

RESOLUTION NO. 2020-_____

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA
ORDERING THE VACATION OF A 908-
SQUARE-FOOT SEWER LIFT STATION
EASEMENT, A 908-SQUARE-FOOT
TEMPORARY CONSTRUCTION EASEMENT,
AND A 2,791-SQUARE-FOOT PUBLIC
UTILITIES EASEMENT GENERALLY
LOCATED ON THE WEST END OF THE
PROPERTY LOCATED AT 1610 WEST 16TH
STREET (VACATION #20-01)**

WHEREAS, by adoption of Resolution No. 2020-17 on April 20, 2020, the City Council declared its intention to consider the vacation of , a 908-square-foot sewer lift station easement, a 980-square-foot temporary construction easement, and a 2,791-square-foot public utilities easement generally located at the west end of the parcel located at 1610 West 16th Street (also known as Assessor's Parcel Number: 031-352-027) as described in Exhibits A & B and shown on the map at Exhibit C; and

WHEREAS, Resolution No. 2020-17 fixed a time and place for hearing all persons interested in or objecting to the proposed vacation to wit: On Monday, May 18, 2020, 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. 2020-17; and

WHEREAS, Resolution No. 2020-17 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 was held on May 18, 2020, and was continued to June 1, 2020, at which time the public hearing was held and continued to July 20, 2020, at which time the public hearing was held and continued to August 17, 2020; and

WHEREAS, On April 21, 2020, 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. 2020-17 and

WHEREAS, the vacation of the public right-of-way as proposed by Resolution No. 2020-17 was submitted to the Planning Commission on May 6, 2020, 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 easements in the City of Merced, as described in Exhibits A and B, and shown on the map at Exhibit C, is unnecessary for present and future Sewer Lift Station location and construction, and public utilities easement.

SECTION 2. It is hereby ordered that the public easements 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 _____, 2020, 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: 7/14/2020
City Attorney Date

EXHIBIT A

An easement for the purposes of a sewer lift station on, over, across and under a circular strip of land 34 foot diameter in width, said strip of land situated in a portion of the Southwest One Quarter (SW ¼) of Section 24, Township 7 South, Range 13 East, M.D.B. & M., City of Merced, County of Merced, State of California, said strip of land also situated in a portion of Grant Deed recorded on February 15, 2005 in Official Records as Document Number 2005-010631, Merced County Records, center of said strip of land being more particularly described as follows:

Commencing at the most westerly corner of Parcel 5, as said Parcel 5 is delineated on that certain map entitled "Parcel Map No. 95-03, Parcel Map for Merced Development Associates" recorded February 14, 1996, in Book 80, of Parcel Maps, at Pages 15-19, Merced County records; thence N77°41'00"E, along the northwesterly line of said Parcel 5, a distance of 56.00 feet; thence leaving said northwesterly line S12°19'00"E, a distance of 41.00 feet to the center of said circular strip of land.

The above-described strip of land contains 908 Sq. Ft., more or less, and is subject to any liens, encumbrances, covenants, restriction, and rights-of-way or easements of record or legally acquired.

TOGETHER WITH a variable width non-exclusive public utility easement, said easement being more particularly described as follows:

BEGINNING at the most westerly corner of said Parcel 5; thence N77°41'00"E, along the northwesterly line of said Parcel 5, a distance of 111.63 feet; thence leaving said northwesterly line, S41°17'27"W, a distance of 52.10 feet to a point, said point being a non-tangent curve on said circular strip of land, concave to the southeast, having a radius of 17.00 feet, to said point a radial bearing bears S41°17'27"W; thence northwesterly along said curve, through a central angle of 210°14'00", an arc distance of 62.38 feet; thence leaving said circular strip of land, S11°03'28"W, a distance of 12.47 feet to a point, said point being on the southerly line of said Parcel 5, said point also being a point on a curve, concave to the northeast, having a radius of 1235.12 feet, to said point a radial bearing bears S42°44'16"W; thence northwesterly along said curve, through a central angle of 2°47'01", an arc distance of 60.01 feet to the POINT OF BEGINNING.

The above-described easement contains 2791 Sq. Ft., more or less, and is subject to any liens, encumbrances, covenants, restriction, and rights-of-way or easements of record or legally acquired.

The above-described strips of land are delineated on Exhibit C, attached hereto, and made a part hereof.

EXHIBIT B

A temporary construction easement for the purpose of constructing a sewer lift station and all its appurtenances, said construction easement being more particularly described as follows:

Commencing at the most westerly corner of said Parcel 5; thence N77°41'00"E, along the northwesterly line of said Parcel 5, a distance of 111.63 feet; thence leaving said northwesterly line, S41°17'27"W, a distance of 30.42 feet to the POINT OF BEGINNING; thence S12°19'00"E, a distance of 50.00 feet; thence S77°41'00"W, a distance of 42.83 feet; thence N11°03'28"E to a point, said point being a non-tangent curve on said circular strip of land, concave to the northwest, having a radius of 17.00 feet, to said point a radial bearing bears N11°03'28"E; thence northeasterly along said curve, through a central angle of 149°46'00", an arc distance of 44.44 feet; thence leaving said circular strip of land, N41°17'27"E, a distance of 21.68 feet to the POINT OF BEGINNING.

The above-described temporary construction easement contains 980 Sq. Ft., more or less, and is subject to any liens, encumbrances, covenants, restriction, and rights-of-way or easements of record or legally acquired.

The above-described temporary construction easement is delineated on Exhibit C, attached hereto, and made a part hereof.

Delta = 0°59'02"
 Rad. = 1235.12'
 Len. = 21.21'
 Tan. = 10.61'

NON-EXCLUSIVE
 PUBLIC UTILITY EASEMENT
 2791 SQ. FT.

Delta = 2°47'01"
 Rad. = 1235.12'
 Len. = 60.01'
 Tan. = 30.01'

17' RADIUS SEWER
 LIFT STATION
 EASEMENT.
 908 SQ. FT.

Delta = 210°14'00"
 Rad. = 17.00'
 Len. = 62.38'

Delta = 149°46'00"
 Rad. = 17.00'
 Len. = 44.44'

TEMPORARY
 CONSTRUCTION EASEMENT
 980 SQ. FT.

Existing 25' P.U.E. and private
 non-exclusive ingress/egress
 easement per Parcel Map Volume 80,
 Pages 15-19, Merced County Records.

Parcel 5

Parcel Map Volume 80, Pages 15-19,
 Merced County Records.

Existing 10' wide PG & E
 easement per 3173 O.R. 811
 Merced County Records

SCALE: 1"=20'



City of Merced
 "Gateway to Yosemite"
 DEVELOPMENT SERVICES
 ENGINEERING PROJECTS AND STANDARDS
 678 W. 18th Street (209) 365-6846

EXHIBIT C

DR. BY	08/20/20
CHECK	2/16/21
DES. BY	D. TOLSON
CHECK	2/16/21
FILE NO.	0004
SCALE	1"=20'