REPORT TO COUNCIL
City of Sacramento

23

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Continued from 8-2-05

PUBLIC HEARING
August 2, 2005

Honorable Mayor and
Members of the City Council

Subject: The Vacation (Abandonment) of Portion of the Alley Bounded By "Y" Street, 42nd Street, 43rd Street, 2nd Avenue and 41st Street, Vacation Proceeding No. VP05-06

Location/Council District: Portion of the alley bounded by "Y" Street, 42nd Street, 43rd Street, 2nd Avenue and 41st Street Within Council District 5 (See Attachment A)

Recommendation:

Adopt the resolution approving the vacation of portion of the alley bounded by "Y" Street, 42nd Street, 43rd Street, 2nd Avenue and 41st Street

Contact: Jerry Lovato, Senior Engineering Technician, (916) 808-7918
Cesar Narvaez II, Engineering Technician III, (916) 808-7873
Presenters: Cesar Narvaez II, Engineering Technician III
Department: Development Services Department
Division: Development Engineering and Finance
Organization No: 4815

Summary:

Property owners adjacent to the alley bounded by "Y" Street, 42nd Street, 43rd Street, 2nd Avenue and 41st Street request that the City vacate this portion of the alley to stop crime related activity occurring through this alley. City staff finds that this portion of the alley is unnecessary for present or prospective public use. This portion of the alley when vacated will revert back to the adjacent properties west of the subject alley.

Committee/Commission Action:

The City Planning Commission has reviewed and determined that the vacation of said portion of the alley is consistent with the City's General Plan.

Background Information:

In 1994 this alley bounded by "Y" Street, 42nd Street, 43rd Street, 2nd Avenue and 41st

Street was closed by installation of gates at the entrances at "Y" Street, 1st Avenue and 2nd Avenue to combat criminal activities occurring to the alley. This closure was processed under the Problem Alley Abatement Program of the City. In 1995, City Council approved the vacation of the northern portion of this alley at the request of the abutting property owners, leaving the southern part of this alley a public alley. This southern part of the alley is currently closed for public use and gated at the entrances at 1st Avenue and 2nd Avenue. Now, the adjacent property owners located in the middle portion of the alley request that the City vacate the alley abutting their properties. The subject alley for vacation extends from the northern property line of 2525 41st Street to the southern property line of 2557 41st Street, approximately 200 feet long. They believe that vacating this portion of the alley will eliminate the occurrences of criminal activities in this alley. There are no garages, gates or doors that require access through this alley. The southern-most part of the alley will remain public to provide access for the SMUD facility located at the middle of the alley. The gate at the 2nd Avenue entrance to the alley will remain in place.

This request is initiated by Neighborhood Services Area 3 and is processed under the Problem Alley Abatement Program of the City. The program was approved for FY 2005/2006 by City Council and will be funded by the approved Development Services Department, Development Engineering and Finance Division's FY 2005/2006 operating budget.

City departments and utility companies have reviewed this request for vacation. Letters regarding this vacation are on file with the Development Services Department, Development Engineering and Finance Division. City staff finds that this portion of the alley is unnecessary for present or prospective public use, and staff reviewed this request for vacation and finds that this vacation proceeding is in conformance with State of California, Streets and Highways Code, Section 8310-8317. The public service easement dedicated in this alley is retained.

Notice of vacation was mailed to affected adjacent owners and posted along the subject alley on July 18, 2005 and the public hearing date was published in the Daily Recorder on July 22, 2005 and July 29, 2005. Following vacation, the title to the subject property (alley) is cleared of the public alley easement and the vacated alley will revert back to the properties to the west of the alley.

Financial Considerations:

The Problem Alley Abatement Program of the City will cover all fees required to process this vacation application.

Environmental Considerations:

The Development Services Department, Environmental Planning Services Division has reviewed the vacation of a portion of the alley bounded by "Y" Street, 42nd Street, 43rd Street, 2nd Avenue and 41st Avenue and determined that the activity is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines. Projects exempted under Section 15061(b)(3) consist of activities covered

by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Policy Considerations:

The Council action recommended in this report supports the City Strategic Plan and goal to promote and support economic vitality, and the State of California, Streets and Highways Code, Section 8310-8317 allows for the vacation of streets, alleys, and easements.

Emerging Small Business Development (ESBD): None

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

Recommendation Approved:

ROBERT P. THOMAS
City Manager

Table of Contents:

Pg	1-3	Report
Pg	4	Attachment A
Pg	5-6	Resolution
Pg	7	Resolution Exhibit A
Pg	8	Resolution Exhibit B

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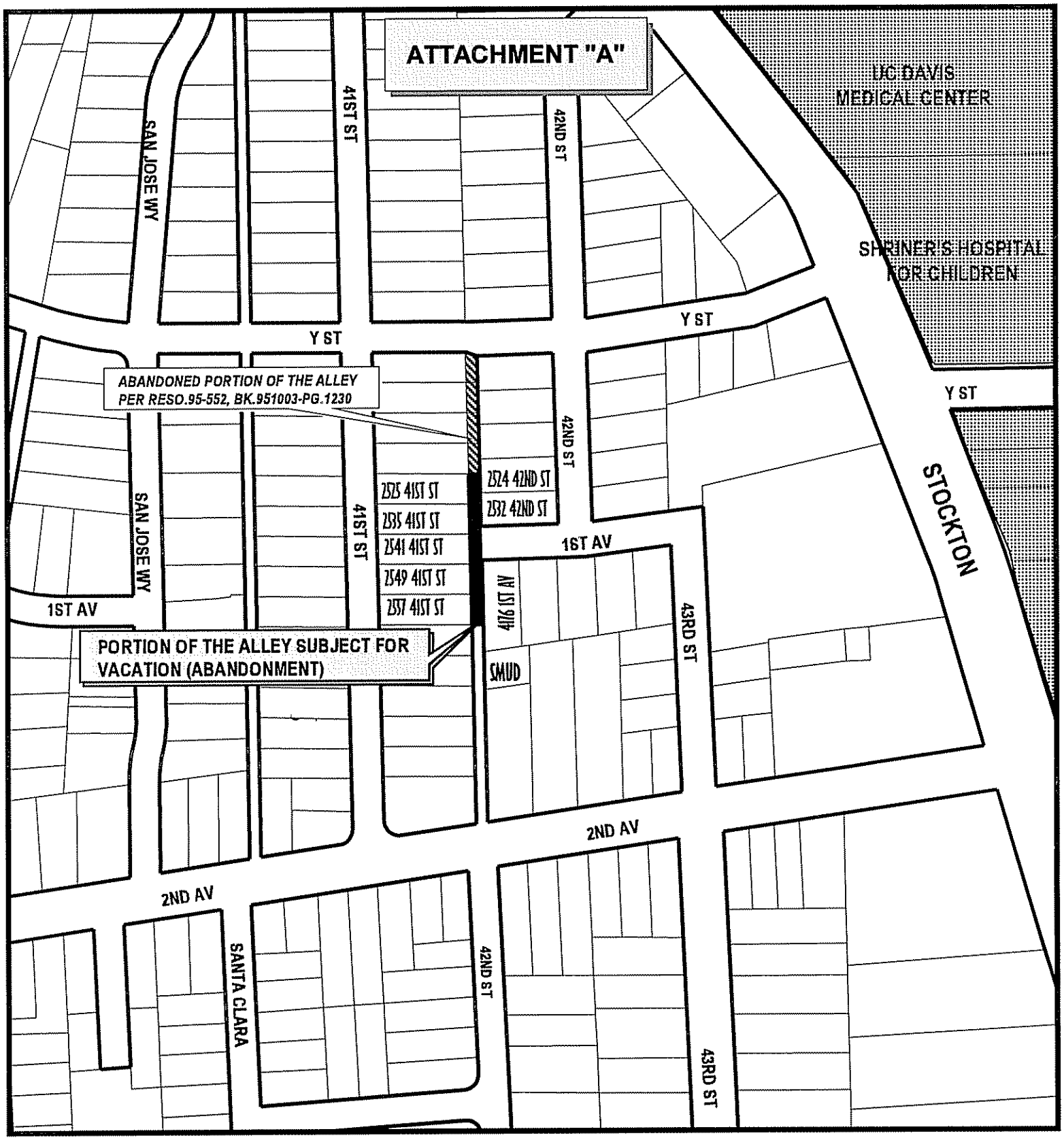

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Development Services

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VACATION, VP05-06
Portion of the alley bounded by "Y" Street, 42nd Street, 43rd Street Street, 2nd Avenue and 41st Street

N W E S

RESOLUTION NO.

Adopted by the Sacramento City Council

THE VACATION (ABANDONMENT) OF PORTION OF THE ALLEY BOUNDED BY "Y" STREET, 42ND STREET, 43RD STREET, 2ND AVENUE AND 41ST STREET WITHIN COUNCIL DISTRICT 5

VACATION PROCEEDING NO. VP05-06

BACKGROUND

A. The City received a request from the abutting property owners to the subject alley to vacate the subject alley to stop the occurrences of crime related activity through the subject alley.

B. State of California, Streets and Highways Code, Section 8310-8317, allows the City Council to facilitate the request for vacation of public road, street or alley.

C. Government Code Section 65402 requires the Planning Commission to review the consistency of all vacation proceedings with the City's General Plan and the applicable Community Plan.

D. Staff determines that the subject alley is unnecessary for present or prospective public use and vacating the subject alley will stop the occurrences of crime related activity through the subject alley.

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

Section 1. The portion of the alley bounded by "Y" Street, 42nd Street, 43rd Street, 2nd Avenue and 41st Street specifically described in Exhibit "A" and Exhibit "B", is hereby ordered vacated subject to the conditions specified in this resolution.

Section 2. The City Council 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.

Section 3. The City Council finds that the subject alley is unnecessary for present or prospective public use.

Section 4. This vacation is subject to the following conditions to the satisfaction of the Development Services Department – Development Engineering and Finance Division:

a. With the vacation of the alley, the owners of the west properties that will be abutting the owners of the east properties shall either put up their own fences to the east line of the vacated alley or with the consent from the owners of east properties, the existing fences of the east properties will become a common fence.

b. At no cost to the City, the applicants shall install appropriate reflective signs at the end of 1st Avenue and a "Not a Through Street" sign at the entrance to 1st Avenue at 42nd Street to City standard and to the satisfaction of the Development Services Department, Development Engineering and Finance Division.

Section 4. All conditions specified in paragraph 2 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.

Section 5. Once the conditions in paragraph 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 of the Subject Alley for Vacation – 1 Page
Exhibit B: Map/Plat of the Subject Alley for Vacation – 1 page

EXHIBIT "A"

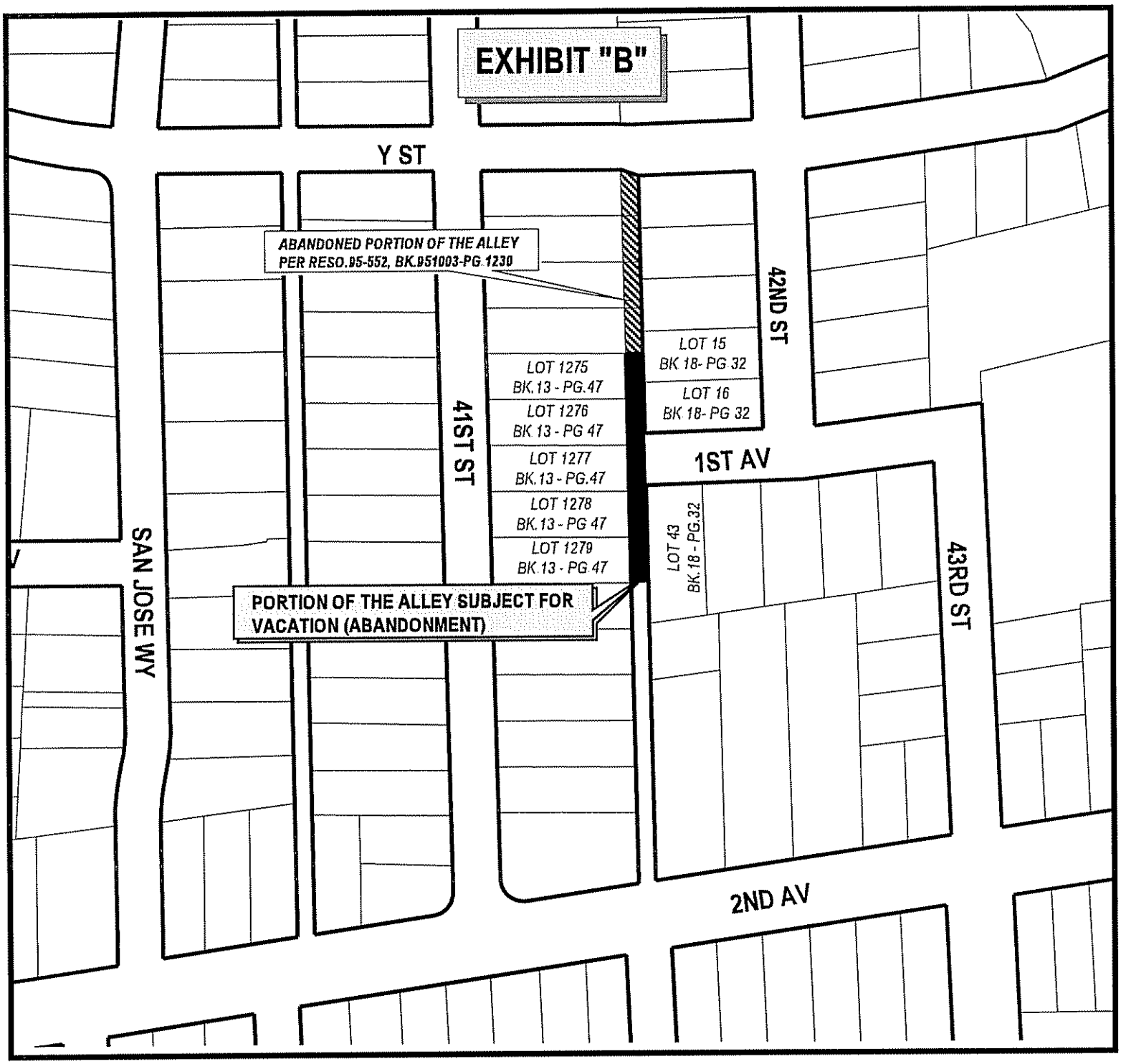
Legal Description
Vacation of portion of Public Alley

All that real property situate in the City and County of Sacramento, State of California and being that portion of alley bounded by Y Street, 43rd Street, 42nd Street, 2nd Avenue and 41st Street (41st Street is formerly known as Miller Avenue) as shown on the Plat of Wright and Kimbrough Tract No. 27 filed for record in Book 13 of Maps, at Page 47of the official record of said county, and the Plat of Dawson Place filed for record in Book 18 of Maps, at Page 32, official record of said county, more particularly describe as follows:

The 15-Foot wide alley extending from the northerly line of Lot 1275 to the southerly line of Lot 1279 as shown on said Plat of Wright and Kimbrough Tract No. 27, containing approximately 2,955 sq.ft.

REGISTERED PROFESSIONAL ENGINEER
RONALD S. FONG
No. C 28492
Expires: 3/31/06
CIVIL
STATE OF CALIFORNIA

7-5-05



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Development Services

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VACATION, VP05-06
Portion of the alley bounded by "Y" Street, 42nd Street, 43rd Street Street, 2nd Avenue and 41st Street

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