

Meeting Date: 12/15/2015

Report Type: Consent

Report ID: 2015-01096

Title: Vacation of The Public Right of Way West of Howe Avenue at Fair Oaks Boulevard

Location: District 6

Recommendation: Pass a Resolution vacating the public right of way located at the northwest corner of Howe Avenue at Fair Oaks Boulevard.

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: Engineering Services Admin

Dept ID: 15001111

Attachments:

1-Description/Analysis

2-Background

3-Location Map

4-Resolution

5-Exhibit A (Legal Description)

6-Exhibit B (Plat Map)

City Attorney Review

Approved as to Form

Paul Gale

12/8/2015 8:27:44 AM

Approvals/Acknowledgements

Department Director or Designee: Jerry Way - 11/28/2015 10:51:20 AM

Description/Analysis

Issue: The owner of 1 Cadillac Drive has been approved to develop a 16,900 square foot commercial retail pharmacy with an accessory drive-through feature (Community Development Department application P12-032). The subject area requested for vacation (abandonment) will help facilitate the project development for the proposed CVS Pharmacy (P12-032), and is a condition of the project.

The abandonment of the public right of way will allow for additional site access, parking and public sidewalks.

Policy Considerations: The Council action recommended in this report is consistent with the 2035 General Plan, and is in compliance with California Streets and Highways Code Section 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 this vacation is exempt under Section 15305 in which this project consists of minor alteration of land use which does not result in any material changes to land use or density.

Sustainability Considerations: None

Committee/Commission Action: None

Rationale for Recommendation: The areas of vacation are not currently accessible for public vehicular or pedestrian access. As a condition of the project, the majority of abandonment area will be utilized as private access, parking, and access for public utility companies. A small portion of the abandonment area will provide for a public sidewalk within a newly dedicated pedestrian easement. Staff supports this vacation request.

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.

Background

The project area for the proposed CVS Pharmacy development is located on a 7.34 acre site on the northwest corner of Howe Avenue and Fair Oaks Boulevard at 1 Cadillac Drive (P12-032). As part of this project the owner of this site purchased the adjacent 0.94 acre parcel from the City of Sacramento (Resolution 2014-0379). This request to vacate the public right of way is a condition of the project.

The subject right of way was granted to the County of Sacramento by the The Haggin Bottom Land Co. in Book 109 of Deeds at Page 311 in the Office of the County Recorder, August 7th, 1912. This right of way along with all appurtenances was annexed into the City of Sacramento in 1965 per City Ordinance 2601. The area requested for vacation (abandonment) is an unimproved strip of land which is not accessible by vehicles or pedestrians. The conditions of the approved CVS Pharmacy project (P12-032) require access to the site along Fair Oaks Boulevard with additional improvements for a public sidewalk, an additional public road easement, and a drainage easement for a detention basin. All public improvement requirements are currently being processed with the Department of Public Works with public improvement application (CPC15-0006) and the final map application (FPM15-0005).

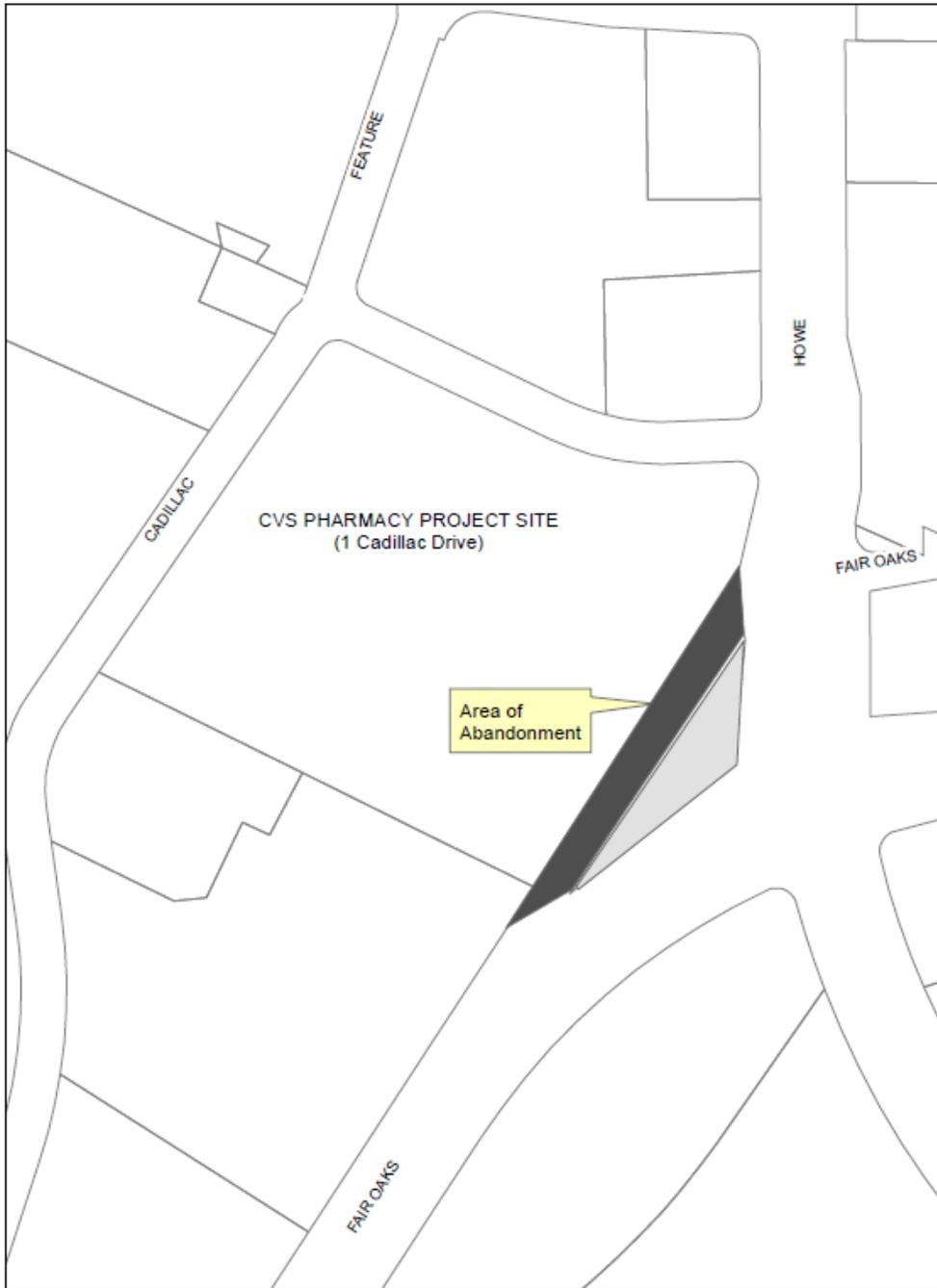
This request meets the Streets and Highways Code (S&HC) section 8334(a), (b) in which the subject abandonment area has been established as excess right-of-way and currently lies within one ownership.

Staff has reviewed the vacation request and recommends granting the vacation as stated in the attached Resolution.

Map for Abandonment of Public Right of Way
1 Cadillac Drive



■ ...PARCEL PURCHASED FROM THE CITY
(RESOLUTION 2014-0379)



RESOLUTION NO.

Adopted by the Sacramento City Council

SUMMARY VACATION OF THE PUBLIC RIGHT OF WAY EASEMENT WEST OF HOWE AVENUE AT FAIR OAKS BOULEVARD WITHIN COUNCIL DISTRICT 6 VACATION PROCEEDING NO. VAC14-0009

BACKGROUND

- A. The property owner at 1 Cadillac Drive has requested the vacation of the public right of way to help facilitate the development of the approved CVS Pharmacy located west of Howe Avenue at Fair Oaks Boulevard.
- 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 2035 General Plan.

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

- Section 1. A portion of the public right of way west of Howe Avenue at Fair Oaks Boulevard within Council District 6, more specifically described in Exhibits A and B of this Resolution is vacated.
- Section 2. The vacation of the portion of the public right of way at Howe Avenue adjacent to Fair Oaks Boulevard 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 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 2035 General Plan.
- Section 4. Once this Resolution has been approved 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 5. Exhibits A and B are incorporated into and made part of this resolution.

Table of Contents:

Exhibit A: Legal Description – Area to be Vacated
Exhibit B: Exhibit Plat/Map

EXHIBIT "A"
LEGAL DESCRIPTION
ABANDONMENT OF A PORTION OF FAIR OAKS BOULEVARD
PUBLIC RIGHT OF WAY

SHEET 1 OF 2

AREA 1 – PUBLIC RIGHT OF WAY ABANDONMENT

THAT PORTION DESCRIBED AND DESIGNATED AS "CO. RIGHT OF WAY 4.47 ACRE TRACT PER BOOK. 109 DEEDS AT PAGE 311", AS SHOWN ON THAT CERTAIN "AMENDED RECORD OF SURVEY PORTION OF SECTION 67, 64 AND SECTION A OF RANCHO DEL PASO", FILED IN THE OFFICE OF THE RECORDER OF SACRAMENTO COUNTY ON NOVEMBER 19, 1963 IN BOOK 21 OF SURVEYS, PAGE NO. 4, TOGETHER WITH THAT PORTION DESCRIBED AND DESIGNATED PARCEL 4 AS SHOWN ON SAID MAP, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH CORNER OF LOT 4 OF PLAT OF CAMPUS COMMONS WEST RANCH, RECORDED IN BOOK 86 OF MAPS, MAP NO. 18, SACRAMENTO COUNTY RECORDS, SAID POINT ALSO BEING ON THE NORTHWESTERLY RIGHT OF WAY OF SAID "CO. RIGHT OF WAY 4.47 ACRE TRACT"; THENCE NORTH 32°34'31" EAST, ALONG THE SOUTHEASTERLY LINE OF SAID LOT 4 AND SAID NORTHWESTERLY RIGHT OF WAY OF "CO. RIGHT OF WAY 4.47 ACRE TRACT", A DISTANCE OF 432.33 FEET TO THE MOST SOUTHEASTERLY CORNER OF SAID PARCEL 4 AS SHOWN ON SAID AMENDED RECORD OF SURVEY; THENCE NORTH 20°34'31" EAST, CONTINUING ALONG SAID SOUTHEASTERLY LINE OF LOT 4 AND THE NORTHWESTERLY LINE OF SAID PARCEL 4, A DISTANCE OF 63.22 FEET; THENCE SOUTH 00°35'27" WEST, LEAVING SAID SOUTHEASTERLY LINE AND SAID NORTHWESTERLY LINE OF PARCEL 4, A DISTANCE OF 123.33 FEET; THENCE SOUTH 08°00'53" EAST, A DISTANCE OF 2.63 FEET TO A POINT ON THE NORTHWESTERLY LINE OF THAT CERTAIN PARCEL OF LAND SHOWN AS AND DESIGNATED "CO OF SACRAMENTO TO E. CLEMENS HORST CO. BK. 4793 O.R. P. 271" AS SHOWN ON SAID AMENDED RECORD OF SURVEY; THENCE SOUTH 32°34'23" WEST, ALONG THE NORTHWESTERLY LINE OF SAID "COUNTY OF SACRAMENTO TO HORST COMPANY" PARCEL, A DISTANCE OF 339.99 FEET TO THE SOUTHWEST CORNER OF SAID "COUNTY OF SACRAMENTO TO HORST COMPANY" PARCEL, SAID POINT ALSO BEING THE BEGINNING OF AN ARC OF A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 1040.00 FEET TO WHICH A RADIAL LINE BEARS NORTH 37°08'59" WEST; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID NON-TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 12°06'36", AN ARC DISTANCE OF 219.81 FEET TO A POINT OF INTERSECTION THEREOF WITH THE SOUTHEASTERLY LINE OF PARCEL 2 OF THAT CERTAIN PARCEL MAP RECORDED IN BOOK 49 OF PARCEL

EXHIBIT "A"
LEGAL DESCRIPTION
ABANDONMENT OF A PORTION OF FAIR OAKS BOULEVARD
PUBLIC RIGHT OF WAY

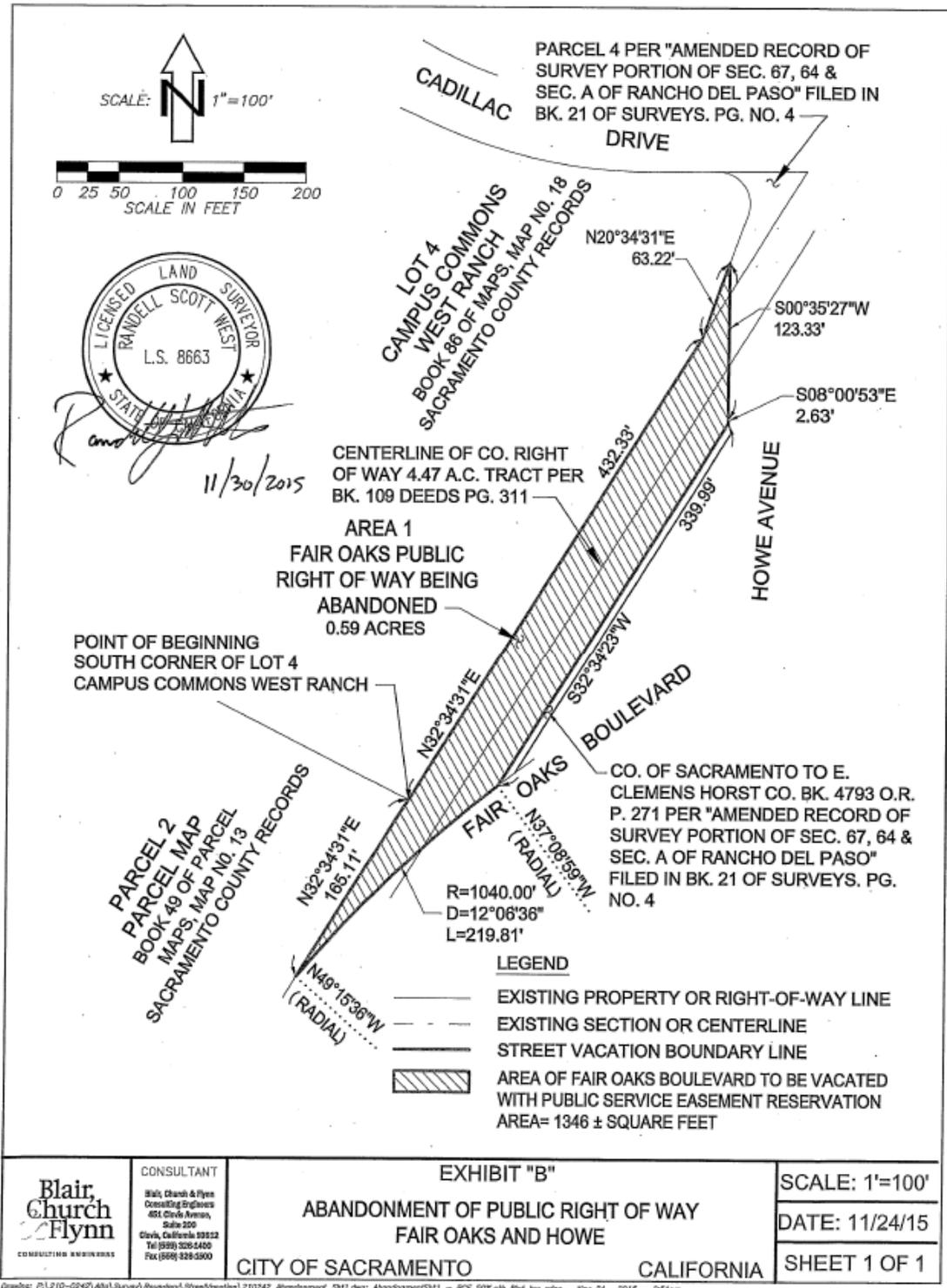
SHEET 2 OF 2

MAPS, MAP NO. 13, SACRAMENTO COUNTY RECORDS, AND SAID NORTHWESTERLY RIGHT OF WAY LINE OF "CO. RIGHT OF WAY 4.47 TRACT"; THENCE NORTH 32°34'31" EAST, ALONG LAST SAID SOUTHEASTERLY LINE AND SAID NORTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 165.11 FEET TO THE POINT OF BEGINNING.

HOWEVER RESERVING A PUBLIC SERVICE EASEMENT WITHIN THE BOUNDARY OF THIS LEGAL DESCRIPTION.

CONTAINING AN AREA OF 0.59 ACRES, MORE OR LESS.


and
11/30/2015



	CONSULTANT Blair, Church & Flynn Consulting Engineers 451 Clark Avenue, Suite 200 Clark, California 95822 Tel: (916) 328-5400 Fax: (916) 328-9800	EXHIBIT "B" ABANDONMENT OF PUBLIC RIGHT OF WAY FAIR OAKS AND HOWE CITY OF SACRAMENTO CALIFORNIA	SCALE: 1"=100' DATE: 11/24/15 SHEET 1 OF 1

Drawings: P:\210-0242\A\Survey\Boundry\BoundrySection\210242_Abandonment_Sht1.dwg: Abandonment_Sht1 - 807 908.cad Plot by: mba Nov 24, 2015 - 2:51pm