

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

**A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF MERCED, CALIFORNIA  
ORDERING THE VACATION OF A  
PORTION OF MISSION AVENUE,  
BETWEEN COFFEE STREET AND STATE  
HIGHWAY 99 [APPROXIMATELY 400 FEET  
LONG] (VACATION #18-01)**

WHEREAS, by adoption of Resolution No. 2019-24 on May 20, 2019, the City Council declared its intention to consider the vacation of a portion of a public right-of-way in the City of Merced, consisting of a portion of Mission Avenue, between Coffee Street and State Highway 99 [approximately 400 feet long] (Vacation #18-01), 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. 2019-24 fixed a time and place for hearing all persons interested in or objecting to the proposed vacation to wit: On Monday, May 20, 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. 2019-24; and

WHEREAS, Resolution No. 2019-24 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 June 17, 2019; and

WHEREAS, On May 22, 2019, notices were conspicuously posted along the lines of the property proposed to be vacated, which notices consisted of copies of Resolution No. 2019-24; and

WHEREAS, the vacation of the dedication as proposed by Resolution No. 2019-24 was submitted to the Planning Commission on April 3, 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 public right-of-way in the City of Merced, as described on Exhibit A and shown on Exhibit B, is unnecessary for present or prospective public right-of-way 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: Frederic A. Miller 6-5-17  
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 Book 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 Book 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 North 89° 57' 17" West 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, a distance of 55.00 feet to the **TRUE POINT OF BEGINNING** of this description; thence South 0° 15' 23" East to a point on the south line of Mission Avenue as shown on said Map of Smith's Merced Tract, a distance of 30.00 feet; thence North 89° 57' 17" West along the south line of said Mission Avenue to point on the east line of State Highway 99 as shown on said Record of Survey for Department of Transportation, a distance of 379.09 feet; thence North 20° 42' 03" West along the east line of State Highway 99 as shown on said Record of Survey for Department of Transportation to the southwest corner of Parcel 4 of said Parcel Map for L. J. Steiner, LLC, a distance of 71.65 feet; thence South 89° 57' 17" East along the south line of said Parcel 4 to the southerly southeast corner of said Parcel 4, a distance of 391.97 feet; thence North 44° 53' 52" East along the southeasterly diagonal line of said Parcel 4, a distance of 12.90 feet; thence South 0° 15' 23" East to the **TRUE POINT OF BEGINNING**, a distance of 46.15 feet.

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, 18.00 feet 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 North 89° 57' 17" West 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, a distance of 55.00 feet; thence North 0° 15' 23" West 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, a distance of

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

Containing 7,375 square feet, more or less.

As shown on Exhibit B attached hereto.

Subject to rights of record, if any.



REV 6/3/2019



SCALE 1"=200'

0 100 200 400

MAP OF  
MERCED COLONY  
4 OP 24, MCR

CITY OF MERCED

99 PM 26  
PARCEL 3

T.7 S., R.14., M.D.B.&M.  
SECTION 33

TOWNSHIP LINE  
N89°57'17"W

AREA TO BE VACATED  
BY THE CITY OF MERCED

STATE OF CALIFORNIA  
HIGHWAY 99

T.8 S., R.14., M.D.B.&M.  
SECTION 4



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

N73°41'55"E 184.59'  
N82°17'42"E N87°31'29"E 61.73' 128.15'  
S34°02'33"E 52.51'

SUPERCEDED PROPERTY LINE  
LOT B, VOL 99 PM 25-27

18.00' WIDE EASEMENTS PER  
PM FOR LOUIS J. STEINER  
85 PM 13, MCR

99 PM 26-27  
PARCEL 4

S 4°54'37"E 125.94'

18.00' WIDE EASEMENTS PER  
PM FOR LOUIS J. STEINER  
85 PM 13-15, MCR  
TO BE VACATED

S0°15'23"E 173.39'  
N44°53'52"E 23.32'  
N44°53'52"E 12.90'

19.25' 391.31' 18.00'  
71.65' 387.30' 37.00' 46.15'  
N89°57'17"W 30.00' 30.00'  
42.77' 376.09' 40.00' 40.00'  
363.54'

N89°10'22"E  
RADIAL

SEGMENT 1  
RIGHT OF WAY  
RELINQUISHMENT MAP  
MAP NO. 16704  
4 MB 16, MCR

SECTION LINE  
COFFEE STREET

S0°15'23"E 25.39'

N44°53'52"E 8.16'

N89°57'17"W 55.00'

T.7 S., R.14., M.D.B.&M.  
SECTION 34

COMMENCEMENT POINT  
SE SECTION CORNER  
SEC 33-T7S/R14E

MISSION AVENUE  
TOWNSHIP LINE N89°52'28"E

FARMDALE LATERAL

MERCED COUNTY

T.8 S., R.14., M.D.B.&M.  
SECTION 3

MAP OF  
SMITH'S MERCED TRACT  
5 OF 4, MCR

### REFERENCED RECORD MAPS

RECORD OF SURVEY FOR  
DEPARTMENT OF TRANSPORTATION  
VOL 49 OF RS, PGS 45-50, MCR  
AS DOC #2011-034339.

PARCEL MAP FOR L. J. STEINER, LLC  
VOL 99 PM, PGS 25-27, MCR  
AS DOC #2005-042066.

PARCEL MAP FOR LOUIS J. STEINER  
VOL 85 OF PM, PGS 13-15, MCR  
AS DOC #1999010846

GRANT DEED TO MERCED COUNTY BY  
CO-OPERATIVE LAND AND TRUST COMPANY  
FILED FOR RECORD JANUARY 4, 1913  
IN BOOK 89 OF DEEDS, PAGES 196-197, MCR

GRANT DEED TO MERCED CLOUTY BY  
COTTON A. SMITH FILED FOR RECORD  
FEBRUARY 5, 1913 IN BOOK OF DEEDS,  
PAGES 206-207, MCR

GRANT DEED TO MERCED COUNTY BY  
CO-OPERATIVE LAND AND TRUST COMPANY  
FILED FOR RECORD FEBRUARY 5, 1913  
IN BOOK 86 OF DEEDS, PAGES 208-209, MCR

SECTION LINE  
MARINO WAY

S0°02'30"E  
Δ = 19°48'14" L=1154.41' R=3339.89'

S66°22'08"W  
36.09'  
RADIAL

S66°22'08"W  
34.75'