

MEMORANDUM

September 12, 2024

TO: Nancy Arroyo, Real Property Agent
Economic Development Department

FROM: Nicole D. Moore, LEED-AP, Contract Planner
Community Development Department

SUBJECT: **CEQA NOE 43-24 – ABANDONMENT – RIGHT OF WAY – D STREET**

The Community Development Department received a request to review the above-referenced project for conformity with the Stockton General Plan and make an environmental determination pursuant to the California Environmental Quality Act (CEQA). The City of Stockton's Economic Development Department received a request from Liberty Investment LLC for a "D Street – Paper Street Abandonment" for the abandonment of a portion of D Street. See Attachments A and B for more information.

In accordance with Government Code §65402, the Community Development Department determines the proposed property sale is neutral in regard to conformity with the Stockton General Plan. Future development of the subject parcels shall be under the jurisdiction of the City of Stockton.

Concerning the California Environmental Quality Act (CEQA) determination, the Community Development Department concludes the project is Categorical Exempt under CEQA Guidelines and is granted a 'general rule exemption' under Section 15061(B)(3) since there is no possibility that the activity in question would have significant effect on the environment and the activity is no subject to CEQA. The project is also not subject to any of the exceptions to the use of a Categorical Exemption listed at CEQA Guidelines §15300.2.

Upon approval by City Council, the Economic Development Department is advised to complete the attached Notice of Exemption (**Attachment C**) and file it with the San Joaquin County Clerk Office to initiate a 35-day statute of limitations on court challenges. Please retain a copy of the original posted notice within the project file in the Economic Development Department project file.

By:



Nicole D. Moore, LEED-AP, Contract Planner

Attachments

Attachment A: Request and Project Location
Attachment B: Draft Notice of Exemption

MEMORANDUM

September 11, 2024

TO: Nicole Moore, Contract Planner
Community Development Department

FROM: Nancy Arroyo, Real Property Agent
Economic Development Department

SUBJECT: **ABANDONMENT - RIGHT OF WAY**

Please provide the appropriate environmental review for the above-referenced project as described below:

Project Title: D Street - Paper Street Abandonment

Applicant: Liberty Investment LLC

Description/Location: Portion of D Street, as described in Exhibit A and shown in Exhibit B

Also, please make the required determination as to conformity to the General Plan in accordance with Section 65402 of the Government Code. If you have questions regarding this request, please contact me at (209) 937-7540.

Nancy Arroyo

NANCY ARROYO
REAL PROPERTY AGENT

Attachment

EXHIBIT "A"
LEGAL DESCRIPTION
ROAD ABANDONMENT
SUPPLEMENT NO.5 FAIR OAKS TRACT

ALL THAT CERTAIN REAL PROPERTY, BEING ALL OF "RESERVED" PARCEL AND A PORTION OF "D" STREET, AS SHOWN ON THAT CERTAIN MAP TITLED "SUPPLEMENT NO.5 FAIR OAKS TRACT", FILED FOR RECORD APRIL 24, 1893 IN VOLUME 1 OF MAPS AND PLATS, AT PAGE 46, SAN JOAQUIN COUNTY RECORDS, AND SITUATE IN SECTION 32 AND 44 OF THE C.M. WEBER GRANT, CITY OF STOCKTON, COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA, BEING MORE PARTICULAR DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF WEBER AVENUE (60 FEET WIDE) AND THE WESTERLY RIGHT-OF-WAY LINE OF "D" STREET (60 FEET WIDE), AS SAID AVENUE AND STREET ARE ALSO SHOWN ON THAT CERTAIN MAP, FILED FOR RECORD JUNE 9, 2023 IN BOOK 40 OF SURVEYS, AT PAGE 163, SAN JOAQUIN COUNTY RECORDS, THENCE THE FOLLOWING SIX (6) COURSES:

- 1) ALONG SAID WESTERLY RIGHT-OF-WAY LINE NORTH 17°12'56" WEST 210.53 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF STOCKTON TERMINAL EASTERN RAILROAD (100 FEET WIDE);
- 2) LEAVING SAID WESTERLY RIGHT-OF-WAY LINE AND PROCEEDING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE NORTH 71°53'02" EAST 660.27 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF "E" STREET (60 FEET WIDE);
- 3) LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE AND PROCEEDING ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF "E" STREET SOUTH 17°12'25" EAST 21.52 FEET TO THE NORTHEAST CORNER OF BLOCK 25 OF SAID "FAIR OAKS TRACT";
- 4) LEAVING SAID WESTERLY RIGHT-OF-WAY LINE OF "E" STREET AND PROCEEDING ALONG THE NORTHERLY LINE OF SAID BLOCK 25 SOUTH 72°50'15" WEST 600.19 FEET TO THE NORTHWEST CORNER OF SAID BLOCK 25, LAST SAID CORNER BEING ALSO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID "D" STREET;
- 5) ALONG THE WESTERLY LINE OF SAID BLOCK 25, BEING ALSO SAID EASTERLY RIGHT-OF-WAY LINE OF "D" STREET, SOUTH 17°12'56" EAST 200.00 FEET TO A POINT ON SAID NORTHERLY RIGHT-OF-WAY LINE OF WEBER AVENUE;
- 6) LEAVING SAID EASTERLY RIGHT-OF-WAY LINE OF "D" STREET AND PROCEEDING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF WEBER AVENUE SOUTH 72°50'15" WEST 60.00 FEET TO THE **POINT OF BEGINNING.**

CONTAINING 22,580 SQUARE FEET, MORE OR LESS.

SUBJECT TO ALL EASEMENTS AND/OR RIGHT-OF-WAYS OF RECORD.

BEARINGS AND DISTANCES ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM 83, ZONE 3 (1991.35). A LINE BETWEEN CITY OF STOCKTON MONUMENTS NO. 167 AND NO. 169 BEARS SOUTH 82°49'51" EAST, AS CALCULATED FROM CITY OF STOCKTON TRAVERSE CONTROL MONUMENT SURVEY, PHASE XIV, FILED FOR RECORD IN BOOK 35 OF SURVEYS, AT PAGE 5, SAN JOAQUIN COUNTY RECORDS. ALL DISTANCES SHOWN ARE GROUND LEVEL DISTANCES AND MUST BE MULTIPLIED BY 0.99993984 TO OBTAIN GRID DISTANCES.

ALL AS SHOWN ON EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

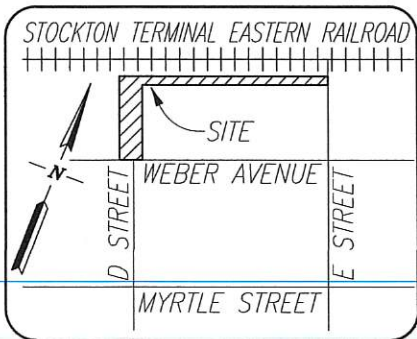
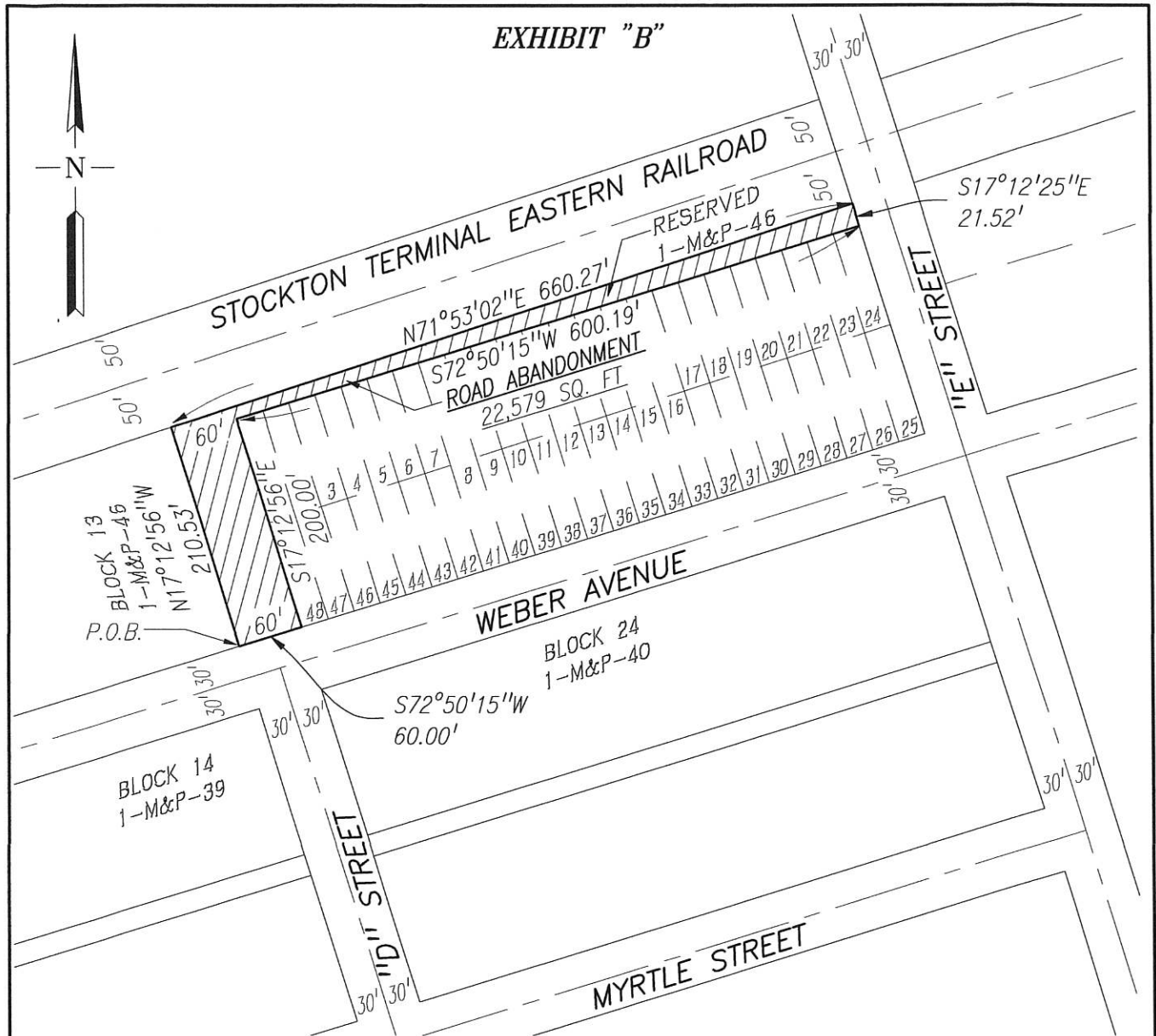

WALTER JOHN SHOUP, PLS 7736
DATED: 08/01/2024



END OF DESCRIPTION

4781A

EXHIBIT "B"



VICINITY MAP
NO SCALE

ABBREVIATIONS/SYMBOLS:

- P.O.B. POINT OF BEGINNING
- M&P- MAPS AND PLATS
- S.J.C.R. SAN JOAQUIN COUNTY RECORDS

PREPARED BY:

Walter John Shoup

WALTER JOHN SHOUP, P.L.S. 7746
SHOUP LAND SURVEYING
221 WEST OAK STREET, # B
LODI, CA 95240



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|----------|----------|----|---------|--|-------------------------------------|
| NO. | REV DATE | BY | APPRVD. | <p>ROAD ABANDONMENT BEING ALL OF "RESERVED PARCEL AND A PORTION OF "B" STREET OF SUPPLEMENT No. 5 FAIR OAKS TRACT", FILED IN BOOK 1 OF MAPS & PLATS, PAGE 46, S.J.C.R., SECTION 32 & 44 OF THE C.M. WEBER GRANT</p> <p>CITY OF STOCKTON DEPARTMENT OF PUBLIC WORKS</p> | APPROVED BY: |
| DWG. BY: | SSD | | | | <i>Walter John Shoup</i> |
| CK. BY: | SSD | | | | CITY ENGINEER |
| SCALE: | 1"=150 | | | | DATE: 8/16/12 DRAWING NO. 1 of 1 |

4781A

**CITY OF STOCKTON
NOTICE OF EXEMPTION**

TO: COUNTY CLERK
COUNTY OF SAN JOAQUIN
44 N. San Joaquin St., Ste. 260
Stockton, CA 95202

FROM: Lead Agency
City of Stockton
c/o Economic Development Dept.
400 E. Main St., 4th Floor
Stockton, CA 95202

NOTICE OF EXEMPTION PURSUANT TO PUBLIC RESOURCES CODE SECTION 21152(B) AND CALIFORNIA CODE OF REGULATIONS TITLE 14, SECTION 15062

PROJECT DATA

Project Title: ABANDONMENT – RIGHT OF WAY – D STREET

CEQA Exemption File No.: NOE 43-24

Applicant: Liberty Investment LLC

Project Description/Location: The City of Stockton’s Economic Development Department received a request from Liberty Investment LLC for a “D Street – Paper Street Abandonment” for the abandonment of a portion of D Street. See Exhibits A and B for more information.

DETERMINATION/FINDING OF EXEMPTION

The above-described activity/project is exempt from the environmental assessment requirements of the California Environmental Quality Act (CEQA) pursuant to the following section(s) of the State CEQA Guidelines (California Code of Regulations, Title 14):

- The activity is not a "project" as defined in CEQA Guidelines Section 15378.
- The activity is exempt under the "general rule" at CEQA Guidelines Section 15061(B)(3).
- The project is "Statutorily Exempt" per CEQA Guidelines Section: _____
- The project is "Categorically Exempt" per CEQA Guidelines Section 15301(c).

BASIS FOR FINDING OF EXEMPTION

- The activity does not qualify as a project and/or clearly could not have a significant effect on the environment and, therefore, CEQA does not apply.
- The activity constitutes a discretionary project under the City's jurisdiction and qualifies as a project which has been determined not to have a significant effect on the environment and, therefore, is exempt from the provisions of CEQA under the above-noted statutory or categorical exemption(s).

CARRIE WRIGHT, DIRECTOR
ECONOMIC DEVELOPMENT DEPARTMENT

September 12, 2024

(DATE OF PREPARATION)

By _____
Nancy Arroyo, Real Property Agent

(DATE OF FINAL APPROVAL)

AFFIDAVIT OF FILING AND POSTING

I declare that on the date stamped above, I received and posted this notice or included it on a list of such notices which was posted as required by California Public Resources Code Section 21152(B). Said notice or list of notices will remain posted for 35 days from the filing date.

Signature

Title

Posting Period Ending Date