



## Legislation Text

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File #: 19-143, Version: 1

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**SUBJECT:** Adoption of Resolution Declaring the Intent to Vacate a 0.18-Acre Lot Known as Lot A of the Tuscany East Subdivision, Generally Located at the Southeast Corner of Merced Avenue and Sable Street and Setting a Public Hearing on May 6, 2019 for the Vacation Process (Vacation #19-01)

### REPORT IN BRIEF

Considers adopting a Resolution to declare the intent to vacate a 0.18-acre lot known as Lot A of the Tuscany East subdivision, generally located at the southeast corner of Merced Avenue and Sable Street and sets a public hearing for May 6, 2019 for the vacation process.

### RECOMMENDATION

**City Council** - Adopt a motion adopting **Resolution 2019-11** a Resolution of the City Council of the City of Merced, California, declaring its intention to abandon Lot A of the Tuscany East subdivision, generally located at the southeast corner of Merced Avenue and Sable Street (Vacation #19-01) and setting May 6, 2019, as the time and place for a public hearing.

### 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

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 setting a public hearing pursuant to Section 8320 of the Streets and Highways Code, and shall be recorded pursuant to Section 8325. The City of Merced Administrative Policies and Procedures No. A-6 provides direction to staff for processing vacation requests, and City Resolution 86-80 establishes a policy concerning costs associated with the vacation.

### CITY COUNCIL PRIORITIES

Not applicable.

### DISCUSSION

In 2005, the Planning Commission approved the Tuscany East subdivision (in Southeast Merced) which would subdivide an 8.6-acre lot into 47 lots for single-family homes (Attachment 1). The Final Map for this subdivision was subsequently approved by the City Council in 2006. Said Final Map required the developer to dedicate Lot A to the City of Merced to install ground water clean-up/monitoring equipment (Condition #12 at Attachment 5).

The ground water had been contaminated by General Electric for many decades when they occupied a nearby site at 1715 Kibby Road, sometime between the 1950's and 1990's. During this time, General Electric used an onsite pond to dump waste and cleaning residue. Some of that waste contained traces of trichloroethylene (TCE), which poses many health risks. The TCE percolated through their soil and contaminated the groundwater throughout the surrounding area. The City used Lot A to install filtration systems that would treat contaminated ground water then pump clean/treated water out onto the adjacent Hartley Lateral canal.

Around 2011, the State Water Board determined that the water treatment equipment was no longer needed (Attachment 6). The City no longer needs Lot A to monitor water contamination in this area. The City Engineer, along with other City staff, have reviewed this request and are recommending that the City vacate Lot A and return the lot to the original owner, Greg Hostetler/Ranchwood Development. Greg Hostetler would like to develop Lot A into a single-family home. This home would be required to meet the conditions of approval for this subdivision, including those conditions regarding development standards and design standards.

The adoption of the Resolution found at Attachment 7 would set a public hearing for Vacation #19-01 on May 6, 2019.

## **IMPACT ON CITY RESOURCES**

There would be no impact on City resources with this action.

## **ATTACHMENTS**

1. Location Map
2. Legal Description
3. Parcel Map
4. Ground Water Clean-Up/Monitoring Equipment
5. Resolution Requiring Lot A be Transferred to the City of Merced
6. Letter from the State Water Board
7. Draft City Council Resolution