

RESOLUTION NO. 2019-_____

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MERCED, CALIFORNIA
ORDERING THE VACATION OF A 20-
FOOT-WIDE TEMPORARY EMERGENCY
ACCESS EASEMENT ON LOT 137 WITHIN
SUMMER CREEK, PHASE TWO
SUBDIVISION (VACATION #19-02)**

WHEREAS, by adoption of Resolution No. 2019-66 on October 21, 2019, the City Council declared its intention to consider the vacation of a 20-foot-wide temporary emergency access easement on Lot 137 within Summer Creek, Phase Two Subdivision, as described in Exhibit "A" and shown on the map at Exhibit "B," attached hereto; and

WHEREAS, Resolution No. 2019-66 fixed a time and place for hearing all persons interested in or objecting to the proposed vacation to wit: On Monday, November 18, 2019, at the hour of 6:00 p.m. of said day, in the Council Chambers of the City Council, 678 West 18th Street, Merced, California, which said time was not less than fifteen (15) days from the above-mentioned date and passage of Resolution No. 2019-66; and

WHEREAS, Resolution No. 2019-66 was published in the manner prescribed by Section 8320 of the Streets and Highways Code of the State of California; and

WHEREAS, on October 24, 2019, notices were conspicuously posted along the lines of the property proposed to be vacated, not more than three hundred (300) feet apart, which notices consisted of copies of Resolution No. 2019-66 and,

WHEREAS, the vacation of the public right-of-way as proposed by Resolution No. 2019-66 was submitted to the Planning Commission on June 5, 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 temporary emergency access easement for Lot 137 as described in Exhibit "A" and shown on the map at Exhibit "B," is unnecessary for emergency vehicle access.

SECTION 2. It is hereby ordered that the temporary emergency access easement for Lot 137 within Summer Creek, Phase Two Subdivision lying within the above described territory be and the same is hereby abandoned and 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 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:  _____
City Attorney Date 10/6/19

EXHIBIT 'A'
Legal Description for
Abandonment of 20' Wide Temporary Access Easement
Summer Creek Phase 2 (A.P.N. 008-450-005)

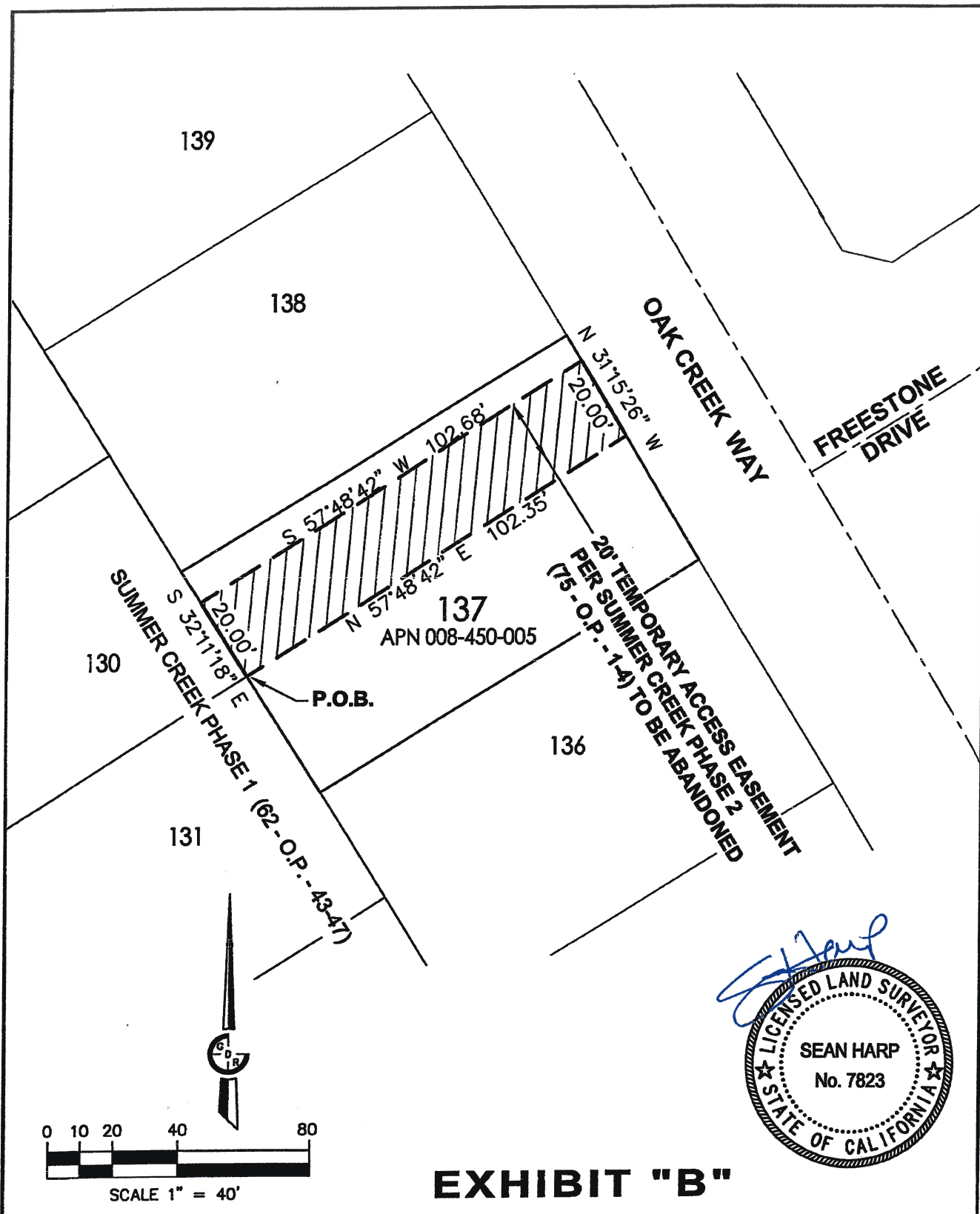
Being that certain 20-foot wide Temporary Access Easement lying within the boundaries of Lot 137 as shown on the map of Summer Creek Phase 2 filed in Book 75 of Official Plats, at Pages 1 through 4, inclusive, Merced County Records, lying in Section 16, Township 7 South, Range 14 East, Mount Diablo Base and Meridian, in the City of Merced, County of Merced, State of California, more particularly described as follows:


Beginning at the southwesterly corner of said Temporary Access Easement, also being the southeasterly corner 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; thence along the southeasterly line of said easement, North 57°48'42" East, 102.68 feet to the northeasterly line of said Lot 137; thence along said northeasterly line, North 31°15'26" West, 20.00 feet; thence along the northwesterly line of said easement, South 57°48'42" West, 102.68 feet; thence along the southwesterly line of said Lot 137, South 32°11'18" East, 20.00 feet to the point of beginning.

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




Sean Harp, P.L.S. 7823 5/3/2019
Date



 GDR ENGINEERING, Inc. ENGINEERING/SURVEYING/PLANNING 3525 Mitchell Road, Ste. G, Ceres, CA 95307 PH: (209) 538-3360 www.gdrengineering.com	ABANDONMENT OF TEMPORARY ACCESS EASEMENT FOR SUMMER CREEK PHASE 2 CITY OF MERCED, COUNTY OF MERCED, CALIFORNIA	JOB NO.:18022
		5/3/2019
		SHEET 1 OF 1