

RESOLUTION NO. 2018-_____

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MERCED, CALIFORNIA
ORDERING THE VACATION OF A 40-
FOOT-WIDE “AVENUE” LOCATED ALONG
THE EASTERN PROPERTY LINE OF
THREE PARCELS GENERALLY LOCATED
AT THE NORTHEAST CORNER OF
CHILDS AVENUE AND KIBBY ROAD AND
THE SOUTHEAST CORNER OF EAST
HIGHWAY 140 AND KIBBY ROAD
(VACATION #17-02)**

WHEREAS, by adoption of Resolution No. 2018-03 on January 16, 2018, the City Council declared its intention to consider the vacation of a portion of public right-of-way in the City of Merced, consisting of a 40-foot-wide “avenue” located along the eastern property line of three parcels generally located at the northeast corner of Childs Avenue and Kibby Road and the southeast corner of East Highway 140 and Kibby Road, as described in Exhibit “A” and shown on the map at Exhibit “B,” attached hereto; and

WHEREAS, Resolution No. 2018-03 fixed a time and place for hearing all persons interested in or objecting to the proposed vacation to wit: On Tuesday, February 20, 2018, at the hour of 6:00 p.m. of said day, in the Council Chambers of the City Council, 678 West 18th Street, Merced, California, which said time was not less than fifteen (15) days from the above-mentioned date and passage of Resolution No. 2018-03; and

WHEREAS, Resolution No. 2018-03 was published in the manner prescribed by Section 8320 of the Streets and Highways Code of the State of California; and

WHEREAS, the public hearing occurred on February 20, 2018; and

WHEREAS, On January 18, 2018, notices were conspicuously posted along the lines of the property proposed to be vacated, not more than three hundred (300) feet apart, which notices consisted of copies of Resolution No. 2018-03 and

WHEREAS, the vacation of the public right-of-way as proposed by Resolution No. 2018-03 was submitted to the Planning Commission on December 6, 2017, which found the proposed vacation to be in conformity with the general plan.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. The City Council finds from all of the evidence submitted that the public right-of-way in the City of Merced, as described in Exhibit "A" and shown on the map at Exhibit "B," is unnecessary for present or prospective public right-of-way purposes.

SECTION 2. It is hereby ordered that the public right-of-way lying within the above described territory be and the same is hereby abandoned and vacated, pursuant to the provisions of Part 3, Division 9, of the Streets and Highways Code of the State of California, being the Public Streets, Highways, and Services Easements Vacation Law.

SECTION 3. The City Clerk is directed to cause a certified copy of this resolution, attested under seal of the City of Merced, to be recorded in the Office of the County Recorder of Merced County.

PASSED AND ADOPTED by the City Council of the City of Merced at a regular meeting held on the ____ of _____, 2018, by the following called vote:

AYES: Council Members:

NOES: Council Members:

ABSTAIN: Council Members:

ABSENT: Council Members:

APPROVED:

Mayor

ATTEST:
STEVE CARRIGAN, CITY CLERK

BY: _____
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:  _____ 1-3-2018
City Attorney Date

EXHIBIT 'A'

LEGAL DESCRIPTION FOR ROAD ABANDONMENT

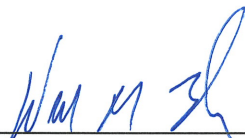
All that certain piece or parcel of land situated in the County of Merced, State of California, lying within the Southwest quarter of Section 26, Township 7 South, Range 14 East, Mount Diablo Meridian, described as follows:

All that certain 40 foot avenue which lies along the east side of Lots 1, 12 and 13 as said Lots and avenue are shown on the "Map of Grimes' Subdivision No. 1" filed for record in Volume 9 of Official Plats, at Page 19, Office of the Merced County Recorder, and extending from the north line of said Lot 1 to a line that is 47 feet north of the south line of said Section 26.

Parcel is as illustrated on the attached EXHIBIT 'B'.

END DESCRIPTION

This real property description has been prepared by me, or under my direction, in conformance with the requirements of the Professional Land Surveyor's Act.



William M. Koch
Professional Land Surveyor
California No. 8092



12-27-17
Date

EXHIBIT 'B'

A.T. & S.F. RR



BOUNDARY LINES

PROPERTY LINE _____

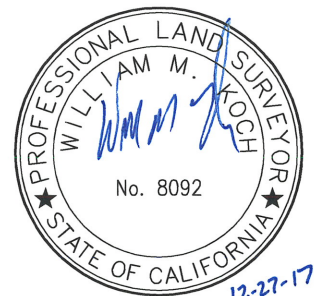
SECTION LINE _____

40' AVENUE LINE PER VOL. 9 PG. 19

OLD LOT LINE PER VOL. 9 PG. 19

LEGEND

PM PARCEL MAP
O.P. OFFICIAL PLATS
ZZZ ABANDONMENT AREA



1165 Scenic Drive, Suite A
Modesto, CA 95350
odellengineering.com

DESCRIPTION: ROAD ABANDONMENT

SCALE:	1"=400'	DATE:	DEC. 27, 2017
JOB NO.:	31420		
FILE:	31420-ROAD ABANDONMENT.DWG		

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