

**Meeting Date:** 8/19/2014

**Report Type:** Public Hearing

**Report ID:** 2014-00571

**Title:** Vacation of Multiple Drainage and Sanitary Sewer Easements for Delta Shores Development (Noticed 08/05/2014)

**Location:** Districts 7 and 8

**Recommendation:** Conduct a public hearing and upon conclusion pass a Resolution vacating portions of drainage and sanitary sewer easements identified in the Exhibit A to the proposed Resolution as part of the Delta Shores development.

**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:** Engineering Services Admin

**Dept ID:** 15001111

**Attachments:**

1-Description/Analysis

2-Location Map

3-Resolution

4-Exhibit A - Legal Description - Drainage and Sewer Easements

5-Exhibit B - Exhibit Plat Map of Areas to be Vacated

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**City Attorney Review**

Approved as to Form

Paul Gale

8/11/2014 9:01:27 AM

**Approvals/Acknowledgements**

Department Director or Designee: Jerry Way - 7/31/2014 6:57:05 AM

## Description/Analysis

**Issue:** M & H Realty Partners VI, L.P., owner of the Delta Shores development, is requesting the vacation (abandonment) of portions of seven drainage and sanitary sewer easements as part of the Delta Shores Planned Unit Development (PUD) project located in the southwest area of the City of Sacramento.

These easements are displayed as proposed abandonments on the approved Delta Shores Tentative Map (P06-197). The area encompassed by these easements will be part of the new development and new Wetland Parcels that were created as part of the 782-acre master planned community within the Delta Shores PUD. As a condition of approval by the City Council, the owner will be required to dedicate new public drainage and sanitary sewer easements. The easements and portions of the easements requested for abandonment are detailed in Exhibits A and B of the attached Resolution.

**Policy Considerations:** The Council action recommended in this report is in compliance with California Streets and Highways Code Sections 8320-8325 and 8335.

**Economic Impacts:** None

### Environmental Considerations:

**California Environmental Quality Act (CEQA):** On January 13, 2009, the City Council certified the Environmental Impact Report (EIR) for the Delta Shores Project. The proposed abandonment of the easements is part of the implementation of the Delta Shores project. Abandonment of easements is a ministerial action, and no additional environmental review is required.

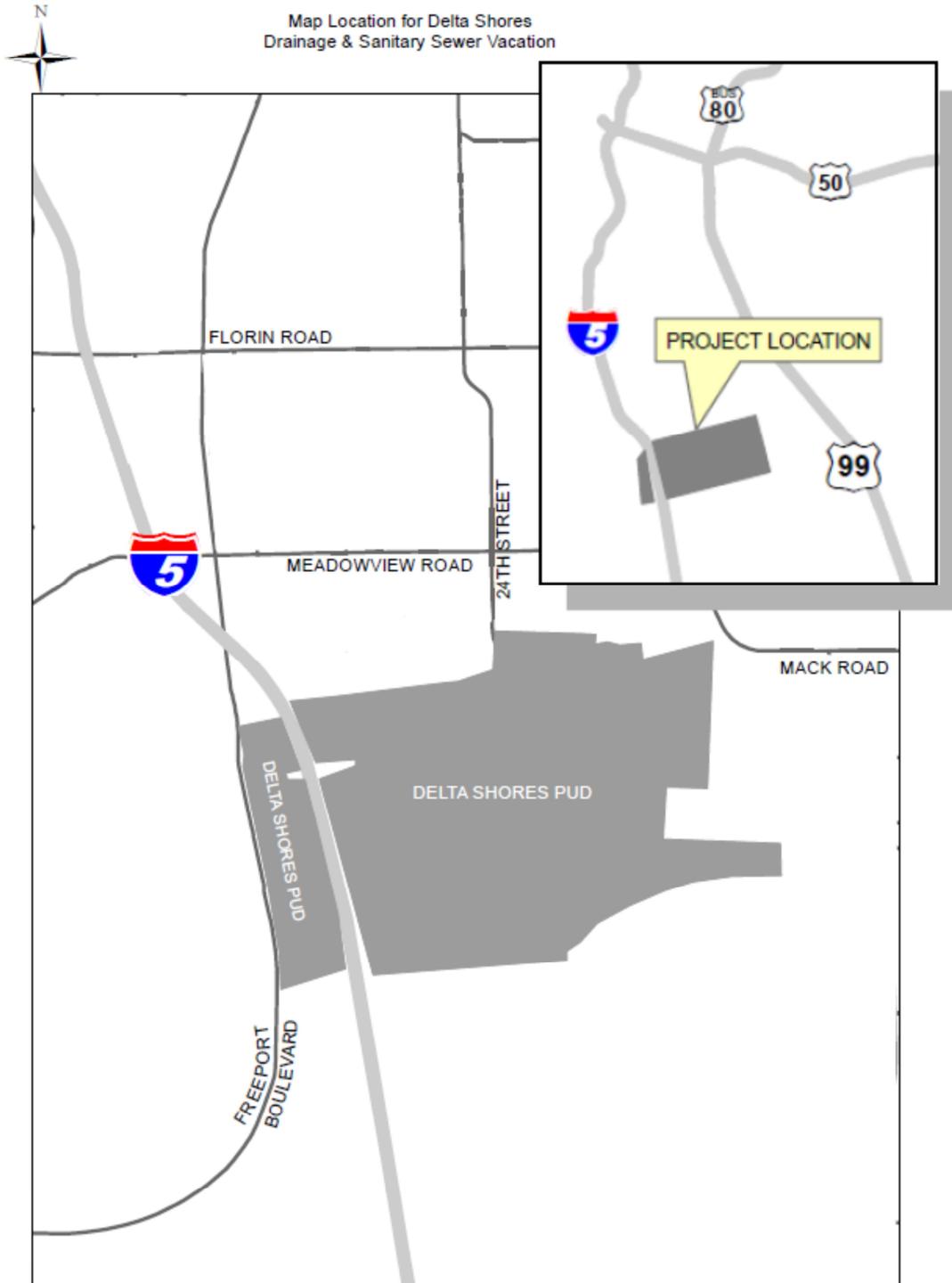
**Sustainability Considerations:** None

**Committee/Commission Action:** None

**Rationale for Recommendation:** The easement areas of abandonment will not be required for future drainage and sanitary sewer services. All required services will be relocated within new easement dedications. In addition, portions of the easement areas for abandonment will be utilized as part of the required Wetlands for the Delta Shores development. Staff supports this vacation request along with the conditions in the attached Resolution.

**Financial Considerations:** The applicant is responsible for all fees required to process the application and there is no cost to the City.

**Local Business Enterprise (LBE):** Not applicable.



## **RESOLUTION NO.**

**Adopted by the Sacramento City Council**

### **VACATION OF MULTIPLE DRAINAGE AND SANITARY SEWER EASEMENTS FOR DELTA SHORES DEVELOPMENT, WITHIN COUNCIL DISTRICT 7 and COUNCIL DISTRICT 8**

**VACATION PROCEEDING NO. VAC14-0002**

#### **BACKGROUND**

- A. The Delta Shores Planned Unit Development requires the vacation of portions of seven drainage and sanitary sewer easements to facilitate development of the 782-acre site.
- B. The City of Sacramento's Planning Director has reviewed this vacation proceeding pursuant to Sacramento City Code 2.112.080 and State of California Government Code Section 65402 and has 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. Portions of the public drainage and sanitary sewer easements within the approved Delta Shores Planned Unit Development within Council Districts 7 and 8, more specifically described in Exhibits A and B of this Resolution are vacated subject to the conditions specified in Section 4.
- Section 2. The vacation of the portions of the public drainage and sanitary sewer easements, 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, Sections 8320-8325 and 8335.
- 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 conditions:
  - a. The applicant will dedicate new public drainage and sanitary sewer easements to City of Sacramento to meet improvement requirements to the satisfaction of the Public Works Department.
  - b. The applicant will pay all fees due to process the vacation request.

Section 5. Once this Resolution has been approved, and the conditions listed in Section 4 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 6. Exhibits A and B are incorporated into and made part of this resolution.

**Table of Contents:**

Exhibit A: Legal Description – Drainage and Sewer Easements

Exhibit B: Exhibit Plat/Map of Areas to be Vacated

**Exhibit "A"**  
Page 1 of 5

Book 4109, Page 607 and Book 4464, Page 319  
Sewer Easement to the City of Sacramento

AREA TO BE ABANDONED

**Area 1**

That portion of Parcel 1 of that easement for sewer pipe lines and appurtenances described in Book 4109, Page 607 and Book 4464, Page 319, the centerline of which is described as follows:

**COMMENCING** at a point in the south line of Section 7, Township 7 North, Range 5 East, M.D.B.&M., lying South 89°57' East 1533.97 feet from the southwest corner of said Section 7 and from said point of beginning proceeding North 00°03'50" West 59.96 feet; thence along the arc of a curve to the left, having a radius of 500.00 feet, said arc being subtended by a chord bearing North 22°47'19" West 386.30 feet to the **POINT OF BEGINNING**; thence from said **POINT OF BEGINNING**, continuing along said arc, being subtended by a chord bearing North 46°53'13" West 23.98 feet; thence North 48°15'40" West 26.98 feet; thence along the arc of a curve to the right, having a radius of 800.00 feet, said arc being subtended by a chord bearing North 24°13'15" West 651.81 feet; thence North 00°10'50" West 789.26 feet to the **POINT OF ENDING**.

**Area 2**

Parcel 2 and Parcel 3 of that easement for sewer pipe lines and appurtenances described in Book 4109, Page 607 and Book 4464, Page 319.

**Exhibit "A"**  
Page 2 of 5

Book 4396, Page 907  
Sewer and Drainage Pipeline Easement to the City of Sacramento

AREA TO BE ABANDONED

All that portion of that easement for sewer and drainage pipe lines described in Book 4396, Page 907, described as follows:

**Area 3**

Parcel No. 1 and Parcel No. 4 as said parcels are described in the easement for sewer and drainage pipe lines described in Book 4396, Page 907.

**Area 4**

All that portion of Parcel No. 2, a ten (10) foot strip of land, measured at right angles, the northerly and westerly line of which is described as follows:

Beginning at the point designated "A" as described in Parcel No. 1 of said document; thence from said point of beginning, curving to the left on an arc of 1402.21 feet radius, said arc being subtended by a chord bearing North 83°21'03" West 352.00 feet; thence South 89°28'00" west 1481.72 feet; thence curving to the right on an arc of 1250.00 feet radius, said arc being subtended by a chord bearing North 72°27'00" West 671.85 feet; thence curving to the left on an arc of 950.00 feet radius, said arc being subtended by a chord bearing North 78°44'20" West 774.99 feet; thence North 12°48'40" West 576.00 feet; thence south 72°07'22" West 101.00 feet.

**Exhibit "A"**  
Page 3 of 5

Book 5016, Page 635 and Book 5016, Page 816  
Drainage Pipeline Easement to the City of Sacramento

AREA TO BE ABANDONED

**Area 5**

All that easement for drain pipe lines and appurtenances described in Book 5016, Page 635 and Book 5016, Page 816.

**EXCEPTING THEREFROM**, a strip of land ten (10) feet in width, measured at right angles, the southerly and easterly lines of which is described as follows:

Beginning at a point on the east boundary of that certain 73.685 acre tract of land, designated "Parcel No. 5", in deed to Brown Investment Corporation, Edward G. Cadjew and Western Title Guaranty Company, recorded in the office of the Recorder of Sacramento County in Book 4081 of Official Records, Page 46, from which the southeast corner of Lot 408, Meadowview Village Unit No. 5, recorded in the office of the Recorder of Sacramento County in Book 62 of Maps, Map No. 29, bears North 00°11'19" West 1173.56 feet and North 00°19'23" West 880.30 feet; thence from said point of beginning South 89°48'41" West 126.00 feet; thence South 00°11'19" East 444.00 feet; thence South 89°26'23" West 510.00 feet.

**Exhibit "A"**  
Page 4 of 5

Book 5023, Page 204  
Sewer and Storm Drainage Pipeline Easement to the City of Sacramento

AREA TO BE ABANDONED

All that easement for sewer and drainage pipe lines described in Book 5023, Page 204, Official Records, described as follows:

**Area 6**

Parcel No. 1, Parcel No. 2, Parcel No. 4, Parcel No. 5, and Parcel No. 6 of that sewer and drainage easement described in Book 5023, Page 204, Official Records.

tion of the easement not being abandoned.

**Area 7**

Parcel No. 3 of that sewer and drainage easement described in Book 5023, Page 204, Official Records.

**EXCEPTING THEREFROM**, that portion of said Parcel No. 3 described as follows:

A strip of land twenty-five (25) feet in width, measured at right angles, the centerline of which is described as follows:

Commencing at the point designated "A" as described in Parcel No. 1 of said document; thence from said point of commencement North 89°43'10" East 3.20 feet; thence South 395.82 feet; thence curving to the right on an arc of 665.00 feet radius, said arc being subtended by a chord bearing South 14°04'45" West 323.54 feet; thence curving to the left on an arc of 815.00 feet radius, said arc being subtended by a chord bearing South 26°04'22" West 59.29 feet to the point of beginning; thence, continuing along said arc being subtended by a chord bearing South 16°16'41" West 218.68 feet.

**Exhibit "A"**  
Page 5 of 5

Book 5959, Page 24  
Drainage Pipeline Easement to City of Sacramento

AREA TO BE ABANDONED

**Area 8**

A portion of Parcel No. 2 of that easement for drainage pipe lines described in Book 5059, Page 24, being a strip of land twenty-five (25.00) feet in width, measured at right angles, the centerline of which is described as follows:

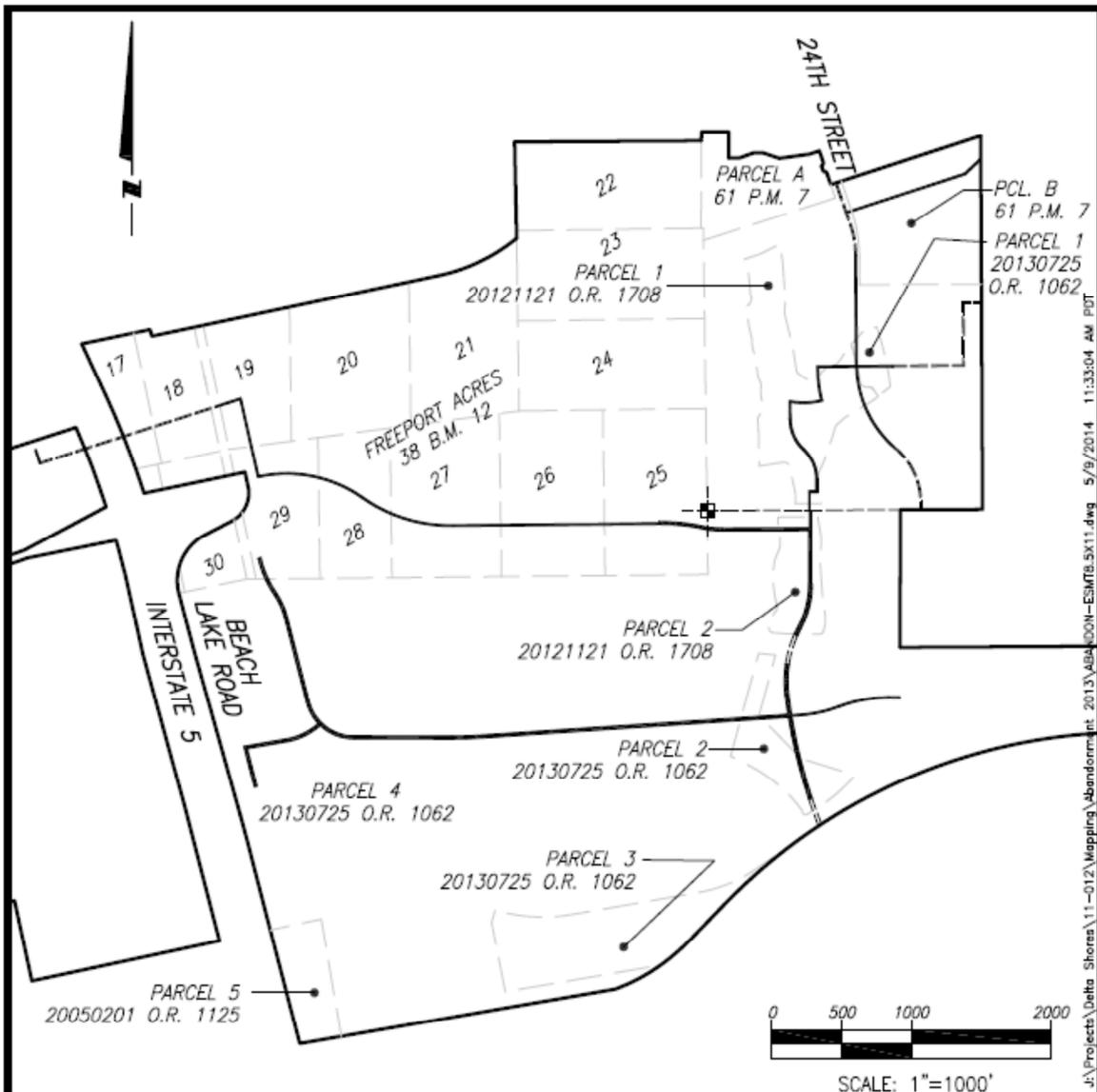
**COMMENCING** at the point designated "A" in the Parcel No. 1 description in said deed; thence from said **POINT OF COMMENCEMENT**, curving to the right on an arc of 3800.00 feet radius, the arc being subtended by a chord bearing North 23°36'27" West 280.70 feet to the **POINT OF BEGINNING**; thence from said **POINT OF BEGINNING**, continuing along said arc, being subtended by a chord bearing North 19°59'02" West 199.88 feet.

**Area 9**

Parcel No. 3 of that easement for drainage pipe lines described in Book 5059, Page 24.







J:\Projects\Delta Shores\11-012\Mapping\Abandonment\2013\ABANDON-ESMTB-S111.dwg 5/9/2014 11:33:04 AM PLOT

**DELTA SHORES  
ABANDONMENT PLAT  
EXHIBIT B**

**MSA**  
ENGINEERING

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DRAWN: DJ	DATE: APRIL 2014
CHECKED: CR	JOB NO: 11-012
SCALE: 1"=1000'	SHEET 3 OF 3