

**RESOLUTION NO. 2023-\_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF MERCED, CALIFORNIA,  
DECLARING ITS INTENTION TO VACATE THE  
60-FOOT-WIDE RIGHT-OF-WAY DEDICATED  
FOR STREETS WITHIN PORTICO DRIVE,  
MONTAGE DRIVE, PROMENADE AVENUE,  
COUNTRYSIDE AVENUE, MOSAIC AVENUE,  
AND SAVANNAH AVENUE WITHIN THE PASEO  
SUBDIVISION GENERALLY LOCATED AT THE  
NORTHWEST CORNER OF G STREET AND  
BELLEVUE ROAD (VACATION #22-04) 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 the 60-foot-wide right-of-way for streets within Portico Drive, Montage Drive, Promenade Avenue, Countryside Avenue, Mosaic Avenue, and Savannah Avenue within the Paseo Subdivision generally located at the northwest corner of G Street and Bellevue Road (Vacation #22-04, as described in Exhibit A and shown at Exhibit B, 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 C, 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. March 20, 2023, at the hour of 6:00 p.m. of said day in the Council Chamber of the City Council, 678 West 18<sup>th</sup> 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:

\_\_\_\_\_  
City Attorney      Date      1.30.23

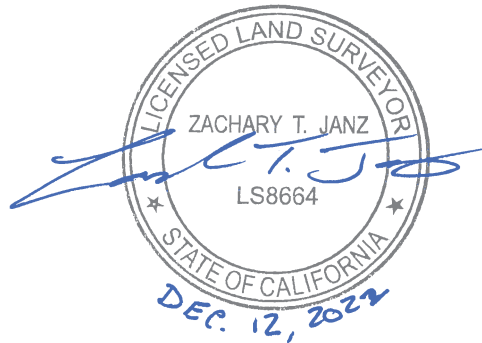
## EXHIBIT 'A'

### Public Road Right-of-Way Vacation Description

All of Portico Drive, Promenade Avenue, Countryside Avenue, Mosaic Avenue, Savannah Avenue, Palisade Avenue, and Montage Drive as shown on that certain map entitled "Paseo", recorded in Volume 76 of Official Plats at Pages 39 through 44, Merced County Records, lying in the Section 31, Township 6 South, Range 14 East, Mount Diablo Base and Meridian, in the City of Merced, County of Merced, State of California.

EXCEPTING THEREFROM that portion of said Portico Drive that lies west of the following described line:

Beginning at a point on the north line of said Portico Drive that lies S 89°56'36" W 23.87 feet from the intersection of said north line with the east line of Lot 97 as shown on said map; thence S 00°03'24" E 60.00 feet to the south line of said Portico drive.





Job No. 21167

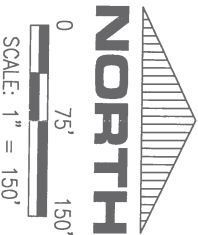
Date: 12/6/2022

**GOLDEN VALLEY**  
ENGINEERING & SURVEYING  
405 W. 19th Street • P.O. Box 349 • Merced, CA 95340  
Phone (209) 722-3200 • Fax (209) 722-3254

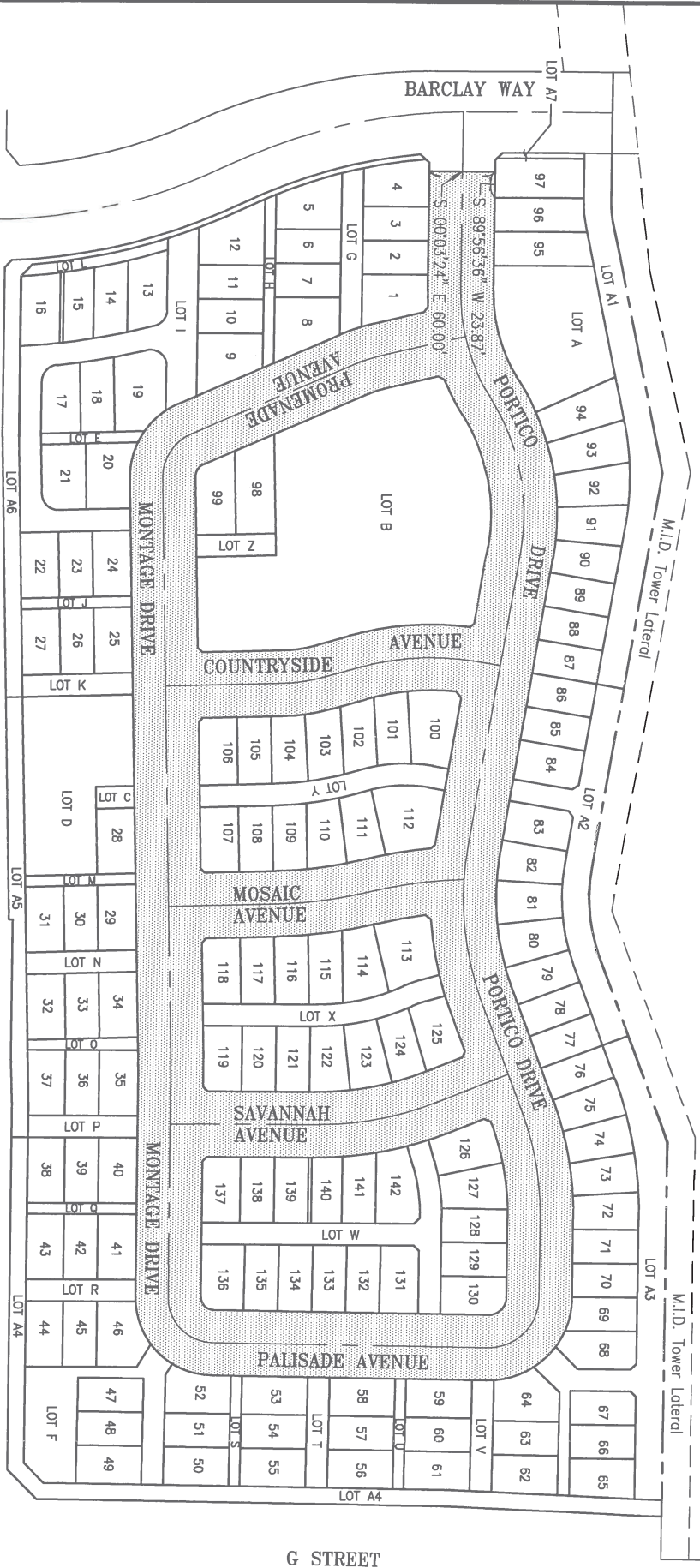


**EXHIBIT 'B'**

Vacation of public road right of way of those roads dedicated on the map entitled "Paseo", recorded in Volume 76 of Official Plats, at Pages 39-44, M.C.R., lying in Section 31, T.6S., R.14E., M.D.B.&M., in the City of Merced, State of California



BELLEVUE ROAD



G STREET

## Exhibit 'C'

The City of Merced reserves and excepts from the vacation of the roadway described in Exhibit A and shown on the map at Exhibit B 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 sanitary sewers and storm drains, and appurtenant structures, in, upon, over, under and across any said roadway, 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.

The permanent public utility easement shall also grant the right of entry in, upon, over and across any said roadway, or part thereof for refuse collection and street sweeping.

The above public utility easement does not include streetlights or the maintenance of such streetlights or any appurtenances thereof.