RESOLUTION NO. 2007-277

Adopted by the Sacramento City Council

May 15, 2007

SUMMARY VACATION OF THE ALLEY BOUNDED BY 4TH STREET, 3RD STREET, "V" STREET AND "W" STREET WITHIN COUNCIL DISTRICT 4 VACATION PROCEEDING NO. VP07-02

BACKGROUND

A. Mr. Abraxis Spera on behalf of the adjacent property owners has requested that the City vacate a segment of the alley bounded by 4th Street, 3rd Street, "V" Street and "W" Street located within the City of Sacramento.

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 and applicable Community Plan.

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

Section 1. Subject to the reservation below in Section 2, the alley bounded by Street, 3rd Street, "V" Street and "W" within Council District 4, specifically described in Exhibit A and Exhibit B of this Resolution, is hereby ordered vacated subject to the conditions specified in Section 5.

Section 2. Pursuant to Streets and Highways Code Section 8306 an 8340 the City reserves a public service easement in the alley bounded by 4th Street, 3rd Street, "V" Street and "W" within Council District 4, specifically described in Exhibit A and Exhibit B 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 public road/alley right-of-way to be vacated.

Section 3. The vacation of the segment of the alley bounded by 4th Street, 3rd Street, "V" Street and "W" within Council District 4, specifically described in Exhibit A and Exhibit B is made pursuant to State of California Streets and Highways Code, Division 9, Part 3, Chapter 4. Pursuant to California Streets and Highways Code Section 8334, the City Council finds that the alley bounded by 4th Street, 3rd Street, "V" Street and "W" within Council District 4, specifically described in Exhibit A and Exhibit B is an excess right-of-way not required for street purposes.

Section 4. The City Council finds that the said vacation has been submitted to and reported on by the City's Planning Division and finds that the said vacation is consistent with the City's General Plan and applicable Community Plan.

Section 5. This vacation is subject to the following conditions:

a) The property owners must keep all current utility services accessible and unobstructed within the area to be vacated at all times.

Section 6. The conditions specified in Section 5 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 7. Once the conditions in Section 5 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
Exhibit B: Exhibit Plat/Map

Adopted by the City of Sacramento City Council on May 15, 2007 by the following vote:

Ayes: Councilmembers, Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters and Mayor Fargo.

Noes: None.

Abstain: None.

Absent: None.

Heather Fargo

Mayor Heather Fargo

Attest:

Shirley Concolino

Shirley Concolino, City Clerk

EXHIBIT A

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SACRAMENTO, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

A PORTION OF THE ALLEY BETWEEN LOTS 4 AND 5 OF THE BLOCK BOUNDED BY "V" AND "W" STREETS, 3RD AND 4TH STREETS OF SAID CITY, ACCORDING TO THE OFFICIAL PLAT THEREOF MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHHEAST CORNER OF LOT 5; THENCE (1) ALONG THE EASTERLY LINE OF SAID LOT SOUTH 18°29'45" WEST 11.19 FEET TO A POINT DISTANT 400.32 FEET EASTERLY MEASURED AT RIGHT ANGLES, FROM THE "C1" LINE AT ENGINEER'S STATION "C1" 36+63.78 OF THE DEPARTMENT OF PUBLIC WORKS' SURVEY ON ROAD 03-SAC-80, POST MILE 0.0/2.5; THENCE (2) LEAVING SAID EASTERLY LINE SOUTH 77°53'23" WEST 8.97 FEET; THENCE (3) NORTH 50°50'00" WEST 44.85 FEET TO A POINT ON THE NORTHERLY LINE OF SAID LOT BEING THE TRUE POINT OF BEGINNING; THENCE NORTH 50°50'00" WEST 56.88 FEET TO THE SOUTHERLY LINE OF LOT 3 OF SAID BLOCK; THENCE ALONG THE SOUTHERLY LINE OF SAID LOT 3 AND LOT 4 SOUTH 71°25'07" EAST 102.90 FEET TO THE SOUTHEAST CORNER OF SAID LOT 4 AND THE WESTERLY LINE OF 4TH STREET; THENCE ALONG THE WESTERLY LINE OF 4TH STREET SOUTH 18°26'45" WEST 20.00 FEET TO THE NORTHEAST CORNER OF LOT 5; THENCE LEAVING THE WESTERLY LINE OF 4TH STREET ALONG THE NORTHERLY LINE OF SAID LOT 5 NORTH 71°25'07" WEST 49.68 FEET TO THE POINT OF BEGINNING, CONTAINING 1526 SQUARE FEET MORE OR LESS.

LICENSED LAND SURVEYOR
DONALD LEE
No. 7369
Exp. 12-31-07
STATE OF CALIFORNIA

EXHIBIT B

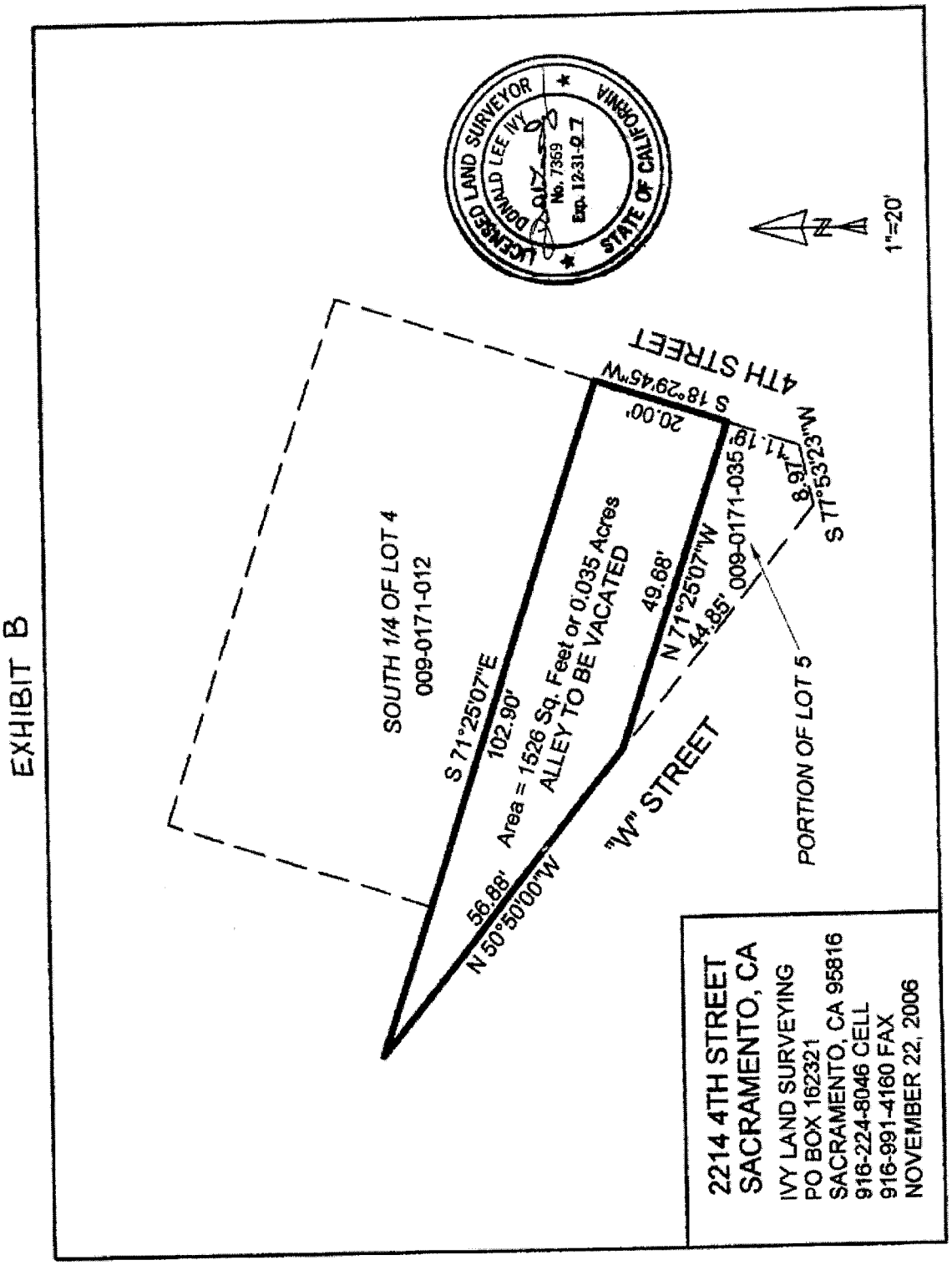
EXHIBIT B
LICENSED LAND SURVEYOR
DONALD LEE IVY
No. 7369
Exp. 12-31-07
STATE OF CALIFORNIA
1"=20'
4TH STREET
S 18°29'45"W
20.00'
11.19'
8.97'
S 77°53'23"W
SOUTH 1/4 OF LOT 4
009-0171-012
S 71°25'07"E
102.90'
Area = 1526 Sq. Feet or 0.035 Acres
ALLEY TO BE VACATED
49.68'
N 71°25'07"W
44.85'
009-0171-035
PORTION OF LOT 5
"W" STREET
56.88'
N 50°50'00"W
2214 4TH STREET
SACRAMENTO, CA
IVY LAND SURVEYING
PO BOX 162321
SACRAMENTO, CA 95816
916-224-8046 CELL
916-991-4160 FAX
NOVEMBER 22, 2006