



Legislation Text

File #: 17-601, Version: 1

Report Prepared by: Julie Nelson, Associate Planner, Development Services Department

SUBJECT: Vacation #17-02 - Setting a Public Hearing to Vacate a 40-Foot-Wide "Avenue" Generally Located Along the East Property Line of Two Parcels Generally Located at the Northeast Corner of Childs Avenue and Kibby Road and the Southeast Corner of East Highway 140 and Kibby Road

REPORT IN BRIEF

Set a public hearing for February 20, 2018, to vacate a 40-foot-wide "Avenue" on two parcels generally located at the northeast corner of Childs Avenue and Kibby Road and the southeast corner of East Highway 140 and Kibby Road.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2018-03**, a Resolution of the City Council of the City of Merced, California declaring its intention to vacate a 40-foot-wide "Avenue" located along the eastern property line of three parcels generally located at the northeast corner of Childs Avenue and Kibby Road and the southeast corner of East Highway 140 and Kibby Road (Vacation #17-02) setting time and place for public hearing.

ALTERNATIVES

1. Approve as recommended by staff; or,
2. Approve, subject to modifications by the City Council; or,
3. Deny; or,
4. Refer back to staff for reconsideration of specific items (specific items to be addressed in the motion); or,
5. Continue to a future meeting (date and time to be specified in 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 Council Resolution 86-90 establishes a policy concerning costs associated with the vacation.

CITY COUNCIL PRIORITIES

Not applicable.

DISCUSSION

The proposed vacation involves right-of-way previously dedicated along the east side of three properties: 1704 Kibby Road, 4155 East Childs Avenue, and 4315 East Childs Avenue (see the location map at Attachment 1).

The owner of the parcels located at 4155 East Childs Avenue and 1704 Kibby Road (Lyons Land and Cattle, Inc.) is working to sell a portion of the properties to PG&E for future development. During this process, staff discovered that a 40-foot-wide "Avenue" had been dedicated by the original subdivision of this property (Grimes Subdivision No. 1 recorded on April 5, 1927). This "Avenue" was intended for roadway purposes at the time, but has never been used. City staff has determined that the "Avenue" is not needed, is not shown on the City's Circulation Plan, and will not be used in the future. Therefore, the right-of-way as shown on Attachment 2 should be abandoned.

Because the Avenue also affects the property owned by CVP Acquisitions, the City felt it would be more efficient to abandon the entire Avenue with one process. Therefore, CVP Acquisition also submitted an application requesting the abandonment of the Avenue on their property (4315 East Childs Avenue).

On December 6, 2017, the Planning Commission reviewed the proposed vacation and found it consistent with the General Plan.

The City Council's action would be to adopt the resolution at Attachment 3 setting the public hearing for Vacation #17-02 for February 20, 2018.

IMPACT ON CITY RESOURCES

There would be no impact on City resources as a result of this action.

ATTACHMENTS

1. Location Map
2. Abandonment area
3. Draft City Council Resolution