



Legislation Text

File #: 17-026, **Version:** 1

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SUBJECT: Vacation #16-02: Robert Lattanzio for Abandonment of Old Sidewalk Easement at 3172 M Street.

REPORT IN BRIEF

The City Council will be asked to set a public hearing for March 20, 2017, to abandon a 14-foot wide sidewalk easement along the western property line of 3172 M Street.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2017-08**, A Resolution of the City Council of the City of Merced, California, declaring its intention to vacate a 14-foot wide sidewalk easement along the western property line of 3172 M Street, generally located on the east side of M Street, approximately 200 feet north of Fairfield Drive (Vacation #16-02) 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 Resolution 86-80 establishes a policy concerning costs associated with the vacation.

CITY COUNCIL PRIORITIES

Not applicable.

DISCUSSION

In 2015, the applicant obtained Site Plan Review approval to develop a 15,237-square-foot office building at 3172 M Street (Attachment 4). This proposal included a new bus turnout and sidewalk

configuration along M Street. The proposed sidewalk path would be located away from an existing sidewalk easement, but within the City's public right-of-way (Attachment 1). During the development review process, the City's Land Engineer determined that the City would have no need for the existing sidewalk easement and recommended that the Site Plan Review Committee adopt a condition of approval requiring the abandonment of said easement. The applicant is requesting the abandonment of this 14-foot-wide sidewalk easement to comply with their Site Plan Review Permit and to obtain their Certificate of Occupancy (to occupy their new building). The new sidewalk path will not require another sidewalk easement, because the sidewalk will be located within the public right-of-way.

The Council's action tonight would be to adopt the Resolution found at Attachment 5 setting the public hearing for Vacation #16-02 for March 20, 2017.

IMPACT ON CITY RESOURCES

There would be no impact on City resources with this action.

ATTACHMENTS

1. Location Map
2. Legal Description
3. Parcel Map
4. Site Plan Review Permit #387 (See Finding E and Condition #26)
5. Draft City Council Resolution