

RESOLUTION NO. 2019-_____

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MERCED, CALIFORNIA,
APPROVING GENERAL PLAN
AMENDMENT #19-01 TO AMEND THE
MERCED GENERAL PLAN
TRANSPORTATION AND CIRCULATION
ELEMENT, WHICH WOULD MODIFY THE
CITY OF MERCED'S CIRCULATION PLAN
(FIGURES 4.1 AND 4.2) AND ALL
ASSOCIATED MAPS AND DESCRIPTIONS
THROUGHOUT THE GENERAL PLAN, TO
ELIMINATE MISSION AVENUE, BETWEEN
COFFEE STREET AND STATE HIGHWAY 99
AND ADOPTING A CEQA CATEGORICAL
EXEMPTION PURSUANT TO SECTION
15061(b)(3) OF THE CEQA GUIDELINES**

WHEREAS, the City is processing an application for a General Plan Amendment to amend the Merced General Plan Transportation and Circulation Element, which would modify the City of Merced Circulation Plan [Figures 4.1 (Exhibit "C") and 4.2 (Exhibit "D")] and all associated maps and descriptions throughout the General Plan, to eliminate Mission Avenue, between Coffee Street and State Highway 99. The area of interest is shown at Exhibit "B" and described at Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, the Planning Commission of the City of Merced held a noticed public hearing on April 3, 2019, at which time all those interested in the matter were provided the opportunity to speak or provide written or oral testimony regarding the application; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), Staff recommended the adoption of a Categorical Exemption pursuant to Section 15061(b)(3) of the CEQA Guidelines; and

WHEREAS, after hearing all of the evidence and testimony and after exercising its independent judgment and review, the Planning Commission adopted Resolution #4019, attached hereto as Exhibit "E," and incorporated herein by reference, recommending that the City Council adopt a CEQA Categorical

Exemption, to wit: Section 15061(b)(3) of the CEQA Guidelines and approve General Plan Amendment #19-01; and

WHEREAS, the City Council held a noticed public hearing on May 20, 2019, at which time all those interested in the matter were provided the opportunity to speak or to provide written or oral testimony regarding the application.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MERCED AS FOLLOWS:

SECTION 1. GENERAL PLAN AMENDMENT ADOPTION. The General Plan of the City of Merced is hereby amended by approving General Plan Amendment #19-01, which changes the General Plan to amend the Merced General Plan Transportation and Circulation Element, which would modify the City of Merced Circulation Plan [Figures 4.1 (Exhibit "C") and 4.2 (Exhibit "D")] and all associated maps and descriptions throughout the General Plan, to eliminate Mission Avenue, between Coffee Street and State Highway 99. The area of interest is shown at Exhibit "B" and described at Exhibit "A" attached hereto.

SECTION 2. CEQA CATEGORICAL EXEMPTION. The General Plan Amendment #19-01, which changes the General Plan to amend the Merced General Plan Transportation and Circulation Element, modifies the City of Merced Circulation Plan and all associated maps and descriptions throughout the General Plan is categorically exempt pursuant to Section 15061(b)(3) of the CEQA Guidelines.

PASSED AND ADOPTED by the City Council of the City of Merced at a regular meeting held on the ____ day of _____ 2019, by the following vote:

AYES: Council Members:

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

APPROVED:

Mayor

ATTEST:
STEVE CARRIGAN, CITY CLERK

BY: _____
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:

Kelly J. Moore 5-9-19
City Attorney Date

EXHIBIT A

SUMMARY VACATION OF EXCESS RIGHT OF WAY AND EASEMENTS ALONG MISSION AVENUE BETWEEN COFFEE STREET AND STATE HIGHWAY 99

LEGAL DESCRIPTION

All that certain real property being portions of Mission Avenue as shown on the Map of Merced Colony, recorded in Volume 4 of Official Plats at Page 24, Merced County Records, lying in the southeast quarter of Section 33, Township 7 South, Range 14 East, Mount Diablo Base and Meridian, as shown on the Map of Smith's Merced Tract recorded in Volume 5 of Official Plats at Page 4, Merced County Records, lying in the northeast quarter of Section 4, Township 8 South, Range 14 East, Mount Diablo Base and Meridian, as shown on the Parcel Map for L. J. Steiner, LLC recorded in Volume 99 of Parcel Maps at Pages 25-27, Merced County Records, lying in the southeast quarter of Section 33, Township 7 South, Range 14 East, Mount Diablo Base and Meridian and Record of Survey for Department of Transportation recorded Volume 49 of Record of Surveys at Pages 45-50, Merced County Records, in the City of Merced and the County of Merced, State of California, described as follows:

COMMENCING at the southeast corner of said Section 33, thence along the south line of said Section 33 and the center line of Mission Avenue as shown on said Map of Smith's Merced Tract, North 89° 57' 17" West a distance of 55.00' to the **TRUE POINT OF BEGINNING** of this description; thence to a point on the south line of Mission Avenue as shown on said Map of Smith's Merced Tract, South 0° 15' 23" East a distance of 30.00'; thence along the south line of said Mission Avenue to point on the east line of State Highway 99, North 89° 57' 17" West a distance of 379.09'; thence along the east line of State Highway 99 to the southwest corner of Parcel 4 of said Parcel Map for L. J. Steiner, LLC, North 20° 42' 03" West a distance of 71.65'; thence along the south line of said Parcel 4 to the southerly southeast corner of said Parcel 4, South 89° 57' 17" East a distance of 391.97'; thence along the southeasterly diagonal line of said Parcel 4, North 44° 53' 52" East a distance of 12.90'; thence to the **TRUE POINT OF BEGINNING**, South 0° 15' 23" East a distance of 46.15'.

Containing 26,078 square feet, more or less.
As shown on Exhibit B attached hereto.
Subject to rights of record, if any.

All that certain easements defined as Public Utility Easement, Landscaping Strip Easement, Tree Planting Easement and Sidewalk Easement, 5.486 in width, northerly and adjacent to the south line of Parcel 4 as shown on the Parcel Map for L. J. Steiner, LLC recorded in Volume 99 of Parcel Maps at Pages 25-27, Merced County Records, lying in the southeast quarter of Section 33, Township 7 South, Range 14 East, Mount Diablo Base and Meridian, in the City of Merced and the County of Merced, State of California, described as follows:

COMMENCING at the southeast corner of said Section 33, thence along the south line of said Section 33 and the center line of Mission Avenue as shown on the Map of Smith's Merced Tract recorded in Volume 5 of Official Plats at Page 4, Merced County Records, North 89° 57' 17" West a distance of 55.00'; thence to the **TRUE POINT OF BEGINNING** of this description, a point on the southeasterly diagonal line of said Parcel 4 of said Parcel Map for L. J. Steiner, LLC, North 0° 15' 23" West a distance of 46.15'; thence along the southeast diagonal line of said Parcel 4 to the southerly southeast corner of said Parcel 4 and a point on the north line of Mission Avenue, South 44° 53' 52" West a distance of

EXHIBIT A

12.90'; thence along the south line of said Parcel 4 to the southwest corner of said Parcel 4 and a point on the east line of State Highway 99, North 89° 57' 17" West a distance of 391.97'; thence along the west line of said Parcel 4 and the east line of State Highway 99, North 20° 42' 03" West a distance of 19.25'; thence parallel and offset 18.00' northerly with the south line of said Parcel 4, South 89° 57' 17" East a distance of 391.31'; thence along a diagonal parallel and offset 18.00' northwesterly with the southeast diagonal of said Parcel 4 to a point on the west line of 18.00' wide easements as shown as shown on said Parcel 4, North 44° 53' 52" East a distance of 23.32'; thence to the **TRUE POINT OF BEGINNING**, along the west line extension of said 18.00' wide easement as shown on said Parcel Map for L. J. Steiner, LLC, South 0° 15' 23" East a distance of 25.39'.

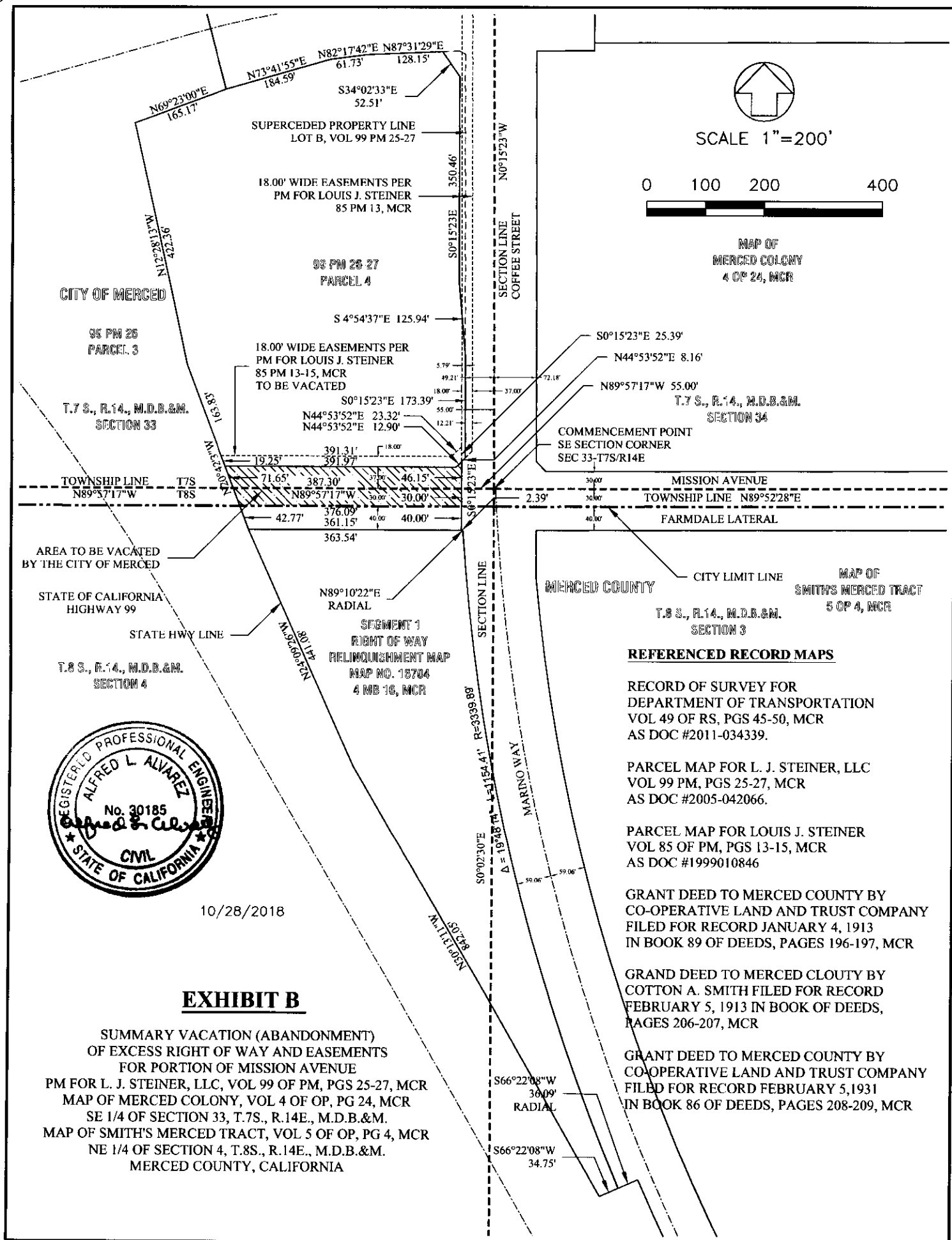
Containing 7,375 square feet, more or less.

As shown on Exhibit B attached hereto.

Subject to rights of record, if any.



REV 10/28/2018



10/28/2018

EXHIBIT B

SUMMARY VACATION (ABANDONMENT)
OF EXCESS RIGHT OF WAY AND EASEMENTS
FOR PORTION OF MISSION AVENUE
PM FOR L. J. STEINER, LLC, VOL 99 OF PM, PGS 25-27, MCR
MAP OF MERCED COLONY, VOL 4 OF OP, PG 24, MCR
SE 1/4 OF SECTION 33, T.7S., R.14E., M.D.B.&M.
MAP OF SMITH'S MERCED TRACT, VOL 5 OF OP, PG 4, MCR
NE 1/4 OF SECTION 4, T.8S., R.14E., M.D.B.&M.
MERCED COUNTY, CALIFORNIA

REFERENCED RECORD MAPS

RECORD OF SURVEY FOR
DEPARTMENT OF TRANSPORTATION
VOL 49 OF RS, PGS 45-50, MCR
AS DOC #2011-034339.

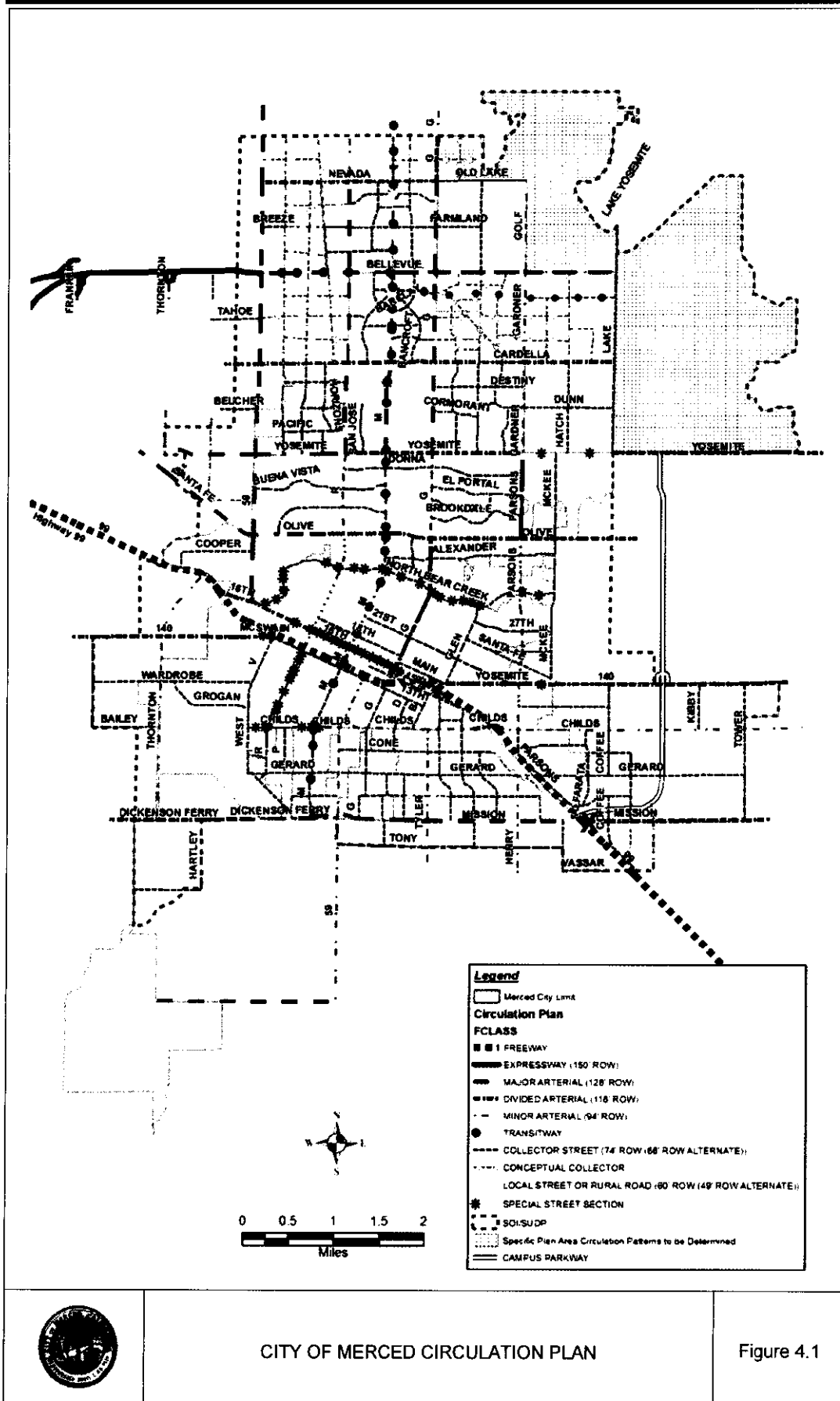
PARCEL MAP FOR L. J. STEINER, LLC
VOL 99 PM, PGS 25-27, MCR
AS DOC #2005-042066.

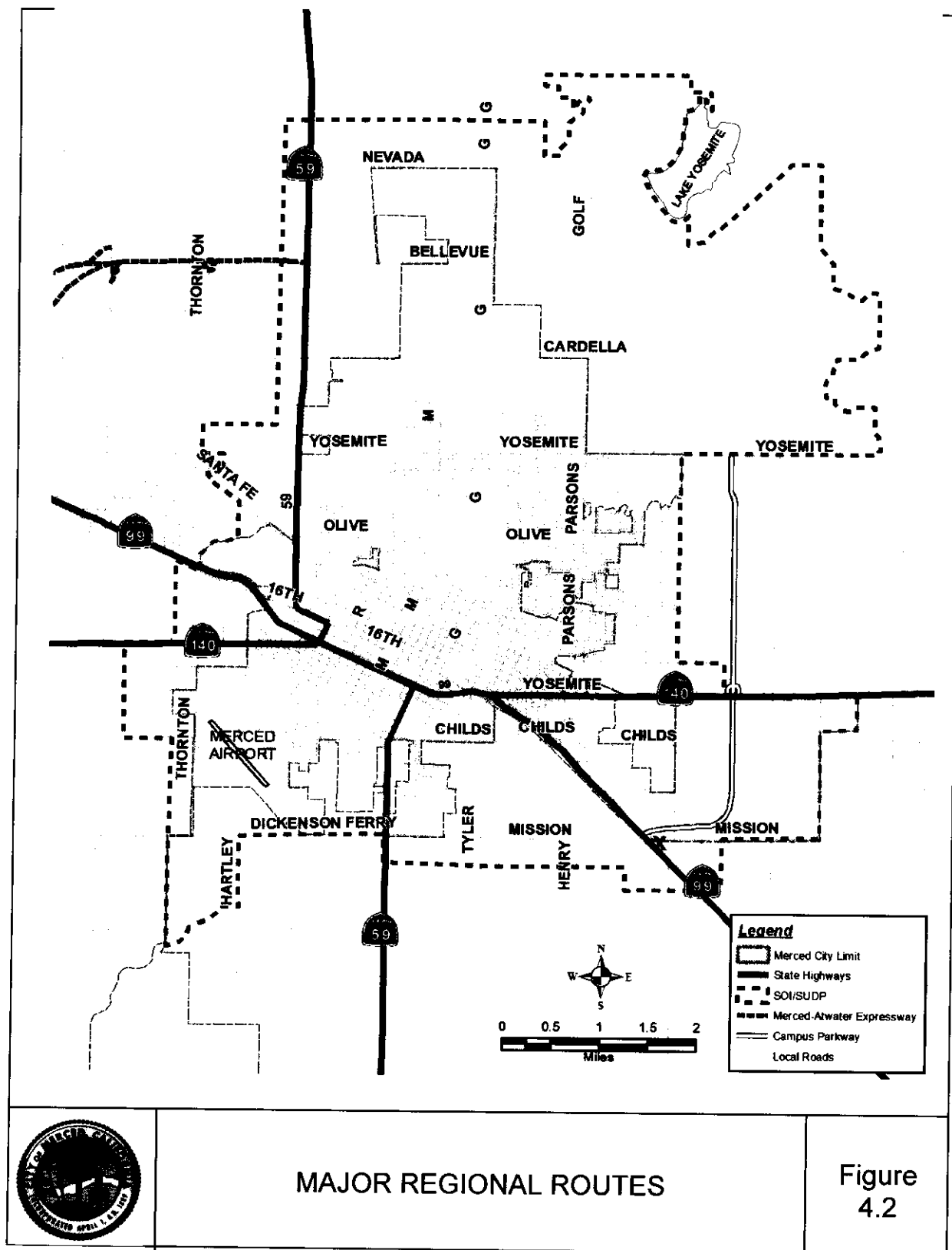
PARCEL MAP FOR LOUIS J. STEINER
VOL 85 OF PM, PGS 13-15, MCR
AS DOC #1999010846

GRANT DEED TO MERCED COUNTY BY
CO-OPERATIVE LAND AND TRUST COMPANY
FILED FOR RECORD JANUARY 4, 1913
IN BOOK 89 OF DEEDS, PAGES 196-197, MCR

GRAND DEED TO MERCED CLOUTY BY
COTTON A. SMITH FILED FOR RECORD
FEBRUARY 5, 1913 IN BOOK OF DEEDS,
PAGES 206-207, MCR

GRANT DEED TO MERCED COUNTY BY
CO-OPERATIVE LAND AND TRUST COMPANY
FILED FOR RECORD FEBRUARY 5, 1931
IN BOOK 86 OF DEEDS, PAGES 208-209, MCR





CITY OF MERCED
Planning Commission

Resolution #4019

WHEREAS, the Merced City Planning Commission at its regular meeting of April 3, 2019, held a public hearing and considered **General Plan Amendment #19-01**, initiated by the City of Merced. This application involves the review and recommendation to the City Council for a request to modify the City of Merced Circulation Plan (Figures 4.1 and 4.2) and all associated maps and descriptions throughout the General Plan, to vacate excess right-of-way and easements along Mission Avenue, between Coffee Street and State Highway 99; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through D of Staff Report #19-09; and,

NOW THEREFORE, after reviewing the City's Draft Environmental Determination, and discussing all the issues, the Merced City Planning Commission does resolve to hereby recommend to City Council adoption of a Categorical Exemption regarding Environmental Review #19-07, and approval of General Plan Amendment #19-01.

Upon motion by Commissioner HARRIS, seconded by Commissioner DREXEL, and carried by the following vote:

AYES: Commissioners Drexel, Harris, Martinez, Padilla, Rashe, and Chairperson Dylina

NOES: None

ABSENT: Commissioner Camper

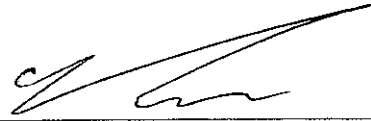
ABSTAIN: None

PLANNING COMMISSION RESOLUTION #4019

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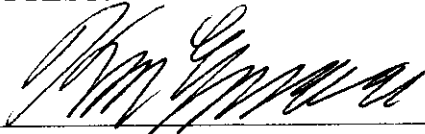
April 3, 2019

Adopted this 3rd day of April 2019



Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary