



ADMINISTRATIVE REPORT

Agenda Item J.6.

Meeting Date: 5/17/2021

Report Prepared by: Francisco Mendoza-Gonzalez, Associate Planner, Development Services Department

SUBJECT: Adoption of Resolution Declaring the Intent to Vacate the Northern Portion of the Arbor Walkway Easement (Approximately 2,800 Square Feet) Which Would Revert Development Rights Back to the Adjacent Property Owner of 531 W. Main Street, Merced, Generally Located on the North Side of Main Street, Approximately 150 Feet East of M Street, and Setting a Public Hearing for June 21, 2021 (Vacation #21-03)

REPORT IN BRIEF

Considers the vacation of the northern portion of the Arbor Walkway easement (approximately 2,800 square feet) which would revert development rights back to the adjacent property owner of 531 W. Main Street, Merced.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2021-33**, a Resolution of the City Council of the City of Merced, California, declaring its intention to vacate the Arbor Walkway north easement (approximately 2,800 square feet) which would revert development rights back to adjacent property owner of 531 W. Main Street (Vacation #21-03) and setting time and place for Public Hearing.

ALTERNATIVES

1. Approve, as recommended by staff; or,
2. Approve, subject to modifications as conditioned by Council; or,
3. Deny based on specific findings; or,
4. Refer back to staff for reconsideration of specific items as requested by Council; or,
5. Continue to a future meeting (date and time to be specified in Council motion).

AUTHORITY

Part 3, Chapter 3 of the Streets and Highways Code of the State of California authorizes the City Council to vacate a right-of-way or easement. The vacation shall be made by adoption of a resolution pursuant to Section 8335 of the Code, and shall be recorded pursuant to Section 8336. The City of Merced Administrative Policies and Procedures No. A-6 provides direction to staff for processing vacation requests, and City Resolution 86080 establishes a policy concerning costs associated with the vacation.

CITY COUNCIL PRIORITIES

Not applicable.

DISCUSSION

Request

The subject site is a 7,500-square-foot developed parcel zoned Central Commercial at 531 W. Main Street. The subject site contains a two-story building located in Downtown Merced with multiple suites that include several businesses such as United Way and Merced Chamber of Commerce. The northern portion of Arbor Walkway was installed several decades ago by the Redevelopment Agency. The intent was to create a mid-block walking path for residents parking within the City Parking Lot located on the south side of 18th Street, between M Street and Canal Street. Arbor Walkway would act as a direct path for residents parking in this area walking to Main Street.

Over the years, there have been several maintenance issues with the northern portion of Arbor Walkway, such as vandalism, trash, and debris being left at the site. The owner of 531 W. Main Street would like to take back full development rights of this walkway to better secure the area and improve it with outdoor seating (with food and drink service). City staff has indicated that this area has become a public nuisance and that there is no need for public use, as there are other pedestrian access points to Main Street from M Street and Canal Street sidewalks, although these access points are less direct than the direct cut-through currently provided by Arbor Walkway.

History and Past Actions

Arbor Walkway was acquired through the Redevelopment Agency. After the Redevelopment Agency was disbanded around 2010, the area was transferred over to the Designated Local Authority. As the City has no public benefit for Arbor Walkway, if the vacation is approved, the walkway agreement between the City and 531 W. Main Street would be terminated, and the development rights to use the area would revert back to the property owner of 531 W. Main Street.

At the Planning Commission meeting of April 21, 2021, the Planning Commission reviewed the vacation for consistency with the City's General Plan and found, by unanimous vote of those present, that the proposed vacation does not conflict with any General Plan policies, text, or maps, and is, therefore, consistent with the General Plan.

Recommendation

City Staff believes this easement is no longer needed and should be abandoned to give the property owners full use of their property. Staff is recommending the adoption of the Resolution at Attachment 4 to set a public hearing for June 21, 2021, to vacate the northern portion of the Arbor Walkway easement as described above.

IMPACT ON CITY RESOURCES

The approval of the requested vacation would not result in any impacts on City resources.

ATTACHMENTS

1. Location Map
2. Legal Description

3. Parcel Map
4. Draft City Council Resolution 2021-33

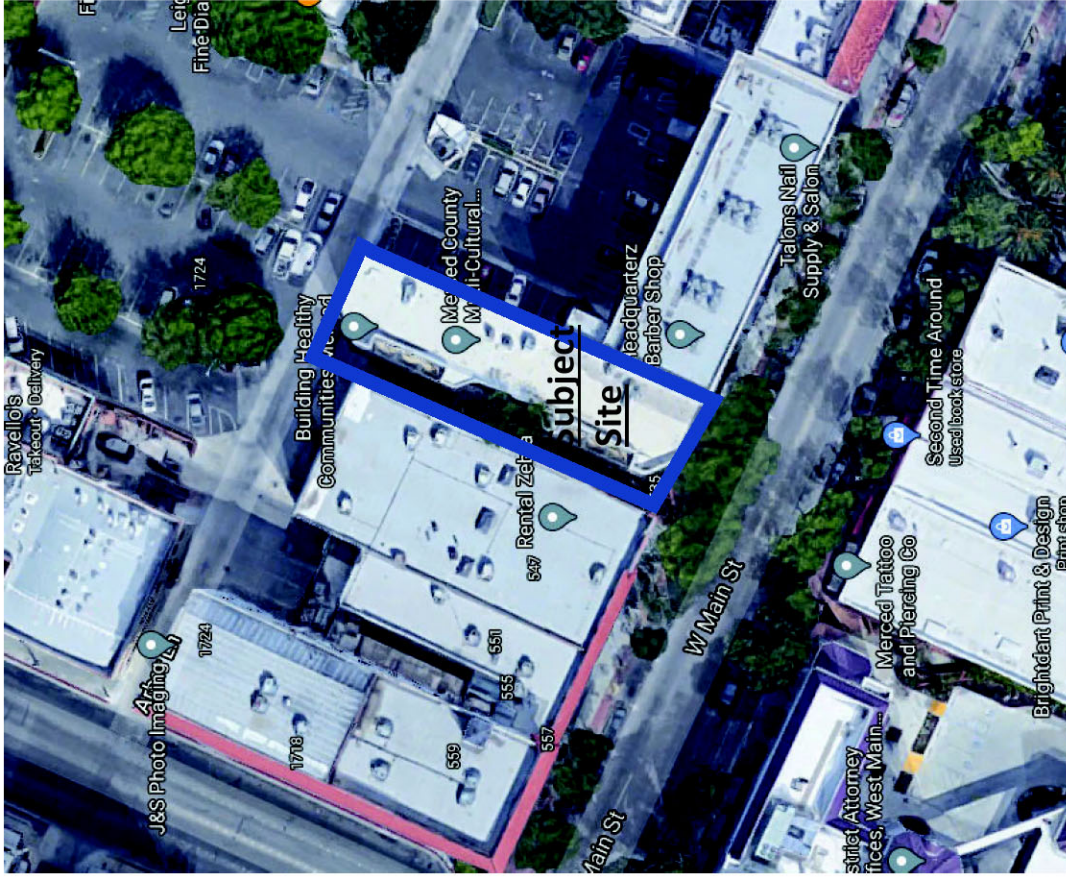


EXHIBIT A

LEGAL DESCRIPTION

Real property in the City of Merced, County of Merced, State of California, described as follows:

That portion of Lot 11 and Lot 12 in Block 163 according to that certain map entitled, "SUPPLEMENATL MAP TO TOWN OF MERCED, " recorded March 4, 1889, in Book 1 of Maps, Page 12, and now appears in Book 2 of Maps, Page 12, Merced County Records, described as follows:

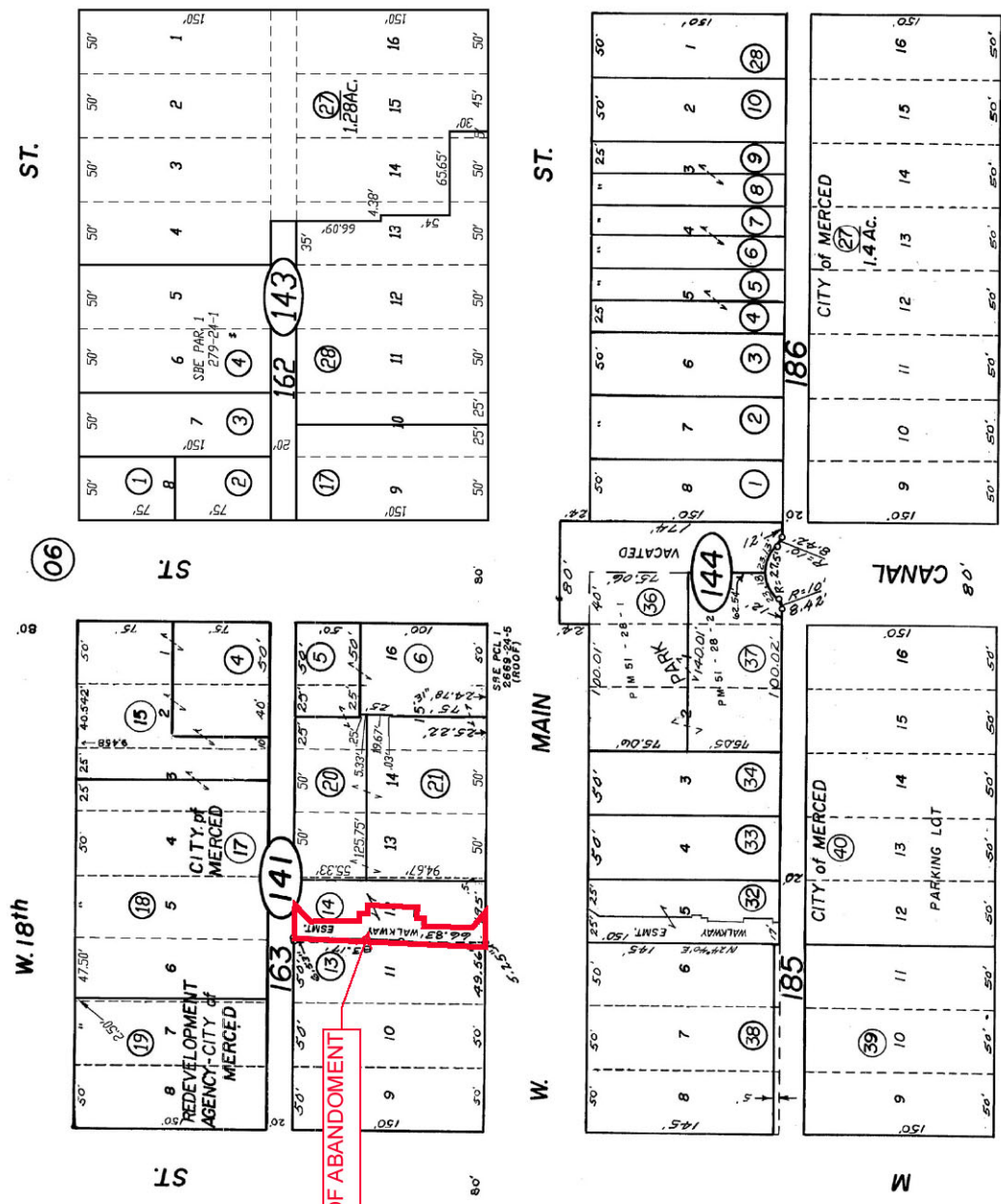
Beginning at the most westerly corner of said Lot 12; thence N65°20'W, along the southwesterly line of said Lot 11, a distance of five and one-quarter inches; thence N25°02'30"E, for 150.00 feet to a point on the northeasterly line of said Lot 12 that is S65°20'E, for 6.53 inches from the most northerly corner of said Lot 12; thence S65°20'E, for 24.83 feet along the northeasterly line of said Lot 12; thence S69°29'55"W, for 16.97 feet; thence S24°29'55"W, for 38.00 feet; thence S65°30'05"E, for 6.00 feet; thence S24°29'55"W, for 6.00 feet; thence S65°30'05"E, for 6.00 feet; thence S24°29'55"W, for 38.00 feet; thence N 65°30'05"W, for 6.00 feet; thence S24°29'55"W, for 6.00 feet; thence N65°30'05"W, for 6.00 feet; thence S24°29'55"W, for 38.00 feet; thence S20°30'05"E, for 16.97 feet to a point on the southwesterly line of said Lot 12; thence N65°20'W, for 25.81 feet to the place of beginning.

— NOTE —
 This map is for Assessment purposes only.
 It is not to be construed as portraying
 legal ownership or divisions of land for
 purposes of zoning or subdivision law.

TOWN OF MERCED
 R.M. Vol.2 Pg.12
POR. SEC.30, T.7S., R.14E., M.D.B.&M.

Tax Rate Area 5-49
 5-50

31-14



REVISOR
 5/65
 11/73
 12/76
 2/80
 12-28-05

CITY OF MERCED
 Assessor's Map Bk.31 -Pg.14
 County of Merced, Calif.

NOTE—Assessor's Block Numbers shown in Ellipses
 Assessor's Parcel Numbers shown in Circles

1956

RESOLUTION NO. 2021-_____

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA,
DECLARING ITS INTENTION TO VACATE THE
ARBOR WALKWAY NORTH EASEMENT
(APPROXIMATELY 2,800 SQUARE FEET)
WHICH WOULD REVERT DEVELOPMENT
RIGHTS BACK TO ADJACENT PROPERTY
OWNER OF 531 W. MAIN STREET (VACATION
#21-03) AND SETTING TIME AND PLACE FOR
PUBLIC HEARING**

WHEREAS, the City Engineer of the City of Merced has recommended that the hereinafter described area is 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 the area 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 Arbor Walkway North easement (approximately 2,800 square feet) which would revert development rights back to the adjacent property owner of 531 W. Main Street, generally located at the north side of Main Street, approximately 145 feet east of M Street (Vacation #21-03) , as described in Exhibit A and shown at Exhibit B, 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.

SECTION 3. June 21, 2021, 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.

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 the area, 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.

SECTION 5. The City Clerk is directed to cause a copy of this Resolution to be published once each week for two successive weeks prior to the public hearing in the official newspaper.

PASSED AND ADOPTED by the City Council of the City of Merced at a regular meeting held on the ____ day of _____ 2021, by the following vote:

AYES: Council Members:

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

APPROVED:

Mayor

ATTEST:
STEPHANIE R. DIETZ, CITY CLERK

BY: _____
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:

 Pruce A. Miller 4/21/21
City Attorney Date

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