



City of Sacramento City Council

9

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

Meeting Date: 10/9/2012

Report Type: Public Hearing

Title: Vacation of a Portion of the Public Alley Bounded by Rio Linda Boulevard, Cypress Street, Grand and Roanoke Avenues (Noticed on 9-27-12)

Report ID: 2012-00786

Location: East of Rio Linda Boulevard at Roanoke Avenue, District 2

Recommendation: Conduct a public hearing and upon conclusion, pass a Resolution 1) vacating a portion of the public alley located east of Rio Linda Boulevard and north of Roanoke Avenue and 2) removing the restriction to vehicular and pedestrian traffic previously authorized pursuant to Resolution 2008-689.

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 - Attachment 1 - Background Information
- 3 - Attachment 2 - Location Map
- 4 - Attachment 3 - Ordinance 3387 Abandonment
- 5 - Resolution
- 6 - Exhibit A - Legal Description
- 7 - Exhibit B - Exhibit Plat-Map of Area

City Attorney Review

Approved as to Form
Paul Gale
9/28/2012 3:44:25 PM

City Treasurer Review

Reviewed for Impact on Cash and Debt
Russell Fehr
9/19/2012 10:38:21 AM

Approvals/Acknowledgements

Department Director or Designee: Jerry Way - 9/25/2012 4:54:59 PM

Sandra Talbott, Interim City Attorney

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

Russell Fehr, City Treasurer



Description/Analysis

Issue: The Housing Authority of the City of Sacramento, the adjacent property owner to the subject alley, has requested the vacation of the public alley located west of Rio Linda Boulevard bounded between Grand and Roanoke Avenues. This area will be utilized as part of a future development project. The subject area to be abandoned is currently utilized as an unimproved public alley with only a wrought iron gate. The gate is a result of the restriction of traffic authorized by Resolution 2008-689, which is no longer required for public safety.

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 8310-8325.

Environmental Considerations:

California Environmental Quality Act (CEQA): Status is exempt under Sections 15305 in which this project consists of the minor alteration of land use which does not result in any changes to land use or density.

Sustainability Considerations: None.

Committee/Commission Action: None.

Rationale for Recommendation: The subject alley will be needed for the future development of the vacant adjacent parcels. 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

The Sacramento Housing and Redevelopment Agency (SHRA) on behalf of the Housing Authority of the City of Sacramento, the adjacent property owner, has requested the vacation of a portion of the alley bounded by Rio Linda Boulevard, Cypress Street, Grand and Roanoke Avenues. The request to vacate will help facilitate future development of the empty adjacent lots located on the west side of the subject alley. A portion of the alley to the north had been previously abandoned under City Ordinance 3387 in 1974. (See attachment 3)

The subject alley is currently unimproved with only a wrought iron gate restricting access to Roanoke Avenue. This gate was installed to restrict pedestrian and vehicular traffic pursuant to Resolution 2008-689. Resolution 2008-689 authorized the restriction of pedestrian and vehicular traffic for purposes of protecting and preserving public peace, safety, health and welfare of the community. It is the intent of the proposed Resolution to vacate the subject alley and relieve the current alley restriction identified in Resolution 2008-689.

There are existing utility services within the subject alley area and pursuant to Streets and Highways Code Sections 8306 and 8340, the City of Sacramento will reserve a public service easement over the entire subject area. This public service easement will allow unlimited and unrestricted access to the city facilities along with the other existing utility services along the entire abandoned area

Staff finds that this request for vacation is in conformance with the State of California Streets and Highway Code(S&HC) Sections 8310-8325. The applicant requesting the vacation of this subject alley 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. The City Clerk has published the Notice of Hearing of the proposed vacation, and the Notice of Hearing has been posted at the subject site as required by law pursuant to Streets and Highways Code Sections 8222 and 8223 respectively.



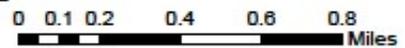
Attachment 2

Map Location for Alley Abandonment



Public Works
CITY OF SACRAMENTO

Prepared by: Thomas Adams
Date: September 12th, 2012





OFFICIAL RECORDS
SACRAMENTO COUNTY CALIF.

B 7404-19 P950

APR 19 3 34 PM 1974

ORDINANCE NO. 3387, FOURTH SERIES

Richard J. Howard
COUNTY RECORDER

AN ORDINANCE CLOSING, VACATING AND ABANDONING CERTAIN PUBLIC RIGHT OF WAY IN THE CITY OF SACRAMENTO, ACCORDING TO THE OFFICIAL MAP OR PLAT THEREOF, AND MAKING THIS ORDINANCE AN EMERGENCY MEASURE, TO TAKE EFFECT IMMEDIATELY.

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NO FILE

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. The following described public right of way in the City of Sacramento:

All that portion of the alley fifteen (15) feet in width located within the block bounded by Rio Linda Boulevard (formerly Palmetto Street), Grand Avenue, Cypress Street, and Roanoke Avenue (formerly Orange Avenue) shown as block 6 on that certain Map of Del Paso Heights recorded February 11th, 1911 in the office of the County Recorder Sacramento County, Sacramento, California in Book 12 of Maps, Map No. 1, lying between the easterly prolongation of the northerly boundary of Lot 4 and the easterly prolongation of a line located fifteen (15) feet northerly of and parallel to the northerly boundary of Lot 10; containing 4,275 feet, more or less; RESERVING HOWEVER, UNTO THE CITY OF SACRAMENTO, an easement for any and all underground public utilities now in place or which from time to time may be placed therein,

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is hereby declared closed, vacated and abandoned.

Said abandonment is declared after due proceedings had therefore, according to law, and a finding by the City Council which is hereby made, that the above-described public right of way is unnecessary for present or prospective public street purposes.

SECTION 2. This ordinance is hereby declared to be an emergency measure and shall take effect immediately; such emergency being the necessity of executing the Redevelopment Plan for the Del Paso Heights Project Neighborhood Development Program, Project No. 5, and of immediately undertaking planning and necessary preparations for the relocation of utilities in order that certain necessary utility relocations and site improvements in the Project Area and pursuant to the Redevelopment Plan may be completed, in order to make the land in the Redevelopment Area available for new construction at the earliest possible date, and thereby to eliminate and prevent recurrence of conditions of slum and blight.

SECTION 3. That the City Clerk shall publish this ordinance once within ten (10) days after passage in the official newspaper of said City of Sacramento.

PASSED: April 18, 1974

EFFECTIVE: April 18, 1974

RICHARD H. MARRIOTT

Mayor

CERTIFIED AS TRUE COPY OF
Ordinance No. 3387 4th Series

DATE
CERTIFIED APR 19 1974

Jaci K. De Ford
City Clerk, City of Sacramento

ATTEST:

JACI K. DE FORD

City Clerk



RESOLUTION NO.

Adopted by the Sacramento City Council

**VACATION OF THE PUBLIC ALLEY BOUNDED BY RIO LINDA BOULEVARD,
CYPRESS STREET, GRAND AND ROANOKE AVENUES WITHIN COUNCIL
DISTRICT 2
VACATION PROCEEDING NO. VAC 12-0003**

BACKGROUND

- A. The Housing Authority of the City of Sacramento has requested the vacation of the alley bounded by Rio Linda Boulevard, Cypress Street, Grand and Roanoke Avenues.
- 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.
- C. As a result of the alley vacation, the restriction of vehicular and pedestrian traffic through the alley bounded by Rio Linda Boulevard, Cyprus Street, Grand and Roanoke Avenues authorized pursuant to Resolution 2008-689 will no longer be necessary for the protection or preservation of the public peace, safety, health, or welfare.

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

- Section 1. The alley bounded by Rio Linda Boulevard, Cypress Street, Grand and Roanoke Avenues within Council District 2, more specifically described in Exhibits A and B of this Resolution is unnecessary for present or prospective public use and is ordered vacated subject to the reservation below in Section 2.
- Section 2. Pursuant to Streets and Highways Code Section 8306 and 8340, the City of Sacramento reserves a public service easement which is more specifically described in Exhibit A 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 portion of the alley 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, Section 8310-8325.
- 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. The restriction of vehicular and pedestrian traffic through the alley bounded by Rio Linda Boulevard, Cyprus Street, Grand and Roanoke Avenues authorized pursuant to Resolution 2008-689 is no longer necessary for the protection or preservation of the public peace, safety, health, or welfare. Pursuant to Sacramento City Code Section 12.40.040, the restriction of vehicular and pedestrian traffic is no longer in effect.
- Section 7. 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"
Alley Abandonment

PARCEL 1

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA OF THE CITY OF SACRAMENTO, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, AND IS DECRIBED AS FOLLOWS:

THE SOUTH 165.00 FEET OF THE EXISTING 15.00 FEET WIDE ALLEY, IN BLOCK 6 PLAT OF DEL PASO HEIGHTS, RECORDED IN BOOK 12 OF MAPS MAP NO. 1

RESERVING, HOWEVER, A 15 FOOT WIDE PUBLIC SERVICE EASEMENT.

THIS LEGAL DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION PURSUANT TO SECTION 8729(2) OF THE PROFESSIONAL LAND SURVEYORS ACT.

RICHARD A. VARNEY P.L.S. 5030
EXPIRES DECEMBER 31, 2013

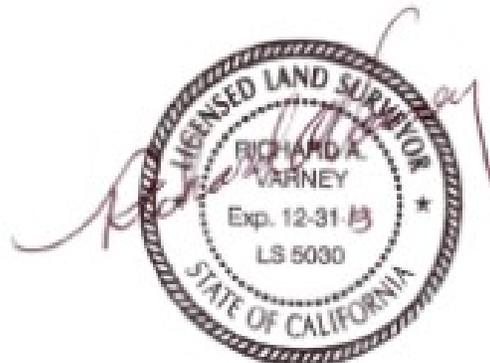


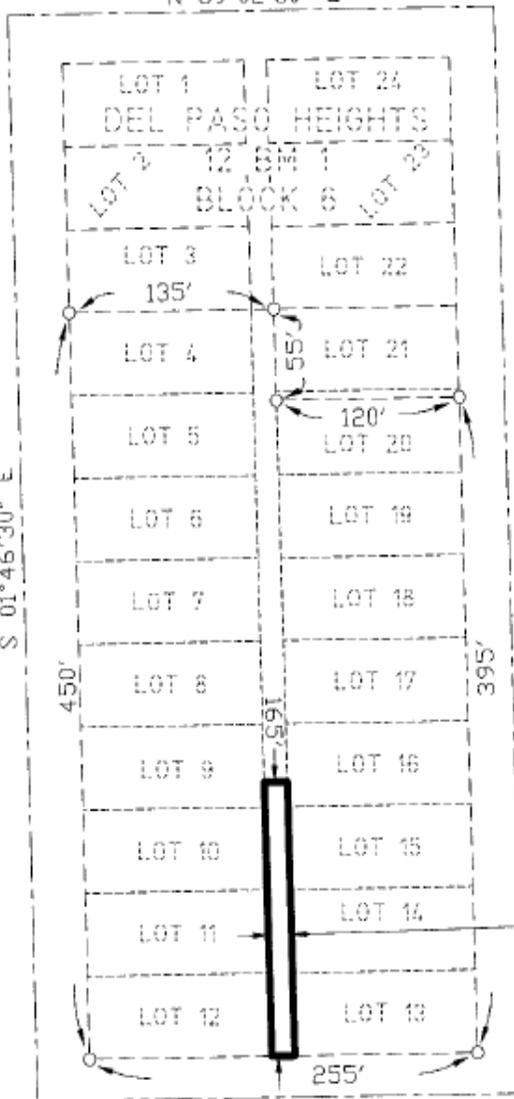
EXHIBIT "B"
ALLEY ABANDONMENT
LOTS 10 THRU 15 & A PORTION OF LOTS 9 & 16
BLOCK 6 OF DEL PASO HEIGHTS 12 BM 1
CITY OF SACRAMENTO, CALIFORNIA
AUGUST 2012 SCALE 1"=100'
VARNEY LAND SURVEYS



☪ GRAND AVENUE
N 89°02'30" E



☪ RIO LINDA BOULEVARD
S 01°46'30" E



☪ CYPRESS STREET
S 01°46'30" E

ALLEY TO BE ABANDONED

N 89°02'30" E
☪ ROANOKE AVENUE

