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Resolution No.

STOCKTON CITY COUNCIL

RESOLUTION AUTHORIZING THE SUMMARY VACATION AND ABANDONMENT OF SIX PUBLIC UTILITY EASEMENTS ON A PORTION OF SIERRA VISTA APARTMENTS

The Housing Authority of the County of San Joaquin (HACSJ) has requested the abandonment of six sewer easements located on a portion of a 7.94-acre parcel along Twelfth Street between Phelps and Oroville Streets, better known as Sierra Vista Apartments; and

The applicant, HACSJ, is requesting the abandonment of the easement area to allow for 115 new residential units, Sierra Vista Apartments Phase 1. Presently, there are no utilities in the proposed abandonment area as they were previously relocated; and

The portion of the public utility easement at Twelfth Street between Phelps and Oroville Streets, which is to be abandoned through this resolution, more particularly described in the map and legal description attached as Exhibits 1 and 2 and incorporated by this reference, is vested in HACSJ; and

This abandonment may be performed as a summary vacation under section 8333 of the Street and Highway Code and a public hearing is not required. That code section provides that:

“The legislative body of a local agency may summarily vacate a public service easement if the easement has been superseded by relocation and there are no other public facilities located within the easement.”

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. It is hereby found and determined that the subject property meets the criteria set forth in the Streets and Highways Code section 8333, provided below in relevant parts:

“The legislative body of a local agency... may summarily vacate a public service easement... if the easement has been superseded by relocation... and there are no other public facilities located within the easement.”

3. The summary vacation and abandonment of the public utility easement located on a portion of Twelfth Street between Phelps and Oroville Streets, more particularly described in the attached Exhibits 1 and 2 is authorized and approved and hereby declared abandoned.

4. Fee title to the abandonment area is vested in:

The Housing Authority of the County of San Joaquin

5. All City departments and local utilities were notified of the proposed abandonment and no objections were received.

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. This project is exempt by general rule under the California Environmental Quality Act Guidelines as specified under section 15061(B)(3) of the State CEQA Guidelines.

8. The City Manager is hereby authorized to execute the necessary documents, if any, to carry out the purposes hereof.

9. The applicant, HACSJ, has paid the necessary fees to process this abandonment.

PASSED, APPROVED and ADOPTED October 17, 2017.

MICHAEL D. TUBBS
Mayor of the City of Stockton

ATTEST:

BRET HUNTER, CMC
Interim City Clerk of the City of Stockton