



## Legislation Text

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**File #:** 17-603, **Version:** 1

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**SUBJECT:** Vacation #17-02 to Abandon a 40-Foot-Wide "Avenue" Generally Located East of Kibby Road Between East Highway 140 and Childs Avenue

### REPORT IN BRIEF

The City Council will consider the abandonment of a 40-foot wide "Avenue" generally located along the east property line of two parcels generally located at the northeast corner of Childs Avenue and Kibby Road and the southeast corner of East Highway 140 and Kibby Road.

### RECOMMENDATION

**City Council** - Adopt a motion approving **Resolution 2018-09** A Resolution of the City Council of the City of Merced, California ordering the vacation of a 40-Foot-Wide "Avenue" located along the eastern property line of three parcels generally located at the northeast corner of Childs Avenue and Kibby Road and the southeast corner of East Highway 140 and Kibby Road (Vacation #17-02).

### 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

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 pursuant to Section 8335 of the Code, and shall be recorded pursuant to Section 8336. The City of Merced Administrative Policies and Procedures No. A-6 provides direction to staff for processing vacation requests, and City Resolution 86080 establishes a policy concerning costs associated with the vacation.

### CITY COUNCIL PRIORITIES

Not applicable.

### DISCUSSION

The proposed vacation involves right-of-way previously dedicated by a subdivision map for the area in 1927 (Grimes Subdivision No. 1). This map dedicated a 40-foot-wide avenue along the eastern side of three properties: 1704 Kibby Road, 4155 East Childs Avenue, and 4315 East Childs Avenue

(see the location map at Attachment 1).

The owners of these properties have requested the avenue be abandoned. The owners of 4155 East Childs Avenue and 1704 Kibby Road (Lyons Land and Cattle, Inc.) are in the process of selling their property to PG&E for future development. The avenue has never been constructed for public use, it not shown on the City's Circulation Plan, and will not be needed in the future. Staff recommends the avenue be vacated as requested by the owners and as shown on Exhibit B at Attachment 2.

#### History and Past Actions

At the Planning Commission meeting of December 6, 2017, 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 January 16, 2018, the City Council adopted a Resolution of Intention (Resolution #2018-03 - Attachment 3) and set February 20, 2018, as the date for the public hearing to consider Vacation #17-02.

#### Recommendation

Staff is recommending the adoption of the Resolution at Attachment 4 to abandon the road "right-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. Exhibit B - Area of Vacation
3. City Council Resolution #2018-03 setting public hearing
4. Draft City Council Resolution approving vacation