

**RESOLUTION NO. 2021-\_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF MERCED, CALIFORNIA  
ORDERING THE VACATION OF 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)**

WHEREAS, by adoption of Resolution No. 2021-33 on May 17, 2021, the City Council declared its intention to consider the vacation of an easement approximately 2,800 square feet, known as the Arbor Walkway easement at 531 W. Main Street, generally located on the north side of Main Street, approximately 145 feet east of M Street (Vacation #21-03), more particularly described in Exhibit “A” and shown on the map at Exhibit “B,” attached hereto and incorporated herein by this reference, and set a public hearing thereon; and

WHEREAS, Resolution No. 2021-33 fixed a time and place for hearing all persons interested in or objecting to the proposed vacation to wit: On Monday, June 21, 2021, at the hour of 6:00 p.m. of said day, in the Council Chambers of the City Council, 678 West 18<sup>th</sup> Street, Merced, California, which said time was not less than fifteen (15) days from the above-mentioned date and passage of Resolution No. 2021-33; and

WHEREAS, Resolution No. 2021-33 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 June 21, 2021, and then was continued to August 2, 2021, September 20, 2021, and November 1, 2021; and

WHEREAS, on June 7, 2021, notices were conspicuously posted along the lines of the property proposed to be vacated, which notices consisted of copies of Resolution No. 2021-33 and,

WHEREAS, the vacation of the dedication as proposed by Resolution No. 2021-33 was submitted to the Planning Commission on April 21, 2021, 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 easement in the City of Merced, as described on Exhibit "A" and shown on Exhibit "B," is unnecessary for present or prospective easement use.

SECTION 2. It is hereby ordered that the irrevocable offer of dedication for public use and any and all interests held by the City concerning the above described property be and the same is hereby 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 8300 *et seq.*

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 \_\_\_\_\_, 2021, by the following called vote:

AYES: Council Members:

NOES: Council Members:

ABSTAIN: Council Members:

ABSENT: Council Members:

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:  
STEPHANIE R. DIETZ, CITY CLERK

BY: \_\_\_\_\_  
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: Kimberly U. Nader 9/9/21  
City Attorney Date

**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.**

**EXHIBIT A**

NOTE - This map is for Assessment purposes only. It is not to be construed as carrying 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  
3/14



CITY OF MERCED  
Assessor's Map Bk. 31 - Pg. 14  
County of Merced, Calif.  
f 956

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

EXHIBIT B

REVISED  
5/65  
11/73  
12/76  
2/80  
12-28-85