



Legislation Details (With Text)

**File #:** 23-204      **Version:** 1      **Name:**

**Type:** Public Hearing Item      **Status:** Passed

**File created:** 2/21/2023      **In control:** City Council/Public Finance and Economic Development Authority/Parking Authority/Successor Agency to the Redevelopment Agency

**On agenda:** 3/20/2023      **Final action:** 3/20/2023

**Title:** SUBJECT: Public Hearing - Vacation #22-04 - Initiated by MG Star, to Vacate the 60-Foot-Wide Right-of-Way for Streets within the Paseo Subdivision, Generally Located at the Northwest Corner of G Street and Bellevue Road (Vacation #22-04)

REPORT IN BRIEF

Considers adopting a Resolution to order the vacation of the 60-Foot-Wide Right-of-Way for Streets within the Paseo Subdivision, generally located at the northwest corner of G Street and Bellevue Road.

RECOMMENDATION

City Council - Adopt a motion adopting Resolution 2023-19, A Resolution of the City Council of the City of Merced, California, Ordering the Vacation of the 60-Foot-Wide Right-of-Way Dedicated for Streets within Portico Drive, Montage Drive, Promenade Avenue, Countryside Avenue, Mosaic Avenue, and Savannah Avenue within the Paseo Subdivision Generally Located at the Northwest Corner of G Street and Bellevue Road (Vacation #22-04).

Sponsors:

Indexes:

Code sections:

**Attachments:** 1. Location Map, 2. Site Plan of Gated Entrance, 3. Map of Vacation Area, 4. Final Subdivision Map for Paseo Subdivision, 5. Resolution 2023-19, 6. Presentation.pdf

Date	Ver.	Action By	Action	Result
3/20/2023	1	City Council/Public Finance and Economic Development Authority/Parking Authority/Successor Agency to the Redevelopment Agency	approved	Pass

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

**SUBJECT:** Public Hearing - Vacation #22-04 - Initiated by MG Star, to Vacate the 60-Foot-Wide Right-of-Way for Streets within the Paseo Subdivision, Generally Located at the Northwest Corner of G Street and Bellevue Road (Vacation #22-04)

REPORT IN BRIEF

Considers adopting a Resolution to order the vacation of the 60-Foot-Wide Right-of-Way for Streets within the Paseo Subdivision, generally located at the northwest corner of G Street and Bellevue Road.

RECOMMENDATION

**City Council** - Adopt a motion adopting **Resolution 2023-19**, A Resolution of the City Council of the

City of Merced, California, Ordering the Vacation of the 60-Foot-Wide Right-of-Way Dedicated for Streets within Portico Drive, Montage Drive, Promenade Avenue, Countryside Avenue, Mosaic Avenue, and Savannah Avenue within the Paseo Subdivision Generally Located at the Northwest Corner of G Street and Bellevue Road (Vacation #22-04).

## ALTERNATIVES

1. Approve as recommended by 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

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 Paseo subdivision is located at the northwest corner of G Street and Bellevue Road (Attachment 1). The developer is converting the subdivision to a private, gated community. Therefore, the roads within the subdivision would no longer be public roads. On November 10, 2022, the Site Plan Review Committee approved Site Plan Review Permit #504 for the installation of a gate at the entrance to the subdivision off of Barclay Way (Attachment 2). As a condition of approval, the right-of-way was required to be vacated and an easement granted to the City for all utilities that remain in the vacated right-of-way area, as well as for vehicular access for public safety, public works repair vehicles, and refuse. The streets to be vacated include Portico Drive, Montage Drive, Promenade Avenue, Countryside Avenue, Mosaic Avenue, and Savannah Avenue. The vacation area is shown on the map at Attachment 3.

This subdivision was approved, and a final map recorded in 2007. The subdivision consists of 150 small lots ranging in size from 1,860 square feet to 2,640 square feet (refer to the Final Map at Attachment 4). The subdivision is currently enclosed on three sides (east, west, and south) by a concrete block wall and a wrought-iron fence on the north side adjacent to El Capitan High School. The unique design of this subdivision makes creating a gated community easy to achieve. Additionally, the small lots and close proximity of the homes to one another gives the subdivision the feel of a condominium community or apartment complex. The addition of the gated entrance provides additional security for the homes and adds a unique living experience for homeowners and renters looking for this type of living arrangement.

A Homeowner's Association has been formed to be responsible for the rights-of-way including, including maintenance of the streets, streetlights, and other improvements within the existing right-of-way.

The proposed vacation reserves an easement allowing the City the right to access and enter the vacated area for repairs and maintenance, trash collection, and police and fire protection.

On February 8, 2023, the Planning Commission made a finding that the proposed vacation conforms with the General Plan.

On February 21, 2023, the City Council adopted Resolution No. 2023-11 setting a public hearing regarding Vacation #22-03 for March 20, 2023. Staff is requesting the City Council hold the public hearing and adopt the resolution at Attachment 5 ordering the vacation of the streets within the Paseo subdivision.

### **IMPACT ON CITY RESOURCES**

There would be a cost savings to the City for street maintenance, including street sweeping and other typical maintenance to streets and sidewalks within the subdivision.

### **ATTACHMENTS**

1. Location Map
2. Site Plan of Gated Entrance
3. Map of Vacation Area
4. Final Subdivision Map for Paseo Subdivision
5. Resolution 2023-19
6. Presentation