

**City Council Report**

915 I Street, 1<sup>st</sup> Floor

[www.CityofSacramento.org](http://www.CityofSacramento.org)

**Meeting Date:** 6/25/2013

**Report Type:** Consent

**Report ID:** 2013-00445

**Title: Vacation of a Portion of Lee Avenue**

**Location:** 826 Park Road located between Marysville Boulevard and Rose Avenue, District 2

**Issue:** The property owner of 826 Park Road requests the summary vacation of a portion of the public right-of-way known as Lee Avenue located within the southern portion of the property to remedy the encroachment status of the residential structure situated on the property.

**Recommendation:** Pass a Resolution vacating a portion of Lee Avenue located on the south portion of the lots located at 826 Park Road.

**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)

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**City Attorney Review**

Approved as to Form

Paul Gale

6/18/2013 1:31:01 PM

**City Treasurer Review**

Reviewed for Impact on Cash and Debt

John Colville

6/17/2013 9:56:02 AM

**Approvals/Acknowledgements**

Department Director or Designee: Jerry Way - 6/18/2013 9:05:40 AM

## Description/Analysis

**Issue:** The property located at 826 Park Road has a residential structure that encroaches within the right-of-way of Lee Avenue. On record Lee Avenue is shown as a public road but it is undeveloped and runs through the rear yards of the residential lots along the south side of Park Road, between Marysville Boulevard and Rose Street. The owner of 826 Park Road would like to vacate the area of Lee Avenue that runs through her property to remedy the encroachment status of her residential structure.

**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 road consists of a minor alteration in land use involving an inaccessible portion of Lee Avenue. This area has no public access to or from the adjacent streets.

**Sustainability Considerations:** None

**Committee/Commission Action:** None

**Rationale for Recommendation:** The area proposed for vacation will be utilized as yard area as it is currently used and remedy the encroachment of the residential structure within the right-of-way. 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**

Property owner Karen Burnett requested the vacation (abandonment) of a portion of Lee Avenue which runs through the south end of her parcel located at 826 Park Road. Currently her residential structure is encroaching within the right-of-way (ROW) of Lee Avenue. Lee Avenue was dedicated as a public ROW on the Plat of Robla Acres as shown in the Office of the County Recorder of Sacramento County in Book 14 of Maps at Page 25. The abandonment of the subject area will address the encroachment of the residential structure within the ROW and allow the owner to process the lot line adjustment (COC11-0020) on file with the City of Sacramento. The proposed abandonment will not affect any adjacent property owners' access along Lee Avenue or the adjacent streets.

Lee Avenue was dedicated as a 50 foot wide public ROW on the Plat of Robla Acres in Book 14 of Maps at Page 25. The south 25 feet of Lee Avenue was later abandoned by the "Plat of Jones Ranch" in 2001 as shown in Book 293 at Page 6 of Maps in the Office of the County Recorder of Sacramento County. The abandonment of the south 25 feet did not alter the status of the north 25 feet of Lee Avenue and it remains as public right-of-way.

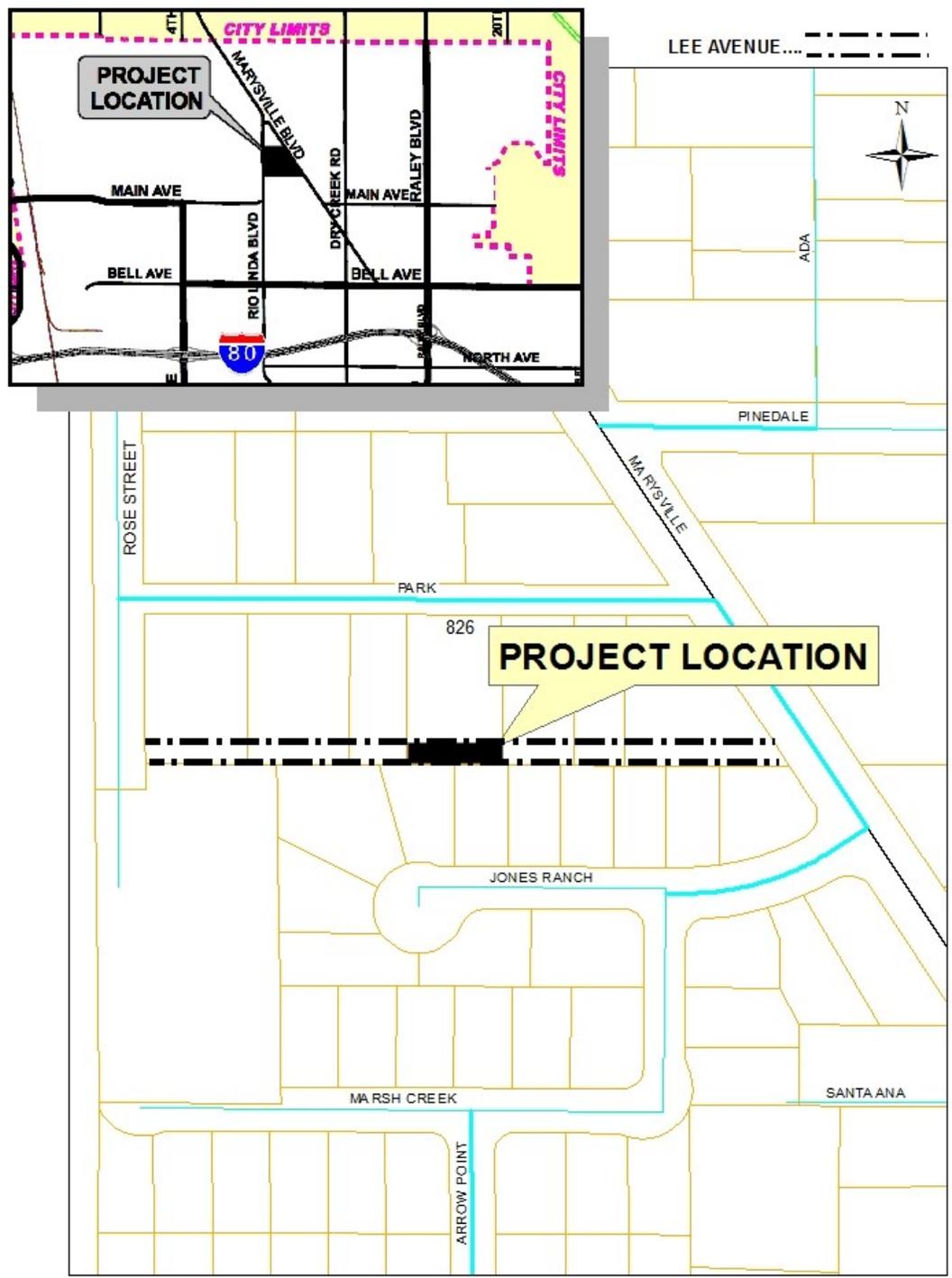
The current owner became aware that her structure is encroaching within the public right-of-way of Lee Avenue when she recently filed an application for a Lot Line Adjustment with the City to merge the two lots she owns.

The owner is therefore requesting the abandonment of the portion of Lee Avenue that runs within her property in order to proceed with the proposed lot merger.

Staff finds that this request for the summary abandonment of a portion of the public ROW 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 8331 which allows the summary abandonment of a street or highway if for a period of five consecutive years, the street or highway has been impassable for vehicular travel and that no public money was expended for maintenance on the street or highway during such period.

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  
Lee Avenue Abandonment



## **RESOLUTION NO.**

**Adopted by the Sacramento City Council**

### **VACATION OF A PORTION OF LEE AVENUE WITHIN COUNCIL DISTRICT 2 VACATION PROCEEDING NO. VAC13-0002**

#### **BACKGROUND**

- A. Karen Barnett has requested the vacation of a portion of Lee Avenue to relieve the encroachment of the residential structure within the public road 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. A portion of Lee Avenue south of Park Road 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 Lee 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

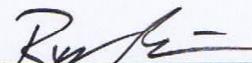
**EXHIBIT "A"**  
**LEE AVENUE VACATION**  
**LEGAL DESCRIPTION**

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

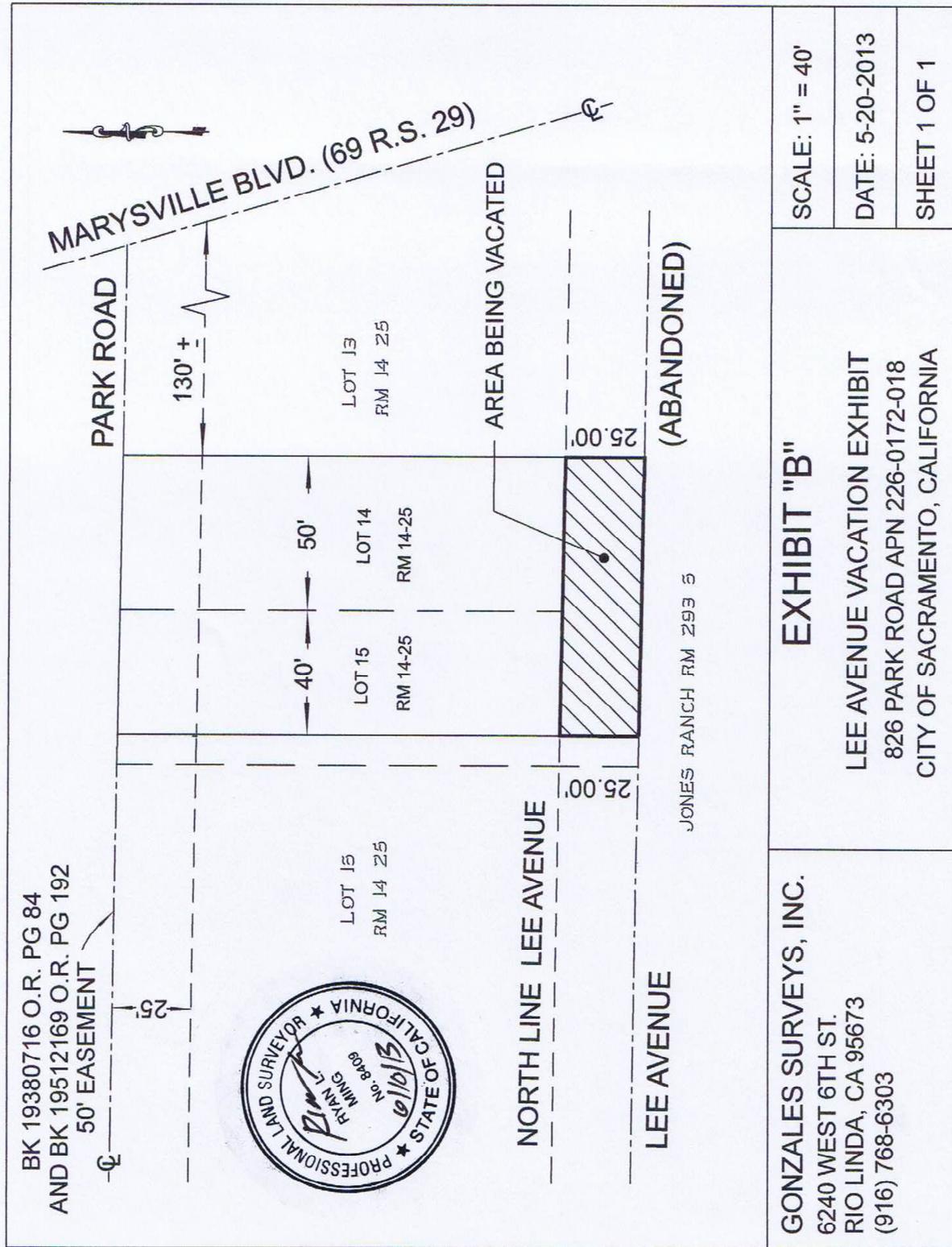
ALL THAT PORTION OF LOT 14 AND THE EAST 40' OF LOT 15, BLOCK 11, AS SHOWN ON THE "PLAT OF ROBLA ACRES", FILED ON MAY 20, 1913, IN BOOK 14 OF MAPS, MAP NO. 25, IN THE OFFICE OF SAID COUNTY RECORDER, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 25' OF SAID LOTS, BEING THE NORTH 25' OF LEE AVE AS SHOWN ON SAID PLAT OF "ROBLA ACRES".

DATE: 6/10/13

  
RYAN L MING  
P.L.S. 8409  
EXPIRES 6/30/14





<p><b>GONZALES SURVEYS, INC.</b>          6240 WEST 6TH ST.          RIO LINDA, CA 95673          (916) 768-6303</p>	<p><b>EXHIBIT "B"</b></p> <p>LEE AVENUE VACATION EXHIBIT          826 PARK ROAD APN 226-0172-018          CITY OF SACRAMENTO, CALIFORNIA</p>	
	<p>SCALE: 1" = 40'</p>	
	<p>DATE: 5-20-2013</p>	
		<p>SHEET 1 OF 1</p>