



Legislation Details (With Text)

**File #:** 19-363      **Version:** 1      **Name:**

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**File created:** 6/24/2019      **In control:** City Council/Public Finance and Economic Development Authority/Parking Authority

**On agenda:** 7/15/2019      **Final action:** 7/15/2019

**Title:** SUBJECT: Adoption of Resolution Declaring the Intent to Abandon a Storm Drainage Easement and Street Light Easement at 1368 Griffin Street, Generally Located on the East Side of Griffin Street, Approximately 525 Feet North of McSwain Road, and Setting a Public Hearing for August 19, 2019 (Vacation #19-03)

**REPORT IN BRIEF**

Considers the abandonment of an old storm drainage easement and street light easement at 1368 Griffin Street.

**RECOMMENDATION**

City Council - Adopt a motion adopting Resolution 2019-39, a Resolution of the City Council of the City of Merced, California, declaring its intention to vacate a Storm Drainage Easement and Street Light Easement at 1368 Griffin Street, generally located on the east side of Griffin Street, approximately 525 feet north of McSwain Road (Vacation #19-03), and setting the time and place for a public hearing.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Location Map.pdf, 2. Legal Description.pdf, 3. Parcel Map.pdf, 4. Storm Drain Lines.pdf, 5. Existing Street Light, 6. Draft City Council Resolution #2019-39.pdf

Date	Ver.	Action By	Action	Result
7/15/2019	1	City Council/Public Finance and Economic Development Authority/Parking Authority	approved	Pass

*Report Prepared by: Francisco Mendoza-Gonzalez, Associate Planner, Development Services*

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Light Easement at 1368 Griffin Street, generally located on the east side of Griffin Street, approximately 525 feet north of McSwain Road (Vacation #19-03), and setting the time and place for a public hearing.

## ALTERNATIVES

1. Approve, as recommended by staff; or,
2. Approve, subject to modifications as conditioned by Council; or,
3. Deny based on specific findings; or,
4. Refer back to staff for reconsideration of specific items as requested by Council; or,
5. Continue to a future meeting (date and time to be specified in Council motion).

## AUTHORITY

Part 3, Chapter 3 of the Streets and Highways Code of the State of California authorizes the City Council to vacate a right-of-way or easement. The vacation shall be made by adoption of a resolution pursuant to Section 8335 of the Code, and shall be recorded pursuant to Section 8336. The City of Merced Administrative Policies and Procedures No. A-6 provides direction to staff for processing vacation requests, and City Resolution 86080 establishes a policy concerning costs associated with the vacation.

## CITY COUNCIL PRIORITIES

Not applicable.

## DISCUSSION

### Request

The subject site is a vacant 0.31-acre parcel zoned Low Density Residential (R-1-6) principally reserved for single-family homes (Attachment 1). The applicant is in the process of developing a home on this parcel. However, the old Street Light Easement and Storm Drain Easement prohibit the applicant from constructing any structures within 15 feet of the easements. This results in a significant amount of undevelopable land that makes it difficult for a design professional to design a conventional and practical floor plan for this site.

The old storm drain easement was originally dedicated to Merced County for storm drain purposes when this area was located within Merced County jurisdiction. However, this area is now within the City limits, and the storm drain easement dedication rights have now been transferred to the City. The City's Engineering and Public Works Departments have reviewed this application and have determined that the City does not need the old Storm Drain Easement. The City has installed storm drain utilities around the subject site, within Griffin Street (west of the subject site) and along the Merced Irrigation District (MID) Concrete Lined Canal (north of the subject site), therefore no longer needing the old storm drain easement (see lines drawn at Attachment 4). In addition, MID has indicated that they do not object to vacating this storm drain easement.

The old Street Light Easement was initially intended to allow for power to be drawn from existing telephone/power poles along the eastern property line to power a street light at the end of Griffin Street. However, over the past few decades several lots in this neighborhood have been improved or developed. During that time, several street lights have been installed throughout Griffin Street, including a street light directly across the street from the subject site (Attachment 5). Because there is already a street light at the end Griffin Street, the City has determined that another street light is

not needed and that the old street light easement should be abandoned.

After contacting all utility companies in the area, it was determined that no utilities were located within the Storm Drain Easement, and there are no plans to use the easement in the future. There is a utility pole within the street light easement, but it can be relocated as it is no longer needed for a street light. Therefore, these easements are no longer needed and should be abandoned to give the property owners full use of their property.

### History and Past Actions

At the Planning Commission meeting of June 5, 2019, the Planning Commission reviewed the vacation for consistency with the City's General Plan and found, by unanimous vote of those present, that the proposed vacation does not conflict with any General Plan policies, text, or maps, and is, therefore, consistent with the General Plan.

### Recommendation

Staff is recommending the adoption of the Resolution at Attachment 6 to vacate the storm drainage easement and street light easement as described above.

## **IMPACT ON CITY RESOURCES**

The approval of the requested vacation would not result in any impacts on City resources.

## **ATTACHMENTS**

1. Location Map
2. Legal Description
3. Parcel Map
4. Storm Drain Lines
5. Existing Street Light
6. Draft City Council Resolution #2019-39