

**Meeting Date: 5/14/2013**

**Report Type:** Public Hearing

**Report ID:** 2013-00280



**Title: Vacation of 45th Street South of V Street Adjacent to the U.C. Davis Health Center (Noticed on 5-2-13 and 5-8-13)**

**Location:** The north 200 feet of 45th Street south of V Street located within the U.C. Davis Health Center in Council District 6.

**Issue:** The Regents of the University of California have requested the vacation of a portion of 45th Street so it can be incorporated into the U.C. Davis Health Systems development. Streets and Highway Code Section 8310-8325 requires Council approval.

**Recommendation:** Conduct a public hearing and upon conclusion pass a Resolution vacating a portion of 45th Street located south of V Street within the U.C. Davis Health Center.

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

**Presenter:** Thomas Adams, Engineering Technician, (916) 808-7929, Department of Public Works

**Department:** Public Works Department

**Division:** Development Engineering

**Dept ID:** 15001151

**Attachments:**

- 1- Description/Analysis
- 2 - Background
- 3 - Location Map
- 4 - Resolution 1992-0028-45th Street Vacation
- 5 - Resolution
- 6 - Exhibit A - Legal Description
- 7 - Exhibit B - Exhibit Plat-Map of Area

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**City Attorney Review**

Approved as to Form  
Paul Gale  
5/8/2013 1:38:46 PM

**City Treasurer Review**

Reviewed for Impact on Cash and Debt  
Russell Fehr  
5/2/2013 10:31:00 AM

**Approvals/Acknowledgements**

Department Director or Designee: Jerry Way - 5/6/2013 2:46:04 PM



## **Description/Analysis**

**Issue:** The Regents of the University of California have requested the vacation of a portion of 45<sup>th</sup> Street so it can be incorporated into the U.C. Davis Health Systems development.

**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.

**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 CEQA Section 15305, Minor Alteration in Land Use Limitation. The vacation of the street is a minor alteration from its current land use as it only restricts public vehicular access.

**Sustainability Considerations:** None.

**Committee/Commission Action:** None.

**Rationale for Recommendation:** The area proposed to be vacated will be utilized as a travel pathway throughout the Health System complex. 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 Regents of the University of California has requested the vacation of a portion of 45th Street within the U. C. Davis Health Center (UCD Center). The area to be vacated consists of north 200 feet of 45<sup>th</sup> Street just south of V Street. The vacated area will be part of the vehicular travel area within the UCD Center. The area will be secured by a 14 foot wide electric gate and bollards at the north entrance at V Street. The entrance area to the south at "X" Street will not be restricted. This vacated area of 45<sup>th</sup> Street will be incorporated with the other portion of 45<sup>th</sup> Street that was previously vacated in 1992 (see Attachment 3). As a result of the proposed vacation, public vehicular access to the medical complex will be limited to V Street and public vehicular access to the adjacent residential neighborhood from 45<sup>th</sup> Street will be eliminated.

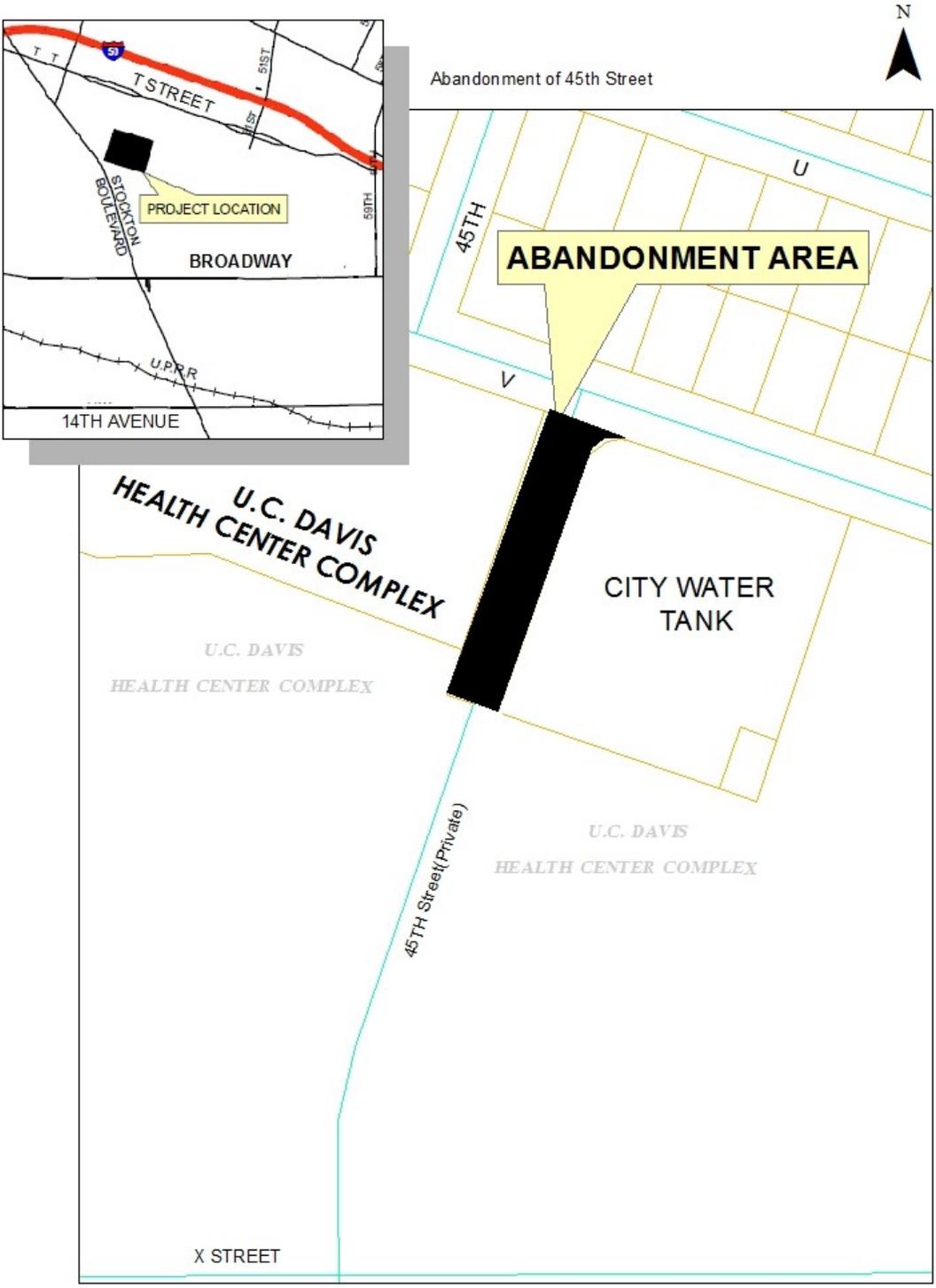
The UCD Center is located southeast of Stockton Boulevard at V Street and covers more than 144 square acres of land. The UCD Center includes the medical center along with many other medical offices, parking structures and private roads. The future development of the complex includes more buildings and parking areas to provide enhanced medical services for the community. There are no plans to build any structure over the vacated area. The vacated area will be utilized as a drive and pedestrian aisle for U.C. Davis staff and emergency personnel.

The area requested for vacation is currently improved with existing street improvements and utility services and is accessible from V Street to the north and X Street from the south. The City's Department of Utilities (DOU) along with the City's Fire Department require several conditions for the vacation. In addition, DOU requires that a Public Utility Easement (PUE) be reserved over the entire area for all existing utilities along with an exclusive ingress and egress easement granted to the City for access to the City's water tank site located east of the vacated area. Finally, DOU requires the U.C. Regents of California to enter into an agreement with the City for the conveyance (grant) of the sewer main within the vacated portion of 45<sup>th</sup> Street from the City to the U.C. Regents of California.

The City's Fire Department requires an electric gate at the V street entrance that is no less than 14 feet wide with electronic access. All fees to process this request will be due prior to recording the vacation.

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 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 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 pursuant to Streets and Highways Code Sections 8222 and 8223 respectively.





BOOK PAGE  
92 03 26 1720

Recording requested by and  
when recorded mail to:

J.A. Valdez  
Development Services  
City of Sacramento  
927 10th Street  
Room 100  
95814

### RESOLUTION NO. 92-190

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF MAR 17 1992

RESOLUTION ADOPTING FINDINGS OF  
FACT AND APPROVING THE VACATION  
AND ABANDONMENT OF "X" STREET  
BETWEEN STOCKTON BOULEVARD AND  
45TH STREET; 45TH STREET BETWEEN  
"Y" STREET AND SOUTH OF "V"  
STREET; AND THE ALLEY BOUNDED BY  
STOCKTON BOULEVARD, 45TH, "X" AND  
"Y" STREETS

ABANDONMENT PROCEEDING NO. 92-04

CERTIFIED AS TRUE COPY  
of Resolution No. 92-190

MAR 20 1992

DATE RECORDED  
CITY CLERK, CITY OF SACRAMENTO

COUNTY CLERK - CORNER

92 MAR 26 PM 2:34

OFFICIAL RECORDS  
SACRAMENTO COUNTY CLERK

NO  
FEE  
M

1. WHEREAS, the City received a Petition to Vacate from owners of property within the City of Sacramento, requesting a public hearing before the City Council to consider abandoning and vacating;
2. WHEREAS, a notice that the City Council would consider the proposed vacation at a public hearing was given in compliance with California Streets and Highways Code Section 8300 et seq.;
3. WHEREAS, the City Planning Commission on October 24, 1991, reviewed the proposed vacation pursuant to Government Code Section 65402 and concluded that said vacation would be consistent with the City General Plan and the applicable Community Plan;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

1. The public street located in the City of Sacramento, County of Sacramento, State of California and specifically described below is hereby ordered vacated:

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

FOR CITY CLERK USE ONLY

RESOLUTION NO.: 92-190  
DATE ADOPTED: MAR 17 1992

PARCEL 1

All that certain real property situate in the City and County of Sacramento, State of California and being a portion of the Northwest one-quarter of Section 17, T. 8 North, R. 5 East, MDB&M and also being a portion of "X" Street (formerly High Street) as said street is shown and so designated on that certain Plat entitled "AMENDED PLAT OF WRIGHT AND KIMBOROUGH ADDITION NO. 14" filed in Book: 7 of Maps, Map No.5, Sacramento County Records, More particularly described as follows:

Being all that portion of "X" Street located between the easterly right-of-way line of Stockton Boulevard and the westerly right-of-way line of 45th Street.

Reserving therefrom an easement for electrical appurtenances more particularly described as follows:

Beginning at a point from which the northwest corner of Lot 278 as said Lot is shown and so designated on said Plat bears North 89°46'48" East 8.71 feet, said point also being on the westerly projection of the southerly line of said "X" Street; thence from said POINT OF BEGINNING along said westerly projection and the northerly line of said Lot 278 North 89°49'46" East 46.46 feet; thence leaving said northerly line North 29°06'01" West 59.39 feet to a point in the northerly line of said "X" Street; thence, along said northerly line South 89°46'48" West 57.37 feet to a point in the easterly right of way of Stockton Boulevard, a public roadway; thence along the southerly projection of said easterly right of way South 37°22'38" East 65.25 feet to the POINT OF BEGINNING.

PARCEL 2

Being all that portion of the alley located in the block bounded by Stockton Boulevard, "X", "Y", and 45th Streets. The boundaries of said alley being the easterly right-of-way line of Stockton Boulevard and the westerly right-of-way line of 45th Street.

PARCEL 3

Being all that portion of 45th Street located between the southerly right-of-way line of "Y" Street and the westerly prolongation of the southerly line of that certain one-acre parcel conveyed to the City of Sacramento by the State of California by Quit Claim Deed dated April 25, 1969, recorded June 4, 1969, in Book 69-06-04, Page 107, Official Records of Sacramento County.

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FOR CITY CLERK USE ONLY

RESOLUTION NO.: 92-190  
DATE ADOPTED: MAR 11 7 1992

Reserving therefrom an easement over, under and across the east 1/2 of 45th Street from the south right-of-way line of "V" Street to the easterly prolongation of the southerly right-of-way line of "X" Street; with the right of entry to repair, maintain and construct sewer and water facilities now in place in said street, or which from time to time may be placed therein.

The meridian of this description is identical to the meridian of that certain Record of Survey filed in Book 30 of Surveys, Map No. 30, Sacramento County Records.

That, after the adoption of said Resolution of Intention, affiant caused to be conspicuously posted along the line of the abandonment described in said Resolution of Intention, at not more than three hundred (300) feet in distance apart, and not less than three on each alley so to be abandoned, notices of the passage of said Resolution;

A map or plan of the proposed abandonment is on file with the Department of Public Works, Development Services, located at 927-10th Street, Room 100.

2. The above-described public street is unnecessary for present or prospective public street use in that:
  - a. It is not necessary for through traffic circulation; and
  - b. The City Engineers have reviewed said abandonment and found that it will not interfere with the traffic flow in the area or affect the aesthetics of the neighborhood; and
  - c. The parcels adjacent to the abandoned street described above have other access and said abandonment will not create any land-locked parcels; and
  - d. The street to be vacated is not necessary or useful as a non-motorized transportation facility as defined in Section 156 of the Streets and Highways Code.
3. The City Council hereby finds that the said vacation has been submitted to and reported on by the City Planning Commission as to conformity with the City General Plan. The Commission recommended that the vacation be approved. The Council, pursuant to Street and Highways Code Section 8300 et seq., has considered this street vacation in connection with the above General and Community Plans and finds the vacation consistent with them, in that:
  - a. The closure of the street identified in paragraph 1 above, does satisfy the City Council's "Review Guideline For Street Closures", adopted July 20, 1982, by Resolution No. 82-509.

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92-190

ORDINANCE NO.:

MAR 17 1992

DATE ADOPTED:



4. 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.

ANNE BUDIN

ATTEST:

\_\_\_\_\_  
MAYOR

VALERIE BURROWES

\_\_\_\_\_  
CITY CLERK

DS2-06AB.B  
02.2892.1

EXHIBIT "A"  
CITY COUNCIL OF THE CITY OF SACRAMENTO

In the Matter of Abandonment	)	
Proceeding No. 92-04 Abandonment	)	ENGINEER'S REPORT
of "X" Street between Stockton Boulevard	)	
and 45th Street; 45th Street between "Y"	)	
Street and south of "V" Street; and the	)	
alley bounded by Stockton Boulevard, 45th,	)	
"X" and "Y" Streets	)	

A Public Hearing is scheduled for this date pertaining to the proposed abandonment of "X" Street between Stockton Boulevard and 45th Street; 45th Street between "Y" Street and south of "V" Street; and the alley bounded by Stockton Boulevard, 45th, "X" and "Y" Streets. The proposed abandonment has been undertaken due to the following facts:

1. October 24, 1991, the Planning Commission voted to approve the abandonment.
2. A request from Mr. Jon Bush, on behalf of the Regents of the University of California was presented to the City Council on February 25, 1992.
3. That on February 25, 1992, the Director of Public Works presented to the Council the Resolution of Intention for the abandonment for approval. On that date, the Council did approve said Resolution of Intention, which set a hearing date on the abandonment for this date.
4. That on February 26, 1992, a copy of the Resolution of Intention was mailed to all persons within a 300' radius of said abandonment notifying them of the hearing set for this date.
5. That on February 28 and March 6, 1992, the Resolution of Intention was published in the Daily Recorder.
6. That on March 2, 1992, Notices were posted along the proposed abandonments.
7. The abandonment would consist of abandoning "X" Street between Stockton Boulevard and 45th Street; 45th Street between "Y" Street and south of "V" Street; and the alley bounded by Stockton Boulevard, 45th, "X" and "Y" Streets.
8. That the various utility companies (Pacific Bell, PG&E, Sacramento Cable TV and SMUD), and City Water and Sewer Division, City Electrical and City Traffic Engineering submitted letters stating they have no objection to the abandonment, provided public easements are retained to permit maintenance of existing or future facilities.
9. That as of March 10, 1992, no protests have been received.

92-190

MAR 17 1992

10. It is my opinion that said abandonment will not affect the aesthetics of the neighborhood or cause any undue hardship on the City.

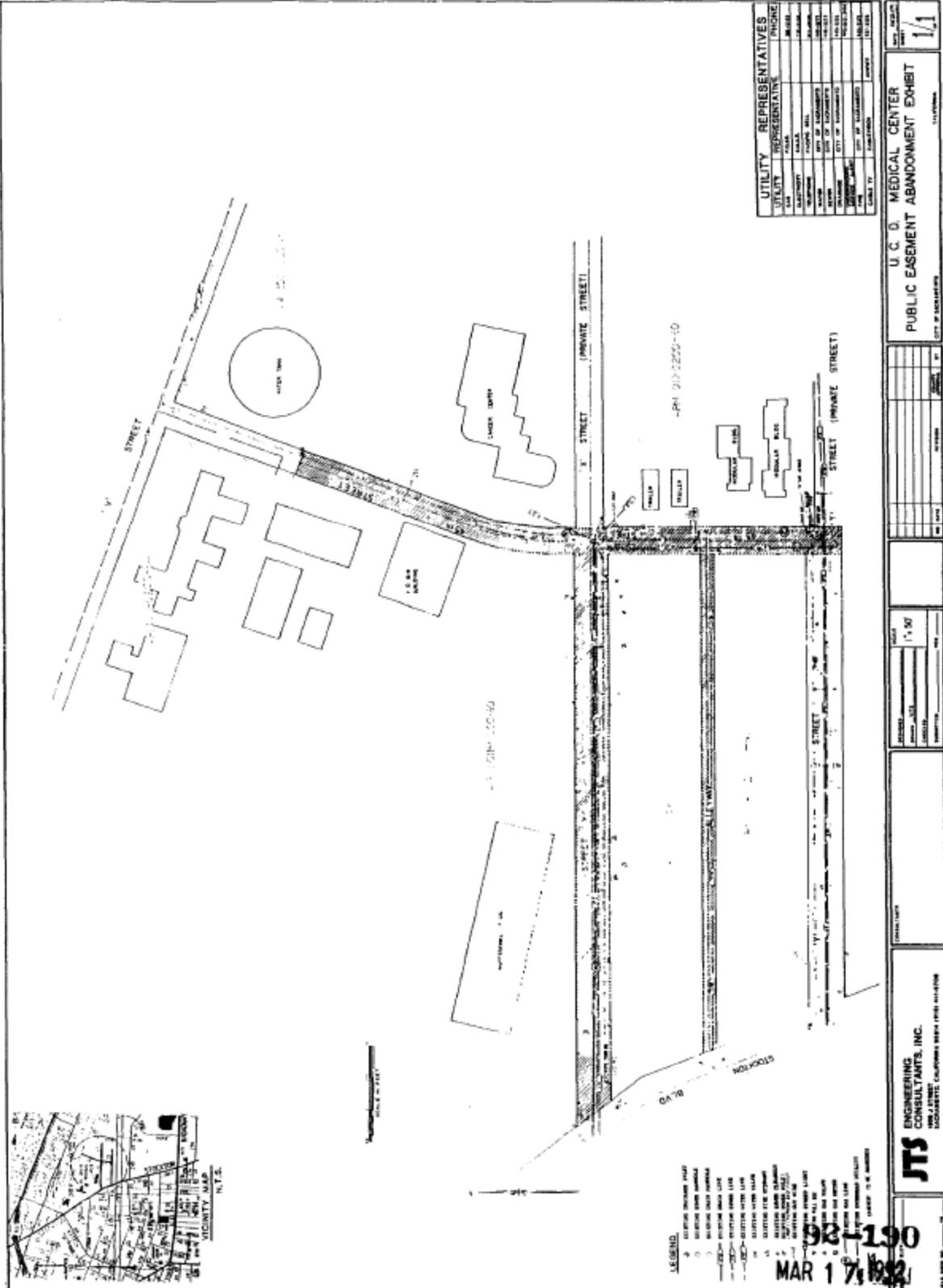
Executed this seventeenth day of March, 1992.

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ROBERT L. LEE  
DEPUTY DIRECTOR OF PUBLIC WORKS

DS-06AB.B  
2.2892.1

92-190  
MAR 17 1992



UTILITY	REPRESENTATIVE	PHONE
WATER	...	...
SEWER	...	...
ELECTRIC	...	...
TELEPHONE	...	...
CABLE TV	...	...
...	...	...

U.C.C. MEDICAL CENTER  
PUBLIC EASEMENT ABANDONMENT EXHIBIT

DATE	1/1
SCALE	1" = 30'
PROJECT NO.	92-190
DATE	MAR 17 1982

JTS ENGINEERING CONSULTANTS, INC.  
1000 J STREET, S.W.  
WASHINGTON, D.C. 20004

92-190  
MAR 17 1982



## **RESOLUTION NO.**

**Adopted by the Sacramento City Council**

**VACATION OF A PORTION OF 45<sup>TH</sup> STREET SOUTH OF V STREET  
ADJACENT TO U.C. DAVIS HEALTH CENTER WITHIN COUNCIL  
DISTRICT 6  
VACATION PROCEEDING NO. VAC 12-0005**

### **BACKGROUND**

- A. The Regents of the University of California has requested the vacation of a portion of 45th Street for future development of its health system complex.
- 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. A portion of 45<sup>th</sup> Street within Council District 6, 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 in Section 2 below, and subject to the conditions specified in Section 5.
- 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 45th Street within Council District 6, 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 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 5. This vacation is subject to the following conditions:

- a. The owner will dedicate a 30 foot wide Ingress/Egress Easement to the City of Sacramento to access the City water tower facility to the satisfaction of the Department of Utilities.
- b. The owner shall enter into an agreement with the City on terms satisfactory to the Department of Utilities for the conveyance of an existing sewer main within the vacated portion of 45<sup>th</sup> Street from the City to the owner.
- c. The owner is required to install an electronic access gate at the V street entrance to the satisfaction of the City's Fire Department.
- d. Payment of all fees due to process the vacation request.

Section 6. Once all conditions listed in Section 5 of this Resolution have 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 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"**

**LEGAL DESCRIPTION  
OF  
PORTION OF 45TH STREET ABANDONMENT**

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

BEING ALL THAT PORTION OF 45<sup>TH</sup> STREET, AS SHOWN ON THAT CERTAIN "RECORD OF SURVEY" RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SACRAMENTO COUNTY ON OCTOBER 11, 1973 IN BOOK 30 OF SURVEYS AT PAGE 30, LOCATED BETWEEN THE SOUTHERLY RIGHT-OF-WAY LINE OF "V" STREET, AS SHOWN ON SAID RECORD OF SURVEY, AND THE WESTERLY PROLONGATION OF THE SOUTHERLY LINE OF THAT CERTAIN ONE-ACRE PARCEL CONVEYED TO THE CITY OF SACRAMENTO BY THE STATE OF CALIFORNIA BY QUIT CLAIM DEED DATED 25, 1969, RECORDED JUNE 4, 1969, IN BOOK 69-06-04, PAGE 107, OFFICIAL RECORDS OF SACRAMENTO COUNTY.

RESERVING, HOWEVER, A PUBLIC SERVICE EASEMENT OVER ALL PORTIONS OF 45TH STREET BEING ABANDONNED.

END OF LEGAL DESCRIPTION

Frank N. Walker  
No. 5352  
Exp. 12-31-13  
4/25/13



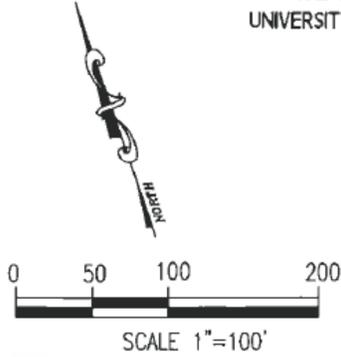
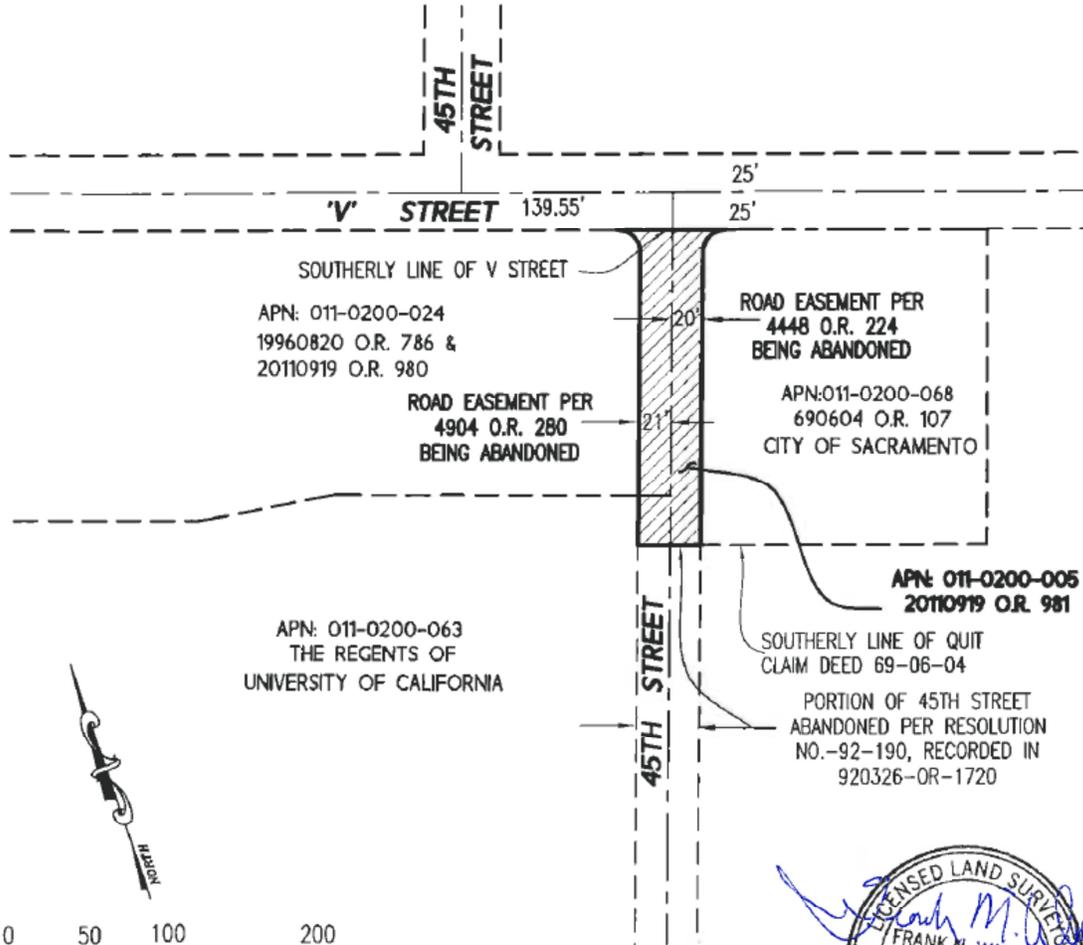
CITY OF SACRAMENTO  
SHEET 1 OF 1

**EXHIBIT 'B'**  
**ABANDONMENT EXHIBIT**

CALIFORNIA  
MARCH 2013

A PORTION OF 45TH STREET LYING SOUTHERLY  
RIGHT-OF-WAY LINE OF 'V' STREET

**JTS** ENGINEERING  
CONSULTANTS, INC.



**NOTE:**  
THIS EXHIBIT IS PREPARED FROM RECORD DATA.  
IT IS NOT BASED ON A SURVEY.



FOR CITY CLERK USE ONLY

RESOLUTION NO: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_