TO: Mayor and City Council

FROM: Steve Pinkerton, Director, Housing and Redevelopment Department


RECOMMENDATION

It is recommended that the Council adopt a resolution setting a public hearing on October 12, 2004, for the abandonment of a street right-of-way.

DISCUSSION

Masonite International Corporation (MIC) operates a facility located at 433 West Scotts Avenue. The operation consists of buildings situated on both sides of the street. On the south side of the street their buildings extend for three blocks from South Lincoln Street to South Madison Street. MIC manufactures wood doors and other interior wood products for the construction industry. On July 8, 1996 Resolution No. 96-0334 was authorized abandoning a portion of South Monroe Street, between West Scotts Avenue and the AT&SF Railroad tracks (West Taylor Street). That abandonment was requested by the Atchison, Topeka and Santa Fe Railroad to close the grade crossing at that location, and the title to the former street was subsequently acquired by Delta Door Company, Incorporated, the predecessor to MIC.

For years, MIC has experienced numerous problems stemming from Columbia Park on the south side of the railroad tracks, including theft and vandalism. MIC has proposed abandonment of the subject street (see attached map and legal description), which they believe will eliminate most of these problems. Also, the additional area, if available to MIC, will allow them to expand their operation in a secure manner.

The previous Monroe Street abandonment area was reserved as a Public Utility Easement due to facilities located in the street. Likewise, MIC has agreed to reserve the entire subject Van Buren Street abandonment area as a Public Utility Easement to accommodate present or future public utilities in the subject abandonment area.

Fee title to the area is vested in the City of Stockton. If the abandonment is approved, staff will begin a process to have the property declared excess. At a later date, staff will submit a recommendation to Council to consider the sale of this property to MIC.

AGENDA ITEM 6.12
RESOLUTION: SET A PUBLIC HEARING ON OCTOBER 12, 2004, FOR THE ABANDONMENT OF A PORTION BLOCK OF SOUTH VAN BUREN STREET, BETWEEN WEST SCOTTS AVENUE AND THE AT&SF RAILROAD TRACKS (WEST TAYLOR STREET)

MIC will be required to install frontage improvements at West Scotts Avenue and on the south side of the railroad tracks. If the abandonment and subsequent sale are approved, MIC desires to have both the resolution and grant deed recorded. MIC has agreed to post a bond to guarantee installation of the required frontage improvements.

NOTIFICATION

Abandonment requires advertising in the legal notice section of The Record once each week for two successive weeks prior to the hearing, which will be done. The abandonment area will be also posted two weeks prior to the hearing.

ENVIRONMENTAL CLEARANCE

This project is categorically exempt under the State CEQA Guidelines (Section: 15061(B)(3)), as specified on the attached Notice of Exemption. In accordance with Section 65402 of the Government Code, this activity/project has been determined to conform with the City's General Plan designation.

FINANCIAL SUMMARY

The applicant has paid the necessary fees to process this abandonment and is responsible for the publication costs for the public hearing.

Respectfully submitted,

STEVEN J. PINKERTON, DIRECTOR
HOUSING AND REDEVELOPMENT DEPARTMENT

SJP/MW:slw

Attachments

APPROVED BY THE CITY MANAGER:

MARK LEWIS, CITY MANAGER
CITY OF STOCKTON RETAINS A PUBLIC UTILITY EASEMENT ON THE ABANDONED STREET.
DESCRIPTION FOR THE ABANDONMENT OF VAN BUREN STREET BETWEEN SCOTTS AVENUE AND TAYLOR STREET

ALL THAT REAL PROPERTY SITUATED IN THE CITY OF STOCKTON, COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA, BEING A PORTION OF SECTION 9 OF THE C. M. WEBER GRANT, "EL RANCHO DEL CAMPO DE LOS FRANCES", MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF VAN BUREN STREET (80.8 FEET IN WIDTH) LYING BETWEEN THE SOUTHERLY LINE OF SCOTTS AVENUE (111.1 FEET IN WIDTH) AND THE NORTHERLY LINE OF TAYLOR STREET (60.6 FEET IN WIDTH), MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF BLOCK 16 AS SAID BLOCK IS SHOWN ON THE OFFICIAL MAP OF "SOUTH OF MORMON CHANNEL", ACCORDING TO THE OFFICIAL MAP OF THE CITY OF STOCKTON APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF STOCKTON ON JULY 23, 1894, FILED IN THE OFFICE OF THE CITY CLERK OF SAID CITY; SAID CORNER BEING THE INTERSECTION OF THE SOUTHERLY LINE OF SCOTTS AVENUE AND THE WESTERLY LINE OF VAN BUREN STREET; THENCE SOUTHERLY ALONG SAID WESTERLY LINE OF VAN BUREN STREET AND EASTERLY LINE OF SAID BLOCK 16, 303.0 FEET TO THE SOUTHEASTERLY CORNER OF SAID BLOCK 16, SAID CORNER BEING THE INTERSECTION OF SAID WESTERLY LINE OF VAN BUREN STREET WITH THE NORTHERLY LINE OF TAYLOR STREET; THENCE EASTERLY ALONG SAID NORTHERLY LINE OF TAYLOR STREET, 80.8 FEET TO THE SOUTHWESTERLY CORNER OF BLOCK 17 OF SAID "SOUTH OF MORMON CHANNEL", BEING THE INTERSECTION OF SAID NORTHERLY LINE OF TAYLOR STREET WITH THE EASTERLY LINE OF SAID VAN BUREN STREET; THENCE NORTHERLY ALONG SAID EASTERN LINE OF VAN BUREN STREET AND WESTERLY LINE OF SAID BLOCK 17, 303.0 FEET TO THE NORTHWESTERLY CORNER OF SAID BLOCK 17, BEING THE INTERSECTION OF SAID EASTERN LINE OF VAN BUREN STREET WITH SAID SOUTHERLY LINE OF SCOTTS AVENUE; THENCE ALONG SAID SOUTHERLY LINE OF SCOTTS AVENUE, 80.8 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL, CONTAINING 0.56 ACRE, MORE OR LESS.

EXCEPT THE CITY OF STOCKTON RETAINS A PUBLIC UTILITY EASEMENT.
CITY OF STOCKTON
NOTICE OF EXEMPTION

TO: COUNTY CLERK
COUNTY OF SAN JOAQUIN
6 South El Dorado Street, 2nd Floor
Stockton, CA 95202

FROM: Lead Agency
City of Stockton
c/o Community Development Dept.
Planning Division
425 North El Dorado Street
Stockton, CA 95202-1997

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

PROJECT DATA
Project Title: Street and Highway Easement abandonment
CEQA Exemption File No.: CE55-04
Applicant: Masonite, Inc. and City of Stockton Housing and Redevelopment Department
Project Description/Location: Abandonment of a portion of South Van Buren Street, south of Scotts Avenue (HRD/mw).

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):

X The activity is not a "project" as defined in Section 15378.

X The activity is exempt under the "general rule" that CEQA applies only to projects which have the potential for causing significant environmental effects, as specified in Section 15061(B)(3).

X The project has been granted a "Statutory Exemption" under Article 18 and, specifically, by Section(s):

X The project has been granted a "Categorical Exemption" under Article 19 and, specifically, by Section(s):

BASIS FOR FINDING OF EXEMPTION

X 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.

X 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).

JAMES E. GLASER, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

March 1, 2004
(DATE OF PREPARATION)

By DAVID STAGNABO, SENIOR PLANNER
(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