

Meeting Date: 5/14/2013

Report Type: Consent

Report ID: 2013-00368

Title: Vacation of a Portion of the Public Utility Easement Located East of Norwood Avenue between Morrison and Harris Avenues

Location: The west 163 feet of the Public Utility Easement (P.U.E) located east of Norwood Avenue between Morrison and Harris Avenues in Council District 2.

Issue: Six Bar C, LLC has requested the summary vacation of a portion of the Public Utility Easement (PUE) located east of Norwood Avenue between Morrison and Harris Avenues for the development of the Dollar General retail store. (Z12-099) Under Streets and Highway Code Section 8330-8334 the summary vacation of public utility and public service easements requires City Council approval.

Recommendation: Pass a Resolution vacating a portion of the PUE located east of Norwood Avenue between Morrison and Harris Avenues.

Contact: Thomas Adams, Engineering Technician, (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
- 6 - Exhibit B - Exhibit Plat-Map of Area to be Vacated

City Attorney Review

Approved as to Form
Paul Gale
5/1/2013 10:57:32 AM

City Treasurer Review

Reviewed for Impact on Cash and Debt
Russell Fehr
4/25/2013 10:58:46 AM

Approvals/Acknowledgements

Department Director or Designee: Jerry Way - 4/29/2013 9:29:58 AM



Description/Analysis

Issue: The Six Bar C, LLC has requested the vacation of a portion of a 10-foot-wide Public Utility Easement to allow for the development of a 9,100 square foot Dollar General retail store along the east side of Norwood Avenue, between Morrison and Harris Avenues. The development application was approved by the City Planning Zoning Administrator at a public hearing on December 6, 2012. (Z12-099) The proposed abandonment will not affect any adjacent properties or adjacent utility services. Various City departments and utility companies have reviewed the request and support the proposed abandonment.

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 8330-8334.

Economic Impacts: None

Environmental Considerations:

California Environmental Quality Act (CEQA): The Community Development Department, Environmental Planning Services Division has reviewed this project and determined that the vacation of a portion of the public street is exempt from the provisions of the California Environmental Quality Act (CEQA) Section 15305, Minor Alteration in Land Use Limitation. The vacation of the Public Utility Easement is a minor alteration from its current land use as it allows for buildable structures over the 10-foot-wide area, which has no existing utilities.

Sustainability Considerations: None

Committee/Commission Action: None

Rationale for Recommendation: The area proposed to be vacated will be utilized as part of the building footprint for the approved Dollar General retail store and drive aisle. 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

Six Bar C, LLC has requested the vacation (abandonment) of a portion of the PUE located east of Norwood Avenue between Morrison and Harris Avenues for the approved development of the Dollar General retail store (Z12-099). The abandonment area consists of the west 163 feet of the PUE as shown in the Office of the County Recorder of Sacramento County in Book 48 of Maps at Page 13. The abandoned area will be part of the footprint for the 9,100 square foot retail building and drive aisle. The proposed abandonment will not affect any adjacent properties or adjacent utility services.

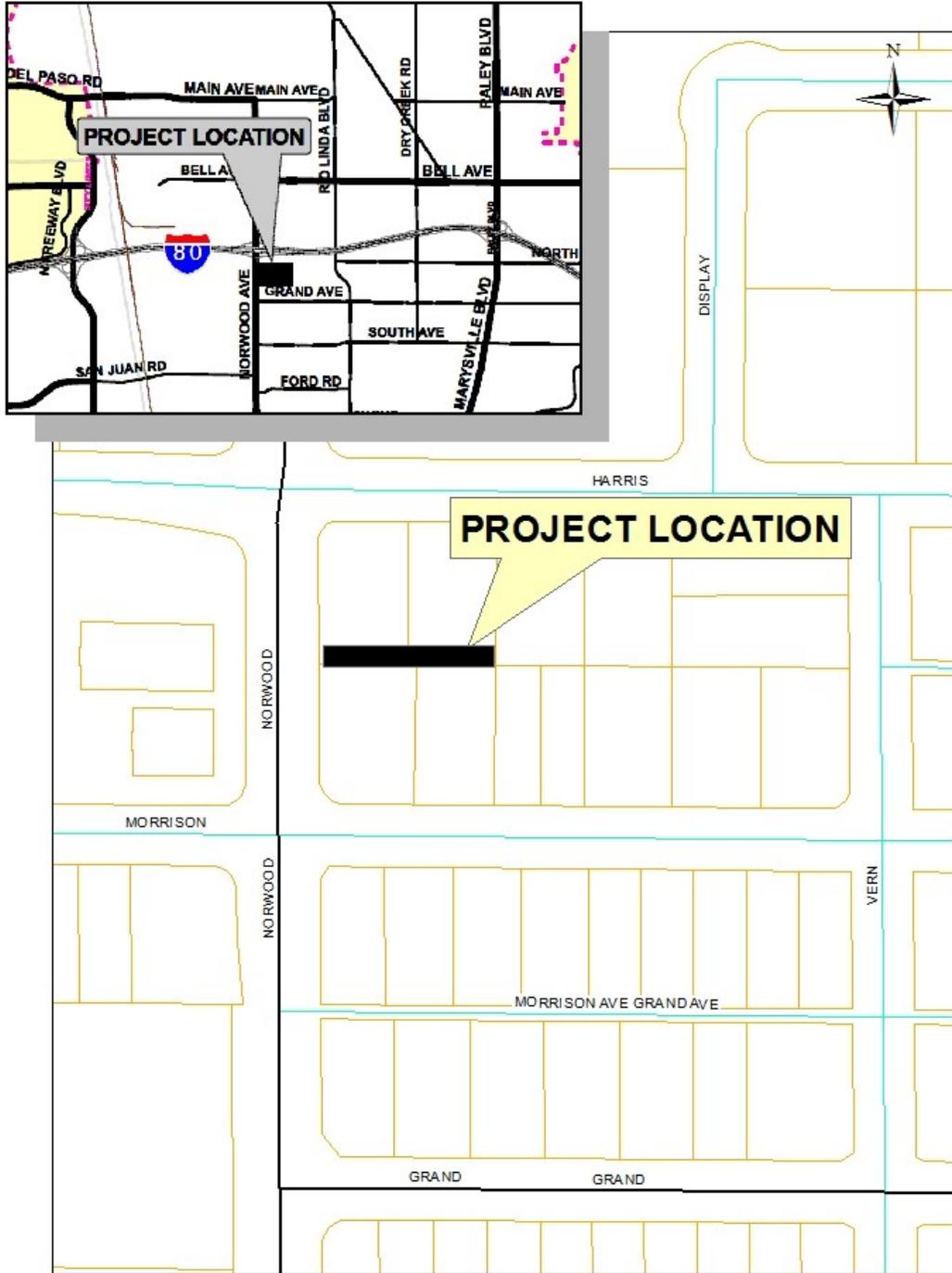
The PUE is located east of Norwood Avenue between Morrison and Harris Avenues in North Sacramento. The Dollar General Retail Store development was processed and approved by the City's Planning Zoning Administrator on December 6, 2012, and was conditioned to remove an existing 4-inch water main located within the 10-foot-wide recorded PUE. The 4-inch water main has been removed to the satisfaction of the City's Department of Utilities. Water service to the development project will be provided from Norwood Avenue. The removal of this water line satisfies the condition of the development project and meets the California Streets and Highway Code for summary abandonment of the PUE. There are no other public facilities located within the portion of the public service easement that is proposed to be vacated.

Staff finds that the request for abandonment of the PUE is in conformance with the State of California Streets and Highway Code (S&HC), Sections 8330-8334. More specifically this abandonment is processed under S&HC Section 8333(c) which allows the summary vacation of a public (service) utility easement that "has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement." The applicant requesting the abandonment has submitted all documents required by the City of Sacramento's Department of Public Works to process the request.

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



Map Location for PUE Abandonment





RESOLUTION NO.

Adopted by the Sacramento City Council

**VACATION OF A PORTION OF THE PUBLIC UTILITY EASEMENT
LOCATED EAST OF NORWOOD AVENUE BETWEEN MORRISON AND
HARRIS AVENUES WITHIN COUNCIL DISTRICT 2
VACATION PROCEEDING NO. VAC13-0003**

BACKGROUND

- A. Six Bar C, LLC has requested the vacation of a portion of a Public Utility Easement (PUE) east of Norwood Avenue for development of a 9,100 square foot retail building.
- 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 PUE east of Norwood Avenue within Council District 2, more specifically described in Exhibits A and B of this Resolution is vacated subject to the condition specified in Section 4.
- Section 2. The vacation of the portion of the PUE east of Norwood Avenue 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 8330-8334.
- Section 3. The City Council finds that the vacation has been submitted to and reported on by the City of Sacramento’s Planning Director and finds that the vacation is consistent with the 2030 General Plan.
- Section 4. This vacation is subject to the following condition:
 - a. Applicant will pay all fees due to process the vacation request.

Section 5. Once the condition listed in Section 4 of this Resolution has been satisfied, 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 Sacramento County Recorder.

Section 6. 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

P.U.E. TO BE VACATED

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SACRAMENTO, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA.

VACATING THE FOLLOWING PORTION OF AN EXISTING PUBLIC UTILITY EASEMENT BEING A PART OF ALL THAT CERTAIN REAL PROPERTY IDENTIFIED AS LOTS FIVE, SIX, SEVEN AND EIGHT OF MASTERS TRACT ACCORDING TO THE OFFICAL PLAT THEREOF, FILED IN THE OFFICE OF THE RECORDER OF SACRAMENTO COUNTY, CALIFORNIA, ON FEBRUARY 26, 1958 IN BOOK 48 OF MAPS, PAGE 13, SAID EASEMENT VACATION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT SIX OF MASTERS TRACT THENCE NORTH 00°20'33" WEST ALONG THE WESTERLY LINE OF SAID LOT SIX A DISTANCE OF 5.00 FEET;

THENCE LEAVING SAID WESTERLY LINE, PARALLEL TO AND 5.00 FOOT NORTHERLY PERPENDICULAR FROM THE SOUTH LINES OF SAID LOTS SIX AND FIVE, SOUTH 89°34'30" EAST A DISTANCE OF 162.90 FEET ;

THENCE PARALLEL TO AND FIVE FEET WESTERLY FROM THE EASTERLY LINES OF SAID LOTS FIVE AND EIGHT, SOUTH 00°17'54" EAST A DISTANCE OF 10.00 FEET;

THENCE PARALLEL TO AND 5.00 FOOT SOUTHERLY PERPENDICULAR FROM THE NORTH LINES OF SAID LOTS SEVEN AND EIGHT, NORTH 89°34'30" WEST A DISTANCE OF 162.89 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT SEVEN;

THENCE NORTH 00°20'33" WEST ALONG THE WESTERLY LINE OF SAID LOT SEVEN A DISTANCE OF 5.00 FEET TO **THE POINT OF BEGINNING**.

SUBJECT TO ALL EASEMENTS AND/OR RIGHTS OF WAY OF RECORD.

CONTAINING 1629 SQUARE FEET, MORE OR LESS.

BEARINGS ARE BASED ON THE CENTERLINE OF HARRIS AVENUE AS SHOWN ON BOOK 166 OF MAPS ON PAGE 11, SACRAMENTO COUNTY OFFICAL RECORDS.



