



## Legislation Text

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**File #:** 19-478, **Version:** 1

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*Report Prepared by: Francisco Mendoza-Gonzalez, Associate Planner, Development Services*

**SUBJECT:** Adoption of Resolution Declaring the Intent to Abandon a Sewer Easement and Working Easement at 3600 G Street, Generally Located on the Northeast Corner of G Street and Yosemite Avenue, and Setting a Public Hearing for October 7, 2019 (Vacation #19-04)

### REPORT IN BRIEF

Considers the abandonment of an old sewer easement and working easement at 3600 G Street.

### RECOMMENDATION

**City Council** - Adopt a motion adopting **Resolution 2019-55**, a Resolution of the City Council of the City of Merced, California, declaring its intention to vacate a sewer easement and working easement at 3600 G Street, generally located on the northeast corner of G Street and Yosemite Avenue (Vacation #19-04) and setting time and place for Public Hearing.

### 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

#### Request

The subject site is a vacant 19.7-acre parcel zoned Planned Development (P-D) #72 with General Plan designations of Commercial Professional Office (CO) and High-Medium Density Residential

(HMD). The applicant is requesting the vacation of an old Sewer Easement and Working Easement as described in Attachment 2 and shown at Attachment 3, located at the Northeast corner of Yosemite Avenue and G Street (Attachment 1). These easements were dedicated to the City by deed during the late 1980's for sewer purposes. The City's Engineering Department reviewed this proposal and looked through several records, and could not determine the original purpose for these easements or find a specific project that they were reserved for, and thus determined that these easements would not be needed for any future City-related projects. The City's Engineering Department recommends vacating these easements to give the property owner full rights to develop their land. If the City needs additional easements on this property, they can be requested when the property owner submits land use applications to develop this site.

After contacting all utility companies in the area, it was determined that no utilities were located within these easements, and there are no plans to use these easements in the future. Therefore, these easements are no longer needed and should be abandoned to give the property owners full use of their property. The General Plan does not address the abandonment of easements; and thus, this action does not conflict with any General Plan policies, text, or maps, so it can be considered "consistent."

### History and Past Actions

At the Planning Commission meeting of July 17, 2019, 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.

### Recommendation

Staff is recommending the adoption of the Resolution at Attachment 4 to set a public hearing for October 7, 2019, to vacate the storm drainage easement and street light easement 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. Legal Description
3. Parcel Map
4. Draft City Council Resolution 2019-55