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Stockton, CA 95202

**Resolution No.**

## **STOCKTON CITY COUNCIL**

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### **RESOLUTION AUTHORIZING THE SUMMARY VACATION OF A PORTION OF PUBLIC RIGHT-OF-WAY ALONG 1501 S. AIRPORT WAY**

1501 S. Airport, LLC, a California limited liability company, is requesting the vacation of a portion of a public right-of-way along 1501 S. Airport Way. Fee title to the proposed vacation is owned by the City; and

1501 S. Airport, LLC holds a purchase option from the City for the real property at 1501 S. Airport Way, which contains approximately 3.16 acres zoned for commercial use immediately West of proposed vacation; and

1501 S. Airport, LLC intends to construct a shopping center at 1501 S. Airport Way and requests this vacation to integrate landscaping and allow for additional parking and potential expansion of the building footprint; and

The City may perform a summary vacation of a public right-of-way under Division 9, Part 3, section 8330, *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 a public right-of-way along 1501 S. Airport 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 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 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 1501 S. Airport Way, more particularly described in Exhibits 1 and 2 attached hereto and incorporated herein by this reference, is hereby declared to be vacated and public utility easements as described in Exhibit 2 be reserved by this order. Fee title to the vacated area shall be vested in the City of Stockton, a municipal corporation, subject to a conveyance to 1501 S. Airport, LLC, a California limited liability company, should 1501 S. Airport, LLC exercises its option under the Option to Purchase Agreement dated April 16, 2018 (the “Agreement”) to purchase the City-owned right-of-way and adjacent real property. This vacation will be contingent on the approval and acceptance of easements to the satisfaction of the City’s Public Work’s Department, Engineering Division.

5. The City Manager is authorized to approve the filing of Notice of Exemption No. CE09-18 under CEQA, a copy of which is attached as Exhibit 3 and incorporated by this reference.

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. The City waived the vacation fees to process this vacation in the Agreement with 1501 S. Airport, LLC.

8. 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 June 19, 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