REPORT TO COUNCIL
City of Sacramento

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

PUBLIC HEARING
July 17, 2007

Honorable Mayor and
Members of the City Council

Title: The Vacation of the Public Service Easement Within Vacated Portion of the Alley Bounded by 3rd Street, 5th Street, "X" Street and Broadway

Location/Council District: Portion of the vacated alley between 3rd Street, 5th Street, "X" Street and Broadway located in Council District 4 (Attachment 2, Page 5)

Recommendation: Conduct a public hearing and upon conclusion adopt a **Resolution** vacating the Public Service Easement located within the vacated portion of the alley bounded between 3rd Street, 5th Street, "X" Street and Broadway.

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: G.C. Wallace of California, on behalf of Broadway SPC, LLC, the property owner at 401 Broadway with Assessor Parcel Number 009-0232-015, has applied to vacate the Public Service Easement (PSE) located within the previously vacated portion of the alley at 401 Broadway. This request is in conjunction with the proposed development at 401 Broadway under Planning Entitlement No. P06-003. This proposed development is to include the construction of a storage facility, retail shops and a mixed retail/residential complex.

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 PSE is consistent with the City's General Plan.

Environmental Considerations: The Environmental Planning Services section of the Development Services Department has reviewed the previously described PSE 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 PSE lies within the vacated portion of the alley. This vacation will help facilitate the proposed development at 401 Broadway (P06-003).

Financial Considerations: The applicant is responsible for all fees required to process the vacation application and holds all financial responsibility of any conditions placed on this vacation request at no cost to the City.

Emerging Small Business Development (ESBD): None

Respectfully Submitted by: Edward H. Williams
Edward Williams
Manager, Development Engineering

Approved by: William A. Thomas
William A. Thomas
Director of Development Services Department

Recommendation Approved:

for RAY KERRIDGE
City Manager

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Attachment 1

Background

The Vacation of the Public Service Easement of the Vacated portion of the Alley bounded by 3rd Street, 5th Street, "X" Street and Broadway

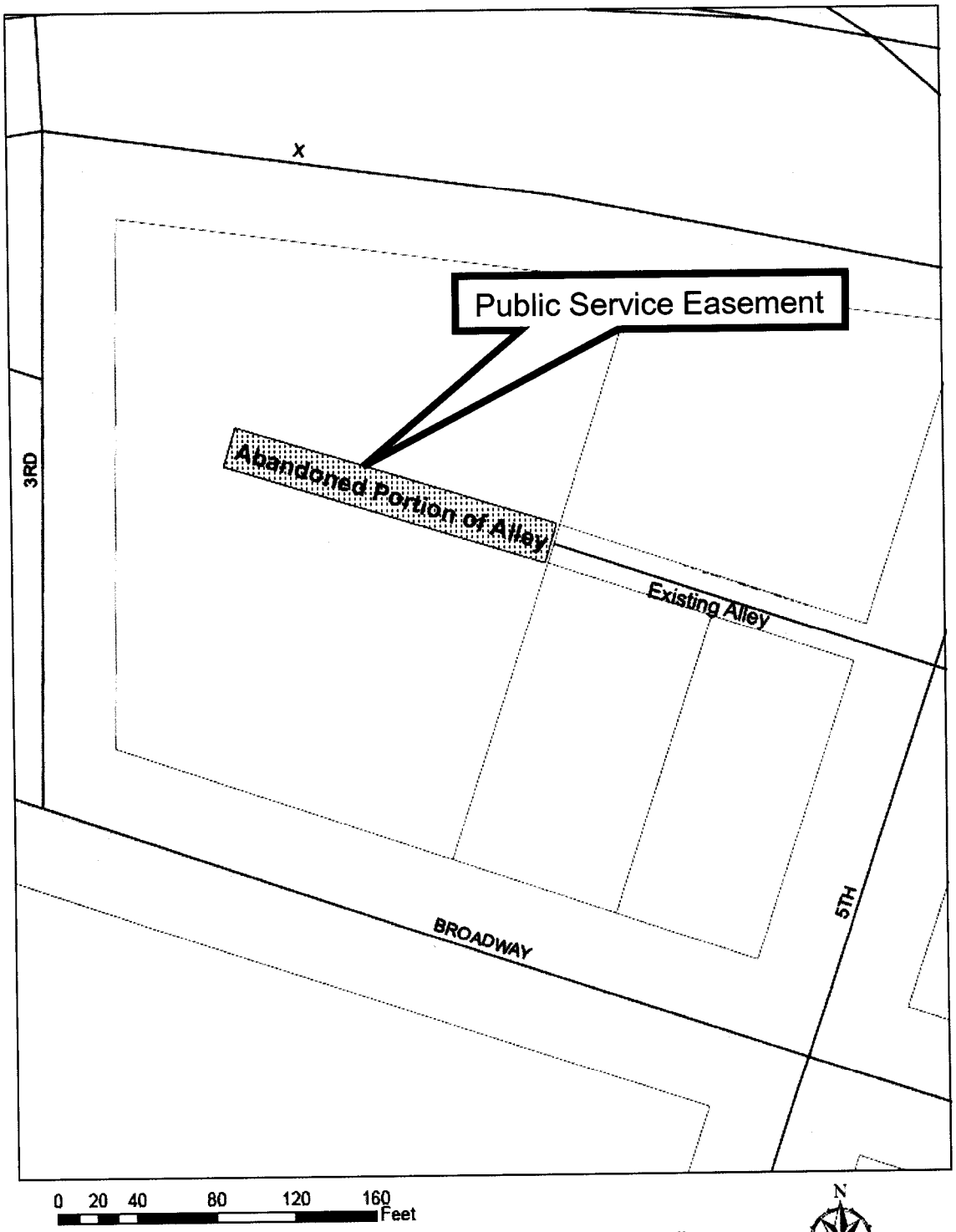
G.C. Wallace of California, Inc. on behalf of Broadway SPC, LLC, the property owner of 401 Broadway with Assessor Parcel Number 009-0232-015, has requested this vacation of the subject Public Service Easement (PSE). The subject PSE is located within the vacated portion of the alley at 401 Broadway. The alley right-of-way was vacated by City of Sacramento Ordinance 2516 (IV series) November 8, 1963 (Attachment 3, Page 6). However, this ordinance reserved the subject PSE. The applicant wishes to vacate the subject PSE as part of their proposed development of their property at 401 Broadway.

The area of the subject PSE when vacated will be part of the proposed development at 401 Broadway; Planning Entitlement No. P06-003. This development will consist of a storage facility, retail shops and mixed retail/residential complex. The existing utilities within the subject PSE will be relocated at the applicant's expense.

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 PSE site as required by law pursuant to Streets and Highways Code Sections 8222 and 8223 respectively.

ATTACHMENT 2

Public Service Easement



Public Service Easement Bounded by 3rd Street, 5th Street, X Street and Broadway

(7+5)

ORDINANCE NO. 2516 FOURTH SERIES

AN ORDINANCE CLOSING, VACATING, AND ABANDONING THE WESTERLY 160 FEET OF THE ALLEY BETWEEN X STREET AND BROADWAY, 4th AND 5th STREETS

BOOK 4810 PAGE 210

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

SECTION 1.

All that certain real property situated lying and being in the City of Sacramento, State of California, described as follows:

> The Westerly 160 feet of the Alley in the block bounded by X Street and Broadway, 4th and 5th Streets, City of Sacramento, RESERVING HOWEVER, the right of entry to repair, maintain and construct sewer, water and gas pipes, underground or underground power, telephone and other communication facilities now in place in said Alley, or which from time to time may be placed therein. This abandonment is made upon the condition that no structure shall be built or placed upon said right of way reserved. All proceedings in connection with the aforesaid abandonment are to be taken subject to such reservations and exceptions,

is hereby declared closed, vacated, and abandoned.

Said closing and vacating is declared after due proceedings were had therefore, according to law and a finding by the City Council, which hereby made, that said alley herein described is unnecessary for present or prospective public alley purposes.

SECTION 2.

That the Clerk shall publish this ordinance once within 10 days after passage in the official newspaper of said City of Sacramento.

FILED AT REQUEST OF City of Sacto
SACRAMENTO COUNTY RECORDER
4 35 minutes PM
NOV 8 1963
LEONARD J. HOOPER County Recorder
By Marie Cantu

PASSED: November 7, 1963

EFFECTIVE: December 7, 1963

JAMES B. McKINNEY
MAYOR

ATTEST:

REGINALD H. BOGGS
CITY CLERK

SEAL

CERTIFIED AS TRUE COPY
OF Ordinance No. 2516, Fourth Series
November 8, 1963
DATE CERTIFIED
CITY CLERK, CITY OF SACRAMENTO

WITH REQUESTED RETURN TO:
City of Sacramento, Real Estate Div.
Rm. 207, City Hall, Sacramento, Calif.

NO FEE

Attachment 4

RESOLUTION NO.

Adopted by the Sacramento City Council

VACATING THE PUBLIC SERVICE EASEMENT LOCATED WITHIN THE VACATED PORTION OF THE ALLEY BOUNDED BY 3RD STREET, 5TH STREET, "X" STREET AND BROADWAY LOCATED IN COUNCIL DISTRICT 4

VACATION PROCEEDING NO. VP06-12

BACKGROUND

A. G.C. Wallace of California, Inc. on behalf of Broadway SPC, LLC, the property owner of 401 Broadway requested that the City vacate the subject Public Service Easement (PSE) 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. The Public Service Easement located within the vacated portion of the alley bounded by 3rd Street, 5th Street, X Street and Broadway specifically described in Exhibit "A" and Exhibit "B", is unnecessary for present or prospective public use, is not useful as a nonmotorized transportation facility and is hereby ordered vacated subject to the conditions specified in Section 3 of this resolution.

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 applicant must relocate the 12-inch combined sewer main and the 6-inch water main located within proposed vacated area to the satisfaction of the Department of Utilities.

b. The applicant must also provide the Department of Utilities acceptable drainage patterns with grade information for the non-vacated portion of the alley with drawings displaying all existing and proposed mains associated with this vacation.

c. The applicant must also relocate AT&T's aerial and underground facilities within the vacated area of the PSE at cost to the applicant.

d. The applicant must ensure that the water flow from fire hydrant #801 is not compromised with any relocation or changes of the utility services, and that the resulting water flow be no less than its current level.

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
Exhibit B: Exhibit Plat/Map

EXHIBIT "A"
LEGAL DESCRIPTION
UTILITIES EASEMENT ABANDONMENT

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF SACRMENTO, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, BEING ALL OF A 20-FOOT WIDE UTILITIES EASEMENT, AS DESCRIBED IN BOOK 4810 AT PAGE 210 OF OFFICIAL RECORDS OF SACRAMENTO COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

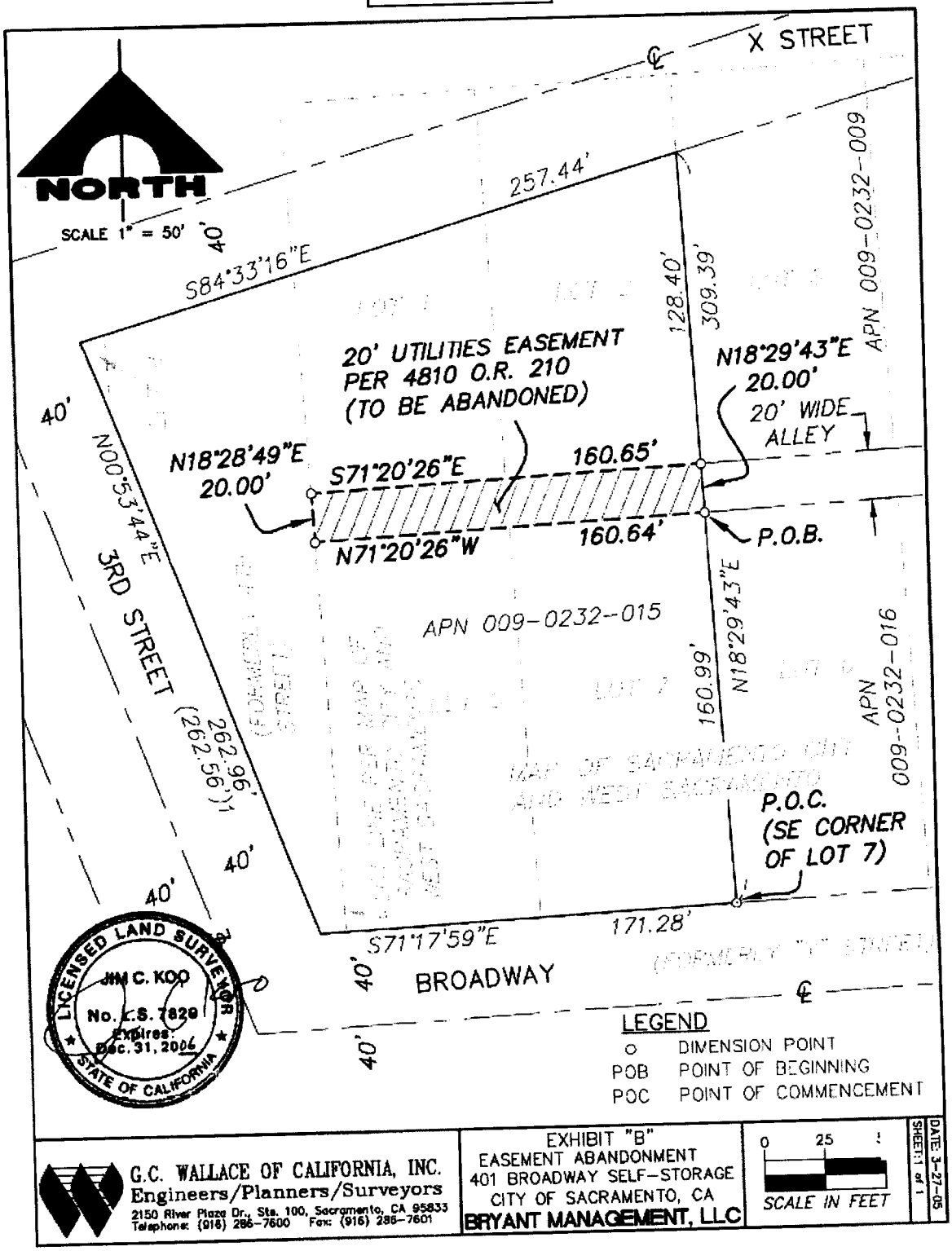
COMMENCING AT THE SOUTHEAST CORNER OF LOT 7 OF THE BLOCK BOUNDED BY "X", "Y" (NOW BROADWAY), 4TH AND 5TH STREETS, AS SHOWN ON THAT CERTAIN MAP ENTITLED "MAP OF SACRAMENTO CITY AND WEST SACRAMENTO", FILED IN BOOK 1 OF SUBDIVISION MAPS AT PAGE 3, SACRAMENTO COUNTY RECORDS; THENCE ALONG THE EASTERLY LINE OF SAID LOT 7, NORTH 18°29'43" EAST 160.99 FEET TO THE POINT OF BEGINNING, SAID POINT OF BEGINNING BEING THE NORTHEAST CORNER OF SAID LOT 7, AS SHOWN ON SAID MAP; THENCE ALONG THE SOUTHERLY LINE OF A 20-FOOT WIDE ALLEY, AS SHOWN ON SAID MAP, NORTH 71°20'26" WEST 160.64 FEET TO THE NORTHWEST CORNER OF LOT 8 OF SAID BLOCK, AS SHOWN ON SAID MAP; THENCE ALONG THE EASTERLY LINE OF 4TH STREET, AS SHOWN ON SAID MAP, NORTH 18°28'49" EAST 20.00 FEET TO THE SOUTHWEST CORNER OF LOT 1 OF SAID BLOCK, AS SHOWN ON SAID MAP; THENCE ALONG THE NORTHERLY LINE OF SAID 20-FOOT WIDE ALLEY, SOUTH 71°20'26" EAST 160.65 FEET TO THE SOUTHEAST CORNER OF LOT 2 OF SAID BLOCK, AS SHOWN ON SAID MAP; THENCE ALONG THE SOUTHERLY PROLONGATION OF THE EASTERLY LINE OF SAID LOT 2, SOUTH 18°29'43" WEST 20.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,213 SQUARE FEET OR 0.074 ACRES, MORE OR LESS.

THE PROPERTY DESCRIBED HEREON IS SHOWN ON THE ATTACHED EXHIBIT "B" AND BY THE REFERENCE MADE A PART HEREOF.

LICENSED LAND SURVEYOR
JIM C. KOO
No. L.S. 7829
Expires: Dec. 31, 2006
STATE OF CALIFORNIA

EXHIBIT B


X STREET
NORTH
SCALE 1" = 50'
257.44'
S84°33'16"E
40'
128.40'
309.39'
APN 009-0232-009
20' UTILITIES EASEMENT
PER 4810 O.R. 210
(TO BE ABANDONED)
N18°29'43"E
20.00'
20' WIDE
ALLEY
N18°28'49"E
20.00'
S71°20'26"E
160.65'
N71°20'26"W
160.64'
P.O.B.
N00°53'44"E
3RD STREET
262.96'
(262.56')
APN 009-0232-015
160.99'
N18°29'43"E
APN 009-0232-016
P.O.C.
(SE CORNER
OF LOT 7)
171.28'
S71°17'59"E
BROADWAY
LICENSED LAND SURVEYOR
JIM C. KOO
No. L.S. 7829
Expires:
Dec. 31, 2006
STATE OF CALIFORNIA
LEGEND
DIMENSION POINT
POB POINT OF BEGINNING
POC POINT OF COMMENCEMENT
G.C. WALLACE OF CALIFORNIA, INC.
Engineers/Planners/Surveyors
2150 River Plaza Dr., Ste. 100, Sacramento, CA 95833
Telephone: (916) 286-7600 Fax: (916) 286-7601
EXHIBIT "B"
EASEMENT ABANDONMENT
401 BROADWAY SELF-STORAGE
CITY OF SACRAMENTO, CA
BRYANT MANAGEMENT, LLC
0 25
SCALE IN FEET
DATE: 3-27-06
SHEET 1 of 1