

Resolution No.

STOCKTON CITY COUNCIL

RESOLUTION AUTHORIZING THE SUMMARY VACATION OF A PUBLIC UTILITY AND ACCESS EASEMENT AND RIGHT-OF-WAY AT WESTLAKE VILLAGES UNIT NO. 1

Stockton Westlake Investment LLC owns the real property at 6210 Westlake Drive, Westlake Villages Unit No. 1, which contains approximately 28 acres zoned for mixed use on the west side of Interstate 5 and south of Eight Mile Road in Stockton; and

Fee title to the property is vested in Stockton Westlake Investment LLC. The proposed area to be vacated will be added to an adjacent parcel for a future school site; and

The City may perform a summary vacation of a public utility easement under Division 9, Part 3, section 8333, *et seq.*, of the California Streets and Highway Code and a public hearing is not required when the easement has been superseded by relocation, and there are no public facilities located within the easement. This vacation has been superseded by a new public utility easement and there are no public facilities located within the easement to be vacated; and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 City may perform a summary vacation of a public right-of-way under Division 9, Part 3, section 8331, *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 consecutive years and no public money was expended for maintenance on the street or highway during such period. The vacation area is undeveloped and 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 vacations of a portion of the public utility and access easement and right-of-way located at 6210 Westlake Drive, Westlake Villages Unit No. 1, (Exhibit 1 - Legal Description, Exhibit 2 – Plat, Exhibit 3 – Legal Description, and Exhibit 4 - 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.

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9. The City Manager, or designee, 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.

MICHAEL D. TUBBS
Mayor of the City of Stockton

ATTEST:

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