

RESOLUTION NO. 2012-276

Adopted by the Sacramento City Council

July 31, 2012

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

Adopted by the City of Sacramento City Council on July 31, 2012 by the following vote:

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

Noes: None.

Abstain: None.

Absent: Councilmember Schenirer.

Attest:


Shirley Concolino, City Clerk

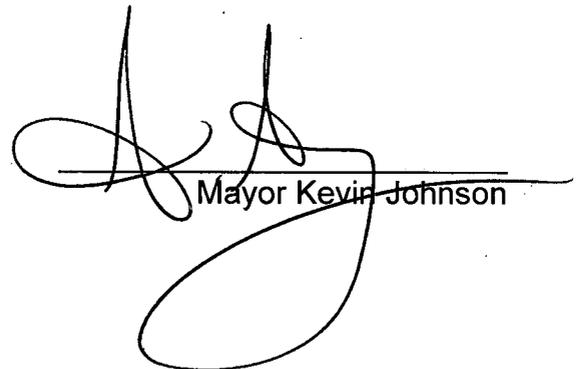

Mayor Kevin Johnson

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

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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.

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LEGAL DESCRIPTION
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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).

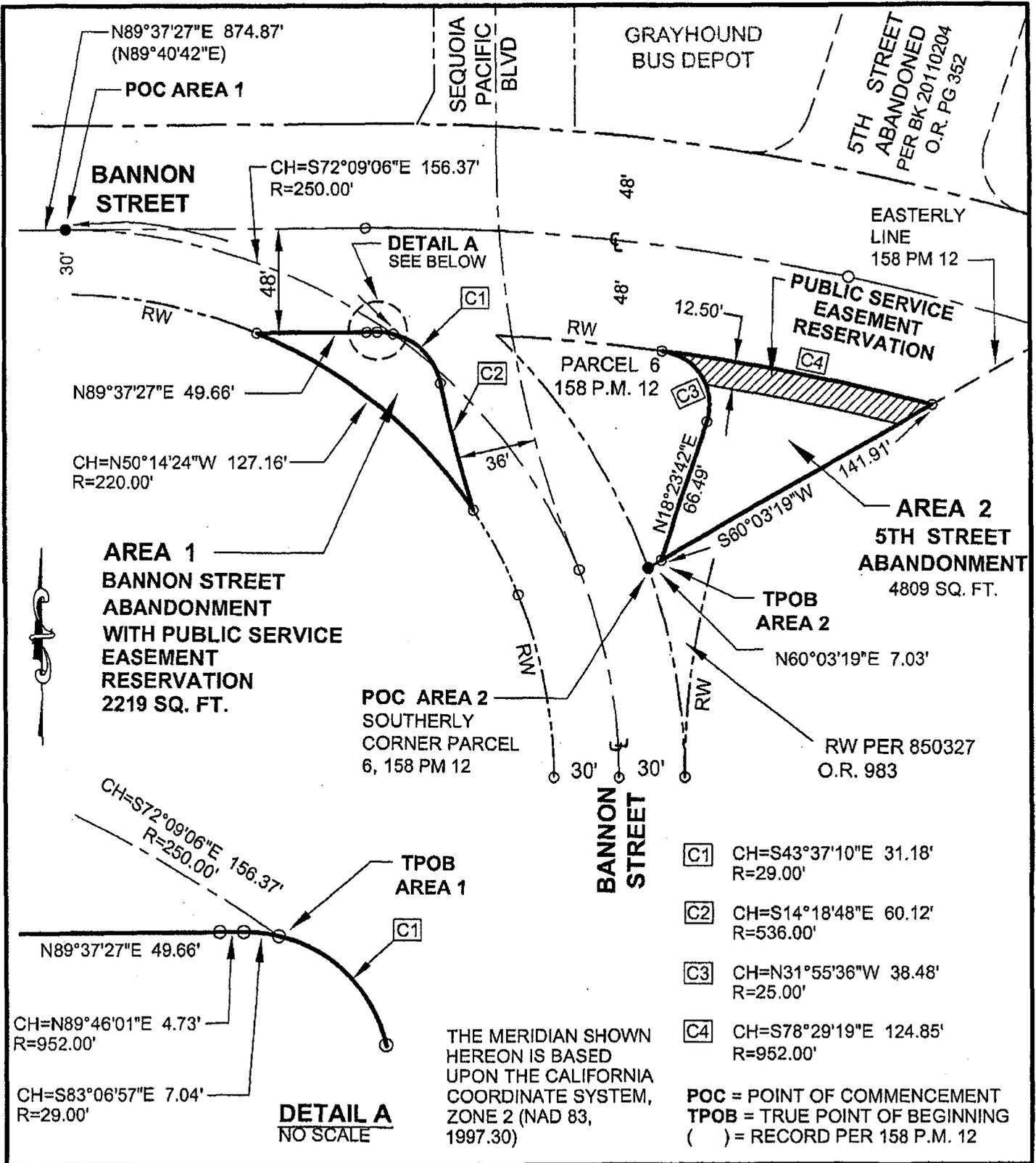


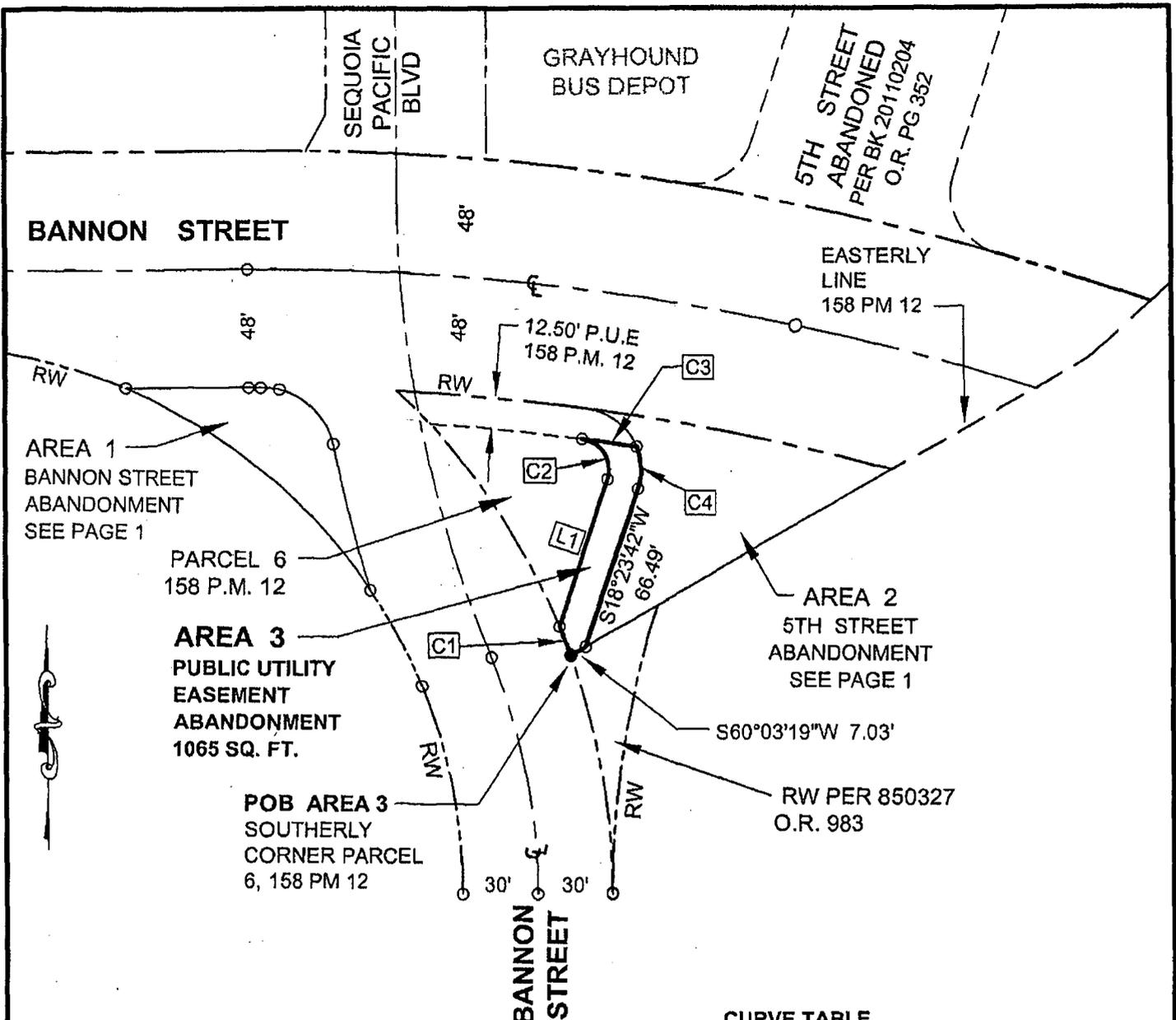
EXHIBIT B

ABANDONMENT OF PORTIONS OF BANNON STREET & 5TH STREET

SCALE:
 1" = 60'

DATE:
 7/17/2012

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AREA 1
BANNON STREET
ABANDONMENT
SEE PAGE 1

PARCEL 6
158 P.M. 12

AREA 3
PUBLIC UTILITY
EASEMENT
ABANDONMENT
1065 SQ. FT.

POB AREA 3
SOUTHERLY
CORNER PARCEL
6, 158 PM 12

AREA 2
5TH STREET
ABANDONMENT
SEE PAGE 1

RW PER 850327
O.R. 983

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**

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