



## Legislation Details (With Text)

<b>File #:</b>	19-198	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Public Hearing Item	<b>Status:</b>		Passed	
<b>File created:</b>	4/8/2019	<b>In control:</b>	City Council/Public Finance and Economic Development Authority/Parking Authority/Successor Agency to the Redevelopment Agency		
<b>On agenda:</b>	5/6/2019	<b>Final action:</b>	5/6/2019		

**Title:** SUBJECT: Public Hearing - Consider the Adoption of a Resolution Approving the Vacation of an Existing Irrevocable Offer of Dedication for Public Purposes (Installation of Public Facilities and Ground Water Treatment) of Lot A of the Tuscany East Subdivision, Generally Located at the Southeast Corner of Merced Avenue and Sable Street (Vacation #19-01) and Authorization to Execute and Record a Quitclaim Deed to Transfer Any and All of the City's Interest in the Property Back to the Original Owner

### REPORT IN BRIEF

Conduct a public hearing and consider the adoption of a Resolution to approve the vacation of the irrevocable dedication to the City for public facilities and ground water treatment for Lot A of the Tuscany East subdivision, generally located at the southeast corner of Merced Avenue and Sable Street. Authorizes the City Manager or Assistant City Manager to execute and have recorded a quit claim deed to transfer any and all of the City's interest in the property back to the owner, Greg Hostetler.

### RECOMMENDATION

City Council - Adopt a motion:

A. Adopting Resolution 2019-21 a Resolution of the City Council of the City of Merced, California, ordering the vacation of an irrevocable offer of dedication for public use and any and all interests held by the City concerning Lot A of the Tuscany East Subdivision, generally located at the Southeast corner of Merced Avenue and Sable Street (Vacation #19-01); and,

B. Authorizing the City Manager or the Assistant City Manager to execute and have recorded a quitclaim deed to transfer any and all of the City's interest in the property to Greg Hostetler.

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Location Map.pdf, 2. Legal Description.pdf, 3. Parcel Map.pdf, 4. Tuscany East Subdivision.pdf, 5. Ground Water Clean-Up/Monitoring Equipment, 6. Resolution Requiring Lot A be Transferred to the City of Merced, 7. Letter from AMEC.pdf, 8. Draft Resolution.pdf

Date	Ver.	Action By	Action	Result
5/6/2019	1	City Council/Public Finance and Economic Development Authority/Parking Authority/Successor Agency to the Redevelopment Agency	approved	Pass

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

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Existing Irrevocable Offer of Dedication for Public Purposes (Installation of Public Facilities and Ground Water Treatment) of Lot A of the Tuscany East Subdivision, Generally Located at the Southeast Corner of Merced Avenue and Sable Street (Vacation #19-01) and Authorization to Execute and Record a Quitclaim Deed to Transfer Any and All of the City's Interest in the Property Back to the Original Owner

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## RECOMMENDATION

**City Council** - Adopt a motion:

- A. Adopting **Resolution 2019-21** a Resolution of the City Council of the City of Merced, California, ordering the vacation of an irrevocable offer of dedication for public use and any and all interests held by the City concerning Lot A of the Tuscany East Subdivision, generally located at the Southeast corner of Merced Avenue and Sable Street (Vacation #19-01); and,
- B. Authorizing the City Manager or the Assistant City Manager to execute and have recorded a quitclaim deed to transfer any and all of the City's interest in the property to Greg Hostetler.

## 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

Pursuant to Government Code section 7050 and Civil Code section 1009, subdivision (c), the City accepted the irrevocable offer to dedicate this property for the public purpose of installing equipment to conduct ground water treatment. Pursuant to Government Code section 7050, the City can only dispose of the irrevocable offer of dedication through the vacation procedures found in Streets and Highways Code section 8300 *et seq.*

Additionally, 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 2005, the Planning Commission approved the Tuscany East subdivision (in Southeast Merced) which subdivided an 8.6-acre lot into 47 lots for single-family homes (Attachment 1). The Final Map for this subdivision was subsequently approved by the City Council in 2006. Said Final Map required the developer to irrevocably dedicate Lot A to the City of Merced for the public purpose of installing ground water clean-up/monitoring equipment (Condition #12 at Attachment 6).

The ground water had been contaminated by General Electric for many decades when they occupied a nearby site at 1715 Kibby Road, sometime between the 1950's and 1990's. During this time, General Electric used an onsite pond to dump waste and cleaning residue. Some of that waste contained traces of trichloroethylene (TCE), which poses many health risks. The TCE percolated through their soil and contaminated the groundwater throughout the surrounding area. The City used Lot A to install filtration systems that would treat contaminated ground water then pump clean/treated water out onto the adjacent Hartley Lateral canal.

Around 2011, the State Water Board determined that the water treatment equipment was no longer needed (Attachment 7). The City, therefore, no longer needs Lot A to monitor water contamination in this area. The City Engineer, along with other City staff, have reviewed this request and are recommending that the City vacate Lot A and return the lot to the original owner, Greg Hostetler, Ranchwood Development. Greg Hostetler would like to develop Lot A into a single-family home. This home would be required to meet the conditions of approval for this subdivision, including those conditions regarding development standards and design standards.

### History and Past Actions

At the Planning Commission meeting of March 20, 2019, 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 April 1, 2019, the City Council adopted a Resolution of Intention (Resolution #2019-11) and set May 6, 2019, as the date for the public hearing to consider Vacation #19-01.

### Recommendation

Staff is recommending the adoption of the Resolution at Attachment 8 to approve the vacation of the irrevocable dedication of the 0.18-acre lot known as Lot A of the Tuscany East Subdivision. Staff is also seeking authorization for the City Manager or Assistant City Manager to execute a quitclaim deed and have it recorded so the any and all of the City's interest in the property can be transferred back to the original owner.

## **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. Final Map

5. Ground Water Clean-Up/Monitoring Equipment
6. Resolution Requiring Lot A be Transferred to the City of Merced
7. Letter from the State Water Board
8. Draft City Council Resolution