

Resolution No.

## STOCKTON CITY COUNCIL

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### **RESOLUTION TO AUTHORIZE THE SUMMARY VACATION OF A PORTION OF THE FRONTAGE ROAD AT OTTO DRIVE AND THORNTON ROAD AND RESERVING A PUBLIC UTILITY EASEMENT, MORE PARTICULARLY DESCRIBED HEREIN**

The proposed abandonment area is located on Frontage Road at Otto Drive and Thornton Road; and

The Specific Plan for Thornton Road calls for the roadway to be widened to six lanes from Pershing Avenue to Bear Creek. The Thornton Road Widening project will widen Thornton Road between Pershing Avenue and Bear Creek from two to four lanes with buffered bicycle lanes, traffic signal improvements, curbs, gutters, and sidewalks; and

As part of the project, a cul-de-sac is being built at the north end of Frontage Road at Otto Drive. The design of the cul-de-sac leaves a portion of Frontage Road at a dead end; and

The City of Stockton Public Works department is requesting the abandonment as these portions of the street are no longer needed and are excess right-of-way; and

Fee ownership in the portions of the Frontage Road to be abandoned by the adoption of this resolution, (more particularly described in the map and legal description attached hereto as Exhibits 1 and 2 and incorporated by this reference), is vested in Billy Ray Somers and Mary M. Moule; and Shirley Lopez Fasy, Trustee, Fasy Family Trust respectively; and

All City departments and local utilities were notified of the proposed abandonment and a public utility easement has been reserved as it will be necessary for this project; 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. It is hereby found and determined that the subject properties meet the criteria set forth in the Streets and Highway Code section 8334:

“The legislative body of a local agency may summarily vacate a portion of a street and highway that is an excess right of way of a street or highway not required for street and highway purposes.”

3. That all City departments and local utilities were notified and there were no objections to the proposed abandonment.

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

Billy Ray Somers and Mary M. Moule, 2304 Otto Drive  
Shirley Lopez Fasy, Trustee, Fasy Family Trust, 9571 Thornton Road

5. The summary vacation and abandonment of a portion of the Frontage road at Otto Drive and Thornton Road and reservation of 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 provisions of the Streets and Highways Code section 8334.

7. The City Manager is authorized to approve the filing of Notice of exemption No. CEO42-17 under CEQA, a copy of which is attached as Exhibit 3 and incorporated by this reference.

8. 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.

9. The Thornton Road Widening Project has paid the necessary fees to process this abandonment.

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10. The City Manager is hereby authorized to take the appropriate and necessary actions to carry out the purpose and intent of this Resolution.

PASSED, APPROVED, and ADOPTED May 15, 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