



ADMINISTRATIVE REPORT

File #: 21-314

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