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425 N. El Dorado Street
Stockton, CA 95202

Resolution No.

STOCKTON CITY COUNCIL

RESOLUTION AUTHORIZING THE SUMMARY VACATION OF A PORTION OF PUBLIC RIGHT-OF-WAY ALONG SOUTH PERSHING AVENUE

Waste Management Inc. dba Stockton Scavengers Inc. ("Developer") owns the real property at the intersection of South Pershing Avenue and Navy Drive totaling approximately 2.69 acres zoned for industrial use south of Navy Drive, north of West Charter Way, and east of Interstate 5 in Stockton; and

The proposed vacated property is required by Public Works for Developer to complete storm drain improvements to the remainder of South Pershing Avenue; and

Developer has dedicated a new public right-of-way to the east of the proposed vacation; and

The City may perform a summary vacation of a public right-of-way under Division 9, Part 3, section 8331, *et. seq.*, of the California Streets and Highway Code and a public hearing is not required when a street or highway has been impassable for vehicular travel for at least five years and no public money was expended for maintenance on the street or highway during such period. The vacation area has been impassable for vehicular travel for more than five years and the City has spent no public money to maintain the area in the last five years; and

The Public Works Department concurs with the vacation of a portion of the public right-of-way along South Pershing Avenue; 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 vacation.

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 along South Pershing Avenue, more particularly described in Exhibits 1 and 2 attached hereto and incorporated herein by this reference, is hereby declared to be vacated.

5. Fee title to the property is vested in Waste Management Inc. dba Stockton Scavengers Inc., a Delaware corporation.

6. The City Manager is authorized to approve the filing of Notice of Exemption No. CE06-18 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 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 vacation.

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 May 15, 2018.

MICHAEL D. TUBBS
Mayor of the City of Stockton

ATTEST:

BRET HUNTER, CMC
City Clerk of the City of Stockton