



REPORT TO COUNCIL

City of Sacramento

12

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

CONSENT
January 24, 2006

Honorable Mayor and
Members of the City Council

Subject: Time Extension for Resolution No. 2004-060, Resolution Adopting Findings of Facts and Approving the Abandonment of the Public Utility Easement located at 4990 Freeport Boulevard and 1931 Harian Way

Location/Council District:

4490 Freeport Boulevard and 1931 Harian Way within Council District 4 (Attachment "A", Page 4)

Recommendation:

Adopt a resolution approving the time extension of Resolution No. 2004-060.

Contact: Jerry Lovato, Senior Engineering Technician, (916) 808-7918; Cesar Narvaez II, Junior Engineer, (916) 808-7873

Presenter: Not Applicable

Department: Development Services Department

Division: Development Engineering and Finance

Organization No: 4815

Summary:

"Oto's Japan Food" requested that the City grant a one-year extension to complete the conditions of vacation (abandonment) stated in the Resolution No. 2004-060 (Attachment "B", Page 5). Staff recommends the granting of a one-year extension to complete the conditions of vacation.

Committee/Commission Action: None.

Background Information:

In March 2003, Oto's Japan Food requested that the City vacate the public utility easement located at 4990 Freeport Boulevard and 1931 Harian Way. This vacation would allow them to redevelop the project site, construct a store, and a parking area.

On January 27, 2004, the City Council adopted Resolution 2004-060 vacating the said public utility easement. This resolution contains several conditions of vacation that Oto's Japan Food must complete within two years of the adoption of the said resolution (see Attachment "B"). The resolution also states that the resolution of vacation will become void if the conditions of vacation are not completed in the specified two-year period, which will expire on January 27, 2006. Oto's Japan Food informed the City that they will not be able to complete all the conditions by January 27, 2006. They request that the City grant a one-year extension of Resolution No. 2004-060, in order to complete the conditions of vacation, which will then expire on January 27, 2007. Staff has reviewed the request and recommends granting the one-year extension for Resolution No. 2004-060.

Financial Considerations:

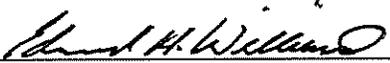
The applicant is responsible for all fees required to process the time extension application, there is no cost to the City.

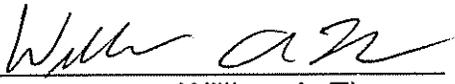
Environmental Considerations: None.

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 A. Thomas
Director of Development, Development Services Department

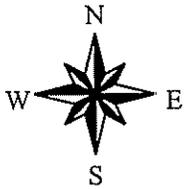
Recommendation Approved:


RAY KERRIDGE
Interim City Manager

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VACATION, VP05-19
 The Public Utility Easement Located At 4490
 Freeport Boulevard and 1931 Harian Way

ATTACHMENT B

RESOLUTION NO. 2004-060

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF JAN 27 2004

RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING THE VACATION OF THE PUBLIC UTILITY EASEMENT LOCATED AT 4990 FREEPORT BOULEVARD AND 1931 HARIAN WAY WITHIN COUNCIL DISTRICT 4

VACATION PROCEEDING NO. VP03-05

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

- A. WHEREAS, the City received a request from the "Oto's Japan Food" to vacate the subject public utility easement within the City of Sacramento; and
- B. WHEREAS, the City Council would consider the vacation in compliance with 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:

The public utility easement located at 4990 Freeport Boulevard and 1931 Harian Way, is hereby ordered vacated subject to the conditions specified in this resolution.

- 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. This vacation is subject to the following conditions:
 - a. Vacate the existing sewer line located within the vacated alley to the satisfaction of the Department of Utilities.
 - b. At no cost to the City, dedicate a new public utility easement to the satisfaction of the Department of Public Works.

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RESOLUTION NO.: 2004-060 5

DATE ADOPTED: JAN 27 2004

- c. Relocate the existing facilities from the vacated public utility easement to the new dedicated public utility easement to the satisfaction of the Department of Public Works, SMUD, AT & T and PG & E.
- 3. All conditions specified in paragraph 2 of this resolution must be completed within two years of the date of this resolution. If all the 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.
- 4. 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.

HEATHER FARGO

MAYOR

ATTEST:

SHIRLEY CONCOLINO

CITY CLERK

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EXHIBIT "A"

Page 1 of 1

Legal Description of the 20' PUE being requested to be abandoned within the 20' abandoned alley at 4990 Freeport Boulevard

That certain property situated in the County of California, State of County of Sacramento, described as follows:

That 20' Public Utility Easement contained within that certain Alley 20 feet in width (abandoned per Book 3975 OR Page 878 filed January 12, 1960) as shown on "Plat of Freeport Terrace" lying between Lots A and B of 23 BM 30 and Lot 11 of said "Plat of Freeport Terrace", filed at the Office of the County Recorder of Sacramento County, on June 22, 1946, in Book 23 of Maps, Map No. 30 (23 BM 30);

End of Legal Description

Prepared by JTS Engineering Consultants, Inc from record data



Javed T. Siddiqui
Javed T. Siddiqui, RCE 25924

Date: 3/26/03

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DATE ADOPTED: JAN 27 2004

COUNTY OF SACRAMENTO
PAGE 1 OF 1

EASEMENT ABANDONMENT EXHIBIT "B"

CALIFORNIA
FEBRUARY, 2003

LOTS A, B, 11, AND ADJACENT ABANDONED ALLEY,
AS FILED IN BOOK 23 OF MAPS, MAP NO. 30

APN: 017-0211-009 AND 012

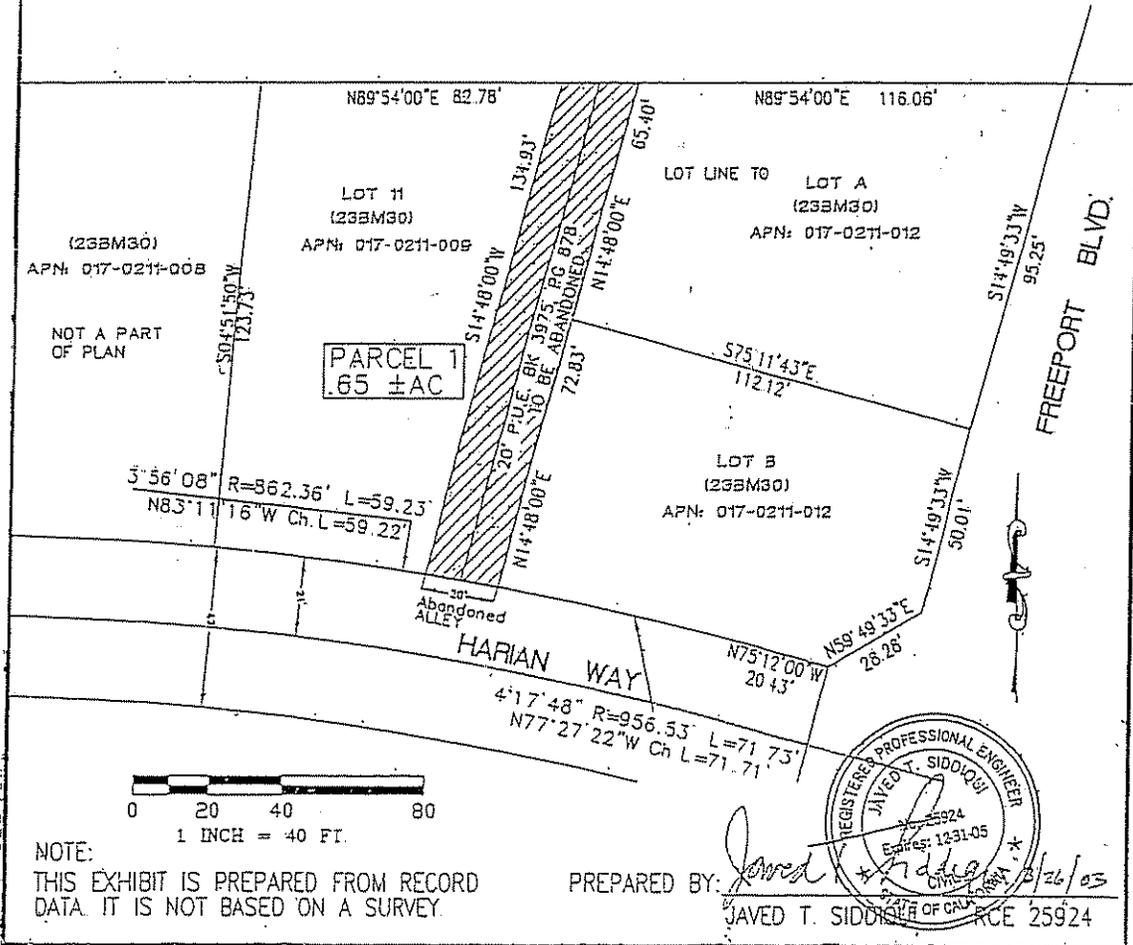
**JTS ENGINEERING
CONSULTANTS**

1808 J STREET
Sacramento California 95814
(916) 441-6708

OWNER: OTOS JAPAN FOOD INC.
5770 FREEPORT BLVD.
SACRAMENTO, CA 95822

ENGINEER: JTS ENGINEERING
CONSULTANTS, INC.
1808 J STREET
SACRAMENTO, CA
95814
PH: 916-441-6708

REQUEST: TO ABANDON (20' PUE PER 3975 OR-PG878)
RESERVED OVER
ABANDONED ALLEY



FOR CITY CLERK USE ONLY

RESOLUTION NO: 2004-060

DATE ADOPTED: JAN 27 2004

RESOLUTION NO.

Adopted by the Sacramento City Council

TIME EXTENSION FOR RESOLUTION NO. 2004-060, RESOLUTION ADOPTING FINDINGS OF FACTS AND APPROVING THE VACATION OF THE PUBLIC UTILITY EASEMENT LOCATED AT 4490 FREEPORT AND 1931 HARIAN WAY WITHIN COUNCIL DISTRICT 4, VACATION PROCEEDING NO. VP0-19

BACKGROUND

- A. With the adoption of Resolution No. 2006-060 on January 27, 2004, the vacation of the public utility easement located at 4990 Freeport Boulevard and 1931 Harian Way, the City Council may grant a time extension for the completion of conditions of vacation specified in the said resolution of vacation.
- B. Resolution No. 2004-060 states that the resolution of vacation shall become void if the conditions of vacation are not completed in the specified two-year period, which will expire on January 27, 2006, unless a time extension is granted by City Council.

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

- Section 1. The time extension for completing the conditions of vacation required by Resolution No. 2004-060 is hereby granted and will expire on January 27, 2007.