

RESOLUTION NO. 2023-_____

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA,
DECLARING ITS INTENTION TO VACATE A
PORTION OF RIGHT-OF-WAY ON THE SOUTH
SIDE OF MAIN STREET BETWEEN R STREET
AND T STREET AND RESERVING AN
EASEMENT FOR PUBLIC IMPROVEMENTS
(VACATION #23-01 AND #23-02) AND SETTING A
TIME AND PLACE FOR A PUBLIC HEARING**

WHEREAS, the City Engineer of the City of Merced has recommended that the hereinafter described area is unnecessary for prospective public purposes, except as provided for in the reservation of easement hereinafter described; 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 Division 9 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 portion of right-of-way on the south side of Main Street, between R Street and T Street (Vacation #23-01 and #23-02), as described in Exhibit A and shown on Exhibit B for Vacation #23-01, and as described in Exhibit C and shown on Exhibit D for Vacation#23-02, attached hereto and incorporated herein by reference, reserving an easement for City utilities and the right to allow the City to enter upon the easement area for repairs and maintenance as described in Exhibit E, attached hereto and incorporated herein by 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. August 21, 2023, 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 the 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 _____ 2023, 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:


 6-27-23
City Attorney Date

EXHIBIT "A"

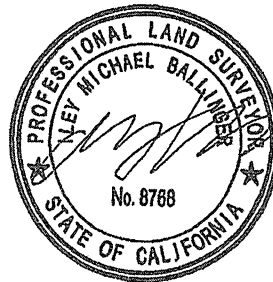
ENCROACHMENT EASEMENT

That portion of Main Street (formerly 17th Street), in the City of Merced, County of Merced, State of California, lying northeasterly of and adjacent to the northeasterly line of Blocks 180 and 181 of Mondo Addition, according to the map thereof recorded October 27, 1947 in Book 11 of Maps, Page 35, Merced County Records, described as follows:

BEGINNING at the most northerly corner of said Block 180; thence South 65° 20' 50" East, along the northeasterly line of said Block 180, a distance of 219.98 feet to the most northerly corner of Parcel A as shown on that certain map entitled Parcel Map for Rhino Holdings I, LLC, filed on October 26, 2020 as Instrument No. 2020039062 in Book 119 of Parcel Maps, at Page 5 through 6 inclusive, Merced County Records, said corner being the TRUE POINT OF BEGINNING; thence

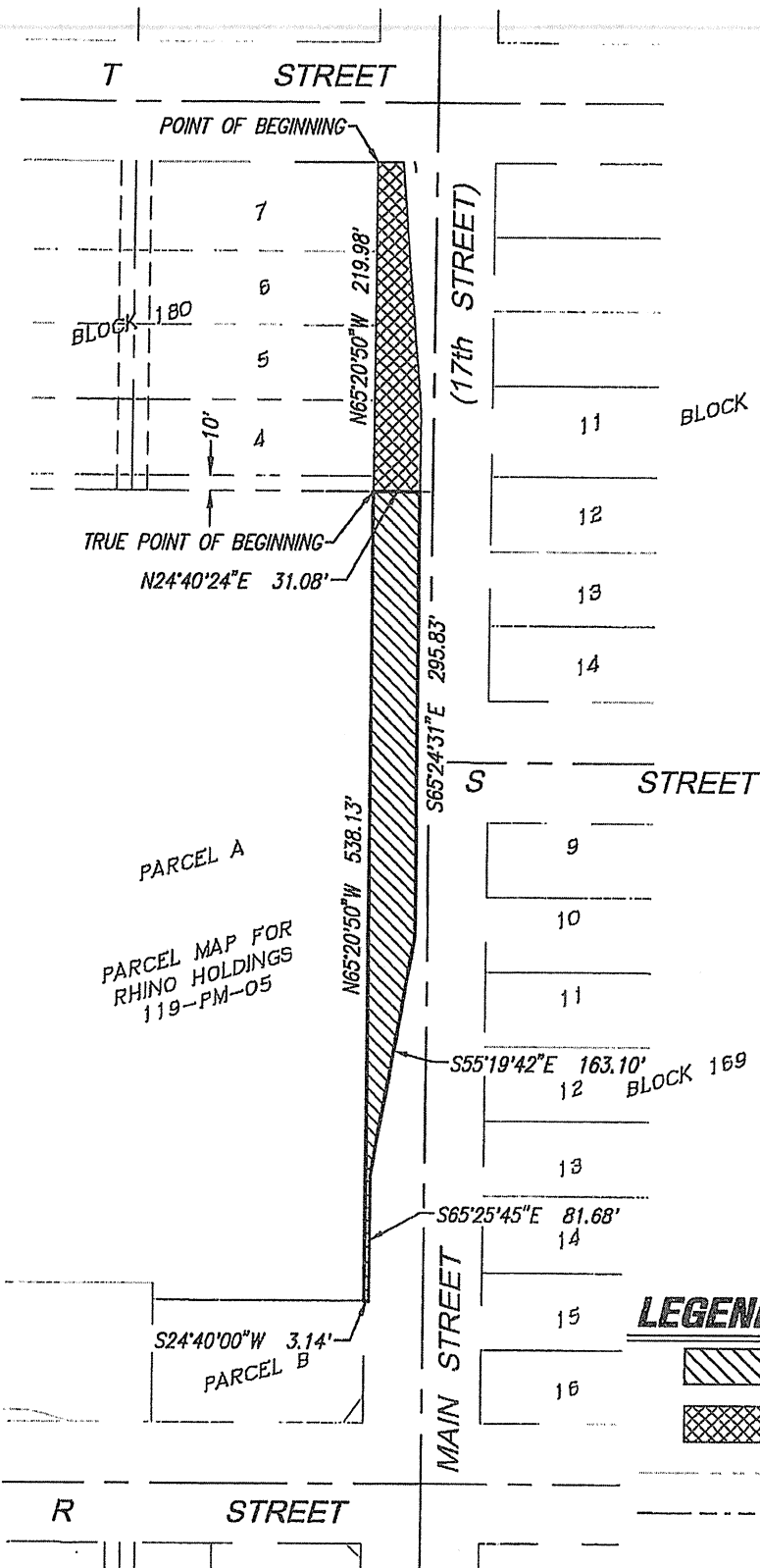
- 1) North 24° 40' 24" East, along the northeasterly prolongation of the northwesterly line of said Parcel A, a distance of 31.08 feet; thence
- 2) South 65° 24' 31" East, a distance of 295.83 feet; thence
- 3) South 55° 19' 42" East, a distance of 163.10 feet; thence
- 4) South 65° 25' 45" East, a distance of 81.68 feet; thence
- 5) South 24° 40' 00" West, a distance of 3.14 feet to the northeast corner of said Parcel A; thence
- 6) North 65° 20' 50" West, along the northeasterly line of said Parcel A, a distance of 538.13 feet to the TRUE POINT OF BEGINNING.

Contains an area of: 12,255 Sq. Ft., more or less.



5-4-2023

EXHIBIT 'B'



PRECISION
CIVIL ENGINEERING, INC.

EXHIBIT MAP

DESCRIPTION:
BEING A PORTION OF MAIN STREET LYING ADJACENT
TO BLOCKS 180 AND 181

PROJECT NAME:

1140 MAIN STREET

03-10-2023

23-095

SHEET

1 OF 1

EXHIBIT "C"

ENCROACHMENT EASEMENT

That portion of Main Street (formerly 17th Street), in the City of Merced, County of Merced, State of California, lying northeasterly of and adjacent to the northeasterly line of Block 180 of Mondo Addition, according to the map thereof recorded October 27, 1947 in Book 11 of Maps, Page 35, Merced County Records, described as follows:

BEGINNING at the most northerly corner of said Block 180; thence

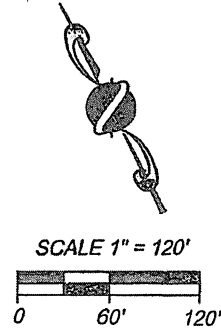
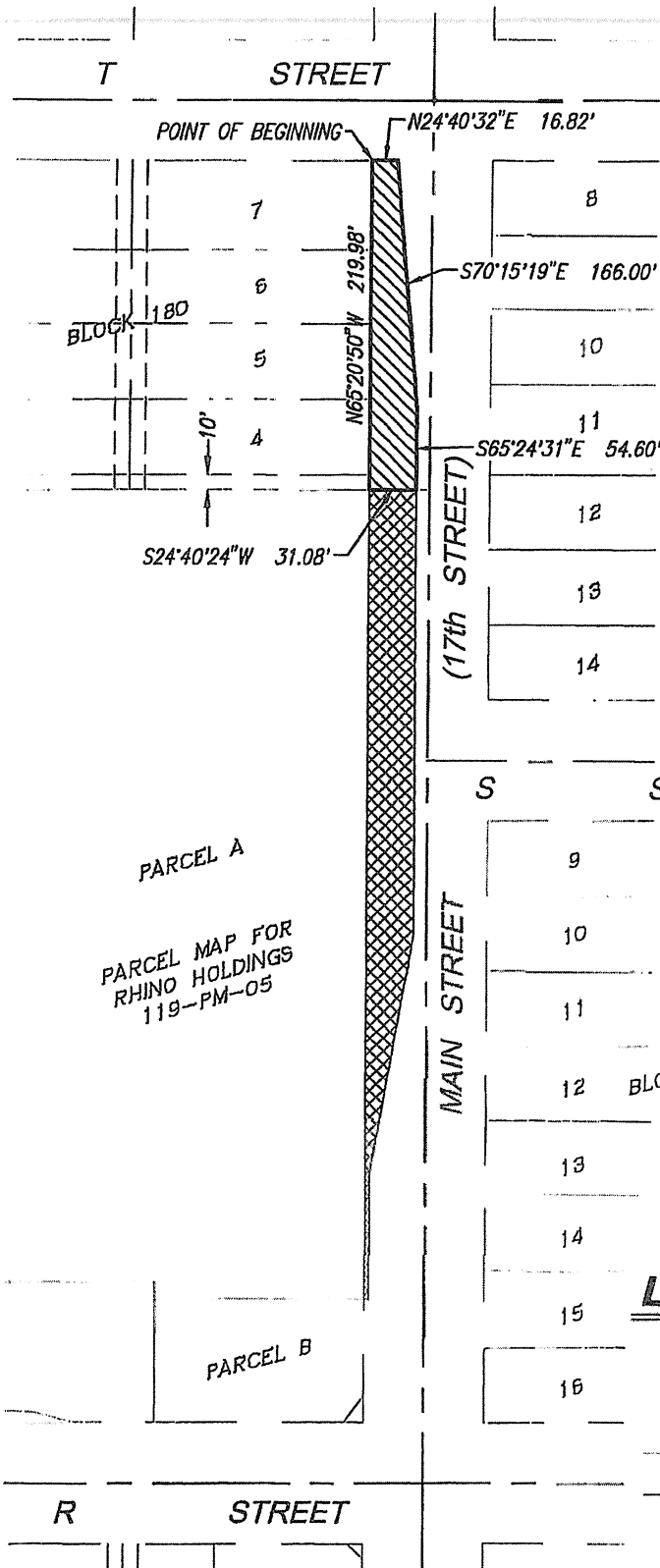
- 1) North 24° 40' 32" East, along the northeasterly prolongation of the northwesterly line of said Block 180, a distance of 16.82 feet; thence
- 2) South 70° 15' 19" East, a distance of 166.00 feet; thence
- 3) South 65° 24' 31" East, a distance of 54.60 feet; thence
- 4) South 24° 40' 24" West, a distance of 31.08 feet; thence
- 5) North 65° 20' 50" West, along the northeasterly line of said Block 180, a distance of 219.98 feet to the POINT OF BEGINNING.

Contains an area of: 5,651 Sq. Ft., more or less.



5-4-2023

EXHIBIT 'D'



5-4-2023

LEGEND



ENCROACHMENT PER THIS DOCUMENT



ENCROACHMENT PER SEPARATE DOCUMENT

PROPERTY LINE

SECTION LINE



EXHIBIT MAP

DESCRIPTION:

BEING A PORTION OF MAIN STREET LYING ADJACENT TO BLOCKS 180 AND 181

PROJECT NAME:

1140 MAIN STREET

03-10-2023

23-095

SHEET

1 OF 1

Exhibit 'E'

The City of Merced reserves and excepts from the vacation of the rights-of-way described in Exhibit A and shown on the map at Exhibit B for Vacation #23-01 and Exhibits C and shown on the map at Exhibit D for Vacation #23-02 the permanent public utility easement and a right at any time, or from time to time, to construct, maintain, operate, replace and remove and renew all public improvements and appurtenant structures, in, upon, over, under and across the easement area, or part thereof, and pursuant to any existing franchise or renewals thereof, or otherwise, to construct, maintain, operate, replace, remove, renew and enlarge lines of pipe, conduits, cables, wires, and other convenient structures, equipment and fixtures for the operation of gas pipe lines, fiber-optic, telegraphic and telephone lines, and for the transportation or distribution of electric energy, petroleum and its products, ammonia, water and incidental purposes, and any other public utilities, including access and the right to keep the property from inflammable material, and wood growth, and otherwise protect the same from all hazards in, upon and over said roadway or parts thereof proposed to be vacated.