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**Resolution No.**

## **STOCKTON CITY COUNCIL**

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### **RESOLUTION AUTHORIZING THE SUMMARY VACATION AND ABANDONMENT OF A PORTION OF PUBLIC UTILITY EASEMENT BETWEEN METRO DRIVE AND IMPERIAL WAY**

PW Fund B, Development, LLC ("Developer") owns the real property at 3537 Metro Drive, an approximately 12.83-acre parcel zoned for industrial use north of Arch Road and east of Highway 99 in Stockton; and

Developer recently completed a lot merger to assemble multiple parcels which the existing public utility easement crossed. Developer has requested the summary vacation of the abandonment area to allow it to now develop the larger parcel; and

Developer has dedicated a new public utility easement to the east of the proposed abandonment area; and

The City may perform a summary vacation of a public utility easement under Division 9, Part 3, section 8300, *et. seq.*, of the California Streets and Highway Code and a public hearing is not required when the easement has been superseded by relocation, and there are no public facilities located within the easement. This vacation has been superseded by a new public utility easement to the East of the vacation and there are no public facilities located within the easement to be vacated; and

The Public Works Department concurs with the vacation of the portion of the public utility sewer easement between Metro Drive and Imperial Way; 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 83330, *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 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“The legislative body of a local agency...may summarily vacate a public service easement...if the easement has been superseded by relocation...and there are no other public facilities located within the easement.”

4. The City Council hereby authorizes that the public utility easement located on a portion of the real property with the address 3537 Metro Drive, more particularly described in Exhibits 1 and 2 attached hereto and incorporated herein by this reference, is hereby declared to be vacated and abandoned.

5. Fee title to the property is vested in PW Fund B, Development, LLC, a California limited liability company.

6. The City Manager is authorized to approve the filing of Notice of Exemption No. CE034-17 under CEQA, a copy of which is attached as Exhibit 3 and incorporated by this reference.

7. 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.

8. Developer has paid the necessary fees to process this abandonment.

9. 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 February 27, 2018.

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MICHAEL D. TUBBS  
Mayor of the City of Stockton

ATTEST:

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BRET HUNTER, CMC  
City Clerk of the City of Stockton