

Resolution No.

STOCKTON CITY COUNCIL

RESOLUTION AUTHORIZING THE VACATION OF A STREET LOCATED ON A PORTION OF WASHINGTON STREET BETWEEN PORT ROAD 13 AND NAVY DRIVE

On July 26, 2016, by Resolution No. 2016-07-26-1208, City Council authorized its intention to vacate a street located on a portion of Washington Street between Port Road 13 and Navy Drive in the City of Stockton, California, more particularly described hereinafter, pursuant to Division 9, Part 3, Section 8300, *et. seq.*, of the California Streets and Highways Code; and

Resolution No. 2016-07-26-1208 provided for the giving of notice that the City Council would hear evidence on August 23, 2016, from persons interested in or objecting to the proposed vacation to show cause why said subject area should not be abandoned; and

A public hearing was opened on August 23, 2016, for persons interested in or objecting to the proposed abandonment to show cause why said subject area should not be abandoned; now, therefore,

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

1. That this City Council, having considered testimony and evidence from all persons interested in or objecting to the vacation of a street located on a portion of Washington Street between Port Road 13 and Navy Drive, and the reservation of a public utility easement in the City of Stockton, California, finds that:
 - (a) The resolution of intention referred to herein was duly published pursuant to section 8322 of the California Streets and Highways Code; and
 - (b) Not less than three notices of the proposed vacation were duly posted in a manner and form required by law in conspicuous places along said portion of Washington Street between Port Road 13 and Navy Drive, more particularly described in Exhibit 1, proposed to be vacated with a reservation of a public utility easement, not more than 300 feet apart and at least 14 days prior to the hearing date pursuant to section 8323 of the California Streets and Highways Code.
2. That all City departments and local utilities were notified and there were no objections to the proposed abandonment.

3. That the City Council has duly considered all of the evidence and testimony submitted concerning the vacating of street on a portion of Washington Street between Port Road 13 and Navy Drive, and reserving a public utility easement, and has found from said evidence that said subject area is unnecessary for present or prospective street rights-of-way.
4. The City Council hereby orders that a portion of Washington Street between Port Road 13 and Navy Drive, more particularly described hereinafter, is hereby declared to be vacated and abandoned for street purposes and that a public utility easement is hereby reserved.
5. That the portion of Washington Street between Port Road 13 and Navy Drive in the City of Stockton, California, to be vacated and abandoned and the public utility easement to be reserved by this order is hereby more particularly described in Exhibit 1, attached hereto and incorporated herein by this reference. The entire subject area will be reserved as a public utility easement. Fee title to the property is vested in the Stockton Port District.
6. Recordation of a certified copy of this resolution is hereby authorized, with the effective date of the vacation of the above described area to be the date of recordation of the certified copy of this resolution in the land records office of San Joaquin County, and, on said date, the subject abandonment shall no longer constitute a street pursuant to the provisions of the Streets and Highways Code Section 8336.
7. The City Manager is authorized to approve the filing of Notice of exemption No. CE016-15 under CEQA, a copy of which is attached as Exhibit 2 and incorporated by this reference.
8. In accordance with section 6504 of the Government Code, this project/activity has been determined to conform to the City's General Plan Policy Document, as amended.
9. The Port of Stockton has paid the necessary fees to process this abandonment and will pay for the publication costs for the public hearing.

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

PASSED, APPROVED, and ADOPTED August 23, 2016.

ANTHONY SILVA
Mayor of the City of Stockton

ATTEST:

BONNIE PAIGE
City Clerk of the City of Stockton