

Resolution No.

STOCKTON CITY COUNCIL

RESOLUTION AUTHORIZING THE SUMMARY VACATION OF A PORTION OF PUBLIC RIGHT-OF-WAY AT “E” STREET AND RESERVING A PUBLIC UTILITY EASEMENT

The proposed abandonment is located at a “E” Street and Hackberry Lane; and

Arellano Properties, Inc, the adjacent property owner, is requesting the vacation of a portion of right-of-way;

The City may perform a summary vacation under Division 9, Part 3, section 8331, *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

All City Departments and local utilities were notified and there were no objections to the proposed abandonment; 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 section 8331, *et seq.*, the Summary Vacation Procedure of the Public Streets, Highways, and Service Easements Vacation Law.

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

3. It is hereby found and determined that 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.”

4. The City Council hereby authorizes that the public right-of-way located at “E” Street and Hackberry Lane, more particularly described in Exhibits 1-2, attached hereto and incorporated herein by reference, is hereby declared to be

vacated and public utility easement as described in Exhibit 2 be reserved by this order.

5. That the City Manager authorized to approve the filing of Notice of Exemption No.25-22 under CEQA, a copy of which is attached as Exhibit 3, attached hereto and incorporated herein by reference.

6. In accordance with section 65402 of the Government Code, this project/activity has been determined to conform to the City's General Plan Policy Document, as amended.

7. Arellano Properties, Inc has paid the necessary fees to process this vacation.

8. That the City Manager, or designee, 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 September 27, 2022.

KEVIN J. LINCOLN II
Mayor of the City of Stockton

ATTEST:

ELIZA GARZA, CMC
City Clerk of the City of Stockton