



## Department of Public Works

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### NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION

**TO:** Office of Planning and Research  
CEQAnet Web Portal  
<https://ceqasubmit.opr.ca.gov/>

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Steve J. Bestolarides  
San Joaquin County Clerk

By Deputy: kmchugh



San Joaquin County Clerk  
44 North San Joaquin Street, Suite 260  
Stockton, California 95202

**FROM:** San Joaquin County Public Works Department  
1810 E. Hazelton Avenue  
Stockton, California 95205  
<https://www.sjgov.org/departments/pwk/>

### PROJECT: EMPIRE TRACT ROAD VACATION

The San Joaquin County Department of Public Works has prepared an environmental evaluation document (Initial Study) in accordance with the California Environmental Quality Act (CEQA) and intends to adopt a Negative Declaration (ND) based on the finding that there is no substantial evidence that the action as proposed will have a significant effect on the environment. The reasons to support this finding are documented in the Initial Study.

### PROJECT LOCATION

An approximately one-mile-long segment of Empire Tract Road (ETR) (APN 069-010-110-000) between a point approximately 850 feet south of Eight Mile Road (EMR) and the Delta Water Supply Intake Pump Station in unincorporated San Joaquin County. The Project is on the Terminous, CA, USGS 7.5' Quadrangle; the coordinates at the approximate center of the road segment are 38.05227413813252, -121.49726036384202 (38° 03' 01" N, 121° 29' 49" W) (see Vicinity Map, below).

### BACKGROUND

The San Joaquin County Board of Supervisors (Board) is being requested to consider the vacation of a one-mile portion of ETR from approximately 850 feet south of EMR to the southern end of the roadway. Delta Farms Reclamation District 2029 (RD 2029) has a fee ownership of the property underlying ETR and has petitioned for San Joaquin

County (County) to vacate its easement to allow the road to be made private and a gate restricting access to be installed. The request is due to instances of vandalism, illegal dumping, discharge of firearms, and other malicious activity that occurs within the roadway and on nearby private property.

The County was dedicated a road easement in 1943 and has maintained a public roadway since that time with the primary intent to provide access to the Medford Island Ferry Ramp (MIFR) located at the southern end of ETR. The County previously maintained the MIFR, however its interest was abandoned by this Board pursuant to the Agreement (A-20-262) executed with the interested surrounding island owners, Medford Island Reclamation District 2041 and Tinsley Island Reclamation District 2108. As traffic on the road is intermittent and of low volume, and the County no longer has interests in the MIFR, Public Works recommends that the County vacate its easement on the portion of ETR south of EMR.

Letters of support for the vacation were received from adjacent property owners, the City of Stockton, and affected reclamation districts. Subsequently, the County was provided with signed access easements between adjacent impacted property owners, MIFR users, dock users, and RD 2029, ensuring that permanent access will be maintained after vacation, which would be recorded concurrently with a resolution vacating the roadway if approved by the Board.

#### **PROPOSED PROJECT DESCRIPTION**

Part 3 of the California Streets and Highways Code (SHC), Public Streets, Highways, and Service Easements Vacation Law, § 8309, defines “vacation” as “the complete or partial abandonment or termination of the public right to use a street, highway, or public service easement.” Chapters 3 and 4 set forth provisions for general and summary vacations, respectively. When a public entity owns an easement over a privately-owned fee parcel, and vacates that easement, the property rights revert to the fee parcel owner. The property owner can then treat the former easement as private property, and erect gates to restrict access. The property would remain subject to any remaining easements, such as public utility easements.

Section 8351(a) states that where

*. . . the public entity owns only an easement for the street, highway, or public service purpose, title to the property previously subject to the easement is thereafter free from the easement for use for street, highway, or public service purposes, but not from any easement for vehicular or nonvehicular trail use that the public entity has previously granted to any other state or local public agency. If the easement is abandoned by resolution of the state or local public agency that was granted an easement for vehicular or nonvehicular trail use, the title to the property previously subject to the vehicular or nonvehicular easement is thereafter clear of the easement.*

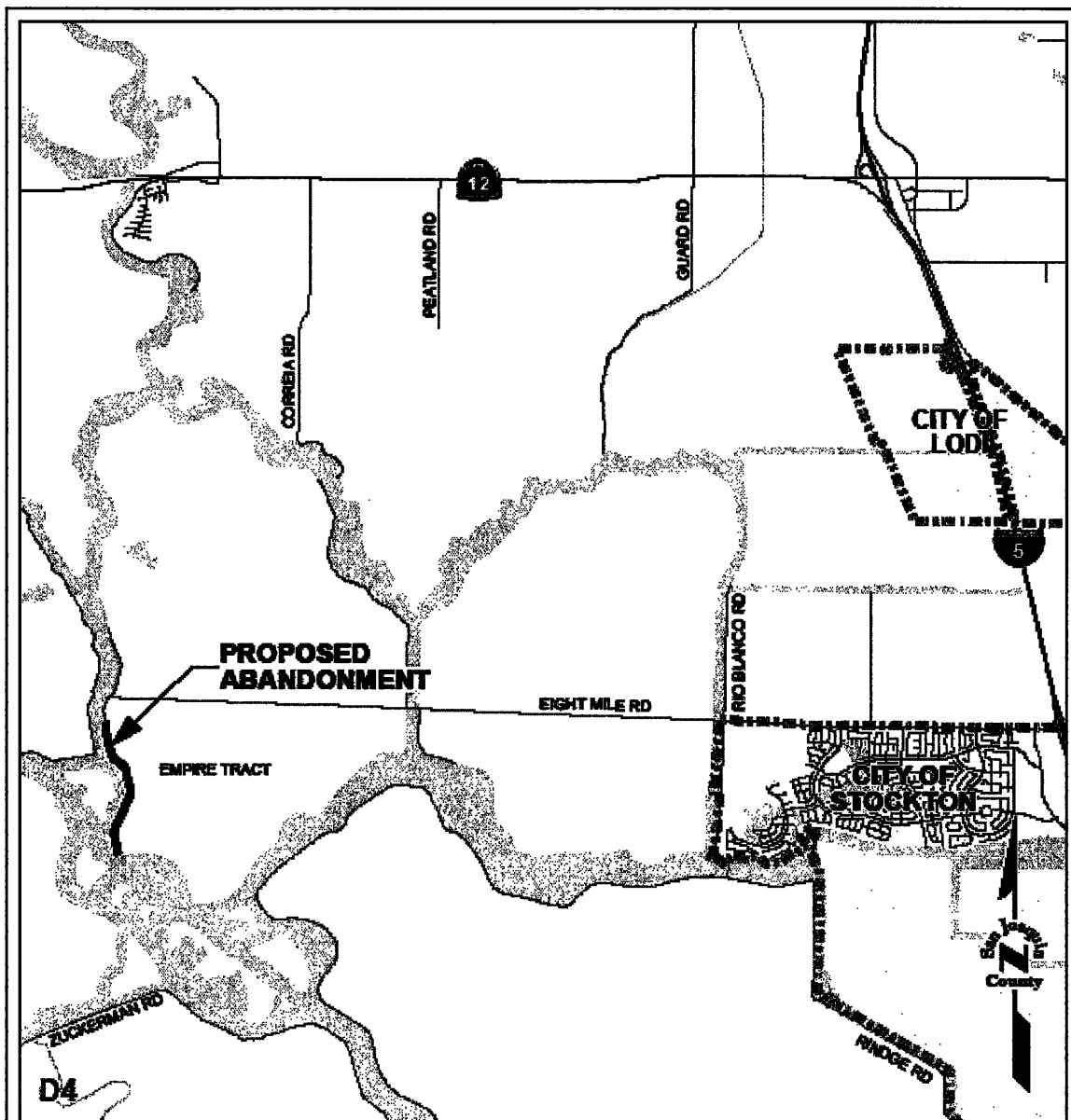
As stated in Background, above, San Joaquin County owns an easement over APN 069-010-110-000, a linear parcel that encompasses ETR, and the RD 2029 owns the fee parcel. Vacating this easement would eliminate public access rights to the parcel, but would in itself not cause any physical changes to the roadway or environs. The property owner would then have the right to erect a fence or gate to physically restrict access to the roadway. Fencing materials and height would be required to comply with the San Joaquin County Development Title, Section 9-400.040 et seq., Fencing and Screening. Generally, fence height in agricultural zones and outside of required yards cannot exceed the maximum height of an "accessory building,"<sup>3</sup> which is the building height for the base zone (40 feet).<sup>4</sup> Access to the gate must be made available to emergency responder agencies.

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The Initial Study/Negative Declaration may be reviewed at the following locations:

- San Joaquin County Department of Public Works, 1810 East Hazelton Avenue, Stockton, California 95205 (Copies are available for a fee at this location.)
- San Joaquin County Department of Public Works website:  
<http://www.sjgov.org/pubworks/>

This Notice of Intent is being sent to applicable local public agencies as well as organizations and individuals of local interest. **Written comments on this document may be submitted during the 30-day public review period, which begins Monday June 9, 2025, and must be received by the San Joaquin County Public Works Department no later than 5:00 p.m. on Wednesday July 9, 2025.** Contact Marilissa Loera, Senior Planner, at (209) 468-3085 or [mloera@sjgov.org](mailto:mloera@sjgov.org) for questions.



D4

NO SCALE



San Joaquin  
County

### Vicinity Map PROPOSED ABANDONMENT OF EMPIRE TRACT ROAD

(Portion of the South End of Empire Tract Road to  
Approximately 1.25 miles South of Eight Mile Road)



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