

Meeting Date: 12/15/2015

Report Type: Public Hearing

Report ID: 2015-01083

Title: The Vacation of the Public Service Easement Bounded Between Alhambra Boulevard, 30th Street, "F" and "G" Streets (Noticed on 12/01/2015 and 12/08/2015)

Location: District 3

Recommendation: Conduct a public hearing and upon conclusion, pass a Resolution vacating the public service easement reserved under Resolution No. 2012-173 that vacated the public alley bounded by Alhambra Boulevard, 30th Street, "F" and "G" Streets.

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-Resolutions 2012-173, 2014-0167
- 5-Resolution
- 6-Exhibit A - Legal Description
- 7-Exhibit B - Plat-Map of Area to be Vacated

City Attorney Review

Approved as to Form
Paul Gale
12/2/2015 10:54:08 AM

Approvals/Acknowledgements

Department Director or Designee: Jerry Way - 11/28/2015 10:52:18 AM

Description/Analysis

Issue: Pursuant to a request for vacation made by the Annunciation Greek Orthodox Church, the applicant is requesting the vacation of the public service easement that was reserved under Resolution No. 2012-173 (see Attachment 3).

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 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 the public service easement 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 service easement consists of a minor alteration in land use, which does not result in any changes in land use or density.

Sustainability Considerations: None

Committee/Commission Action: None

Rationale for Recommendation: The vacation request to relinquish the public service easement is essential in facilitating the proposed development of the Greek Church expansion project. Staff supports this vacation request.

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

Local Business Enterprise (LBE): Not applicable.

Background

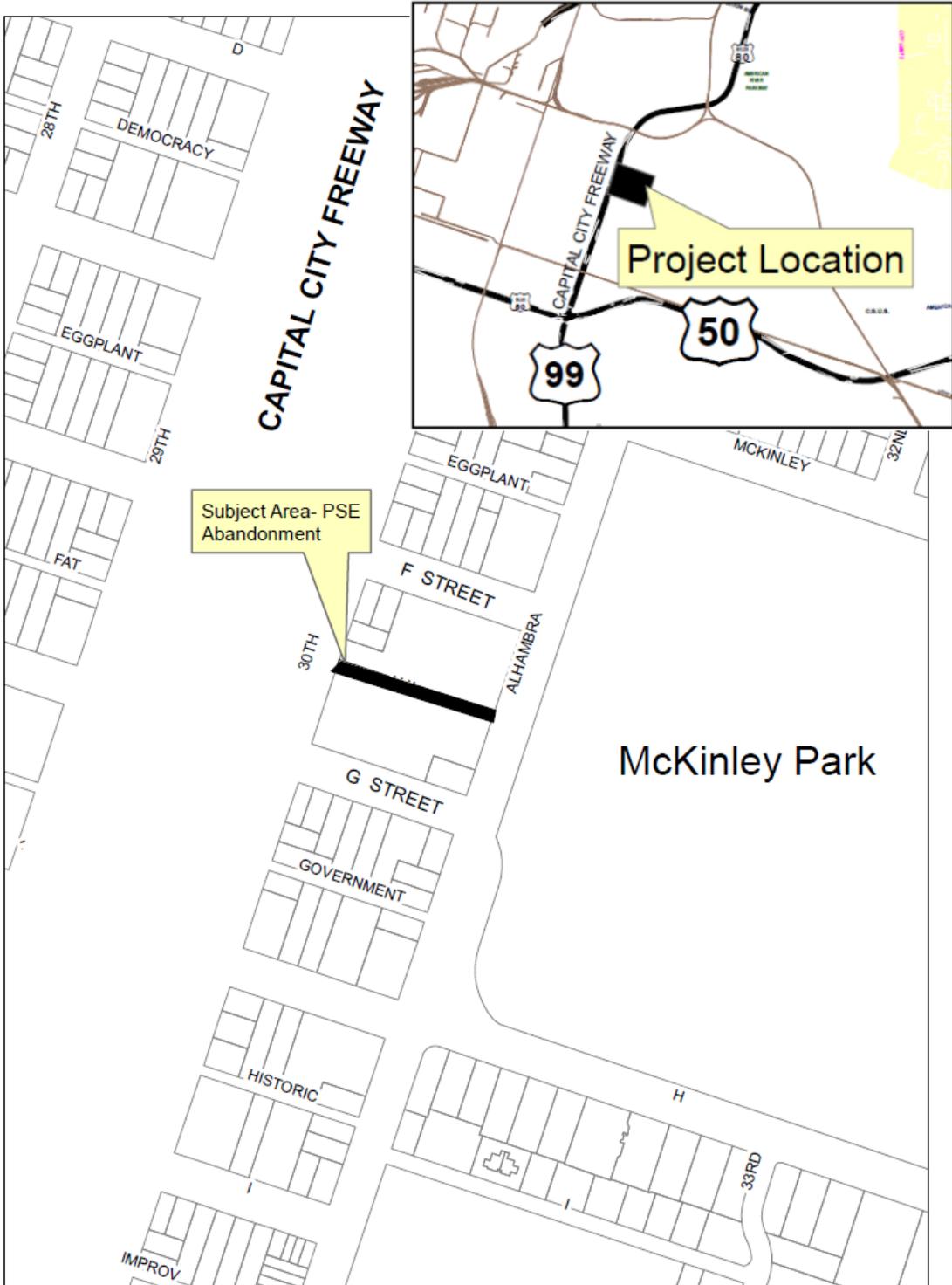
On June 7th, 2012, the City Council adopted Resolution 2012-173 vacating the public alley (named 'Fat Alley') right-of-way bounded between Alhambra Boulevard, 30th, "F" and "G" streets. Resolution 2012-173 vacated the public right of way and reserved a Public Service Easement (PSE) for the existing utility services within the vacated area. Resolution 2012-173 was recorded along with the approved time extension Resolution 2014-0173, to complete the conditions of the alley vacation (abandonment).

The property owner revisited the proposed project and made some modifications that required the relocation of many of the existing utility services within the PSE. With the new project plan modifications the owner is requesting the abandonment of the existing PSE to help facilitate the approved expansion of the Annunciation Greek Orthodox Church (Z15-095). The church expansion project will increase the building campus size from 7,380 square feet to 40,400 square feet. The abandonment area will provide an access aisle along with a buildable area for one of the new building's footprints.

The PSE has several utility services that will require relocation and abandonment of services. SMUD, PG&E, AT&T, Comcast, Consolidated Communication along with the City of Sacramento Department of Utilities request that conditions be put in place to secure the integrity of the existing services by removal and relocation of their services to the satisfaction of each department and utility agency. Non-compliance or failure to complete the conditions of this vacation within two years will void the approved resolution of vacation, unless a time extension is approved by the City Council.

Public Works staff along with various City departments and utility companies have reviewed this request and support the proposed abandonment along with the conditions of the proposed resolution approving this request.

Map for Abandonment of Public Service Easement
30th Street/Alhambra Boulevard/F and G Streets



RECORDED FOR THE BENEFIT OF
CITY OF SACRAMENTO - FEE
EXEMPT PURSUANT TO
GOVERNMENT CODE SECTION 6103

WHEN RECORDED, MAIL TO:

CITY OF SACRAMENTO
ATTN: THOMAS ADAMS
DEPARTMENT of PUBLIC WORKS
300 Richards Blvd, 2nd Floor
SACRAMENTO, CA 95811



Sacramento County Recorder
Donna Allred, Clerk/Recorder
BOOK **20150611** PAGE **1276**

Check Number v2139
Thursday, JUN 11, 2015 2:22:11 PM
Ttl Pd \$0.00 Rcpt # 0008668295

ARR/26/1-6

THIS SPACE FOR RECORDER'S USE

NO FEE PER GOVERNMENT CODE SECTION 6103

RESOLUTIONS 2012-173, 2014-0167

VACATION OF THE PUBLIC ALLEY BOUNDED BY ALHAMBRA BOULEVARD, 30TH, "F" AND "G"
STREETS, WITHIN COUNCIL DISTRICT 3

VACATION PROCEEDING NO. VAC11-0003, RESOLUTION 2012-173 & 2014-0167



THIS IS A TRUE COPY OF AN ORIGINAL DOCUMENT ON FILE WITH THE SACRAMENTO CITY CLERK

RESOLUTION NO. 2012-173

Nell A. Hessel

Digitally signed by Nell A. Hessel
DN: cn=Nell A. Hessel, ou=City of Sacramento, o=City of Sacramento, email=Nell.A.Hessel@cityofsacramento.org, c=US
Date: 2012.06.07 16:52:42 -0700

Adopted by the Sacramento City Council

June 7, 2012

VACATION OF THE PUBLIC ALLEY BOUNDED BY ALHAMBRA BOULEVARD, 30TH, "F" AND "G" STREETS WITHIN COUNCIL DISTRICT 3 VACATION PROCEEDING NO. VAC 11-0003

BACKGROUND

- A. Greek Orthodox Church of the Annunciation, has requested the vacation of the alley bounded by Alhambra Boulevard, 30th, "F" and "G" Streets.
- 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 alley bounded by Alhambra Boulevard, 30th, "F" and "G" Streets within Council District 3, more specifically described in Exhibits A and B of this Resolution is unnecessary for present or prospective public use and is hereby ordered vacated subject to the reservation below in Section 2 and subject to the conditions specified in Section 4.
- 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 City Council finds that the said vacation has been submitted to and reported on by the City of Sacramento's Planning Director and finds that the said vacation is consistent with the 2030 General Plan.
- Section 4. This vacation is subject to the following conditions:
 - a. A Fire Department approved Knox lock is required on the access gate along with Fire Lane striping along the subject area to the satisfaction of the Fire Department.

- b. The City of Sacramento's Department of Utilities requires that all service meters, valves and appurtenances be located outside of the gated area; along with an emergency shut off with a 24 hour contact phone number posted on the gate to meet the satisfaction of the Department of Utilities.

Section 5. The conditions specified in Section 4 of this Resolution must be completed within two years of the date of this Resolution. If the conditions are not completed within the two years specified, this Resolution approving the vacation shall become void, unless the City Council grants one or more time extensions.

Section 6. Once the conditions on Section 4 are met, 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 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

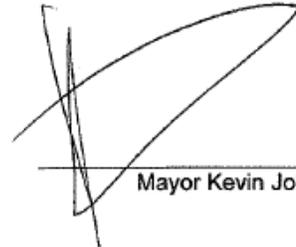
Adopted by the City of Sacramento City Council on June 7, 2012 by the following vote:

Ayes: Councilmembers Ashby, Cohn, D Fong, R Fong, McCarty, Pannell, Schenirer, Sheedy, and Mayor Johnson.

Noes: None.

Abstain: None.

Absent: None.



Mayor Kevin Johnson

Attest:


Shirley Concolino, City Clerk

PRON.006
GJM

EXHIBIT 'A'

**Greek Orthodox Church of the Annunciation
Alley Abandonment**

LEGAL DESCRIPTION

A 20 foot wide alley (named FAT ALLEY) connecting Alhambra Boulevard (formerly 31st Street) and 30th Street and located in the block bounded by F Street, G Street, 30th Street and Alhambra Boulevard in the City of Sacramento.

RESERVING, however, a 20 foot wide Public Service Easement.

See Exhibit "B", plat to accompany description, attached hereto and made a part hereof.

May 30, 2012

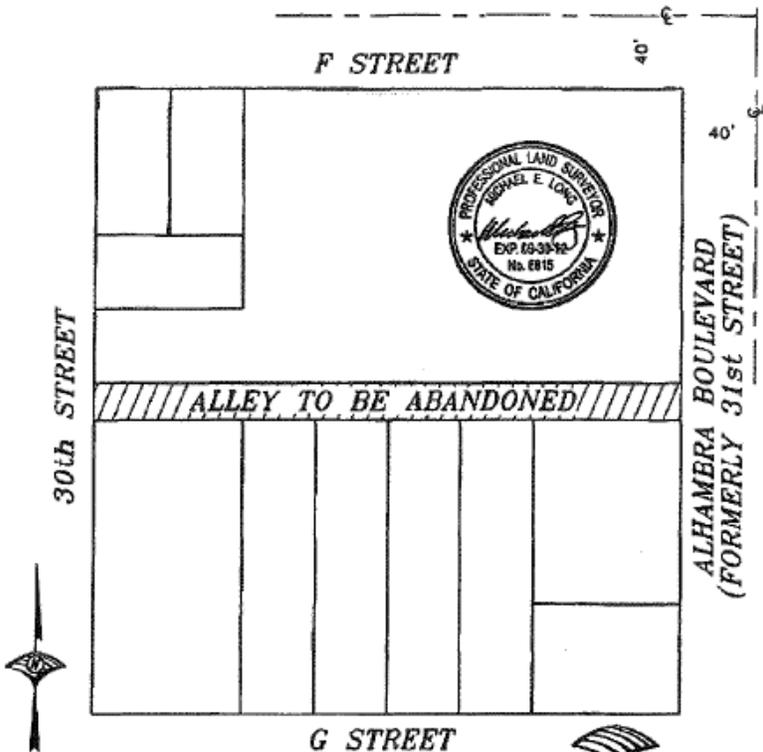
END OF DESCRIPTION



EXHIBIT B

PLAT TO ACCOMPANY
DESCRIPTION

GREEK ORTHODOX CHURCH
OF THE ANNUNCIATION
3022 F STREET
CITY OF SACRAMENTO, COUNTY OF SACRAMENTO
STATE OF CALIFORNIA



SCALE: 1"=60'

SEE DESCRIPTION FOR
COURSE INFORMATION

WOOD ROGERS
DEVELOPING INNOVATIVE DESIGN SOLUTIONS
3301 C ST. Ste. 100-B Tel 916.341.7780
Sacramento, CA 95816 Fax 916.341.7767
APRIL 12, 2011 PBOH.006 SHEET 1 OF 1

J:\data\FBOH-Draws_Cheer-01-CAL\Geomatics\Draws\Description\WoodRogers\woodr.plt 4/12/2011 10:52:28 PM PLOT



THIS IS A TRUE COPY OF AN ORIGINAL DOCUMENT ON FILE WITH THE SACRAMENTO CITY CLERK

Nell A. Hessel

Digitally signed by Nell A. Hessel
DN: cn=Nell A. Hessel, o=City of Sacramento, ou=City of Sacramento, email=nhessel@cityofsacramento.org, c=US
Date: 2014.05.17 14:35:39 -0700

RESOLUTION NO. 2014-0167

Adopted by the Sacramento City Council

June 5, 2014

TIME EXTENSION TO COMPLETE CONDITIONS FOR THE VACATION OF THE ALLEY BOUNDED BY ALHAMBRA BOULEVARD, 30TH STREET, F STREET AND G STREET VACATION PROCEEDING NO. VAC14-0005

BACKGROUND

- A. On June 7, 2012, Resolution 2012-173 was approved vacating 'Fat Alley' east of Alhambra Boulevard. This approval is subject to conditions being satisfied within a two year period from the date of the resolution.
- B. Resolution 2012-173 stipulates that the approval to vacate the alley shall become void if the conditions of the vacation are not satisfied within two years of the date of the approved resolution, unless a time extension to complete the conditions is granted by the City Council.

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

Section 1. A time extension for completing the conditions for vacation required by Resolution No. 2012-173 is hereby granted and hence Resolution No. 2012-173 will expire on June 8, 2016.

Adopted by the City of Sacramento City Council on June 5, 2014, by the following vote:

Ayes: Members Ashby, Cohn, Fong, Hansen, McCarty, Pannell and Schenirer.

Noes: None

Abstain: None

Absent: Members Warren and Mayor Johnson.

Attest:

Shirley A. Concolino

Digitally signed by Shirley A. Concolino
DN: cn=Shirley A. Concolino, o=City of Sacramento, ou=City Clerk, email=skoncolino@cityofsacramento.org, c=US
Date: 2014.05.17 14:35:39 -0700

Shirley Concolino, City Clerk

RESOLUTION NO.

Adopted by the Sacramento City Council

VACATION OF THE PUBLIC SERVICE EASEMENT BOUNDED BY ALHAMBRA BOULEVARD, 30TH, "F" AND "G" STREETS WITHIN COUNCIL DISTRICT 3 VACATION PROCEEDING NO. VAC 15-0003

BACKGROUND

- A. The Annunciation Greek Orthodox Church has requested the vacation of the Public Service Easement bounded by Alhambra Boulevard, 30th, "F" and "G" Streets.
- 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 City of Sacramento's 2035 General Plan.

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

- Section 1. The Public Service Easement bounded by Alhambra Boulevard, 30th, "F" and "G" Streets within Council District 3, more specifically described in Exhibits A and B of this Resolution is vacated subject to the conditions specified in Section 5.
- Section 2. The vacation of the portion of the Public Service Easement within Council District 3, 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 8310-8325.
- Section 3. The City Council finds that the said vacation (abandonment) has been submitted to and reported on by the City of Sacramento's Planning Director and finds that the said vacation is consistent with the City of Sacramento's 2035 General Plan.
- Section 4. This vacation is subject to the following conditions:
 - a. Existing public utilities services within the area of abandonment will be physically abandoned and relocated to the satisfaction of the City's Department of Public Works, the Department of Utilities and the other utility agencies with existing services.

- Section 5. The conditions specified in Section 4 of this Resolution must be completed within two years of the date of this Resolution. If the conditions are not completed within the two years specified, this Resolution approving the vacation shall become void, unless the City Council grants one or more time extensions.
- Section 6. 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 after all conditions and fees have been satisfied. The vacation shall be effective when the City Clerk records this Resolution in the Office of the 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'

**Greek Orthodox Church of the Annunciation
Public Service Easement Abandonment**

LEGAL DESCRIPTION

A 20 foot wide Public Service Easement previously (named FAT ALLEY) connecting Alhambra Boulevard (formerly 31st Street) and 30th Street and located in the block bounded by F Street, G Street, 30th Street and Alhambra Boulevard in the City of Sacramento.

See Exhibit "B", plat to accompany description, attached hereto and made a part hereof.

July 10, 2015

END OF DESCRIPTION

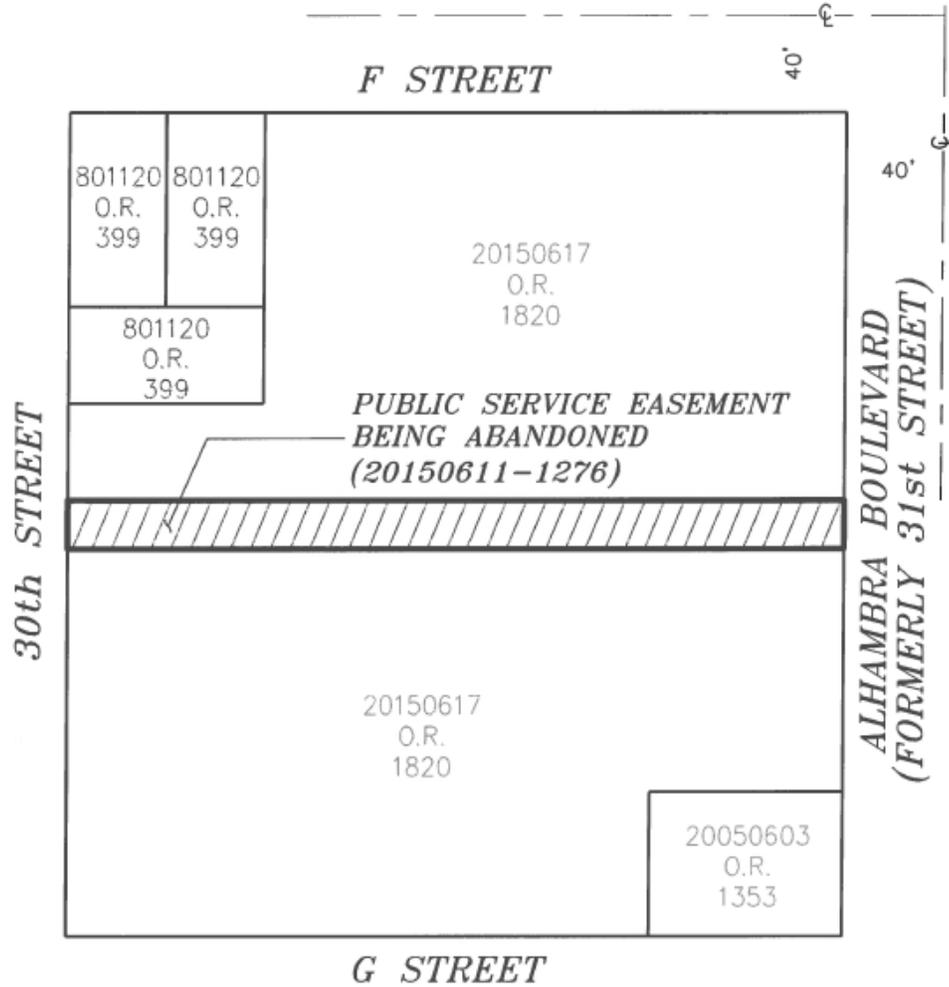


PREPARED BY WOOD RODGERS, INC.
SACRAMENTO, CALIFORNIA

EXHIBIT B

PLAT TO ACCOMPANY
DESCRIPTION

GREEK ORTHODOX CHURCH
OF THE ANNUNCIATION
600 ALHAMBRA BLVD.
CITY OF SACRAMENTO, COUNTY OF SACRAMENTO
STATE OF CALIFORNIA



SCALE: 1"=60'

SEE DESCRIPTION FOR
COURSE INFORMATION



WOOD RODGERS
DEVELOPING INNOVATIVE DESIGN SOLUTIONS
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Sacramento, CA 95816 Fax 916.341.757
JULY 10, 2015 P80N.006 SHEET 1 OF 1