



## Legislation Details (With Text)

**File #:** 17-101      **Version:** 1      **Name:**  
**Type:** Public Hearing Item      **Status:** Passed  
**File created:** 2/27/2017      **In control:** City Council/Public Finance and Economic Development Authority/Parking Authority  
**On agenda:** 3/20/2017      **Final action:** 3/20/2017  
**Title:** SUBJECT: Vacation #16-02 - Submitted by Robert Lattanzio for the Abandonment of an Old Sidewalk Easement at 3172 M Street

### REPORT IN BRIEF

The City Council will consider the abandonment of a 14-foot wide sidewalk easement along the western property line at 3172 M Street.

### RECOMMENDATION

City Council - Adopt a motion adopting Resolution 2017-12, a Resolution of the City Council of the City of Merced, California, ordering the vacation of 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).

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Location Map.pdf, 2. Site Plan.pdf, 3. Resolution 2017-08.pdf, 4. Resolution 2017-12.pdf

Date	Ver.	Action By	Action	Result
3/20/2017	1	City Council/Public Finance and Economic Development Authority/Parking Authority	approved	Pass

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

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### 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**

In 2015, the applicant obtained Site Plan Review approval to develop a 15,237-square-foot office building on a vacant 1.58-acre parcel located at 3172 M Street (Attachment 2). This infill Project includes a new bus turnout and sidewalk configuration along M Street. The proposed sidewalk path would be located west of an existing sidewalk easement (closer to M Street), 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 easement as the new sidewalk would be located away from the sidewalk easement, and he recommended that the Site Plan Review Committee adopt a condition of approval requiring the abandonment of the 14-foot-wide sidewalk easement. The applicant is requesting the vacation of this 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 it will be located within the public right-of-way.

### History and Past Actions:

At the Planning Commission meeting of February 22, 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 February 21, 2017, the City Council adopted a Resolution of Intention (Resolution #2017-08 - Attachment 3) and set March 20, 2017, as the date for the public hearing to consider Vacation #16-02. During the City Council Meeting, the City Council requested additional information about the proposed bus turnout. After the meeting, staff contacted The Bus Transit Manager, Richard Green, and he confirmed that he is currently working with the City's Engineering Department to install a bus shelter with a bench and trashcan at this location. Transit Manager Green noted that he will be attending the City Council Meeting on March 20, and that he will make himself available for questions from the City Council, if any. Prior to installing the bus shelter, the applicant will be applying for encroachment permits to ensure that both the bus shelter and the sidewalk path satisfy City Engineering Standards and Building Codes. The Engineering Department has noted that re-aligning the sidewalk with a straight configuration (instead of meandering configuration) would help with bus operations and allow ample space for the bus shelter. Other benefits with the realignment include

reduced landscape maintenance and easier access to utilities.

**Recommendation:**

Staff is recommending the adoption of the Resolution at Attachment 4 to abandon the 14-foot wide sidewalk 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. Site Plan for Central Valley Regional Center
3. City Council Resolution #2017-08
4. Draft City Council Resolution approving Vacation #16-02