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Stockton, CA 95202

Resolution No.

STOCKTON CITY COUNCIL

RESOLUTION AUTHORIZING THE SUMMARY VACATION OF A PORTION OF PUBLIC RIGHT OF WAY BETWEEN INGLEWOOD AVENUE AND PACIFIC AVENUE

Humphreys University, a non-profit California corporation, owns the real property at 6517 Inglewood Avenue and 6508 Pacific Avenue, real property containing approximately 0.92 acres parcel zoned for commercial use east of Pacific Avenue and south of Benjamin Holt Drive in Stockton; and

Humphreys recently completed a lot merger to assemble multiple parcels to construct a new building; the existing public utility easement spanned two of those parcels and would run below the planned building. Humphreys has requested the summary vacation of the vacation area as the easement is no longer necessary and will prevent the building's construction; 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 when the easement holder determines the easement to be excess, and there are no public facilities located within the easement. City staff have determined this public utility easement is excess and there are no public facilities located within the easement to be vacated; and

The Public Works Department concurs with the vacation of a portion of the public utility easement between Inglewood Avenue and Pacific 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 8330, *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 8330, *et seq.*, provided below in relevant parts:

“The legislative body of a local agency...may summarily vacate a public service easement...[if] [t]he easement has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement.”

4. The City Council hereby authorizes that the public utility easement located between Inglewood Avenue and Pacific 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 Humphreys University, a non-profit California corporation.

6. The City Manager is authorized to approve the filing of Notice of Exemption No. CE07-18 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 project/activity has been determined to conform to the City's General Plan Policy Document, as amended.

8. Humphreys University 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