

**RESOLUTION NO. 2018- 75**

**A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF MERCED, CALIFORNIA,  
DECLARING ITS INTENTION TO VACATE A 20-  
FOOT WIDE TEMPORARY ACCESS EASEMENT  
ON 7 LOTS WITHIN THE SUMMER CREEK  
PHASE ONE SUBDIVISION (VACATION #18-03)  
AND SETTING TIME AND PLACE FOR PUBLIC  
HEARING**

WHEREAS, the City Engineer of the City of Merced has recommended that the hereinafter described portion of public right-of-way is unnecessary for prospective public purposes; and

WHEREAS, the City Engineer has filed maps or plans with the City Clerk of the City of Merced showing the portion of the public right-of-way 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 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 20-foot wide temporary access easement along the northern property line of Lots 5, 6, 7, 17, 18 and 29, and along the southeastern property line of Lot 130 within the Summer Creek Phase One Subdivision, as described in Exhibits "A" and "A-1" and shown on the map at Exhibits "B" and "B-1" attached hereto and incorporated herein by this 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 and reservation.

SECTION 3. December 17, 2018, 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 hearing not less than three (3) notices of vacation of a portion of public right-of-way, 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 19th day of November 2018, by the following vote:

AYES: 7

Council Members: BELLUOMINI, BLAKE, MARTINEZ,  
MCLEOD, MURPHY, PEDROZO, SERRATTO

NOES:0

Council Members: NONE

ABSENT:0

Council Members: NONE

ABSTAIN:0

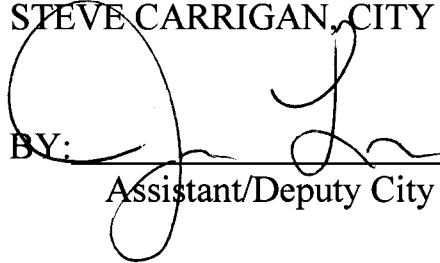
Council Members: NONE

APPROVED:



Mayor


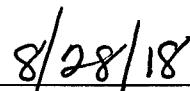
ATTEST:  
STEVE CARRIGAN, CITY CLERK

BY:   
Assistant/Deputy City Clerk

(SEAL)



APPROVED AS TO FORM:

   
City Attorney Date

**EXHIBIT 'A'**

**Legal Description for**

**Abandonment of 20' Wide Temporary Emergency Access Easement  
Summer Creek Phase 1 (A.P.N. 008-391-005, 006, 007, 017, 018 and 029)**

The north 20.00 feet of Lots 5, 6, 7, 17, 18 and 29 as shown on the map of Summer Creek Phase 1 filed in Book 62 of Official Plats, at Pages 43 through 47, inclusive, Merced County Records, lying in Section 16, Township 7 South, Range 14 East, Mount Diablo Base and Meridian, in the City of Merced, County of Merced, State of California.

This real property description was prepared by me or under my direction, in conformance with the Professional Land Surveyors Act.



Sean Harp 5/1/2018  
Sean Harp, P.L.S. 7823 Date

**EXHIBIT A-1**

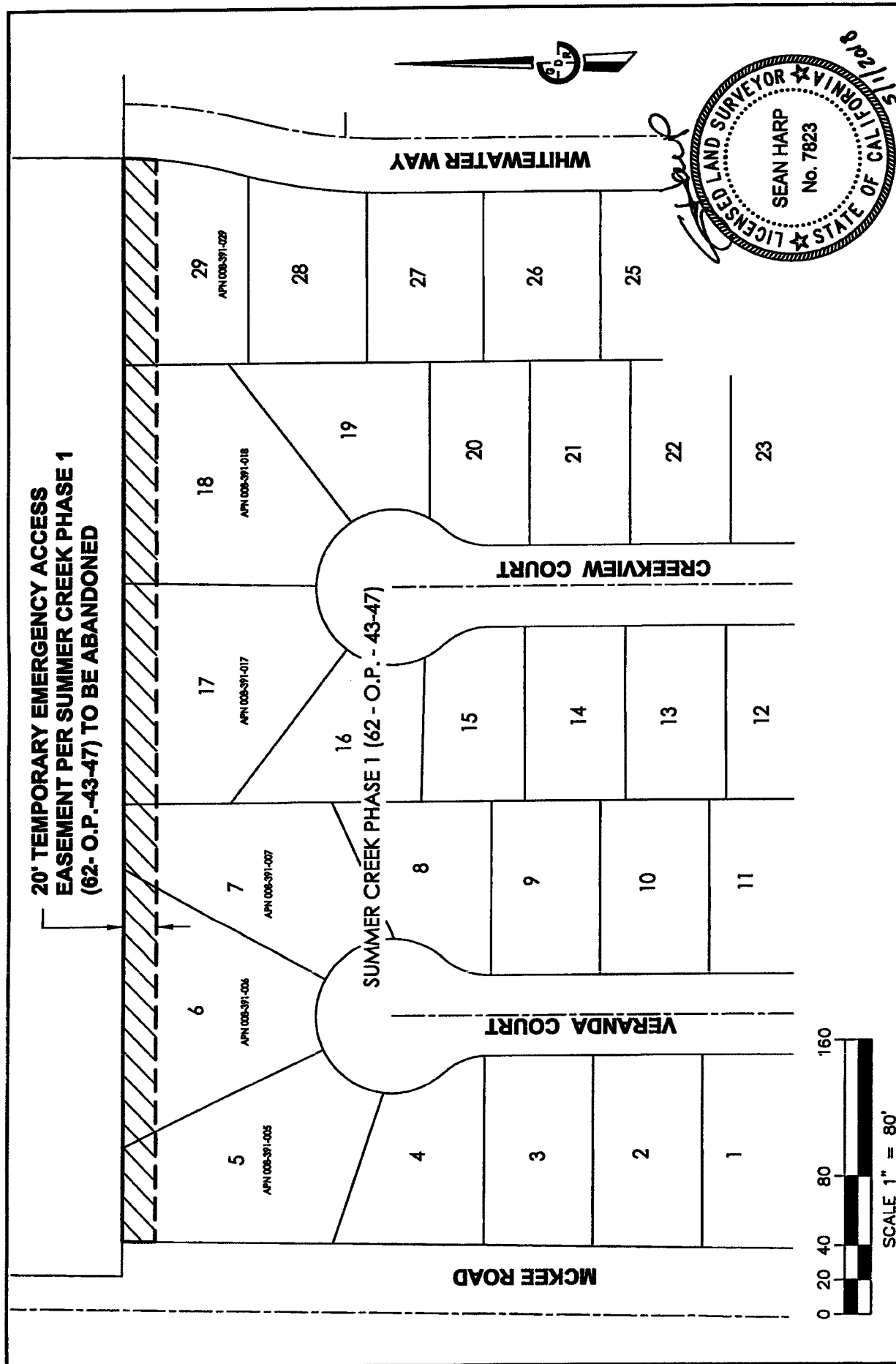
**Legal Description for  
Abandonment of 20' Wide Temporary Access Easement  
Summer Creek Phase 1 (A.P.N. 008-403-004)**

The southeasterly 20.00 feet of Lot 130 as shown on the map of Summer Creek Phase 1 filed in Book 62 of Official Plats, at Pages 43 through 47, inclusive, Merced County Records, lying in Section 16, Township 7 South, Range 14 East, Mount Diablo Base and Meridian, in the City of Merced, County of Merced, State of California.

This real property description was prepared by me or under my direction, in conformance with the Professional Land Surveyors Act.



Sean Harp 5/1/2018  
Sean Harp, P.L.S. 7823 Date

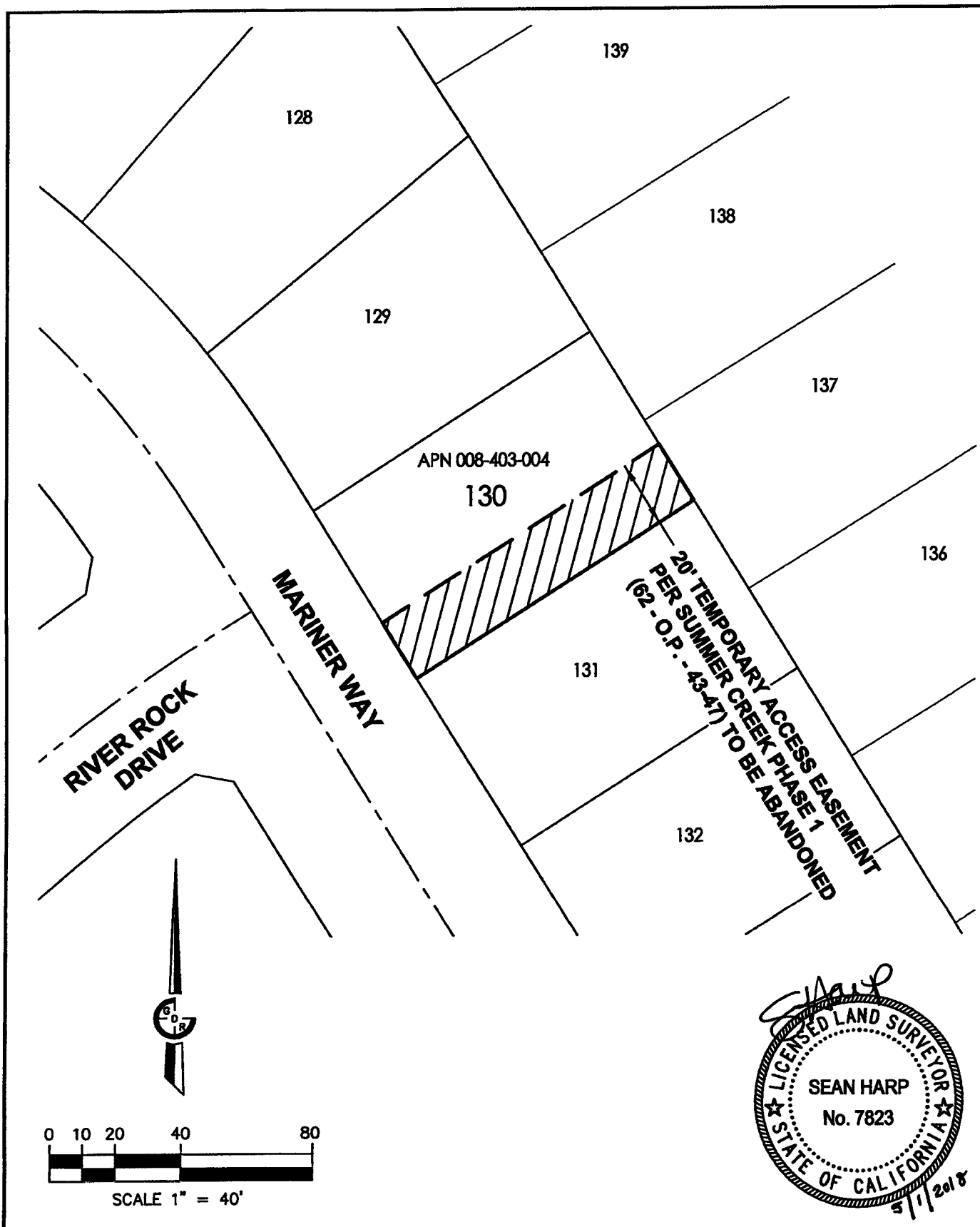


**ABANDONMENT OF TEMPORARY EMERGENCY  
ACCESS EASEMENT FOR SUMMER CREEK PHASE 1**  
CITY OF MERCED, COUNTY OF MERCED, CALIFORNIA



**GDR ENGINEERING, Inc.**  
ENGINEERING/SURVEYING/PLANNING  
3525 Mitchell Road, Ste. G, Carls, CA 95307  
PH: (209) 538-3360  
[www.gdrengeering.com](http://www.gdrengeering.com)

JOB NO.:18022  
APRIL, 2018  
SHEET 1 OF 1



**GDR ENGINEERING, Inc.**  
ENGINEERING/SURVEYING/PLANNING  
3325 Mitchell Road, Ste. G, Ceres, CA 95307  
PH: (209) 538-3360  
www.gdrengineering.com

**ABANDONMENT OF TEMPORARY ACCESS  
EASEMENT FOR SUMMER CREEK PHASE 1**  
CITY OF MERCED, COUNTY OF MERCED, CALIFORNIA

JOB NO.: 18022

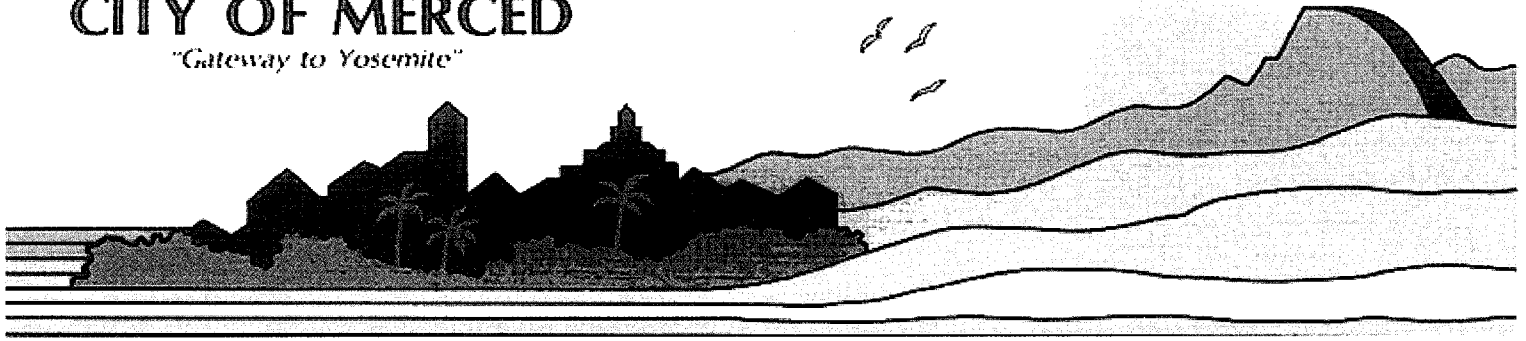
APRIL, 2018

SHEET 1 OF 1

**EXHIBIT B-1**

# CITY OF MERCED

*"Gateway to Yosemite"*



## CITY CLERK'S CERTIFICATE

I, STEVEN S. CARRIGAN, City Clerk of the City of Merced, California, do hereby certify that the attached document, entitled:

### RESOLUTION 2018-75

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MERCED, CALIFORNIA, DECLARING ITS INTENTION TO VACATE A 20-FOOT WIDE TEMPORARY ACCESS EASEMENT ON 7 LOTS WITHIN THE SUMMER CREEK PHASE ONE SUBDIVISION (VACATION #18-03) AND SETTING TIME AND PLACE FOR PUBLIC HEARING

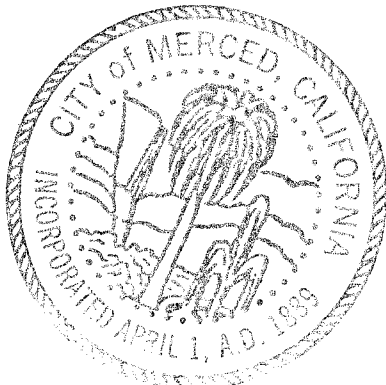
is a true and correct copy of the original on file in the Office of the Merced City Clerk, Merced, California.

DATED: November 20, 2018

STEVEN S. CARRIGAN, CITY CLERK

BY: \_\_\_\_\_

JENNIFER LEVESQUE  
Deputy City Clerk





# CITY OF MERCED

"Gateway to Yosemite"



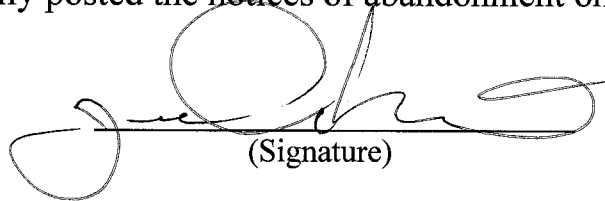
678 West 18<sup>th</sup> Street, Merced, California 95340

Engineering Dept. Phone No.: (209) 385-6846

## CERTIFICATE OF POSTING

This document is to certify that **Joe Cardoso**, an employee of the City of Merced, being duly sworn, deposes and states:

Under the directions as set forth in **Section 4 of Resolution No. 2018-75**, City of Merced Records, I personally posted the notices of abandonment on November 27, 2018.



(Signature)

## ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Merced

On November 27, 2018, before me, Dawn Mendonca,  
a Notary Public, Personally appeared Joe Cardoso

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Dawn Mendonca  
Notary Public

(seal)

