SUMMARY VACATION OF DRAINAGE EASEMENT WITHIN THE SIERRA VISTA HOUSING PROJECT

RECOMMENDATION

It is recommended that the City Council adopt a resolution for the summary vacation of a drainage easement located south of Twelfth Street within the Sierra Vista Housing Project.

Summary

The proposed vacation area is located south of Twelfth Street and north of Thirteenth Street within the Sierra Vista Housing Project (Attachment A - Vicinity Map and Attachment B - Aerial Map). The applicant, Housing Authority of the County of San Joaquin, is requesting this vacation as this drainage easement has not been used for many years and was only intended for use by the Sierra Vista housing project. The fee ownership of the easement area is in the name of the Housing Authority and it now wishes to incorporate this area into its facility. Presently, there are other utilities in the proposed vacation area and there is an existing street and highway easement which protects their rights.

DISCUSSION

The Housing Authority of the County of San Joaquin presently owns the Sierra Vista Housing Project located off of Tenth Street just east of Airport Way. The Housing Authority has operated the project since the 1950’s for the purpose of providing low income housing. The project area was originally to be subdivided for housing and the streets and public service easements were dedicated to the City. The proposed vacation area is one of the easements that was dedicated to the City to serve as a drainage area for the subdivision. With the development of the Housing Project, the drainage area was no longer needed, but was never abandoned. The Housing Authority would now like to incorporate the easement area into the housing project to provide better security for its residents, as well as its neighbors to the south. The City currently maintains the easement area under the street maintenance program and the vacation will reduce that cost.

All City Departments and local utilities were notified of the proposed vacation at this site. The City of Stockton Municipal Utilities Department verified that the drainage easement is not needed and that it has not been used for the last five years. The other utilities located on a portion of the proposed vacation area are protected by other recorded easements and will not be affected by the proposed vacation.

This proposed vacation may be performed as a summary vacation under Section 8333 of the Street and Highways Code and a public hearing is not required. This code section allows that:
The legislative body of a local agency may summarily vacate a public service easement if the easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation.

Title to the vacation area is vested in Housing Authority of the County of San Joaquin. The only property owner affected by this vacation area is the requesting owner.

ENVIRONMENTAL CLEARANCE

It has been determined by the Community Development Department that this action/project is exempt from the requirements of the California Environmental Quality Act (CEQA) and is granted a “Statutory Exemption” under Article 18 and, specifically, by Section(s) 15301, Class 1 of the State CEQA Guidelines. In accordance with Section 65402 of the Government Code, the Community Development Department further determined that this activity/project conforms to the City's General Plan Policy Document, as amended.

FINANCIAL SUMMARY

The Municipal Utilities Department has agreed to pay for any necessary costs from the 2012 Sanitary Sewer Rehabilitation Project, Project No. M09027, account number 437-7702-670.10-10 to process this vacation. The fees were agreed to as reciprocation for access to the Housing Authority property for sewer line repairs.

Attachment A - Vicinity Map
Attachment B - Aerial Map