

Resolution No.

STOCKTON CITY COUNCIL

RESOLUTION AUTHORIZING THE SUMMARY VACATION OF A PORTION OF PUBLIC RIGHT-OF-WAY ALONG NAVY DRIVE, RESERVING A PUBLIC UTILITY EASEMENT, AND DECLARING THE VACATED PROPERTY TO BE EXEMPT SURPLUS LAND

The proposed vacation (abandonment) is located on a portion of Navy Drive, as described in Exhibit A (Exhibit 1) and shown in Exhibit B (Exhibit 2); and

USA Waste of California, Inc., the adjoining property owner, is requesting the vacation of a portion of right-of-way in order to expand the existing Waste Management facility, and has paid all the necessary fees; and

This action is taken pursuant to Division 9, Part 3, Chapter 4 of the California Streets and Highways Code sections 8331 & 8334(a), *et seq.*, the Summary Vacation Procedure of the Public Streets, Highways, and Service Easements Vacation Law; and

The subject property meets the criteria set forth in the Streets and Highways Code section 8331, provided below in relevant parts:

“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.”

Code section 8334(a), in relevant parts, provides that:

“The legislative body of a local agency may summarily vacate any of the following: (a) An excess right-of-way of a street or highway not required for street or highway purposes,” and

The proposed vacation conforms with both Streets and Highways Code sections 8331 and 8334(a), in that the area has been impassable for vehicular travel for five consecutive years, no public money was expended for maintenance on the street, and the excess right-of-way is not required for street or highway purposes; and

All City Departments and local utilities were notified and provided an opportunity to object to the proposed vacation if it were to negatively impact departmental or agency functions. There were no objections to the proposed vacation; and

It is found and determined that the subject property meets the criteria set forth in Streets and Highway Code section 8355, where after vacation, it is no longer needed by the public and may be disposed of as set forth herein; and

The Community Development Department has determined that this action/project is exempt from the requirements of the California Environmental Quality Act (CEQA) and is granted a "Categorical Exemption" per CEQA Guidelines by section 15061(b)(3); and

In accordance with section 65402 of the Government Code, this project/activity conforms to the City's General Plan Policy Document, as amended; and

The Surplus Land Act ("SLA," Government Code sections 54220-54234, and the Department of Housing and Community Development's Surplus Land Act Guidelines ("SLA Guidelines") require local agencies to take formal action to declare land "surplus land" or "exempt surplus land" before taking action to dispose of the land; and

The SLA Guidelines state that the governing board of a local agency must declare property to be "exempt surplus land" at a regular public meeting and that the declaration must be supported by written findings. The SLA Guidelines further require a local agency to provide the determination of exemption with written findings to the California Department of Housing and Community Development ("HCD") at least thirty (30) days prior to disposition; and

Government Code section 54221(f)(1)(E) provides that "exempt surplus land" includes, in relevant part:

"Surplus land that is a former street, right-of-way, or easement, and is conveyed to an owner of an adjacent property; and

The City owns in fee, 0.56 acres of a portion of right-of-way along Navy Drive, as described in Exhibit 1 and shown in Exhibit 2 to the Resolution; and

The former right-of-way disposed of by the City as surplus land would be conveyed to the owner of the adjacent property as authorized by Government Code section 54221(f)(1)(E) and SLA Guidelines section 103(c); now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

1. The City Council hereby authorizes that the public right-of-way located on a portion of Navy Drive, more particularly described in Exhibit 1 & Exhibit 2, attached hereto, and incorporated by this reference, is hereby declared to be vacated by this order and no longer constitutes a street or highway as of the date this resolution is recorded.

2. That the City Manager is authorized to approve the filing of Notice of Exemption No. 35-25 under CEQA, a copy of which is attached as Exhibit 3 and incorporated by this reference.

3. That a Public Utility Easement be reserved in, upon, over, and across Navy Drive for the City of Stockton to operate, maintain, repair, reconstruct, and/or replace such public utilities, if any, previously constructed and now existing on the property or any portion thereof.

4. The City Council hereby finds and declares that the subject property is exempt surplus land because it is not necessary for the City's use and is former right-of-way that will be conveyed to an owner of adjacent property, as defined in Government section Code 54221(f)(1)(E), and consistent with section 103(c)(6) and 400(e) of the Updated SLA Guidelines.

5. 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: September 9, 2025.

CHRISTINA FUGAZI
Mayor of the City of Stockton

ATTEST:

KATHERINE ROLAND, CMC, CPMC
City Clerk of the City of Stockton