO SCALE

EXHIBIT B
ABANDONMENT OF PORTIONS OF
BANNON STREET & 5TH STREET



LINE TABLE

L1 N18°23'42"E 62.24'

CURVE TABLE

- C1** CH=N21°04'59"W 12.32'
R=280.00'
- C2** CH=N31°55'42"W 19.24'
R=12.50'
- C3** CH=S81°35'01"E 21.80'
R=939.50'
- C4** CH=S01°35'41"E 17.09'
R=25.00'



POB = POINT OF BEGINNING

EXHIBIT B

**ABANDONMENT OF PORTIONS OF
BANNON STREET & 5TH STREET**

CITY OF SACRAMENTO

STATE OF CALIFORNIA

SCALE:
1" = 60'

DATE:
7/17/2012

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RESOLUTION NO.

Adopted by the Sacramento City Council

ACCEPTANCE OF A PORTION OF A CITY STREET INTO THE CITY STREET SYSTEM; BANNON STREET WITHIN COUNCIL DISTRICT 3 STREET ACCEPTANCE PROCEEDING NO. STAC 12-0001

BACKGROUND

- A. A portion of Bannon Street, more specifically described in Exhibit A-1 is City fee property that is utilized for public street purposes. As part of 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 accept a portion of this City owned parcel along Bannon Street into the City’s street system.
- B. In order to assure there is a record that the designated property is City fee property used as a public street, staff recommends accepting the above streets into the City street system pursuant to California Streets and Highway Code Sections 1806(b)

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. Pursuant to California Streets and Highways Code Section 1806(b), the portion of the street recognized as Bannon Street in Council District 3, more specifically described in the attached Exhibit A-1 and Exhibit B-1 to this Resolution, is accepted in the City of Sacramento’s street system.
- Section 2. The City Clerk shall cause a certified copy of the Resolution, attested by the City Clerk under seal, to be recorded with the County Recorder.
- Section 3. Exhibits A-1 and B-1 are attached and are part of this Resolution.

Table of Contents:

- Exhibit A-1: Legal Description of Area of Bannon Street
- Exhibit B-1: Exhibit Plat/Map of Portion of Bannon Street

EXHIBIT "A-1"
LEGAL DESCRIPTION
ACCEPTANCE OF PORTION OF BANNON STREET
INTO THE CITY STREET SYSTEM

PAGE 1 OF 1

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

A PORTION OF PARCEL 6 AS SHOWN ON THAT CERTAIN PARCEL MAP ENTITLED "DISCOVERY CENTRE" RECORDED IN BOOK 158 OF PARCEL MAPS, AT PAGE 12, FILED IN THE OFFICE OF THE RECORDER OF SACRAMENTO COUNTY ON JULY 31, 2000 IN BOOK 158 OF PARCEL MAPS, AT PAGE 12, DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST SOUTHERLY CORNER OF PARCEL 6, AS SHOWN ON SAID PARCEL MAP; THENCE FROM SAID POINT OF COMMENCEMENT ALONG THE EASTERLY LINE OF BANNON STREET, THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 280.00 FEET, A CHORD BEARING NORTH 20°58'54" WEST, 11.33 FEET THE **TRUE POINT OF BEGINNING**;

THENCE, FROM SAID TRUE POINT OF BEGINNING, CONTINUING ALONG THE EASTERLY LINE OF BANNON STREET, ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 280.00 FEET, A CHORD BEARING NORTH 34°04'31" WEST, 115.81 FEET;

THENCE ALONG THE SOUTHERLY LINE OF BANNON STREET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 952.00 FEET, A CHORD BEARING SOUTH 85°40'59" EAST, 37.92 FEET;

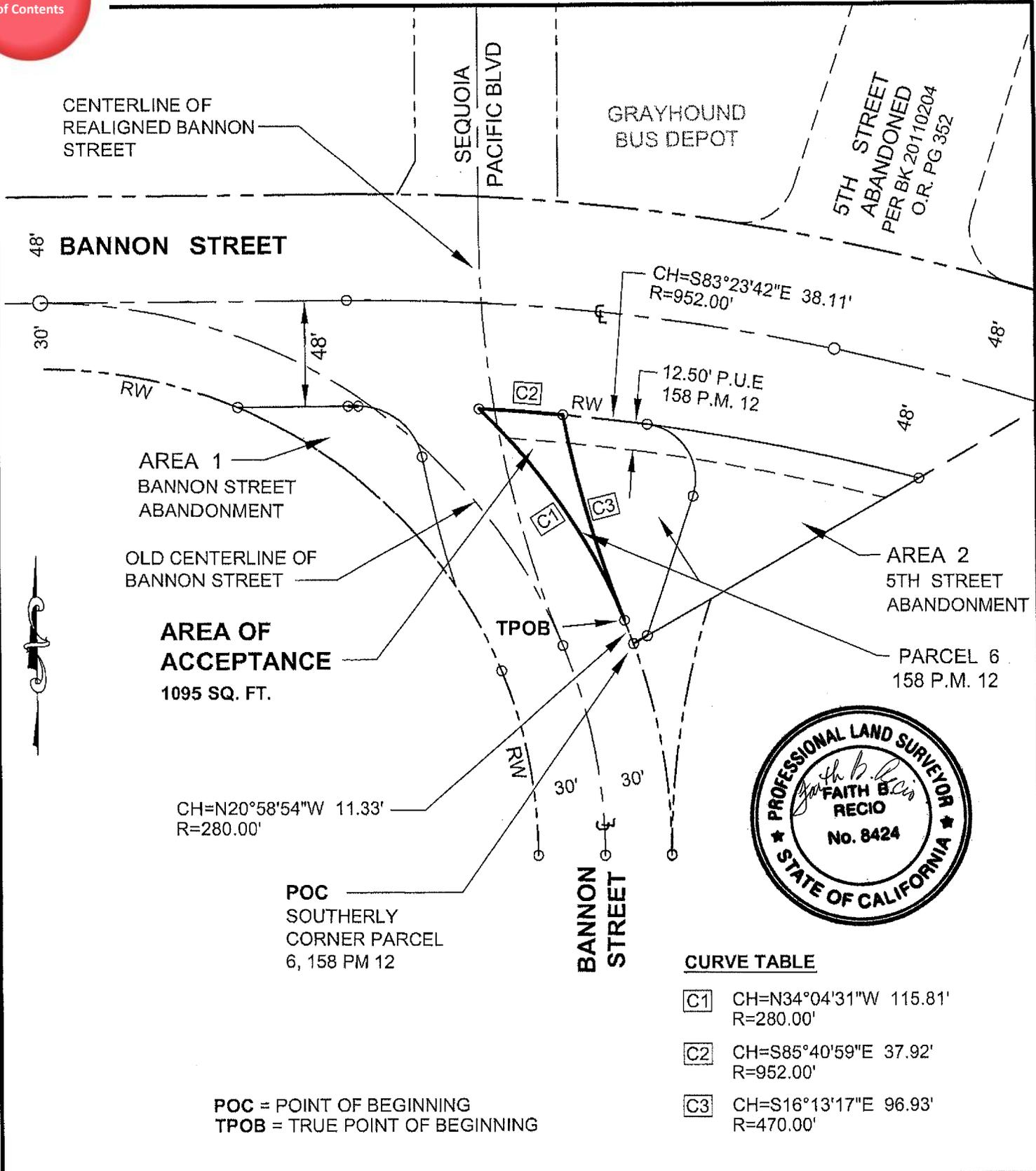
THENCE LEAVING THE SOUTHERLY LINE OF BANNON STREET, ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 470.00 FEET, A CHORD BEARING SOUTH 16°13'17" EAST, 96.93 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 1095 SQ. FT. OF LAND, MORE OR LESS.

THE MERIDIAN SHOWN HEREON IS BASED UPON THE CALIFORNIA COORDINATE SYSTEM, ZONE 2 (NAD83, 1997.30).

7-17-12





CURVE TABLE

C1	CH=N34°04'31"W 115.81' R=280.00'
C2	CH=S85°40'59"E 37.92' R=952.00'
C3	CH=S16°13'17"E 96.93' R=470.00'

POC = POINT OF BEGINNING
TPOB = TRUE POINT OF BEGINNING

EXHIBIT B-1

ACCEPTANCE OF PORTION OF BANNON STREET INTO THE CITY STREET SYSTEM

CITY OF SACRAMENTO

STATE OF CALIFORNIA

SCALE: 1" = 60'
DATE: 7/17/2012
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