

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

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

WHEREAS, by adoption of Resolution No. 2023-\_\_ on February 21, 2023, the City Council declared its intention to consider the vacation of the 60-foot-wide right-of-way dedicated for streets within the Paseo Subdivision, and more particularly described in Exhibit A and shown on Exhibit B, attached hereto and incorporated herein by this reference, and set a public hearing thereon; and,

WHEREAS, Resolution No. 2023-11 fixed a time and place for hearing all persons interested in or objecting to the proposed vacation to wit: On Monday, March 20, 2023, 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. 2023-\_\_ ; and,

WHEREAS, Resolution No. 2023-11 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 March 20, 2023; and,

WHEREAS, On February 23, 2023, notices were conspicuously posted along the lines of the property proposed to be vacated, which notices consisted of copies of Resolution No. 2023-11; and,

WHEREAS, the vacation of the dedication as proposed by Resolution No. 2023-11 was submitted to the Planning Commission on February 8, 2023, which found the proposed vacation to be in conformity with the general plan.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCED DOES HEREBY RESOLVE, DETERMINE, FIND, AND ORDER AS FOLLOWS:

SECTION 1. The City Council finds from all of the evidence submitted that the streets within the Paseo Subdivision, as described on Exhibit A and shown on Exhibit B, are unnecessary for present or prospective public use, with the exception of the easement for City utilities and the right to access and enter upon said easement area for repairs and maintenance as described in Exhibit C, attached hereto and incorporated herein by reference.

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 \_\_\_\_ 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:  
Laurie Avedisian-Favini  
Favini \_\_\_\_\_  
City Attorney                      Date

Digitally signed by: Laurie Avedisian-Favini  
DN: CN = Laurie Avedisian-Favini  
email = lfavini@lozanosmith.com  
C = US O = Lozano Smith  
Date: 2023.02.28 15:39:31 -08'00' 2/28/23

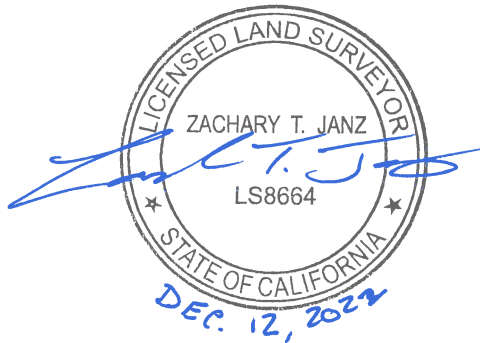
**EXHIBIT 'A'**

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.

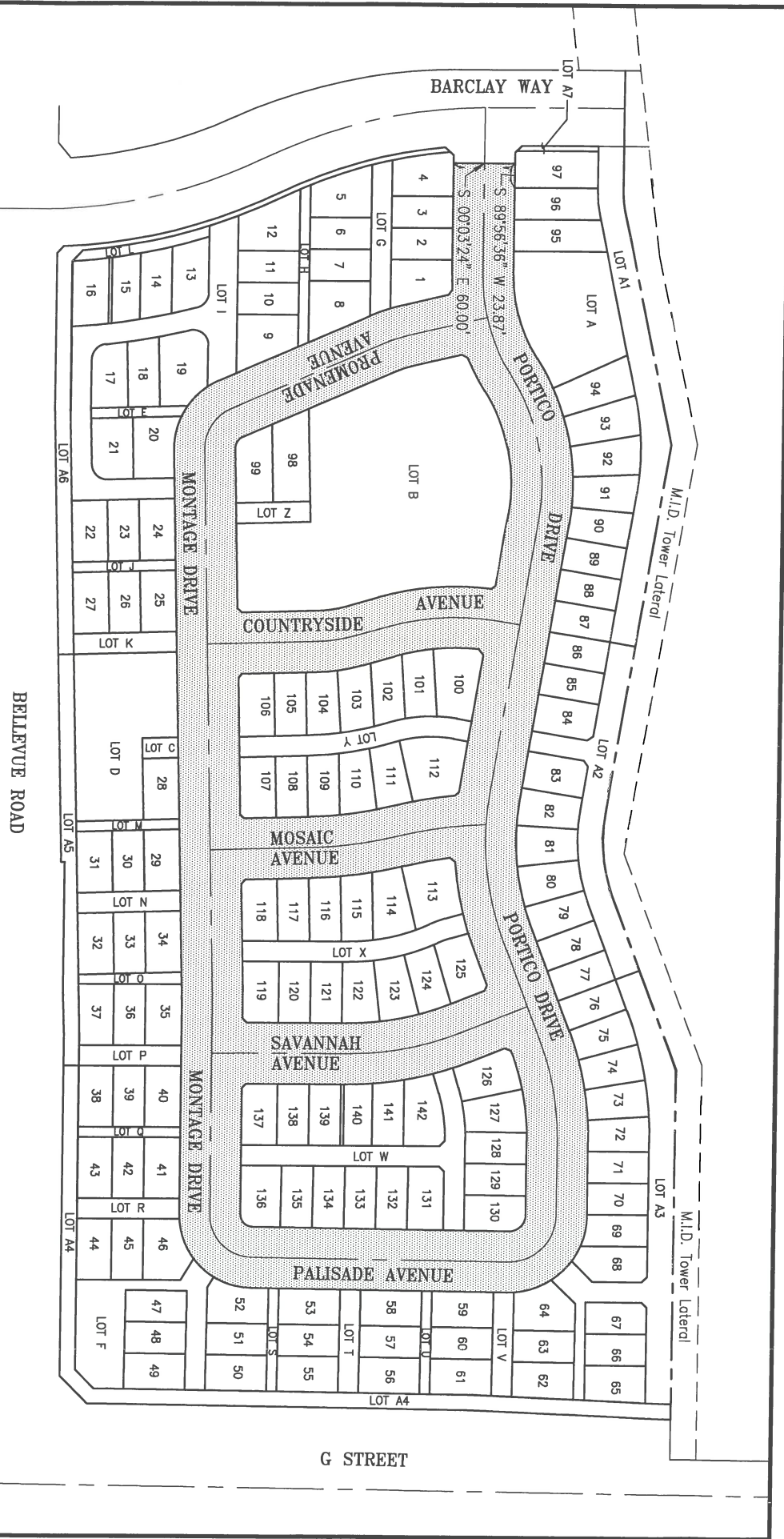
EXCEPTING THEREFROM that portion of said Portico Drive that lies west of the following described line:

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.



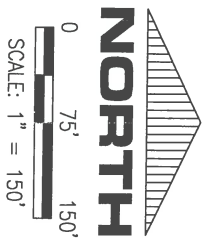
**GOLDEN VALLEY**  
 ENGINEERING & SURVEYING  
 405 W. 18th Street • P.O. Box 349 • Merced, CA 95340  
 Phone (209) 722-3200 • Fax (209) 722-3254

Job No. 21167  
 Date: 12/6/2022



**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



## 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.