



## Legislation Text

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**File #:** 18-626, **Version:** 1

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**SUBJECT:** Public Hearing - Vacation No. 18-03 for the Adoption of Resolution Ordering the Vacation of a 20-Foot Wide Temporary Access Easement Located on a Portion of 7 Lots within the Summer Creek Subdivision, Generally Located West of McKee Road at Silverstone Drive

### REPORT IN BRIEF

This report provides information regarding the vacation of a 20-foot wide temporary access easement located on a portion of 7 lots within the Summer Creek Subdivision generally located west of McKee Road at Silverstone Drive.

### RECOMMENDATION

**City Council** - Adopt a motion continuing the Public Hearing to the City Council meeting of January 7, 2019.

### ALTERNATIVES

1. Approve as recommended by 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

Section 8335 of the Streets and Highways Code authorizes the City Council to vacate a right-of-way or easement by adopting a resolution of vacation. Section 8336 of that Code requires the City Clerk to record a certified copy of the resolution of vacation. Additionally, City of Merced Administrative Policy A-6 provides direction to staff for processing vacation requests, and City Resolution 76-80 establishes a policy concerning costs associated with the vacation.

### CITY COUNCIL PRIORITIES

Not applicable.

### DISCUSSION

Bright Development is requesting the Vacation/Abandonment of the 20-foot-wide temporary access along the north property line of Lots 5, 6, 7, 17, 18, and 19, and along the southeast property line of Lot 130 within the Summer Creek Subdivision (see Location Map at Attachment 1). Bright Development is the owner of these lots, with the exception of Lot 5 (3549 Veranda Ct.), which is

owned by Chris Curtis and Mehnaz Hassan. The owners of Lot 5 are supportive of the vacation request.

The 20-foot wide temporary access easement was required as a condition of approval of the Tentative Subdivision map for the Summer Creek Subdivision in 2003. At that time, the area to the north of this subdivision had not been developed and emergency access to the site was limited to one access point off McKee Road at Silverstone Drive. Therefore, a second access from McKee Road was required which was provided by the easement on Lots 5, 6, 7, 17, 18, and 19 (APN Nos. 008-391-005, 008-391-006, 008-391-007, 008-391-017, 008-391-018, 008-391-029 and 008-403-004). Additional access was needed to the second phase of the subdivision which was provided by the easement on Lot 130. Now that the surrounding area has been developed and there is access to McKee Road and Yosemite Avenue, the temporary access easement is no longer needed. The legal description and map of the vacation area are provided at Attachment 2.

Within the same area of the City's easement between McKee Road and Whitewater Way, Merced Irrigation District (MID) also has an easement. Bright Development is working with MID to try to deed the easement area to MID. This would ensure MID has access to their easement area as well as making MID responsible for the maintenance of the area. Bright Development will also need to work with the property owner at 3549 Veranda Court to have them deed the easement area behind their property to MID as well. Having one property owner responsible for this area would be beneficial to the City regarding maintenance issues. Staff is recommending this item be continued to the City Council meeting of January 7, 2019, to allow Bright and MID to come to an agreement on this matter.

### Background

At the City Council meeting on November 19, 2018, the question of access to this area was discussed. Below is a brief history of the development in this area. The map at Attachment 3 shows the location of the approved projects in the area. The map at Attachment 4 shows the access to the area from McKee and Yosemite as well as access to the other approved projects in the area.

The Summer Creek subdivision was the first development within the Hunt Annexation area (Attachment 5). As described above, temporary access was needed since there was no access to Yosemite Avenue. The Summer Creek subdivision included 210 lots in two phases. Phase One contained 132 lots and was completed in 2008. Phase Two has 78 lots. The Final Map for Phase Two was recorded August 3, 2006, but the subdivision has not been constructed. Due to the downturn in the housing market, the developer, Bright Development, chose not to fully construct Phase Two, but is now ready to move forward.

The Moraga subdivision (Attachment 6) followed the Summer Creek development. Moraga also has two phases with a total of 520 lots. Phase One, containing 292 lots, was constructed in 2008. Phase Two, containing 228 lots, has not yet been constructed, and no Final Map has been approved for this phase.

As part of the approval of the Moraga subdivision, a 25-foot-wide emergency vehicle access and sewer easement was required off of Yosemite Avenue at the western edge of the subdivision (Attachment 7). There is also a 15-foot-wide MID easement within this same area. Although this easement was dedicated for emergency vehicles it does not appear to have improvements such as all-weather pavement to accommodate emergency vehicle access.

In August 2015, the City Council approved General Plan Amendment #14-06 and Zone Change #421. This approval was the first step in the approval process for a small shopping center at the southeast corner of McKee Road and Yosemite Avenue.

The site plan for the shopping center approved by the City Council is provided at Attachment 8. The Planning Commission had recommended that Whitewater Way be extended to connect to Yosemite Avenue, but after hearing testimony from the neighbors, the Council voted to approve the site plan that did not provide a direct connection from Whitewater Way to Yosemite Avenue. The approved site plan provides a driveway from the shopping center onto Whitewater Way, but no direct connection to Yosemite Avenue. The minutes from this meeting are provided at Attachment 9.

In 2017, the City Council approved General Plan Amendment #16-06, Zone Change #424, and the establishment of Planned Development (P-D) #76 which will allow the construction of the Merced Station Apartments. The site plan for this project is provided at Attachment 10. There is no vehicle connection between the apartment project and the Moraga subdivision. The Fire Department determined during the review process that access into the subdivision was not needed since the apartments had two access points off of Yosemite.

As explained above, the temporary emergency vehicle access was only intended to serve the Summer Creek subdivision until such time as the street network within the Moraga subdivision was completed providing access to Yosemite Avenue. Via Moraga is a collector street with a traffic signal at Yosemite Avenue. According to the Merced Vision 2030 General Plan, a 2-lane collector such as Via Moraga can carry up to 10,300 Average Daily Trips (ADT's) while still functioning at an Level of Service (LOS) D, which is the City's standard level of service for roads within the City. As described above, the total number of dwellings between the Moraga and Summer Creek subdivisions would total 812 units. Based on an average of 9.57 trips per day per unit, the ADT's for this area would be 7,771 ADT's, well below the threshold for LOS D. This also doesn't take into account that as many as one-half of the vehicles may be using the access on McKee to enter/exit the subdivisions.

On October 5, 2018, the Planning Commission reviewed the proposed vacation and found it to be consistent with the General Plan.

On November 19, 2018, the City Council adopted a Resolution of Intent (Resolution No. 2018-75 - Attachment 11) and set December 17, 2018, as the date for the Public Hearing to consider Vacation #18-03.

### Recommendation

Staff is recommending the Public Hearing be continued to the January 7, 2019, City Council meeting.

### **IMPACT ON CITY RESOURCES**

There would be no impact on City resources as a result of this action.

### **ATTACHMENTS**

1. Location map
2. Vacation area

3. Approved Projects
4. Access Map
5. Summer Creek Subdivision
6. Moraga subdivision
7. EVA off Yosemite
8. Shoppes at University Village
9. City Council Minutes of August 3, 2015
10. Merced Station Apartments
11. City Council Resolution 2018-75
12. Presentation