



Legislation Text

File #: 19-312, **Version:** 1

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SUBJECT: Adoption of Resolution Declaring the Intent to Vacate a 20-Foot Wide Temporary Access Easement Located on Lot 137 within the Summer Creek Subdivision (Vacation 19-02), Generally Located East of McKee Road at Silverstone Drive and Setting a Public Hearing on November 18, 2019, for the Vacation Process

REPORT IN BRIEF

Considers adopting a Resolution to declare the intent to vacate a 20-foot wide temporary access easement located on Lot 137 (APN: 008-450-005) within the Summer Creek Subdivision, generally located east of McKee Road at Silverstone Drive, and setting a public hearing for November 18, 2019, for the vacation process.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2019-66**, a Resolution of the City Council of the City of Merced, California, declaring its intention to vacate a 20-foot wide temporary access easement on Lot 137 within the Summer Creek Phase Two Subdivision (Vacation #19-02) and setting time and place for 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

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-westerly property line of Lot 137 (see Location Map at Attachment 1).

When the subdivision was originally approved, a temporary emergency vehicle access through this lot and the Lot 130 (southwest and adjacent to this lot) was required to provide temporary emergency vehicle access to Phase 2 of the Summer Creek Subdivision. However, with the construction of Phase 2, the streets provide the necessary access and there is no longer a need for the temporary access easement.

The legal description and map of the vacation area are provided at Attachment 2.

On June 5, 2019, the Planning Commission reviewed the proposed vacation and found it to be consistent with the General Plan.

The City Council's action would be to adopt the resolution at Attachment 3 setting the public hearing for Vacation #19-02 for Monday, November 18, 2019.

IMPACT ON CITY RESOURCES

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

ATTACHMENTS

1. Location Map
2. Abandonment Area
3. Draft City Council Resolution