REPORT TO COUNCIL
City of Sacramento

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

PUBLIC HEARING
April 26, 2007

Honorable Mayor and
Members of the City Council

Title: The Vacation of the Public Access Easement at Great Egret Court

Location/Council District: Access Easement located at the North end of Great Egret Court located in Council District 1 (Attachment 2, Page 5)

Recommendation: Conduct a public hearing and upon conclusion adopt a **Resolution** vacating the Public Access Easement (PAE) located at the most Northern end of Great Egret Court that is subject to the applicants having a wall constructed that closes off the PAE to the satisfaction of Development Engineering.

Contact: Jerry Lovato, Senior Engineering Technician, (916) 808-7918;
Thomas Adams, Engineering Technician, (916) 808-7929
Presenters: Thomas Adams
Department: Development Services
Division: Development Engineering
Organization No: 4881

Description/Analysis

Issue: The property owners of Great Egret Court have applied to vacate the Public Access Easement (PAE) located between the most northern end of Great Egret Court and the Atrium Court Apartments. The applicants have filed for a Minor Modification to the approved special permit for Atrium Court Apartments which allowed a pedestrian connection to Great Egret Court. The applicant has requested this vacation in response to the criminal activity and loitering that has filtered over from the adjacent apartment complex. (See Attachment 2, Page 6)

A summary of the project's history is included in Attachment 1, Page 4.

Policy Considerations: The Council action recommended in this report is consistent with the City's Strategic Plan to promote and support economic vitality and is in compliance with the State of California, Streets and Highways Code, Section 8310- 8325 that provides the procedure for the vacation of streets, alleys, and easements.

Committee/Commission Action: The City Planning Division has reviewed and determined that the vacation of the subject PAE is consistent with the City's General Plan in promoting safety and livability while maintaining the quality and character of residential neighborhoods.

Environmental Considerations: The Environmental Planning Services section of the Development Services Department has reviewed the previously described PAE for vacation, and has determined that it is exempt under the provisions of the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA guidelines. Exempt projects that fall under Section 15061(b)(3) are determined to have no significant effect on the environment. Any future development of the property must comply with all regulatory requirements.

Rationale for Recommendation: The subject PAE has created a nuisance for the property owners of Great Egret Court and vacating the PAE will give the property some relief from future crimes being committed on and around their properties.

Financial Considerations: The cost of this vacation will be calculated by the Development Engineering Department. This cost will be reimbursed by a discretionary fund from Council District One. Any additional costs not associated with the vacation process will be the responsibility of the applicant.

Emerging Small Business Development (ESBD): None

Respectfully Submitted by: for
Edward Williams
Manager, Development Engineering

Respectfully Submitted by:
William A. Thomas
Director of Development Services

Recommendation Approved:

for RAY KERRIDGE
City Manager

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Attachment 1

Background

The Vacation of the Public Access Easement at Great Egret Court

The property owners that live within the area of Great Egret Court has requested this vacation of the subject PAE. The subject PAE is 40 feet long and located at the most northern end of Great Egret Court adjacent to the Atrium Court Apartments. This area of the subject PAE lies within two parcels; assessor parcel numbers 225-2000-044(Lot 44) and 225-2000-045(Lot 45). This PAE was put in place for the benefit of the apartment complex as a pedestrian and bicycle ingress and egress connection to Great Egret Court. This access allows an easier access to the park and school west of the apartment complex.

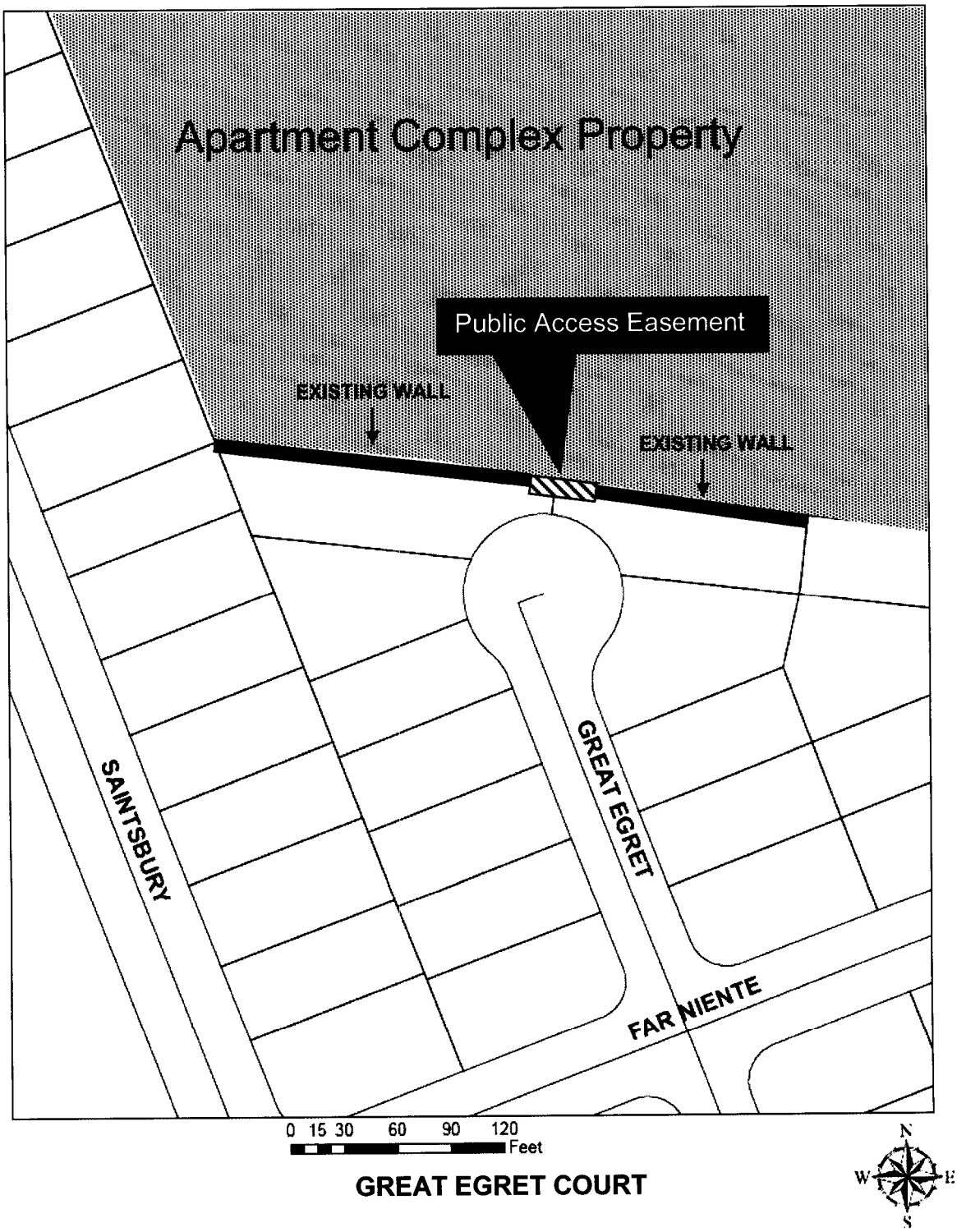
Currently all of the easement excluding 20 feet has a wall separating the apartment complex and the two parcels on Great Egret Court. The 20 feet is currently open and has no obstacles or restrictions and is easily accessible for pedestrians and bicyclist. Bollards were placed to restrict vehicular traffic but have been taken out without consent from the adjacent property owners or the City of Sacramento. The removal of these bollards has allowed illegal access by motorized vehicles to pass through this PAE. The properties owners that live on Great Egret Court believe that this unrestricted accessibility between the apartment complex and their properties on Great Egret Court has lead to many of the reported crimes within their neighborhood. (See Attachment 3, Page 6)

Once this PAE is vacated a continuation of the adjacent wall between the properties will be constructed with the same materials to the same specifications in the current open space within this easement. The property owners along Great Egret Court have notified Development Engineering Department that Beck Properties will be constructing the wall within the easement area once the PAE has been vacated.

Staff finds that this request for vacation is in conformance with the State of California Streets and Highways Code (S&HC) Sections 8310-8325. Staff recommends that the City Council approve this vacation request. Various City agencies and utility companies reviewed and support this vacation. In addition the City Clerk is directed to publish the Notice of Hearing of the proposed vacation, and the Notice of Hearing has been posted at the subject PAE site as required by law pursuant to Streets and Highways Code Sections 8222 and 8223 respectively.

ATTACHMENT 2

Public Access Easement Vacation



GREAT EGRET COURT

Attachment 3

SACRAMENTO POLICE DEPARTMENT

CALLS FOR SERVICE (CFS) OF GREAT EGRET COURT

January 2005--December, 2006(2YEARS)

TYPE OF CALL	# OF CFS
STOLEN VEHICLE	5
SUSPICIOUS PERSON	5
THEFT & PETTY THEFT	4
GUN SHOT FIRED	3
JUVENILE THREAT TO HOMEOWNERS/HARASSING	3
ILLEGALLY PARKED VEHICLE/BLOCKING DRIVEWAY	3
KIDS THROWING ROCKS AT HOMEOWNERS	3
SUSPICIOUS VEHICLE	2
JUVENILES WRECKLESS DRIVING(DONUTS)	2
CAR BURGLERY & ATTEMPTED BURGLERY	2
JUVENILES LOITERING IN COURT	2
LIGHTING FIREWORKS UNDER CARS/STREET	2
ILLEGAL FIREWORKS	1
JUVENILES SMOKING POT	1
PROWLER	1
ROBBERY	1
HOME BREAK IN	1
HOME BURGLERY	1
KIDS ON ROOF OF HOUSE	1
JUVENILE PROBATION INFORMATION REPORT FILED	1
DISTURBANCE	1
ASSAULT IN HOME	1
JUVENILE RIDING POCKET BIKE	1
FIGHT IN CUL DE SAC	1
FIGHT IN APARTMENTS	1
VANDALISM	1
ONLINE REPORT 530-5	1

TOTAL CALLS FOR SERVICE 51

Development Services
We Help Build A Great City

Attachment 4

RESOLUTION NO.

Adopted by the Sacramento City Council

RESOLUTION VACATING THE PUBLIC ACCESS EASEMENT LOCATED AT GREAT EGRET COURT LOCATED IN COUNCIL DISTRICT 1 (APN No's:225-2000-044, 225-2000-045)

VACATION PROCEEDING NO. VP07-03

BACKGROUND

A. The property owners of Great Egret Court have requested that the City vacate the subject Public Access Easement (PAE) located within the City of Sacramento to eliminate the criminal acts that have been committed against them and their properties.

B. The City of Sacramento 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's General Plan in promoting safety and livability while maintaining the quality and character of residential neighborhoods.

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

Section 1. The Public Access Easement located at the north end of Great Egret Court has been used as a conduit for criminal activity within the surrounding area.

Section 2. The City Council hereby finds that said vacation has been submitted to and reported on by the City Planning Division and finds that said vacation is consistent with the City's General Plan and applicable Community Plan.

Section 3. This vacation is pursuant to the following conditions:

a. The applicants will have a wall constructed that closes off the PAE to the satisfaction of Development Engineering.

Section 4. The conditions specified in Section 3 of 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 one or more time extensions.

Section 5. Once the conditions in Section 3 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.

Table of Contents:

Exhibit A: Legal Description, APN: 225-2000-044
Exhibit B: Exhibit Plat/Map, APN: 225-2000-044
Exhibit A1: Legal Description, APN: 225-2000-045
Exhibit B1: Exhibit Plat/Map, APN: 225-2000-045

EXHIBIT A

APN 225-2000-044
ABANDON PUBLIC ACCESS EASEMENT
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 44 as shown on the "Final Map of Parkview Village 10", recorded on February 11, 2004, in Book 325 of Maps, Map No. 10, of said county and described as follows:

Beginning at the northeast corner of said Lot 44; thence from said Point of Beginning South 06°32'41" West, 19.69 feet along the easterly line of said lot to the beginning of a non-tangent curve to the left, concave southerly, having a radius of 45.00 feet; thence 20.72 feet along said curve, subtended by a chord bearing South 83°21'03"West, 20.54 feet; thence North 06°32'41"East, 19.69 feet to the northerly line of said lot; thence South 83°27'19"East, 20.00 feet to the Point of Beginning containing 330.58 square feet, more or less.

EXHIBIT B

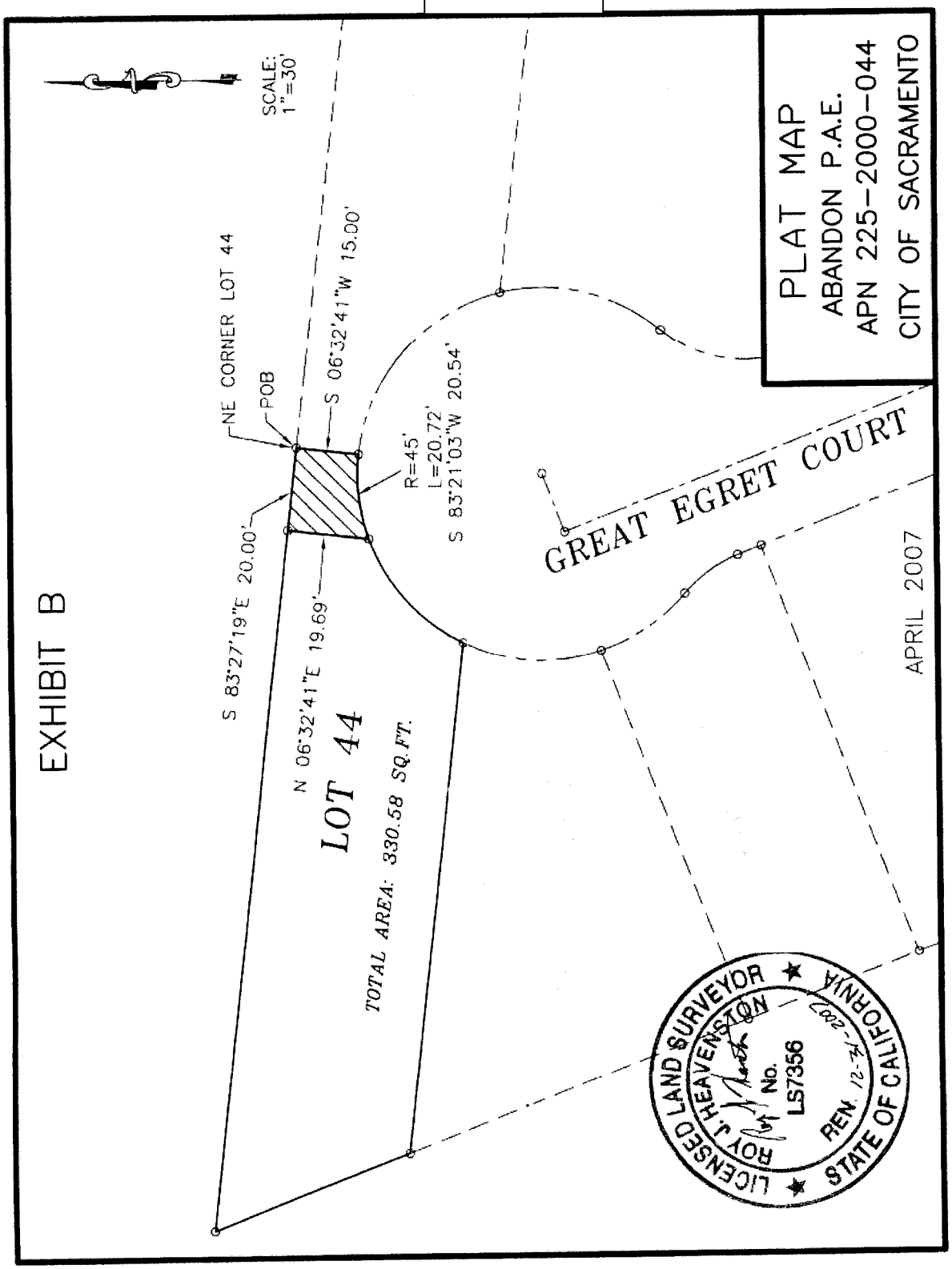


EXHIBIT B
SCALE: 1"=30'
NE CORNER LOT 44
POB
S 06°32'41"W 15.00'
S 83°27'19"E 20.00'
N 06°32'41"E 19.69'
R=45'
L=20.72'
S 83°21'03"W 20.54'
LOT 44
TOTAL AREA: 330.58 SQ.FT.
GREAT EGRET COURT
APRIL 2007
PLAT MAP
ABANDON P.A.E.
APN 225-2000-044
CITY OF SACRAMENTO
LICENSED LAND SURVEYOR
ROY J. HEAVENSTON
No. LS7356
REN. 12-31-2007
STATE OF CALIFORNIA

EXHIBIT A1

APN 225-2000-045
ABANDON PUBLIC ACCESS EASEMENT
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 45 as shown on the "Final Map of Parkview Village 10", recorded on February 11, 2004, in Book 325 of Maps, Map No. 10, of said county and described as follows:

Beginning at the northwest corner of said Lot 45; thence from said Point of Beginning South 83°27'19"East, 20.00 feet; thence South 06°32'41" West, 19.69 feet to the beginning of a non-tangent curve to the left, concave southerly, having a radius of 45.00 feet; thence 20.72 feet along said curve, subtended by a chord bearing North 70°16'18"West, 20.54 feet; thence North 06°32'41"East, 19.69 feet to the Point of Beginning containing 330.54 square feet, more or less.

Lot45.doc

EXHIBIT B1

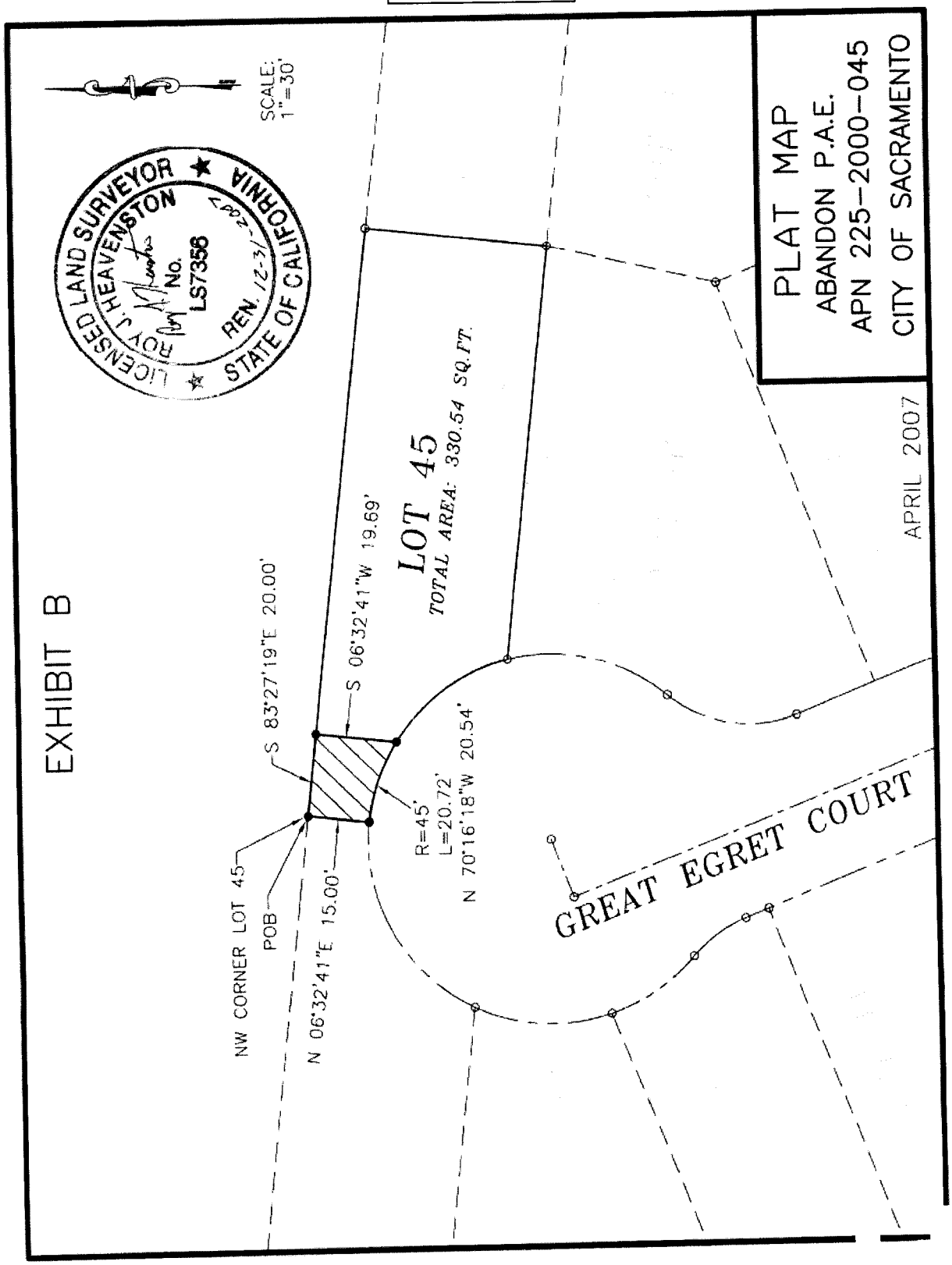


EXHIBIT B
SCALE: 1"=30'
LICENSED LAND SURVEYOR
ROY J. HEAVENSTON
No. LS7356
REN. 12-31-2007
STATE OF CALIFORNIA
PLAT MAP
ABANDON P.A.E.
APN 225-2000-045
CITY OF SACRAMENTO
APRIL 2007
LOT 45
TOTAL AREA: 330.54 SQ.FT.
S 06°32'41"W 19.69'
S 83°27'19"E 20.00'
R=45'
L=20.72'
N 70°16'18"W 20.54'
NW CORNER LOT 45
POB
N 06°32'41"E 15.00'
GREAT EGRET COURT