



## Legislation Details (With Text)

**File #:** 20-339      **Version:** 1      **Name:**  
**Type:** Public Hearing Item      **Status:** Passed  
**File created:** 6/29/2020      **In control:** City Council/Public Finance and Economic Development Authority/Parking Authority/Successor Agency to the Redevelopment Agency  
**On agenda:** 8/3/2020      **Final action:** 8/3/2020  
**Title:** SUBJECT: Public Hearing and Adoption of Resolution to Vacate a 315-Square-Foot Excess Portion of an Alley to the Adjacent Property at 1001 West 16th Street, Generally Located on the Northwest Corner of 16th Street and Q Street (Vacation #20-03)

### REPORT IN BRIEF

Considers vacating an excess portion of an alley at 1001 W. 16th Street.

### RECOMMENDATION

City Council - Adopt a motion adopting Resolution 2020-50, a Resolution of the City Council of the City of Merced, California, ordering the vacation of a 315-square-foot excess portion of an alley to the adjacent property at 1001 West 16th Street, generally located at the northwest corner of 16th Street and Q Street (Vacation #20-03).

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Location Map.pdf, 2. Legal Description.pdf, 3. Vacation Map, 4. City Council Resolution to set the Public Hearing for Vacation #20-03, 5. Draft City Council Resolution for Vacation #20-03.pdf, 6. 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: Francisco Mendoza-Gonzalez, Associate Planner, Development Services*

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### RECOMMENDATION

**City Council** - Adopt a motion adopting **Resolution 2020-50**, a Resolution of the City Council of the City of Merced, California, ordering the vacation of a 315-square-foot excess portion of an alley to the adjacent property at 1001 West 16<sup>th</sup> Street, generally located at the northwest corner of 16<sup>th</sup> Street and Q Street (Vacation #20-03).

## ALTERNATIVES

1. Approve as recommended by the Planning Commission and 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 setting a public hearing pursuant to Section 8320 of the Streets and Highways Code and shall be recorded pursuant to Section 8325. 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

### Request

The subject site is adjacent to a vacant 0.33-acre parcel zoned Central Commercial (C-C) located at the northwest corner of 16<sup>th</sup> Street and Q Street (Attachment 1). Adjacent to the vacant parcel within the alley is an area that is 63 feet wide by 5 feet long, located near the northeast portion of the parcel. The applicant is requesting the vacation of this area so that they may develop a gas station on this site. This proposed gas station would go before the Site Plan Review Committee so that they may assess the proposed site plan and elevations (design review would also be considered as the subject site is within the City's Design Review Boundary) to ensure the project meets City standards, and provides adequate access to the City's safety divisions/Refuse Department.

The City's Engineering Department reviewed this proposal and could not determine the original purpose of this area or find any specific project that it was reserved for. However, the City's Engineering Department determined that this area would not be needed for any future City-related projects. The City's Engineering Department recommends vacating this area to give the property owner full rights to develop their land. If the City needs additional easements on this property, they can be requested when the property owner submits land use applications to develop this site.

After contacting all utility companies in the area, it was determined that no utilities were located within this area, and there are no plans to use this area in the future. Therefore, this area is no longer needed and should be vacated to give the property owners full use of their property. The General Plan does not address the abandonment of excess portions of alleys; and thus, this action does not conflict with any General Plan policies, text, or maps, so it can be considered "consistent."

### History and Past Actions

At the Planning Commission meeting of June 17, 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 and set August 3, 2020, as the date for the public hearing to consider Vacation #20-03 (see Attachments 4).

### Recommendation

Staff is recommending the adoption of the Resolution at Attachment 5 to vacate the excess portion of an alley as described above.

### **IMPACT ON CITY RESOURCES**

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

### **ATTACHMENTS**

1. Location Map
2. Legal Description
3. Vacation Map
4. City Council Resolution to set the Public Hearing for Vacation #20-03
5. Draft City Council Resolution for Vacation #20-03
6. Presentation