

Resolution No.

STOCKTON CITY COUNCIL

RESOLUTION AUTHORIZING THE SUMMARY VACATION OF A PORTION OF PUBLIC RIGHT-OF-WAY AT 1704 WEST FREMONT STREET

The proposed vacation (abandonment) is located at 1704 West Fremont Street; and

LDF Enterprises, LLC, the property owner, is requesting the vacation of a portion of right-of-way to clean up the title prior to the sale of the property; and

The City may perform a summary vacation under Division 9, Part 3, sections 8331 & 8334(a), *et seq.*, of the California Streets and Highway Code and a public hearing is not required when the area has been impassable for vehicular travel for at least five years and no public money was expended for maintenance during such period; and an excess right-of-way of a street or highway not required for street or highway purposes; and

The proposed vacation area has been impassable for vehicular travel for five consecutive years, no public money was expended for maintenance during such period, and the excess right-of-way is not required for street or highway purposes; and

All City Departments and local utilities were notified and provided an opportunity to object to the proposed vacation if it were to negatively impact departmental or agency functions; and

There were no objections to the proposed vacation; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

1. This action is taken pursuant to Chapter 4 of Part 3 of the California Streets and Highways Code sections 8331 & 8334, *et seq.*, the Summary Vacation Procedure of the Public Streets, Highways, and Service Easements Vacation Law.

2. All City Departments and local utilities were notified and there were no objections to the proposed abandonment.

3. The subject property meets the criteria set forth in the Streets and Highways Code section 8331, provided below in relevant parts:

“The legislative body of a local agency may summarily vacate a street or highway if both of the following conditions exist: (a) For a

period of five consecutive years, the street or highway has been impassable for vehicular travel. (b) No public money was expended for maintenance on the street or highway during such period.”

Code section 8334(a), in relevant parts, provides that:

“The legislative body of a local agency may summarily vacate any of the following: (a) An excess right-of-way of a street or highway not required for street or highway purposes.”

The proposed vacation conforms with both Code sections 8331 and 8334(a), in that the area has been impassable for vehicular travel for five consecutive years, no public money was expended for maintenance on the street, and the excess right-of-way is not required for street or highway purposes.

4. The City Council hereby authorizes that the public right-of-way located at 1704 West Fremont Street, more particularly described in Exhibits 1 & 2, attached hereto, and incorporated by this reference, is hereby vacated.

5. The City Manager is authorized to approve the filing of Notice of Exemption No. 9-23 under CEQA, a copy of which is attached as Exhibit 3 and incorporated by this reference.

6. In accordance with section 65402 of the Government Code, this project/activity conforms to the City’s General Plan Policy Document, as amended.

7. LDF Enterprises, LLC has paid the necessary fees to process this vacation.

8. The City Manager is hereby authorized to take whatever actions are necessary and appropriate to carry out the purpose and intent of this Resolution.

PASSED, APPROVED, AND ADOPTED June 13, 2023.

KEVIN J. LINCOLN II
Mayor of the City of Stockton

ATTEST:

ELIZA R. GARZA, CMC
City Clerk of the City of Stockton