



Legislation Details (With Text)

**File #:** 23-006      **Version:** 1      **Name:**

**Type:** Consent Item      **Status:** Passed

**File created:** 12/2/2022      **In control:** City Council/Public Finance and Economic Development Authority/Parking Authority/Successor Agency to the Redevelopment Agency

**On agenda:** 1/17/2023      **Final action:** 1/17/2023

**Title:** SUBJECT: Granting Abutter's Right to the Merced Holdings, LLC for the Hub Planned Development Project Located on McKee Road and Yosemite Avenue

**REPORT IN BRIEF**

Considers restoring abutter's rights of access that were relinquished and released by Grant Deed (Vol. 2611, Page 583, M.C.R.) to be restored to Merced Holdings, LLC., for purposes of completing the Hub Planned Development Project.

**RECOMMENDATION**

City Council - Adopt a motion adopting Resolution 2023-07, a Resolution of the City Council of the City of Merced, California approving grant of abutter's rights and authorizing the City Manager to execute all documents necessary to complete the transfer.

**Sponsors:** Joe Cardoso

**Indexes:**

**Code sections:**

**Attachments:** 1. Resolution 2023-07, a Resolution of the City Council, 2. Planning Commission Resolution #4035, 3. Planning Commission Resolution #4036, 4. Grant Deed Relinquishing the abutter's Rights, 5. Parcel Map for Nuketta L. Pretzer-Jensen, 6. Off-site Improvement Plans, 7. Grant Deed Right-of-Way Dedication, 8. Grant of Abutter's Rights of Access

Date	Ver.	Action By	Action	Result
1/17/2023	1	City Council/Public Finance and Economic Development Authority/Parking Authority/Successor Agency to the Redevelopment Agency	approved	Pass

*Report Prepared by:* Joe Cardoso, P.L.S, City Surveyor, Engineering Department

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## ALTERNATIVES

1. Approve, as recommended by staff; or,
2. Approve, subject to other than recommended; or,
3. Deny; or,
4. Refer to the City Manager for reconsideration of specific items; or,
5. Continue to future meeting.

## AUTHORITY

City of Merced Charter, Section 200.

## CITY COUNCIL PRIORITIES

As provided for in the 2022-23 Adopted Budget.

## DISCUSSION

In 2020, the Planning Commission of the City of Merced adopted Resolutions #4035 (attachment #2) and #4036 (attachment #3) approving Conditional Use Permit #1238 and Site Plan Review #455, respectively. The entitlements allow for the construction of a mixed-use development consisting of 214 apartment units and approximately 37,000 square feet of commercial uses (retail and office) within four buildings on approximately 5.94-acre parcel generally located at the southeast corner of Yosemite Avenue and McKee Road (“Hub Planned Development Project”). Merced Holdings, LLC., is the developer of the Hub Planned Development Project.

Prior to the development, the previous owner relinquished and released all but 30 feet of their abutter’s rights of access to McKee Road as described in the Grant Deed to Merced County recorded on May 29, 1987 in Volume 2611, Official Records, Page 583, M.C.R. (attachment #4) and delineated on Parcel Map for Nuketta L. Pretzer-Jensen recorded on May 29, 1987 in Book 58 of Parcel Maps, at Pages 43 & 44. M.C.R. (attachment #5)

Merced Holdings LLC., now desires abutter’s rights of access that were relinquished and released by Grant Deed (Vol. 2611, Page 583) to be restored to them for purposes of completing the Hub Planned Development Project.

Staff has reviewed the off-site improvement plans (attachment # 6) and prefers the new driveway location on McKee Road as it provides the public a safer entrance to and from the development. As part of the project, the owner will be required to dedicate an additional 20-feet of right-of-way on Yosemite Ave and McKee Road (attachment #7). The dedication on McKee Road would create a gap between the new dedication and the existing abutter’s rights causing a potential liability issue for the owner and the City.

Staff recommends City Council restore the access to McKee Road as stated above. Any future access would need to be approved by the City Engineer.

## IMPACT ON CITY RESOURCES

No appropriation of funds is needed.

## ATTACHMENTS

1. Resolution 2023-07, a Resolution of the City Council

2. Planning Commission Resolution #4035
3. Planning Commission Resolution #4036
4. Grant Deed Relinquishing the abutter's rights
5. Parcel Map for Nuketta L. Pretzer-Jensen
6. Off-site Improvement Plan
7. Grant Deed Right-of-Way Dedication
8. Grant of Abutter's Rights of Access