

RESOLUTION NO. 20-17

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA,
DECLARING ITS INTENTION TO VACATE A
908-SQUARE-FOOT SEWER LIFT STATION
EASEMENT, A 908-SQUARE-FOOT TEMPORARY
CONSTRUCTION EASEMENT, AND A 2,791-
SQUARE-FOOT PUBLIC UTILITIES EASEMENT
GENERALLY LOCATED ON THE WEST END OF
THE PROPERTY LOCATED AT 1610 WEST 16TH
STREET (VACATION #20-01) AND SETTING
TIME AND PLACE FOR PUBLIC HEARING**

WHEREAS, the City Engineer of the City of Merced has recommended that the hereinafter described easements are unnecessary for prospective public purposes; and

WHEREAS, the City Engineer has filed maps or plans with the City Clerk of the City of Merced showing easements to be vacated at a specific time that will be determined.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCED DOES HEREBY RESOLVE, DETERMINE, FIND, AND ORDER AS FOLLOWS:

SECTION 1. The City Council of the City of Merced declares its intention to proceed under the provisions of Part 3 of the Streets and Highways Code of the State of California, being the Public Streets, Highways, and Service Easements Vacation Law, Chapter 3, to vacate a 908-square-foot sewer lift station easement, a 980-square-foot temporary construction easement, and a 2,791-square-foot public utilities easement generally located at the west end of the parcel located at 1610 West 16th Street (also known as Assessor's Parcel Number: 031-352-027) as described in Exhibits A & B and shown on the map at Exhibit C, attached hereto and incorporated herein by this reference.

SECTION 2. Reference is made to the maps and plans which are filed in the office of the City Clerk of the City of Merced for further particulars as to the proposed vacation and reservation.

SECTION 3. May 18, 2020, at the hour of 6:00 p.m. of said day in the Council Chamber of the City Council, 678 West 18th Street, Merced, California, is fixed as the time and place for hearing all persons interested in or objecting to the proposed vacation. Said hearing may be postponed or continued.

Pursuant to Governor Newsom's Executive Order N-29-20, this meeting may be conducted by teleconference and there would be no in-person public access to the meeting location. However, if the Governor's order has been lifted by the date of the public hearing, the meeting will not be held via teleconference and you would be able to attend the meeting in the City Council Chambers at 678 W. 18th Street.

If you wish to submit your public comment to the City Council electronically you may do so as long as your comments are received no later than 3 PM on the day of the meeting. Comments received before the deadline will be read as part of the record. Material may be emailed to cityclerk@cityofmerced.org and should be limited to 500 words or less. Please specify which portion of the agenda you are commenting on, i.e. item # or Oral Communications. Your comments will be read to the City Council at the appropriate time. Any correspondence received during or after the meeting will be distributed to the City Council and retained for the official record.

You may provide telephonic comments via voicemail by calling (209) 388-8688 by no later than 3:00 PM on the day of the meeting to be added to the public comment. Voicemails will be limited to a time limit of three (3) minutes. Please specify which portion of the agenda you are commenting on, i.e. item # or Oral Communications. Your comments will be read to the City Council at the appropriate time.

To view video or listen to the City Council meeting live, go to the City's website www.cityofmerced.org, Facebook Live, or Comcast Public Access Channel 96.

SECTION 4. The City Engineer is directed to post or cause to be posted at least two weeks before the date set for hearing not less than three (3) notices of vacation of a portion of public right-of-way, not more than three hundred (300) feet apart, conspicuously along the lines of said portion of the public street proposed to be vacated, stating adoption of this resolution and the time and place of the hearing herein called. Posting a copy of this resolution shall constitute the posting of the required notice.

EXHIBIT A

An easement for the purposes of a sewer lift station on, over, across and under a circular strip of land 34 foot diameter in width, said strip of land situated in a portion of the Southwest One Quarter (SW ¼) of Section 24, Township 7 South, Range 13 East, M.D.B.& M., City of Merced, County of Merced, State of California, said strip of land also situated in a portion of Grant Deed recorded on February 15, 2005 in Official Records as Document Number 2005-010631, Merced County Records, center of said strip of land being more particularly described as follows:

Commencing at the most westerly corner of Parcel 5, as said Parcel 5 is delineated on that certain map entitled "Parcel Map No. 95-03, Parcel Map for Merced Development Associates" recorded February 14, 1996, in Book 80, of Parcel Maps, at Pages 15-19, Merced County records; thence N77°41'00"E, along the northwesterly line of said Parcel 5, a distance of 56.00 feet; thence leaving said northwesterly line S12°19'00"E, a distance of 41.00 feet to the center of said circular strip of land.

The above-described strip of land contains 908 Sq. Ft., more or less, and is subject to any liens, encumbrances, covenants, restriction, and rights-of-way or easements of record or legally acquired.

TOGETHER WITH a variable width non-exclusive public utility easement, said easement being more particularly described as follows:

BEGINNING at the most westerly corner of said Parcel 5; thence N77°41'00"E, along the northwesterly line of said Parcel 5, a distance of 111.63 feet; thence leaving said northwesterly line, S41°17'27"W, a distance of 52.10 feet to a point, said point being a non-tangent curve on said circular strip of land, concave to the southeast, having a radius of 17.00 feet, to said point a radial bearing bears S41°17'27"W; thence northwesterly along said curve, through a central angle of 210°14'00", an arc distance of 62.38 feet; thence leaving said circular strip of land, S11°03'28"W, a distance of 12.47 feet to a point, said point being on the southerly line of said Parcel 5, said point also being a point on a curve, concave to the northeast, having a radius of 1235.12 feet, to said point a radial bearing bears S42°44'16"W; thence northwesterly along said curve, through a central angle of 2°47'01", an arc distance of 60.01 feet to the POINT OF BEGINNING.

The above-described easement contains 2791 Sq. Ft., more or less, and is subject to any liens, encumbrances, covenants, restriction, and rights-of-way or easements of record or legally acquired.

The above-described strips of land are delineated on Exhibit C, attached hereto, and made a part hereof.

EXHIBIT B

A temporary construction easement for the purpose of constructing a sewer lift station and all its appurtenances, said construction easement being more particularly described as follows:

Commencing at the most westerly corner of said Parcel 5; thence $N77^{\circ}41'00''E$, along the northwesterly line of said Parcel 5, a distance of 111.63 feet; thence leaving said northwesterly line, $S41^{\circ}17'27''W$, a distance of 30.42 feet to the POINT OF BEGINNING; thence $S12^{\circ}19'00''E$, a distance of 50.00 feet; thence $S77^{\circ}41'00''W$, a distance of 42.83 feet; thence $N11^{\circ}03'28''E$ to a point, said point being a non-tangent curve on said circular strip of land, concave to the northwest, having a radius of 17.00 feet, to said point a radial bearing bears $N11^{\circ}03'28''E$; thence northeasterly along said curve, through a central angle of $149^{\circ}46'00''$, an arc distance of 44.44 feet; thence leaving said circular strip of land, $N41^{\circ}17'27''E$, a distance of 21.68 feet to the POINT OF BEGINNING.

The above-described temporary construction easement contains 980 Sq. Ft., more or less, and is subject to any liens, encumbrances, covenants, restriction, and rights-of-way or easements of record or legally acquired.

The above-described temporary construction easement is delineated on Exhibit C, attached hereto, and made a part hereof.

Delta = 0°59'02"
 Rad. = 1235.12'
 Len. = 21.21'
 Tan. = 10.61'

NON-EXCLUSIVE
 PUBLIC UTILITY EASEMENT
 2791 SQ. FT.

Delta = 2°47'01"
 Rad. = 1235.12'
 Len. = 60.01'
 Tan. = 30.01'

17' RADIUS SEWER
 LIFT STATION
 EASEMENT.
 908 SQ. FT.

Delta = 210°14'00"
 Rad. = 17.00'
 Len. = 62.38'

Delta = 149°46'00"
 Rad. = 17.00'
 Len. = 44.44'

TEMPORARY
 CONSTRUCTION EASEMENT
 980 SQ. FT.

Existing 25' P.U.E. and private
 non-exclusive ingress/egress
 easement per Parcel Map Volume 80,
 Pages 15-19, Merced County Records.

Parcel 5

Parcel Map Volume 80, Pages 15-19,
 Merced County Records.

Existing 10' wide PG & E
 easement per 3173 O.R. 811
 Merced County Records

SCALE: 1"=20'



City of Merced
 "Gateway to Yosemite"
 DEVELOPMENT SERVICES
 ENGINEERING PROJECTS AND STANDARDS
 678 W. 18th Street (209) 385-6646

EXHIBIT C

DR. BY: CARDOSO
DATE: 2/18/08
CHK BY: D. TUCKER
DATE: 2/18/08
File No. 0884
SCALE: 1"=20'