

Resolution No.

# STOCKTON CITY COUNCIL

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## RESOLUTION AUTHORIZING THE SUMMARY VACATION OF PUBLIC UTILITY EASEMENT AT 1505 EAST HAMMER LANE

Miner Joaquin Building Corporation owns the real property at 1505 East Hammer Lane which contains approximately 2.43 acres zoned for commercial use on the northeast corner of Hammer Lane and West Lane in Stockton; and

Fee title to the property is vested in Miner Joaquin Building Corporation, a California corporation. Miner Joaquin Building Corporation has owned the property since 1985 and is constructing a car wash and drive-thru coffee shop on the site that will be located on the proposed area to be vacated; 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*et seq.*, of the California Streets and Highway Code and a public hearing is not required when the easement has been superseded by relocation, and there are no public facilities located within the easement. This vacation has been superseded by a new public utility easement and there are no public facilities located within the easement to be vacated; and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 located at 1505 East Hammer Lane (Exhibit 1 - Legal Description and Exhibit 2 - Plat); 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 8333, *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 8333, *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“The legislative body of a local agency...may summarily vacate a public service easement...[if] [t]he easement has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement.”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 East Hammer Lane, more particularly described in Exhibits 1 and 2 attached hereto and incorporated herein by this reference, is hereby declared to be vacated.

5. The City Manager is authorized to approve the filing of Notice of Exemption No. NOE02-20 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. Miner Joaquin Building Corporation has paid the necessary fees to process this vacation.

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 March 24, 2020.

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MICHAEL D. TUBBS  
Mayor of the City of Stockton

ATTEST:

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ELIZA R. GARZA, CMC  
City Clerk of the City of Stockton