

Resolution No.

STOCKTON CITY COUNCIL

RESOLUTION AUTHORIZING SUMMARY VACATION AND DISPOSITION OF A STREET LOCATED ON A PORTION OF WEST WEBER AVENUE

A street located on the westerly 1,090 feet of West Weber Avenue (more particularly described in the plat and legal description attached as Exhibits 1 and 2 and incorporated by this reference) was quitclaimed to the City for street purposes in 1945; and

This street located on a portion of West Weber Avenue has been an impassable street for vehicular travel with no public money expended for maintenance on the street for a minimum period of five consecutive years; and

The State of California, Department of Water Resources (DWR), has requested that the City of Stockton pursue the abandonment of this street located on a portion of West Weber Avenue so that they may acquire this portion of West Weber Avenue to assemble the land necessary to develop the facilities implementation component of the Delta Flood Emergency Preparedness, Response, and Recovery Program (Delta ER Program); and

The Delta ER Program will ensure that the state of California has the appropriate infrastructure and supplies in the Delta to respond to and recover quickly and effectively from major flood or earthquake disaster in the Delta; and

The proposed abandonment area is eligible for consideration as a summary vacation without the requirement of a public hearing, pursuant to Streets and Highways Code Section 8331, and

The DWR has offered to purchase the proposed 2.58-acre area to be abandoned for the appraised value of \$70,400, and

The summary vacation and disposition of this street located on a portion of West Weber Avenue to the DWR will allow the DWR to secure the land that is necessary for the development of the site and facilities implementation component of the Delta ER Program, and

This project is exempt for the California Environmental Quality Act (CEQA) as specified under Article 19, Section 15301, Class 1 of the CEQA Guidelines; 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 8330, *et seq.*, the Summary Vacation Procedure of the Public Streets, Highways and Service Easements Vacation Law.
2. The subject property has not been used as a street for the last five years since a gate has closed off public access and restricted vehicular travel.
3. No public money has been expended for maintenance on the street for the last five years since a search of the City's maintenance data base revealed a maintenance request has not been made for this area.
4. The subject property meets the criteria set forth in Streets and Highways Code Section 8331 for summary vacation without a public hearing which states that:

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 to vehicular travel.
 - (b) No public money was expended for maintenance on the street or highway during such period.
5. The summary vacation and abandonment of a street located on a portion of West Weber Avenue and reserving a public utility easement, more particularly described in the attached Exhibits 1 and 2, is authorized and approved and hereby declared abandoned.
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 provision of the Streets and Highways Code Section 8336.
7. Fee title to the abandonment area is vested in:

The City of Stockton

8. All City departments and local utilities have been notified and there are no objections to the proposed abandonment.

9. The applicant, the DWR, has paid the necessary fees to process this abonnement.
10. The City is hereby authorized to sell and convey to the DWR that portion of real property located on the westerly 1,090 feet of West Weber Avenue, as more particularly described in the Right of Way Contract, which is attached hereto as Exhibit 4, and incorporated by this reference, and to settle all costs of every kind and description resulting from the disposition of said interest in real property.
11. It is hereby declared that notice of the intention to sell or dispose of City-owned property, as more particular described in the Right of Way Contract, was duly published in accordance with the provisions of Article V, Section 510, of the Charter of the City.
12. The total purchase price of the said property is \$70,400.
13. The DWR shall pay all expenses incidental to and necessarily incurred for the conveyance of the real property, including but not limited to advertising costs, recording fees, title insurance charges, reconveyance fees, trustee's fees, forwarding fees and prepayment penalties.
14. All the specific terms and conditions of this transaction are as expressly provided in the Right of Way Contract.
15. 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 3 and incorporated by this reference.
16. 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.
17. The City Manager is hereby authorized to execute the deed and/or other instrument of conveyance, as provided in the Right of Way Contract, and the City Manager is hereby authorized to execute the Right of Way Contract and any other documents that are appropriate to carry out the purpose hereof.

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18. 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 July 26, 2016.

ANTHONY SILVA
Mayor of the City of Stockton

ATTEST:

BONNIE PAIGE
City Clerk of the City of Stockton