



## Legislation Text

---

**File #:** 17-629, **Version:** 1

---

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

**SUBJECT:** Vacation #17-01 - Submitted by Janet W. Bloed, Trustee, for the Abandonment of an Old Public Utilities Easement at 1297 Ahwahnee Drive.

### REPORT IN BRIEF

The City Council will consider the abandonment of an old 5-foot-wide public utilities easement near the eastern property line of 1297 Ahwahnee Drive.

### RECOMMENDATION

**City Council** - Adopt a motion adopting **Resolution 2018-02**, a Resolution of the City Council of the City of Merced, California, ordering the vacation of a 5-foot-wide public utilities easement near the eastern property line of 1297 Ahwahnee Drive, approximately 850 feet east of Joerg Avenue (Vacation #17-01).

### 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 property owner is requesting the vacation of an old 5-foot-wide Public Utilities Easement (PUE) at 1297 Ahwahnee Drive (Attachment 1). The easement runs north and south near the eastern

portion of the property (Attachment 3). The subject site is a vacant 0.25-acre lot zoned Low Density Residential (R-1-6) and is designated for a single-family home. The applicant is in the process of selling this property to a buyer who would like to construct a home on this lot. However, the old PUE runs through the property and prohibits a developer from constructing any structures within 15 feet east of the old PUE. This results in over 1,500 square feet of undevelopable land and makes it difficult for a design professional to design a conventional and practical floor plan for this site. After contacting all utility companies in the area, it was determined that no utilities were located within this easement, and there are no plans to use this easement in the future. There is another 10-foot-wide PUE adjacent to the eastern property line which shall remain.

## **Background**

This old PUE was originally included with the future extension of Cascade Road, which was planned to go north through the subject site towards Yosemite Avenue. However, in 2004, the City Council approved the Oakmont Village Unit No.8 Subdivision which resulted in a different street network than was originally planned. Because of this, the Cascade Road extension to Yosemite Avenue was no longer needed and the easements for portions of this road were abandoned. However, the abandonment of the old PUE was not recorded properly and the old easement stayed with this site. The applicant has submitted this application to re-confirm the abandonment of that old PUE. Approval of this easement abandonment would give the property owner more use of their property.

## **History and Past Actions**

At the Planning Commission meeting of December 6, 2017, 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.

On December 18, 2017, the City Council adopted a Resolution of Intention (Resolution #2017-68 - Attachment 4) and set January 16, 2018, as the date for the public hearing to consider Vacation #17-01.

## **Recommendation**

Staff is recommending the adoption of the Resolution at Attachment 5 to abandon the 5-foot-wide public utilities 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. City Council Resolution #2017-68
5. Draft City Council Resolution approving Vacation #17-01