

**RESOLUTION NO. 2019-\_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF MERCED, CALIFORNIA  
ORDERING THE VACATION OF AN  
IRREVOCABLE OFFER OF DEDICATION  
FOR PUBLIC USE AND ANY AND ALL  
INTERESTS HELD BY THE CITY  
CONCERNING LOT A OF THE TUSCANY  
EAST SUBDIVISION, GENERALLY  
LOCATED AT THE SOUTHEAST CORNER  
OF MERCED AVENUE AND SABLE  
STREET (VACATION #19-01)**

WHEREAS, by adoption of Resolution No. 2019-11 on April 1, 2019, the City Council declared its intention to consider the vacation of an irrevocable offer of dedication for public use and any and all interests held by the city concerning a lot in the City of Merced, consisting of a 0.18-acre lot known as Lot A of the Tuscany East subdivision, generally located at the southeast corner of Merced Avenue and Sable Street (Vacation #19-01), and more particularly described in Exhibit A and shown in Exhibit B, attached hereto and incorporated herein by this reference, and set a public hearing thereon; and

WHEREAS, Resolution No. 2019-11 fixed a time and place for hearing all persons interested in or objecting to the proposed vacation to wit: On Monday, May 6, 2019, 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. 2019-11; and

WHEREAS, Resolution No. 2019-11 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 May 6, 2019; and

WHEREAS, On April 3, 2019, notices were conspicuously posted along the lines of the property proposed to be vacated, which notices consisted of copies of Resolution No. 2019-11; and

WHEREAS, the vacation of the dedication as proposed by Resolution No. 2019-11 was submitted to the Planning Commission on March 20, 2019, 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 irrevocable offer of dedication for public purposes, to wit: for Public Facilities and Ground Water Treatment, for Lot A of the Tuscany East subdivision, generally located at the southeast corner of Merced Avenue and Sable Street in the City of Merced, as described on Exhibit A and shown on Exhibit B, is unnecessary for present or prospective public 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 \_\_\_\_\_, 2019, by the following called vote:

AYES: Council Members:

NOES: Council Members:

ABSTAIN: Council Members:

ABSENT: Council Members:

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:  
STEVE CARRIGAN, CITY CLERK

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

(SEAL)

APPROVED AS TO FORM:

BY: Kelly Fincher 5-1-19  
City Attorney Date