



REPORT TO COUNCIL

City of Sacramento

16

915 I Street, Sacramento, CA 95814-2671
www. CityofSacramento.org

CONSENT
July 18, 2006

Honorable Mayor and
Members of the City Council

Title: Extension of time to complete conditions for Vacation (Abandonment) of "T" Street

Location/Council District: "T" Street between Interstate 5 and 3rd Street in Council District 4 (see Attachment 1).

Recommendation:

Adopt a Resolution extending the time to complete the conditions required by Resolution No. 2004-631 for the Vacation of "T" Street between Interstate 5 and 3rd Street within Council District 4

Contact: Jerry Lovato, Senior Engineering Technician, (916) 808-7918; Thomas Adams, Engineering Technician I, (916) 808-7929

Presenters: Not Applicable

Department: Development Services Department

Division: Development Engineering and Finance

Organization No: 4815

Summary:

Pursuant to a request for vacation made by Mr. Lenard Zipperian, owner of the property with Assessor's Parcel Number (APN) 009-0103-008, the City Council ordered a portion of "T" Street, between Interstate 5 and 3rd Street vacated subject to certain conditions. (See Attachment 2, Resolution No. 2004-631). In accordance with Resolution No. 2004-631, Mr. Zipperian is requesting that the City Council grant a two-year extension to complete the conditions of vacation stated in Resolution No. 2004-631. Staff recommends the granting of a two-year extension to complete the conditions of vacation.

Committee/Commission Action: None.

Background Information:

On August 5, 2004 the City Council adopted the Resolution 2004-631 vacating the public road right-of-way at "T" Street between Interstate 5 and 3rd Street. The vacation

was requested by Mr. Lenard Zipperian so that the area vacated could be used for additional parking spaces for the office building at 1900 3rd Street. Resolution No. 2004-631 contains several conditions of vacation that Mr. Zipperian must complete within two years of adoption of the resolution. (See Attachment 2). Non-compliance or non-completion of conditions of vacation within the two years specified in the resolution will void said resolution of vacation. On March 8, 2006, Mr. Zipperian notified the City's Development Services Department that a legal dispute of ownership of the property with APN 009-0103-026 will have to be resolved in court, and thus additional time will be required to complete the conditions of vacation. To avert voiding Resolution No. 2004-631, Mr. Zipperian has requested a two year extension to complete the conditions required by Resolution No. 2004-631. This proposed extension will expire on August 5, 2008. Staff reviewed the request and recommends granting the two-year extension to complete the conditions required in Resolution No. 2004-631.

Financial Considerations:

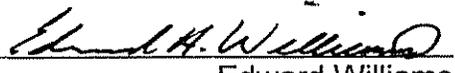
The applicant is responsible for all fees required to process the time extension application and there is no cost to the City.

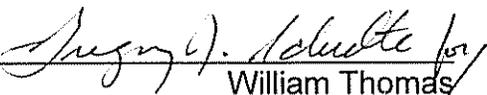
Environmental Considerations: None

Policy Considerations:

The Council action recommended in this report supports the City Strategic Plan 3 Year Goal to "promote and support economic vitality".

Emerging Small Business Development (ESBD): None

Respectfully Submitted by: 
Edward Williams
Manager, Development Engineering and Finance

Respectfully Submitted by: 
William Thomas
Director of Development, Development Services Department

Recommendation Approved:

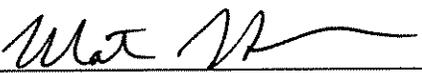
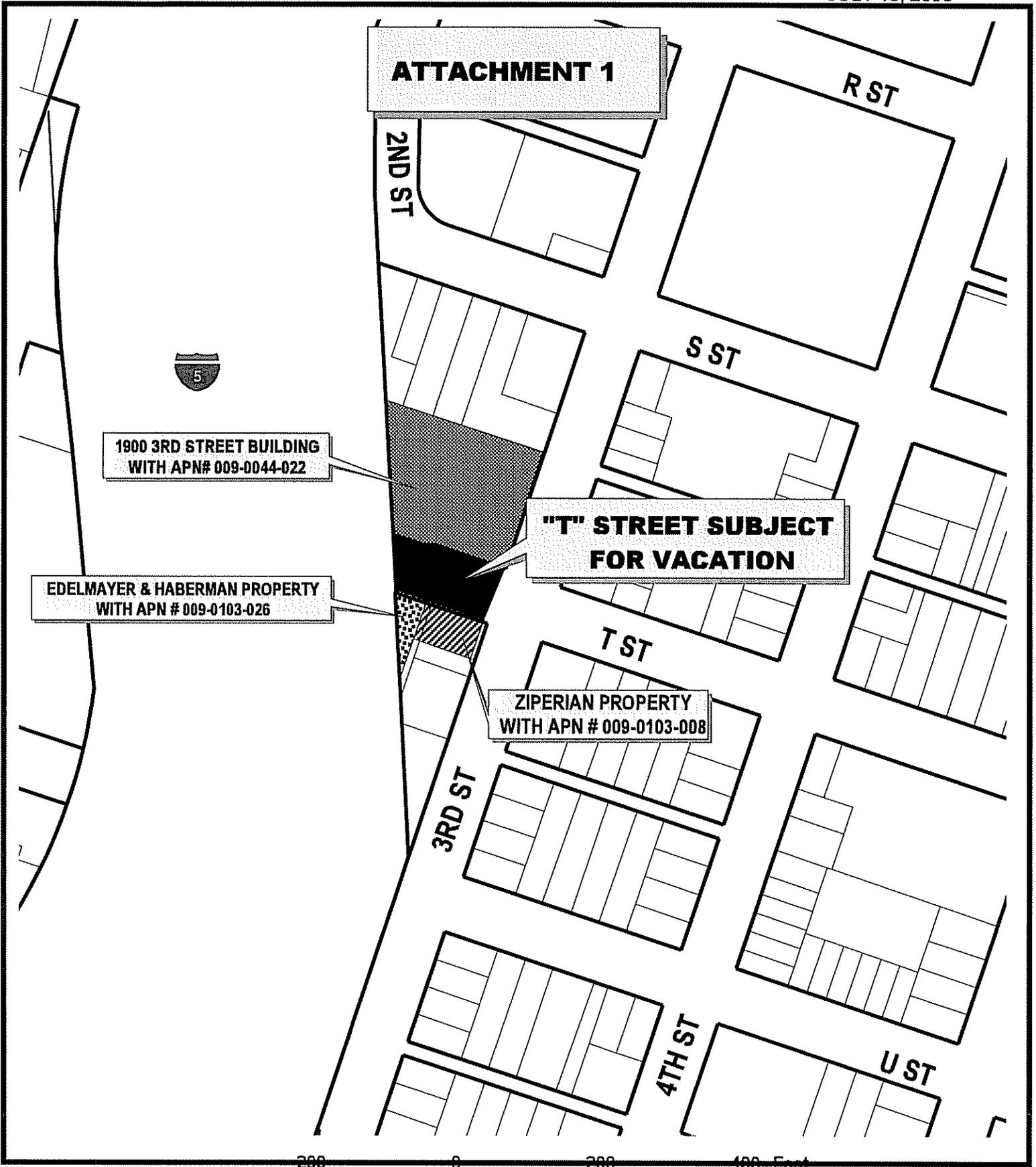

RAY KERRIDGE
City Manager

Table of Contents:

Pg	1	Report
Pg	4	Attachment 1, Site location
Pg	5	Attachment 2, Resolution No. 2004-631
Pg	8	Resolution



ATTACHMENT 1

1900 3RD STREET BUILDING
WITH APN# 009-0044-022

**"T" STREET SUBJECT
FOR VACATION**

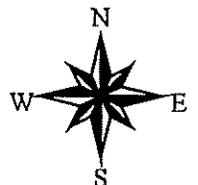
EDELMAYER & HABERMAN PROPERTY
WITH APN # 009-0103-026

ZIPERIAN PROPERTY
WITH APN # 009-0103-008

200 0 200 400 Feet



VACATION TIME EXTENSION, VP06-04
"T" STREET BETWEEN INTERSTATE 5
AND 3RD STREET



ATTACHMENT 2

RESOLUTION NO. 2004-631

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF: AUG 05 2004

**THE VACATION OF "T" STREET BETWEEN INTERSTATE 5
AND 3RD STREET WITHIN COUNCIL DISTRICT 4**

VACATION PROCEEDING NO. VP03-20

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

- A. WHEREAS, the City received a request from Mr. Lenard Zipperlan to vacate the subject street within the City of Sacramento; and
- B. WHEREAS, the City Council would consider the vacation in compliance with the City guidelines for Street Closures - City Resolution No. 96-176 and the State of California, Streets and Highways Code, Section 8310-8317, and
- C. WHEREAS, the City Planning Commission 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; and

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

"T" Street between Interstate 5 and 3rd Street, specifically described in Exhibit "A" and Exhibit "B", is hereby ordered vacated subject to the conditions specified in this resolution.

Reserving however, a public service easement (as defined in Section 8306 and 8340 of the California Streets and Highways Code) and 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 that public road right-of-way to be vacated, specifically described in Exhibit "A" and shown in Exhibit "B" and attached hereto.

- 1. The City Council hereby finds that said vacation has been submitted to and reported on by the City Planning Commission as to conformity with the City General Plan. The Council, pursuant to the State of California, Streets and Highways Code, Section 8310-8317 has considered this vacation in connection with the General and Community Plans and finds the vacation is consistent.
- 2. The City Council finds that the subject street for vacation is unnecessary for present and prospective public use.

FOR CITY CLERK USE ONLY

RESOLUTION NO.: 2004-631

DATE ADOPTED: AUG 05 2004

3 This vacation is subject to the following conditions:

a. The applicant shall provide the following conditions to the satisfaction of the Development Services Department:

- i. Unless other arrangements are made satisfactory to the City of Sacramento and satisfactory to the owners of property with APN 009-0103-026, the applicant (owner of property with APN 009-0103-008) shall provide the Development Services Department with proof of a reciprocal ingress, egress and maneuvering easement/agreement among the owners of properties with APN's 009-0103-026, 009-0044-022 and 009-0103-008 across the subject "T" street proposed for vacation in order to provide access to 3rd Street. Any such easement/agreement shall be recorded with the County Recorder's Office and shall constitute a covenant running with the land such that it is binding upon future purchasers and shall be, by its terms, effective until terminated or amended by written consent of the parties.
- ii. Street light and all appurtenances shall be removed and salvaged to the City of Sacramento.
- iii. Proper signage shall be installed to the entrance of the vacated portion of "T" Street.
- iv. Construct a standard driveway per City Standards at such place as shall be approved by the City.
- v. Any new sidewalk, driveway or access ramp constructed with this vacation shall conform with the American Disability Act (A.D.A.) requirements in all respects.
- vi. Prior to recordation of the T Street vacation, a special permit shall be reviewed and approved for off-site or stand alone parking on the property south of the public right of way to be vacated, and/ or other development entitlements, as required. (As an advisory note to the vacation, the public right-of-way that will be incorporated into the parking lot for the office building on the north side of the public right-of-way will need to comply with shading requirements.)

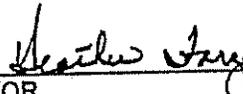
The applicant shall submit public improvement plans and obtain notice to proceed from the Development Services Department to execute the above-mentioned improvements.

vii. Access to Fire Department shall be in accordance to the California Fire Code Section 902.

FOR CITY CLERK USE ONLY

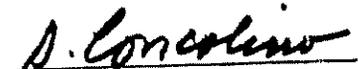
RESOLUTION NO.: 2004-631
DATE ADOPTED: AUG 05 2004

4. All conditions specified in paragraph 3 for this resolution must be completed within two years of the date of this resolution. If all conditions are not completed within the two years specified, this resolution approving the vacation shall become void, unless the City Council grants a time extension.
5. Once the conditions in paragraph 2 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.



MAYOR

ATTEST:



CITY CLERK

FOR CITY CLERK USE ONLY

RESOLUTION NO.: 2004-631
DATE ADOPTED: AUG 05 2004

RESOLUTION NO.

Adopted by the Sacramento City Council

RESOLUTION APPROVING THE TIME EXTENSION FOR RESOLUTION NO. 2004-631, THE VACATION OF "T" STREET BETWEEN INTERSTATE 5 AND 3RD STREET WITHIN COUNCIL DISTRICT 4 VACATION PROCEEDING NO. VP06-04

BACKGROUND

- A. On August 5, 2004, the City Council adopted Resolution No. 2004-631 vacating a portion of "T" Street between Interstate 5 and 3rd Street subject to certain conditions required to be completed within two years of the date of Resolution No. 2004-631.
- B. Resolution No. 2004-631 provides that it shall become void if the conditions of vacation are not completed within two years of the date of Resolution No. 2004-631, August 5, 2006, unless a time extension to complete the conditions is granted by 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 of vacation required by Resolution No. 2004-631 is hereby granted and will expire on August 5, 2008.

