

Resolution No.

STOCKTON CITY COUNCIL

RESOLUTION AUTHORIZING THE SUMMARY VACATION OF A PORTION OF LT. COLONEL MARK TAYLOR STREET AT CANNERY PARK UNIT NO. 1

The proposed abandonment is located on Lt. Colonel Mark Taylor Street between Nash Drive and the Union Pacific Railroad; and

The applicant, Holman Investors, LLC, owns the property to the North and is requesting the vacation 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

Fee ownership on 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

The Public Works, Community Development, Municipal Utilities, Fire, and Police departments and local utilities were notified and there were no objections to the proposed abandonment; 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 8331, *et seq.*, the Summary Vacation Procedure of the Public Streets, Highways, and Service Easements Vacation Law.

2. That the Public Works, Community Development, Municipal Utilities, Fire, and Police 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 both Streets and Highways Code sections 8331 and 8334, provided below in relevant parts, respectively:

“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.”

“The legislative body of a local agency may summarily vacate [...] [a]n excess right-of-way of a street or highway not required for street or highway purposes.”

4. Fee title to the abandonment area is vested with the City.

5. The summary vacation and abandonment of a portion of Lt. Colonel Mark Taylor Street, more particularly described in the attached Exhibits 1-2, 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. That the City Manager authorized to approve the filing of Notice of Exemption No. NOE45-20 under CEQA, a copy of which is attached as Exhibit 3 and incorporated by this reference.

8. 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.

9. Holman Investors, LLC has paid the necessary fees to process this vacation.

10. That the City Manager, or designee, is hereby authorized and directed to take whatever actions are necessary and appropriate to carry out the purpose and intent of this Resolution.

PASSED, APPROVED, AND ADOPTED October 20, 2020.

MICHAEL D. TUBBS
Mayor of the City of Stockton

ATTEST:

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