

RESOLUTION NO. 20- 35

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA,
DECLARING ITS INTENTION TO VACATE A
25-FOOT WIDE ACCESS EASEMENT IN
FOOTHILL DRIVE (EXTENDED), A 25-FOOT
WIDE TEMPORARY ACCESS EASEMENT
ALONG THE EAST SIDE OF G STREET AT
FOOTHILL DRIVE (EXTENDED) AND A 15-FOOT
WIDE ROAD RIGHT-OF-WAY CONSISTING OF
APPROXIMATELY 1,432 SQUARE FEET
LOCATED APPROXIMATELY 1,100 FEET EAST
OF G STREET, NORTH OF MERRILL PLACE
(EXTENDED) (VACATION #20-02) AND SETTING
TIME AND PLACE FOR PUBLIC HEARING**

WHEREAS, the City Engineer of the City of Merced has recommended that the hereinafter described easements are 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 easements 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 25-foot wide access easement in Foothill Drive (extended), a 25-foot wide access easement northwest of Foothill Drive, a 25-foot wide access easement along the east side of G Street at Foothill Drive (extended), and a 15-foot wide road right-of-way consisting of approximately 1,432 square feet, located approximately 1,100 feet east of G Street, north of Merrill Place (extended), as described in Exhibits A through F, 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. August 3, 2020, at the hour of 6:00 p.m. of said day in the Council Chamber of the City Council, 678 West 18th 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.

Pursuant to Governor Newsom's Executive Order N-29-20, this meeting may be conducted by teleconference and there would be no in-person public access to the meeting location. However, if the Governor's order has been lifted by the date of the public hearing, the meeting will not be held via teleconference and you would be able to attend the meeting in the City Council Chambers at 678 W. 18th Street.

If you wish to submit your public comment to the City Council electronically you may do so as long as your comments are received no later than 3 PM on the day of the meeting. Comments received before the deadline will be read as part of the record. Material may be emailed to cityclerk@cityofmerced.org and should be limited to 500 words or less. Please specify which portion of the agenda you are commenting on, i.e. item # or Oral Communications. Your comments will be read to the City Council at the appropriate time. Any correspondence received during or after the meeting will be distributed to the City Council and retained for the official record.

You may provide telephonic comments via voicemail by calling (209) 388-8688 by no later than 3:00 PM on the day of the meeting to be added to the public comment. Voicemails will be limited to a time limit of three (3) minutes. Please specify which portion of the agenda you are commenting on, i.e. item # or Oral Communications. Your comments will be read to the City Council at the appropriate time.

To view video or listen to the City Council meeting live, go to the City's website www.cityofmerced.org, Facebook Live, or Comcast Public Access Channel 96.

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, 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 6th day of July 2020, by the following vote:

AYES: 6

Council Members: BLAKE, MARTINEZ, MCLEOD,
MURPHY, SERRATTO, SHELTON

NOES: 0

Council Members: NONE


ABSENT: 1

Council Members: ECHEVARRIA

ABSTAIN: 0

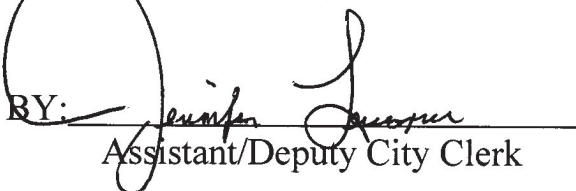
Council Members: NONE

APPROVED:


Mayor

ATTEST:

STEVE CARRIGAN, CITY CLERK

BY: 
Assistant/Deputy City Clerk

(SEAL)



APPROVED AS TO FORM:

Shueha Q. Noh 6-23-2020
City Attorney Date

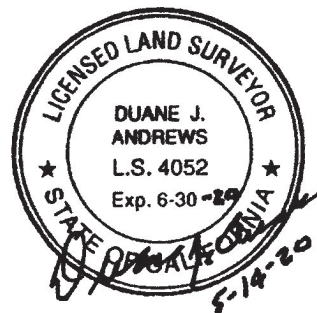
EXHIBIT "A"
Easement Abandonment From
City of Merced to
Exposition Properties, LLC &
Leeco, LLC

DESCRIPTION

All that certain easement, being a 25.00-foot-wide Access Easement as described in Document 2007-028180, Merced County records, in Section 5, Township 7 South, Range 4 East. M. D. B. & M., the south line of said being more particularly described as follows:

Commencing at the northwest corner of said Parcel 1; thence S.00°41'46"W., a distance of 384.01 feet to the point of BEGINNING, thence N.89°48'22"E., a distance of 1046.72 feet to the beginning of a tangent curve to the left, thence northeasterly 403.08 feet along said curve, being concave to the northwest, having a radius of 537.00 feet and a central angle of 43°00'26", thence N.46°47'56"E., along a tangent line a distance of 282.75 feet to a point on the southwesterly line of a future city park and the end of this description.

Said Easement Abandonment Containing
43,074 Square Feet more or less



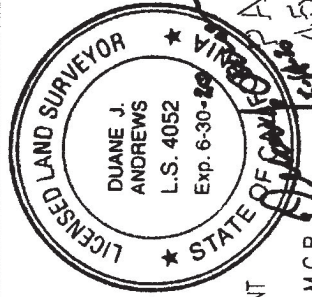


EXHIBIT 'B'

CITY OF MERCED
OWNED PARK AREA
GRANT DEED DOC.#
2007-025323, M.C.R.

POINT OF COMMENCEMENT
NORTHWEST CORNER
PARCEL 1; 97 P.M. 15, M.C.R.

VACATE THE ENTIRE
EASEMENT PER DOC.
NO. 2007-028180, M.C.R.

13 R.S. 39

PARCEL 1
154.45 P.M. 16

PARCEL 1
118 P.M. 3

PARCEL 2
118 P.M. 3

PARCEL 4
118 P.M. 3

PARCEL 3
118 P.M. 3

97 P.M. 15

PARCEL 2
97 P.M. 15

STREET
S 00°41'46" W 384.01'

PARCEL 1

FOOTHILL

DRIVE

DRIVE

PALISADES

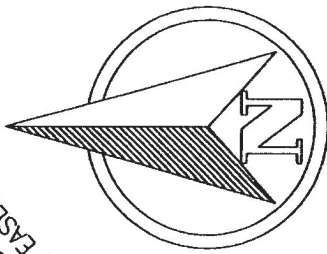
N 89°48'22" E 1046.72'

POINT OF BEGINNING

4°43'00.26"
R=537.00'
L=403.08'

N 46°47'56" E
282.75'

75' WIDE
POWERLINE EASEMENT



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Job No. 18065 Date: 3/9/2020

EXHIBIT 'B'

Relinquishment of 25 foot Access Easement as described in Document No.
2007-028180, M.C.R., lying in Section 5, T.7S., R.14E., M.D.B.&M., in the
City of Merced, County of Merced, State of California

EXHIBIT 'C'

ACCESS EASEMENT RELINQUISHMENT

LEGAL DESCRIPTION

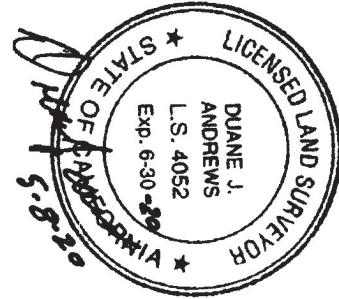
All that certain real property being a portion of a 25.00 foot wide temporary access easement, situate in a portion of Section 5, Township 7 South, Range 14 East, Mount Diablo Base and Meridian, as described in Document No. 2004-082784, M.C.R., and affecting Parcel 4 as shown on that certain "Parcel Map for Exposition Properties, LLC & LEECO, LLC" filed for record in Volume 118, of Parcel Maps at Page 3, Merced County Records, in the County of Merced, State of California, described as follows:

Commencing at the Northwest corner of Parcel 1 as filed in Book 97 of Parcel Maps, at Page 17, Merced County Records, thence S.00°41'46" W., along the west line of said Parcel 1, a distance of 337.27 feet to the TRUE POINT OF BEGINNING; thence leaving said west line S.89°18'14" E., a distance of 25.00 feet; thence S.00°41'46" W. parallel with said West line a distance of 448.94 feet to a point on the South line of said Parcel 1, said point also being on the south line of said Parcel 4, thence N.89°52'37" E., along said South line a distance of 25.00 feet, to the Southeast corner of said Parcel 1, thence N.00°41'46" E., along said West line of said Parcel 1 a distance of 449.30 feet to the point of beginning.

Containing: 11,229 sq. ft., more or less.



PARCEL 1
45 P.M. 16



PARCEL 1

PARCEL 1
118 P.M. 3

POINT OF COMMENCEMENT
NORTHWEST CORNER
PARCEL 1; 97 P.M. 15, M.C.R.

337.27'

S 89°18'14" E
25.00'

POINT OF BEGINNING

S 00°41'46" W 786.59'

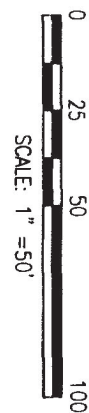
FOOTHILL DRIVE

449.30'

S 00°41'46" W 448.94'

PARCEL 4
118 P.M. 3

97 P.M. 15



PARCEL 2
97 P.M. 15

S 89°52'37" W
25.00'

STREET

'G'

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Job No. 18065

Date: 3/9/2020

EXHIBIT 'D'

Relinquishment of 25 foot Access Easement as described in Document No.
2004-082784, M.C.R., lying in Section 5, T.7S., R.14E., M.D.B.&M., in the
City of Merced, County of Merced, State of California

EXHIBIT 'E'
Right of way Relinquishment

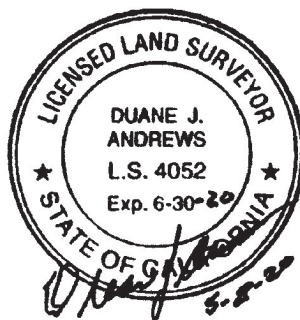
LEGAL DESCRIPTION

A relinquishment of road right of way being a portion of Parcel 4 as shown on "Parcel Map for Benber Property" recorded in Book 97 of Parcel Maps at Pages 15, Merced County Records, and a portion of that real property as described in Grant Deed Document No. 2017-021033, Merced County Records, lying in Section 5, Township 7 South, Range 14 East, Mount Diablo Base and Meridian, in the City of Merced, County of Merced, State of California, being more particularly described as follows:

Commencing at the southwest corner of Parcel 4 as shown on said map; thence N. 55°33'30" E., along the northwesterly line to said Parcel 4, a distance of 65.63 feet to the TRUE POINT OF BEGINNING, said point being on the prolongation of the northerly line of 37 foot right of way per said Grant Deed; thence N. 55°33'30" E., along northwesterly line of said Parcel 4, a distance of 26.61 feet; thence leaving said northwesterly line parallel with the south line of said Parcel N. 89°52'37" E., a distance of 77.46 feet; thence S. 43°19'55" E., a distance of 20.58 feet to a point on the northerly line of the 37 foot right of way dedicated in said Grant Deed; thence S. 89°52'37" W., parallel with and 37 feet distant northerly from said south west line of said Parcel, a distance of 113.52 feet to the point of beginning.

Road Right of way relinquishment containing 1,432 Square Feet, more or less.

March 2020



J.N. 17067

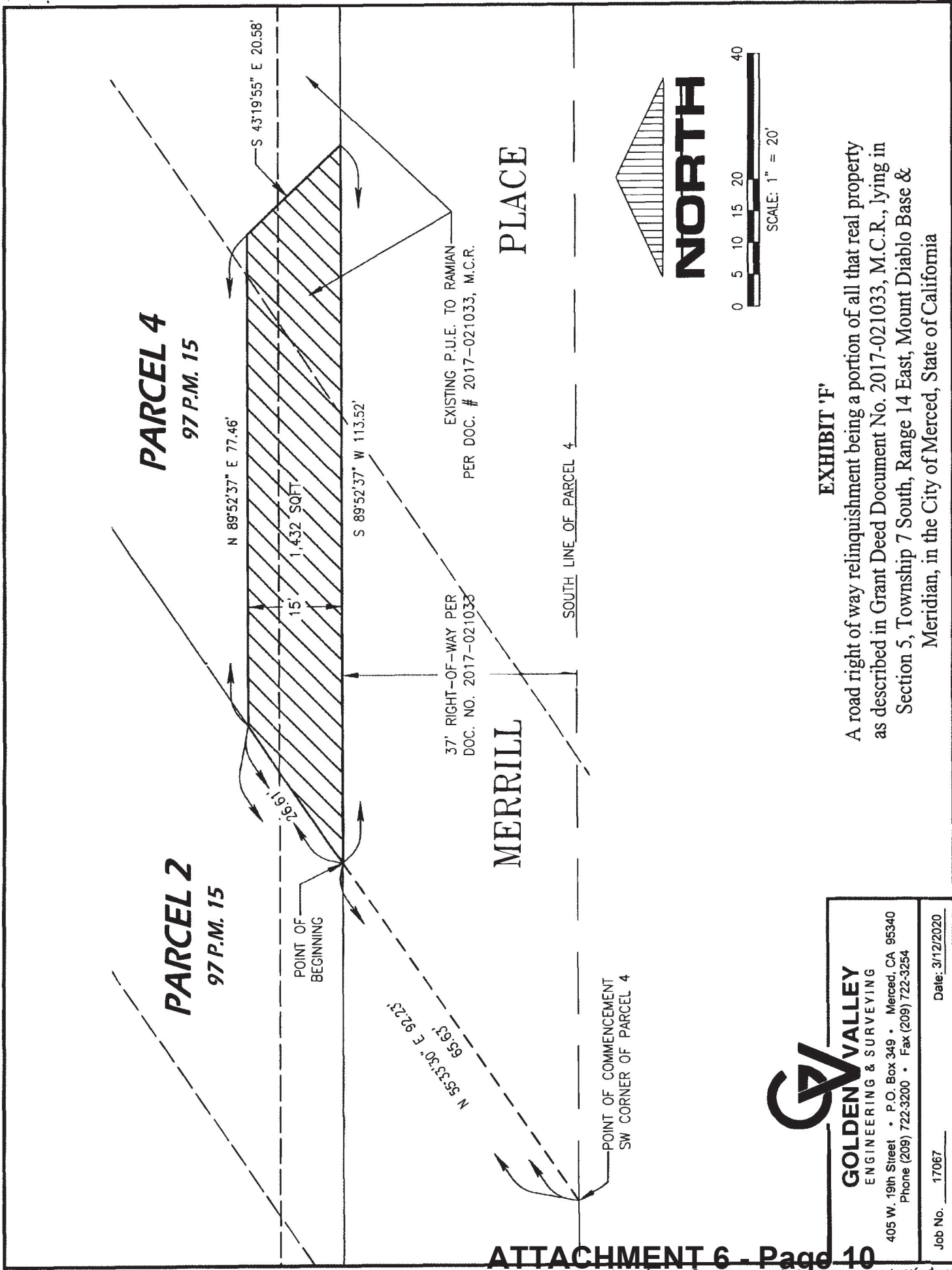


EXHIBIT 'F'

A road right of way relinquishment being a portion of all that real property as described in Grant Deed Document No. 2017-021033, M.C.R., lying in Section 5, Township 7 South, Range 14 East, Mount Diablo Base & Meridian, in the City of Merced, State of California



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Job No. 17067 Date: 3/12/2020