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CITY HALL
425 N. El Dorado Street
Stockton, CA 95202

Resolution No.

STOCKTON CITY COUNCIL

RESOLUTION AUTHORIZING THE SUMMARY VACATION OF A PORTION OF FORMER SOUTH AMERICAN STREET PUBLIC RIGHT OF WAY SOUTH OF MORMON SLOUGH AND RESERVING A PUBLIC UTILITY EASEMENT, MORE PARTICULARLY DESCRIBED HEREIN

The proposed abandonment area is located on the former South American Street public right-of-way south of Mormon Slough; and

The applicant, Salvador Buenrostro, is requesting the abandonment as this portion of right-of-way has been impassable for vehicular travel for more than five years and no public money was expended in the last five years for maintenance, and the portion of right-of-way is no longer needed and is excess; and

Fee ownership in the portion 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 with the City; and

All City departments and local utilities were notified of the proposed abandonment and no objections were received; and

A public utility easement has been reserved as it will be necessary for this project and the owners in the area; 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 both Streets and Highway Code sections 8331 and 8334.

The legislative body of a local agency may summarily vacate a street or highway if, for a period of five consecutive years, the street or highway has been impassable for vehicular travel and no public money was expended for maintenance on the street or highway during such period (SHC § 8331).

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 (SHC § 8334).

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 the City.

5. The summary vacation and abandonment of the former South American Street public right-of-way south of Mormon Slough 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 sections 8331 and 8334.

7. The City Manager is authorized to approve the filing of Notice of exemption No. CEO17-18 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.

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9. The applicant has paid the necessary fees to process this abandonment.
10. The City Manager is hereby authorized to take the appropriate actions necessary to carry out the purpose and intent of this Resolution.

PASSED, APPROVED, and ADOPTED September 18, 2018.

MICHAEL D. TUBBS
Mayor of the City of Stockton

ATTEST:

CHRISTIAN CLEGG, Deputy City Manager and
Interim City Clerk of the City of Stockton