



## Legislation Details (With Text)

<b>File #:</b>	20-235	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Public Hearing Item	<b>Status:</b>		Passed	
<b>File created:</b>	5/11/2020	<b>In control:</b>	City Council/Public Finance and Economic Development Authority/Parking Authority/Successor Agency to the Redevelopment Agency		
<b>On agenda:</b>	8/3/2020	<b>Final action:</b>	8/3/2020		

**Title:** SUBJECT: Public Hearing - Vacation No. 20-02 for the Adoption of a Resolution Ordering the Vacation of a 25-Foot-Wide Access Easement in Foothill Drive (Extended), a 25-Foot-Wide Temporary Access Easement Along the East Side of G Street at Foothill Drive (Extended), and a 15-Foot-Wide Road Right-of-Way Consisting of 1,432 Square Feet, Located Approximately 1,100 Feet East of G Street, North of Merrill Place (Extended) (Vacation #20-02)

### REPORT IN BRIEF

Considers approving a Resolution to order the vacation of a 25-foot-wide access easement in Foothill Drive (extended), a 25-foot-wide temporary access easement along the east side of G Street at Foothill Drive (extended), and a 15-foot road right-of-way consisting of approximately 1,432 square feet located approximately 1,100 feet east of G Street, north of Merrill Place (extended).

### RECOMMENDATION

City Council - Adopt a motion:

A. Adopting Resolution 2020-51, a Resolution of the City Council of the City of Merced, California ordering the vacation of a 25-foot-wide temporary access easement in Foothill Drive (extended) (Vacation #20-02); and,

B. Adopting Resolution 2020-52, a Resolution of the City Council of the City of Merced, California ordering the vacation of a 25-foot-wide temporary access easement along the east side of G Street at Foothill Drive (extended) (Vacation #20-02); and,

C. Adopting Resolution 2020-53, a Resolution of the City Council of the City of Merced, California ordering the vacation of a 15-foot-wide road right-of-way consisting of 1,432 square feet located approximately 1,100 feet east of G Street, north of Merrill Place (extended) (Vacation #20-02).

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Location Map.pdf, 2. Abandonment Area - Foothill Drive (Park Access), 3. Abandonment Area - G Street & Foothill Drive, 4. Parcel Map, 5. Abandonment Area - Merrill Place, 6. City Council Resolution 20-35, 7. Draft City Council Resolution Ordering Vacation along Foothill Drive (extended), 8. Draft City Council Resolution Ordering Vacation along G Street, 9. Draft City Council Resolution Ordering Vacation along Merrill Place, 10. Presentation.pdf

Date	Ver.	Action By	Action	Result
8/3/2020	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*

**SUBJECT:** Public Hearing - Vacation No. 20-02 for the Adoption of a Resolution Ordering the Vacation of a 25-Foot-Wide Access Easement in Foothill Drive (Extended), a 25-Foot-Wide Temporary Access Easement Along the East Side of G Street at Foothill Drive (Extended), and a 15-Foot-Wide Road Right-of-Way Consisting of 1,432 Square Feet, Located Approximately 1,100 Feet East of G Street, North of Merrill Place (Extended) (Vacation #20-02)

## REPORT IN BRIEF

Considers approving a Resolution to order the vacation of a 25-foot-wide access easement in Foothill Drive (extended), a 25-foot-wide temporary access easement along the east side of G Street at Foothill Drive (extended), and a 15-foot road right-of-way consisting of approximately 1,432 square feet located approximately 1,100 feet east of G Street, north of Merrill Place (extended).

## RECOMMENDATION

**City Council** - Adopt a motion:

- A. Adopting **Resolution 2020-51**, a Resolution of the City Council of the City of Merced, California ordering the vacation of a 25-foot-wide temporary access easement in Foothill Drive (extended) (Vacation #20-02); and,
- B. Adopting **Resolution 2020-52**, a Resolution of the City Council of the City of Merced, California ordering the vacation of a 25-foot-wide temporary access easement along the east side of G Street at Foothill Drive (extended) (Vacation #20-02); and,
- C. Adopting **Resolution 2020-53**, a Resolution of the City Council of the City of Merced, California ordering the vacation of a 15-foot-wide road right-of-way consisting of 1,432 square feet located approximately 1,100 feet east of G Street, north of Merrill Place (extended) (Vacation #20-02).

## 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

Government Code Section 66477.5 (c) specifies the procedures for vacating land previously dedicated for public use, such as for parks and other public facilities. The City of Merced Administrative Policies and Procedures No. A-6 provides direction to staff for processing vacation requests, and City Council Resolution No. 86-90 establishes a policy concerning costs associated with the vacation.

## CITY COUNCIL PRIORITIES

Not applicable.

## DISCUSSION

The proposed vacation involves vacating two access easements generally located at G Street and

Foothill Drive (extended) and a road right-of-way, generally located east of G Street on Merrill Drive (extended) (see Attachment 1 for general location of vacation areas). The access easement located in the future Foothill Drive east of G Street was intended to provide access to the park site east of an approximately 30-acre parcel fronting G Street. The 25-foot-wide temporary access easement on the east side of G Street was dedicated to provide access to a proposed subdivision that had been approved on the east side of G Street until all rights of-way had been obtained and improvements constructed. The exact location of the temporary access easements to be vacated and the legal descriptions are provided at Attachments 2 and 3. On December 13, 2019, a Parcel map for the approximately 30-acre parcel was recorded which dedicated the roadway access to the park via Foothill Drive (extended) and the right-of-way needed on G Street (Attachment 4). Because the land needed for public access has been dedicated by the Parcel Map, the existing easements are no longer necessary and should be vacated.

The road right-of-way east of G Street, north of Merrill Place (extended) was intended to be part of the future Palisades Drive that would run north and south between the future Foothill Drive and future Merrill Place (refer to Attachment 5 for legal description and exact location). Palisades Drive has been realigned, therefore, the right-of-way is no longer needed.

### History and Past Actions

At the Planning Commission meeting of May 6, 2020, 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 July 6, 2020, the City Council adopted a Resolution of Intention (Resolution No. 2020-35 - Attachment 6) and set August 3, 2020, as the date for the public hearing to consider Vacation #20-02.

### Recommendation

In order to allow the City Council to act on each area proposed to be vacated, separate resolutions for each area have been provided. Staff is recommending the adoption of the Resolutions at Attachments 7, 8, and 9 to abandon the easements and rights-of-way 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. Abandonment Area - Foothill Drive (Park Access)
3. Abandonment Area - G Street & Foothill Drive
4. Parcel Map
5. Abandonment Area - Merrill Place
6. City Council Resolution 20-35
7. Draft City Council Resolution Ordering Vacation along Foothill Drive (extended)
8. Draft City Council Resolution Ordering Vacation along G Street
9. Draft City Council Resolution Ordering Vacation along Merrill Place
10. Presentation