



## Legislation Details (With Text)

**File #:** 18-570      **Version:** 1      **Name:**  
**Type:** Consent Item      **Status:** Passed  
**File created:** 10/29/2018      **In control:** City Council/Public Finance and Economic Development Authority/Parking Authority/Successor Agency to the Redevelopment Agency  
**On agenda:** 11/19/2018      **Final action:** 11/19/2018

**Title:** SUBJECT: Adoption of Resolution Declaring the Intent to Vacate a 20-Foot Wide Temporary Access Easement Located on a Portion of 7 Lots within the Summer Creek Subdivision, Generally Located West of McKee Road at Silverstone Drive and Setting a Public Hearing on December 17, 2018 for the Vacation Process

### REPORT IN BRIEF

Considers adopting a Resolution to declare the intent to vacate a 20-foot wide temporary access easement located on a portion of 7 lots (APN Nos. 008-391-005, 008-391,006, 008-391-007, 008-391-017, 008-391-018, 008-391-029 and 008-403-004) within the Summer Creek Subdivision generally located west of McKee Road at Silverstone Drive and setting a public hearing for December 17, 2018 for the vacation process.

### RECOMMENDATION

City Council - Adopt a motion adopting Resolution 2018-75, a Resolution of the City Council of the City of Merced, California, declaring its intention to vacate a 20-foot wide temporary access easement on 7 lots within the Summer Creek Phase One Subdivision (Vacation #18-03) and setting the time and place for a Public Hearing regarding the vacation process for December 17, 2018.

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Location map.pdf, 2. Abandonment Area, 3. Draft City Council Resolution

Date	Ver.	Action By	Action	Result
11/19/2018	1	City Council/Public Finance and Economic Development Authority/Parking Authority/Successor Agency to the Redevelopment Agency	approved	Pass

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

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## 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

Section 8335 of the Streets and Highways Code authorizes the City Council to vacate a right-of-way or easement by adopting a resolution of vacation. Section 8336 of that Code requires the City Clerk to record a certified copy of the resolution of vacation. Additionally, City of Merced Administrative Policy A-6 provides direction to staff for processing vacation requests, and City Resolution 76-80 establishes a policy concerning costs associated with the vacation.

## CITY COUNCIL PRIORITIES

Not applicable.

## DISCUSSION

Bright Development is requesting the Vacation/Abandonment of the 20-foot-wide temporary access along the north property line of Lots 5, 6, 7, 17, 18, and 19, and along the southeast property line of Lot 130 within the Summer Creek Subdivision (see Location Map at Attachment 1). Bright Development is the owner of these lots, with the exception of Lot 5 (3549 Veranda Ct.), which is owned by Chris Curtis and Mehnaz Hassan. The owners of Lot 5 are supportive of the vacation request.

The 20-foot wide temporary access easement was required as a condition of approval of the Tentative Subdivision map for the Summer Creek Subdivision in 2003. At that time, the area surrounding this subdivision had not been developed and emergency access to the site was limited to one access point off McKee Road at Silverstone Drive. Therefore, a second access from McKee Road was required which was provided by the easement on Lots 5, 6, 7, 17, 18, and 19. Additional access was needed to the second phase of the subdivision which was provided by the easement on Lot 130. Now that the surrounding area has been developed and there is access to McKee Road and Yosemite Avenue, the temporary access easement is no longer needed. The legal description and map of the vacation area are provided at Attachment 2.

On October 5, 2018, the Planning Commission reviewed the proposed vacation and found it to be 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 #18-03 for Monday, December 17, 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