

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

**A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF MERCED, CALIFORNIA,  
DECLARING ITS INTENTION TO ABANDON A  
PORTION OF MISSION AVENUE, BETWEEN  
COFFEE STREET AND STATE HIGHWAY 99  
[APPROXIMATELY 400 FEET LONG]  
(VACATION #18-01) 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 portion of Mission Avenue (the full right-of-way), between Coffee Street and State Highway 99 [approximately 400 feet long] (Vacation #18-01), as described in Exhibit "A" and shown in Exhibit "B" 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. June 17, 2019, 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 two (2) notices of vacation of a portion of public right-of-way, conspicuously along the lines of said portion of the public lot 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 \_\_\_\_\_ 2019, by the following vote:

AYES: Council Members:

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

APPROVED:

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Mayor

ATTEST:  
STEVE CARRIGAN, CITY CLERK

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

(SEAL)

APPROVED AS TO FORM:

Kelly Emmer 5-9-19  
City Attorney      Date

## **EXHIBIT A**

### **SUMMARY VACATION OF EXCESS RIGHT OF WAY AND EASEMENTS ALONG MISSION AVENUE BETWEEN COFFEE STREET AND STATE HIGHWAY 99**

#### **LEGAL DESCRIPTION**

All that certain real property being portions of Mission Avenue as shown on the Map of Merced Colony, recorded in Volume 4 of Official Plats at Page 24, Merced County Records, lying in the southeast quarter of Section 33, Township 7 South, Range 14 East, Mount Diablo Base and Meridian, as shown on the Map of Smith's Merced Tract recorded in Volume 5 of Official Plats at Page 4, Merced County Records, lying in the northeast quarter of Section 4, Township 8 South, Range 14 East, Mount Diablo Base and Meridian, as shown on the Parcel Map for L. J. Steiner, LLC recorded in Volume 99 of Parcel Maps at Pages 25-27, Merced County Records, lying in the southeast quarter of Section 33, Township 7 South, Range 14 East, Mount Diablo Base and Meridian and Record of Survey for Department of Transportation recorded Volume 49 of Record of Surveys at Pages 45-50, Merced County Records, in the City of Merced and the County of Merced, State of California, described as follows:

**COMMENCING** at the southeast corner of said Section 33, thence along the south line of said Section 33 and the center line of Mission Avenue as shown on said Map of Smith's Merced Tract, North 89° 57' 17" West a distance of 55.00' to the **TRUE POINT OF BEGINNING** of this description; thence to a point on the south line of Mission Avenue as shown on said Map of Smith's Merced Tract, South 0° 15' 23" East a distance of 30.00'; thence along the south line of said Mission Avenue to point on the east line of State Highway 99, North 89° 57' 17" West a distance of 379.09'; thence along the east line of State Highway 99 to the southwest corner of Parcel 4 of said Parcel Map for L. J. Steiner, LLC, North 20° 42' 03" West a distance of 71.65'; thence along the south line of said Parcel 4 to the southerly southeast corner of said Parcel 4, South 89° 57' 17" East a distance of 391.97'; thence along the southeasterly diagonal line of said Parcel 4, North 44° 53' 52" East a distance of 12.90'; thence to the **TRUE POINT OF BEGINNING**, South 0° 15' 23" East a distance of 46.15'.

Containing 26,078 square feet, more or less.

As shown on Exhibit B attached hereto.

Subject to rights of record, if any.

All that certain easements defined as Public Utility Easement, Landscaping Strip Easement, Tree Planting Easement and Sidewalk Easement, 5.486 in width, northerly and adjacent to the south line of Parcel 4 as shown on the Parcel Map for L. J. Steiner, LLC recorded in Volume 99 of Parcel Maps at Pages 25-27, Merced County Records, lying in the southeast quarter of Section 33, Township 7 South, Range 14 East, Mount Diablo Base and Meridian, in the City of Merced and the County of Merced, State of California, described as follows:

**COMMENCING** at the southeast corner of said Section 33, thence along the south line of said Section 33 and the center line of Mission Avenue as shown on the Map of Smith's Merced Tract recorded in Volume 5 of Official Plats at Page 4, Merced County Records, North 89° 57' 17" West a distance of 55.00'; thence to the **TRUE POINT OF BEGINNING** of this description, a point on the southeasterly diagonal line of said Parcel 4 of said Parcel Map for L. J. Steiner, LLC, North 0° 15' 23" West a distance of 46.15'; thence along the southeast diagonal line of said Parcel 4 to the southerly southeast corner of said Parcel 4 and a point on the north line of Mission Avenue, South 44° 53' 52" West a distance of

12.90'; thence along the south line of said Parcel 4 to the southwest corner of said Parcel 4 and a point on the east line of State Highway 99, North 89° 57' 17" West a distance of 391.97'; thence along the west line of said Parcel 4 and the east line of State Highway 99, North 20° 42' 03" West a distance of 19.25'; thence parallel and offset 18.00' northerly with the south line of said Parcel 4, South 89° 57' 17" East a distance of 391.31'; thence along a diagonal parallel and offset 18.00' northwesterly with the southeast diagonal of said Parcel 4 to a point on the west line of 18.00' wide easements as shown as shown on said Parcel 4, North 44° 53' 52" East a distance of 23.32'; thence to the **TRUE POINT OF BEGINNING**, along the west line extension of said 18.00' wide easement as shown on said Parcel Map for L. J. Steiner, LLC, South 0° 15' 23" East a distance of 25.39'.

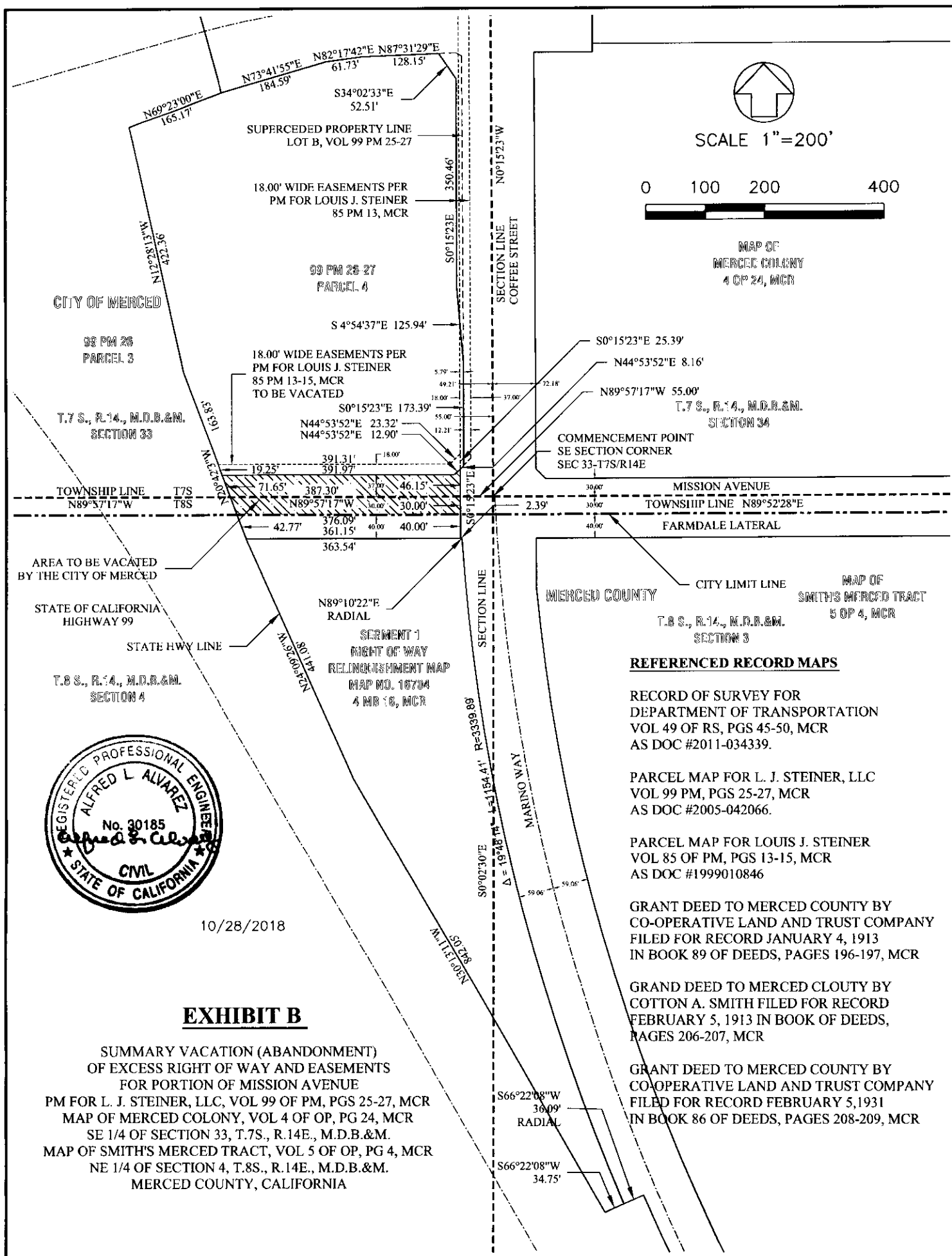
Containing 7,375 square feet, more or less.

As shown on Exhibit B attached hereto.

Subject to rights of record, if any.



REV 10/28/2018



10/28/2018

## EXHIBIT B

SUMMARY VACATION (ABANDONMENT)  
OF EXCESS RIGHT OF WAY AND EASEMENTS  
FOR PORTION OF MISSION AVENUE  
PM FOR L. J. STEINER, LLC, VOL 99 OF PM, PGS 25-27, MCR  
MAP OF MERCED COLONY, VOL 4 OF OP, PG 24, MCR  
SE 1/4 OF SECTION 33, T.7S., R.14E., M.D.B.&M.  
MAP OF SMITH'S MERCED TRACT, VOL 5 OF OP, PG 4, MCR  
NE 1/4 OF SECTION 4, T.8S., R.14E., M.D.B.&M.  
MERCED COUNTY, CALIFORNIA