

RESOLUTION NO. 2015-____

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MERCED, CALIFORNIA
ORDERING THE VACATION OF A
PORTION OF A PUBLIC UTILITIES
EASEMENT LOCATED ALONG THE EAST
PROPERTY LINE OF THE PROPERTY
LOCATED AT 2936 CRESTWOOD COURT
(VACATION #15-01)**

WHEREAS, by adoption of Resolution No. 2015-42 on November 2, 2015, the City Council declared its intention to consider the vacation of a portion of a public utilities easement in the City of Merced, consisting of approximately 620 square feet (10 feet by 62 feet) located along the eastern property line of the property located at 2936 Crestwood Court, and more particularly described in Exhibit A and shown in Exhibit B, attached hereto and incorporated herein by this reference, and set a public hearing thereon; and

WHEREAS, Resolution No. 2015-42 fixed a time and place for hearing all persons interested in or objecting to the proposed vacation to wit: On Monday, December 7, 2015, at the hour of 7:00 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. 2015-42; and

WHEREAS, Resolution No. 2015-42 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 December 7, 2015; and

WHEREAS, On November 4, 2015, notices were conspicuously posted along the lines of the public street proposed to be vacated, not more than three hundred (300) feet apart, which notices consisted of copies of Resolution No. 2015-42; and

WHEREAS, the vacation of the public utilities easement as proposed by Resolution No. 2015-42 was submitted to the Planning Commission on October 21, 2015, 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 portion of the public utilities easement in the City of Merced, as described on Exhibit A and shown on Exhibit B, is unnecessary for present or prospective public utilities easement purposes.

SECTION 2. It is hereby ordered that the portion of the easement 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 _____, 2015, by the following called vote:

AYES: Council Members:

NOES: Council Members:

ABSTAIN: Council Members:

ABSENT: Council Members:

APPROVED:

Mayor

ATTEST:
JOHN M. BRAMBLE, CITY CLERK

BY: _____
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:
RANDOLPH S. HOM, CITY ATTORNEY

BY: Ken Rye 11/10/15
City Attorney Date

10/9/2015
150382

EXHIBIT "A"

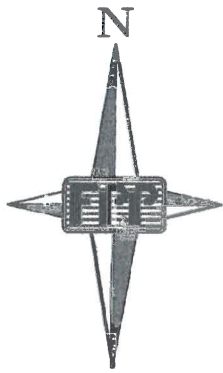
Being a portion of Lot 64 as shown on "Wainwrights Bear Creek Village No. 4", recorded in Volume 19 of Official Plats at page 1, 2 and 3, Merced County Records, lying in the northwest quarter of Section 19, Township 7 South, Range 14 East, Mount Diablo Meridian, in the City of Merced, County of Merced and State of California, being more particularly described as follows:

The east 10.00 feet of said Lot 64 shown as a 10.00 foot wide Public Utilities Easement on said map.

Containing 620 square feet more or less.



EXHIBIT "B"



SCALE 1" = 20'

LOT 63
19 O.P.: 1
M.C.R.

CRESTWOOD COURT

LOT 64
19 O.P.: 1
M.C.R.

EAST 10' OF LOT 64

EXISTING P.U.E. TO BE ABANDONED

LOT 65
19 O.P.: 1
M.C.R.



David D. Heinrichs
10/9/2015