

Resolution No.

# STOCKTON CITY COUNCIL

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## **RESOLUTION AUTHORIZING THE VACATION OF A PORTION OF PUBLIC UTILITY EASEMENT AT 1505 SOUTH UNION STREET**

San Joaquin Regional Transit District (“RTD”) owns the real property at 1505 South Union Street, which contains approximately 1.45 acres zoned for industrial use east of the Union Pacific rail line, south of East Charter Way, and west of South Airport Way in Stockton; and

RTD purchased the impacted parcel to construct a new bus stop and transfer station; and

The proposed public utility easement vacation would run below the planned 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 the portion of the public utility sewer easement at 1505 South Union Street; and

The Community Development Department has determined that this action/project is exempt from the requirements of the California Environmental Quality Act (CEQA) and is granted a “Categorical Exemption” under Article 19 and, specifically by section(s) 15301, Class 1(b) of the State CEQA Guidelines; 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 abandonment.

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“The legislative body of a local agency...may summarily vacate a public service easement...[if] [t]he easement has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement.”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 at 1505 South Union Street, 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 San Joaquin Regional Transit District.

6. The City Manager is authorized to approve the filing of Notice of Exemption No. CE14-18 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. RTD 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 July 17, 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