

Resolution No.

# STOCKTON CITY COUNCIL

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## **RESOLUTION AUTHORIZING THE SUMMARY VACATION OF A PORTION OF THE PUBLIC UTILITY EASEMENTS AT CANNERY PARK UNIT NO. 1 & UNIT NO. 12**

Holman Investors, LLC owns the real property at Cannery Park Unit No. 1 and Unit No. 12, which contains 207 acres on the west side of Highway 99 south of Eight Mile Road in Stockton; and

Fee title to the property is vested in Holman Investors, LLC. The proposed vacation area consists of 8.90 acres over several parcels; and

The City may perform a summary vacation 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 determined to be excess, and there are no public facilities located within the easement. This vacation has been deemed excess and there are no public utilities located within the easement to be vacated; and

The Public Works Department concurs with the vacation of a portion of the public utility easements located at Cannery Park Unit No. 1 and Unit No. 12 (Exhibits 1-2); attached and incorporated by reference; 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, 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“The legislative body of a local agency...may summarily vacate a public service easement...[if] [t]he easement has been superseded by relocation or determined to be excess by the easement holder, and there are no other public facilities located within the easement.”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 easements located at Cannery Park Unit No. 1 and Unit No. 12, more particularly described in Exhibits 1-2 attached hereto and incorporated by reference, is hereby declared to be vacated.

5. That the City Manager is authorized to approve the filing of Notice of Exemption No. NOE 57-23 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. Holman Investors, LLC has paid the necessary fees to process this vacation.

8. That 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 April 16, 2024.

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KEVIN J. LINCOLN II  
Mayor of the City of Stockton

ATTEST:

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