Title: The Summary Vacation of a Portion of the Public Right of Way East of 24th Street Between 5th Avenue and Donner Way

Location: East of 24th Street South of 5th Avenue, District 5

Recommendation: Pass a Resolution vacating the public right of way east of 24th street between 5th Avenue and Donner Way.

Contact: Thomas Adams, Engineer Technician, (916) 808-7929; Nick Theocharides, Engineering Services Manager, (916) 808-5065, Department of Public Works

Presenter: None.

Attachments:
1-Description/Analysis
2-Resolution
3-Exhibit A – Legal Description
4-Exhibit B – Exhibit Plat/Map of Area to be Vacated
Description/Analysis

**Issue Detail:** As part of the approved Curtis Park Village (P12-026) a portion of 24th Street was realigned, which resulted in two remnant areas of right of way. The developer and adjacent owners would like to utilize the areas for additional yard space and landscaping with the potential to develop one of the adjacent lots for residential housing. The vacation/abandonment of the public right of way will give the adjacent property owners the ability to enhance the vacant area.

**Policy Considerations:** The City Council action recommended in this report is consistent with the 2035 General Plan, and is in compliance with California Streets and Highways Code Section 8330 in that the right-of-way proposed to be vacated is not needed because of the realignment of 24th Street.

**Economic Impacts:** None

**Environmental Considerations:** The Community Development Department, Environmental Planning Services Division has reviewed this project and determined that the vacation of a portion of the public right of way is exempt from the provisions of the California Environmental Quality Act (CEQA) Section 15305; minor alteration in land use limitation. The vacation of the public right of way is a minor alteration of the current land use.

**Sustainability:** None.

**Commission/Committee Action:** None.

**Rationale for Recommendation:** The proposed area to be vacated will be absorbed into the adjacent lots and utilized as landscaping and yard space. Specifically, the adjacent lot 76 will be part of the residential development for Curtis Park Village. The reservation of a public service easement will be maintained over the entire area for all existing and any future utilities needed. Staff, along with various agencies, supports this vacation request.

**Financial Considerations:** The applicant is responsible for all fees required to process this application and there is no cost to the City.

**Local Business Enterprise (LBE):** City Council adoption of the attached resolution is not affected by City policy related to the LBE Program.
RESOLUTION NO.
Adopted by the Sacramento City Council

THE SUMMARY VACATION OF A PORTION OF THE PUBLIC RIGHT OF WAY EAST OF 24TH STREET BETWEEN 5TH AVENUE AND DONNER WAY VACATION PROCEEDING NO. VAC 17-0002

BACKGROUND

A. PDC Construction Company, the owner/developer of the Curtis Park Village Subdivision has requested the vacation of a portion of the 24th Street public right-of-way to utilize as a landscape area and future development of a residential unit.

B. The City of Sacramento’s Planning Director reviewed this vacation proceeding pursuant to Sacramento City Code 17.912.030 and State of California Government Code Section 65402 and concluded that this vacation is consistent with the City of Sacramento’s General Plan.

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

Section 1. The public right-of-way located just east of the newly realigned 24th Street within Council District 5, more specifically described in Exhibits A and B of this Resolution, is vacated.

Section 2. Pursuant to Streets and Highways Code Section 8306 and 8340, the City of Sacramento reserves a public service easement which is more specifically described in Exhibit A and B of this resolution, 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 subject property to be vacated.

Section 3. The vacation of the portion of the public right of way within Council District 5, more specifically described in Exhibits A and B, is made pursuant to State of California Streets and Highways Code, Division 9, Part 3, Chapter 4, Section 8330.

Section 4. The City Council finds that the vacation has been submitted to and reported on by the City of Sacramento’s Planning Director and finds that the vacation is consistent with the City of Sacramento’s General Plan.

Section 5. Once this Resolution has been approved, 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 in the office of the County Recorder.

Section 6. Exhibits A and B are incorporated into and made part of this resolution.

Table of Contents:
Exhibit A: Legal Description
Exhibit B: Exhibit Plat/Map of Area to be Vacated
ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF SACRAMENTO, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

THOSE PORTIONS OF 24TH STREET (FORMERLY MIDDLE FREEPORT ROAD), AS SHOWN ON THE PLAT OF "CURTIS OAKS", FILED IN THE OFFICE OF THE RECORDER OF SACRAMENTO COUNTY ON JANUARY 19, 1907 IN BOOK 7 OF MAPS, AT PAGE 49, DESCRIBED AS FOLLOWS:

AREA 1
BEGINNING AT SOUTHWEST CORNER OF LOT 164 AS SHOWN ON SAID PLAT OF "CURTIS OAKS"; THENCE FROM SAID POINT OF BEGINNING, ALONG THE NEW NORTHERLY LINE OF SPURGIN ALLEY, THE FOLLOWING THREE (3) COURSES: (1) SOUTH 88°58'34" WEST, 4.60 FEET; (2) ALONG A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 30.00 FEET, THROUGH A CENTRAL ANGLE OF 19°32'11", WITH AN ARC LENGTH OF 10.23 FEET; AND (3) NORTH 71°29'15" WEST, 46.95 FEET TO THE NEW EASTERLY LINE OF 24TH STREET; THENCE, ALONG SAID EASTERLY LINE, THE FOLLOWING TWO (2) COURSES: (1) NORTH 18°30'45" EAST, 99.04 FEET; AND (2) ALONG A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 15.50 FEET, THROUGH A CENTRAL ANGLE OF 70°27'49", WITH AN ARC LENGTH OF 19.06 FEET TO THE SOUTHERLY LINE OF 5TH AVENUE (FORMERLY SECOND AVENUE); THENCE, ALONG SAID SOUTHERLY LINE, NORTH 88°58'34" EAST, 11.02 FEET TO THE NORTHWEST CORNER OF SAID LOT 164; THENCE, ALONG THE WESTERLY LINE OF SAID LOT 164, SOUTH 01°05'18" EAST, 121.08 FEET TO THE POINT OF BEGINNING; CONTAINING 0.109 ACRES, MORE OR LESS.

RESERVING THEREFROM A PUBLIC UTILITY EASEMENT OVER ALL OF AREA NO. 1 DESCRIBED ABOVE.

AREA 2
BEGINNING AT SOUTHWEST CORNER OF LOT 165 AS SHOWN ON SAID PLAT OF "CURTIS OAKS"; THENCE FROM SAID POINT OF BEGINNING, ALONG THE NORTHERLY LINE OF DONNER WAY (FORMERLY THIRD AVENUE), THE FOLLOWING TWO (2) COURSES: (1) NORTH 89°22'48" WEST, 13.48 FEET; THENCE ALONG A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 224.64 FEET, THROUGH A CENTRAL ANGLE OF 11°59'50", WITH AN ARC LENGTH OF 47.04 FEET TO THE SOUTHEAST CORNER OF LOT 76 AS SHOWN ON THE FINAL MAP OF CURTIS PARK VILLAGE 2B & 3, FILED IN THE OFFICE OF THE RECORDER OF SACRAMENTO COUNTY ON FEBRUARY 18, 2014 IN BOOK 380 OF MAPS, AT PAGE 10; THENCE, ALONG THE EASTERLY LINE OF SAID LOT 76 AND LOT G AS SHOWN ON SAID FINAL MAP, NORTH 01°05'18" WEST, 131.05 FEET TO
THE NEW SOUTHERLY LINE OF SPURGIN ALLEY; THENCE, ALONG SAID SOUTHERLY LINE, THE FOLLOWING THREE (3) COURSES: (1) SOUTH 71°29'15" EAST, 41.04 FEET; (2) ALONG A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 50.00 FEET, THROUGH A CENTRAL ANGLE OF 19°32'11", WITH AN ARC LENGTH OF 17.05 FEET; AND (3) NORTH 88°58'34" EAST, 4.62 FEET TO THE NORTHWEST CORNER OF SAID LOT 165; THENCE, ALONG THE WESTERLY LINE OF SAID LOT 165, SOUTH 01°05'18" EAST, 121.08 FEET TO THE POINT OF BEGINNING; CONTAINING 0.173 ACRES, MORE OR LESS.

RESERVING THEREFROM A PUBLIC UTILITY EASEMENT OVER THOSE PORTIONS OF AREA NO. 2 DESCRIBED ABOVE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A STRIP OF LAND HAVING A UNIFORM WIDTH OF TWELVE AND ONE-HALF (12.50) FEET LYING CONTIGUOUS TO AND NORTHERLY OF SAID NORTHERLY LINE OF DONNER WAY; A STRIP OF LAND HAVING A UNIFORM WIDTH OF TWELVE AND ONE-HALF (12.50) FEET LYING CONTIGUOUS TO AND SOUTHERLY OF THE SAID SOUTHERLY LINE OF SPURGIN ALLEY; AND A STRIP OF LAND HAVING A UNIFORM WIDTH OF THIRTY (30.00) FEET LYING CONTIGUOUS TO AND WESTERLY OF THE WESTERLY LINE OF SAID LOT 165.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS IDENTICAL WITH THE EASTERLY LINE OF LOT 76 AS SHOWN ON THE FINAL MAP OF CURTIS PARK VILLAGE 2B & 3, FILED IN THE OFFICE OF THE RECORDER OF SACRAMENTO COUNTY ON FEBRUARY 18, 2014 IN BOOK 380 OF MAPS, AT PAGE 10, THE BEARING OF WHICH IS GIVEN AS NORTH 01°05'18" WEST.

END OF DESCRIPTION
EXHIBIT "B"
VACATION (ABANDONMENT)
PORTION OF 24TH STREET
CITY OF SACRAMENTO, CALIFORNIA

PORTION OF 24TH STREET TO BE VACATED
P.U.E. PUBLIC UTILITY EASEMENT TO BE RETAINED

5TH AVENUE (FORMERLY SECOND AVENUE)

AREA 1
0.109± AC

AREA 2
0.173± AC

DONNER WAY (FORMERLY THIRD AVENUE)

SCALE: 1"=40'
DATE: 4/19/17
SHEET 1 OF 7

TSD ENGINEERING, INC. expect more.