



## Legislation Text

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**File #:** 18-659, **Version:** 1

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

**SUBJECT:** Continued 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 recommends the vacation of a 20-foot wide temporary access easement located on a portion of 7 lots within the Summer Creek Subdivision (APN Nos. 008-391-005, 008-391,006, 008-391-007, 008-391-017, 008-391-018, 008-391-029 and 008-403-004) generally located west of McKee Road at Silverstone Drive be continued to the City Council meeting on February 19, 2019.

### RECOMMENDATION

**City Council** - Adopt a motion continuing the Public Hearing to the City Council meeting of February 19, 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

The City Council held a public hearing on this matter on December 17, 2018. After hearing testimony from two individuals, the City Council voted to continue this item to the City Council meeting of

January 7, 2019, to allow the applicant more time to work with the Merced Irrigation District (MID) on transferring the area between McKee Road and Whitewater Way to MID.

The applicant, Bright Development, has continued to work with MID to deed the vacation area behind Lots 5, 6, 7, 17, 18, and 19 to them. Staff has received confirmation from MID confirming they are willing to accept the property, but the land transfer has not been completed yet.

City staff is exploring the possibility of maintaining the emergency vehicle access easement once MID has taken control of the land. An update on this will be available at the City Council meeting on February 19, 2019.

### Recommendation

Staff is recommending the Public Hearing be re-opened and re-continued to the February 19, 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. Presentation