



Legislation Text

File #: 19-604, **Version:** 1

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SUBJECT: Public Hearing Regarding Vacation No. 19-02 for the Adoption of Resolution Ordering the Vacation of a 20-Foot Wide Temporary Access Easement Located on Lot 137 within the Summer Creek Subdivision, Generally Located East 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 Lot 137 within the Summer Creek Subdivision generally located west of McKee Road at Silverstone Drive.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2019-72**, a Resolution of the City Council of the City of Merced, California ordering the vacation of a 20-foot-wide temporary emergency access easement on Lot 137 within Summer Creek, Phase Two Subdivision (Vacation #19-02).

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 northwest property line of Lot 137 within the Summer Creek, Phase 2 Subdivision (see Location Map at Attachment 1).

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. The Emergency Vehicle Access (EVA) was required to allow connection of Mariner Way to Oak Creek Way until the full development of all the streets within the Moraga and Summer Creek Subdivisions was completed. Since the streets have been constructed, providing complete circulation throughout both subdivisions and connecting the Summer Creek Subdivision to the Moraga Subdivision and providing a secondary access to Via Moraga and Yosemite Avenue, the temporary EVA is no longer needed. The legal description and map of the vacation area are provided at Attachment 2.

On March 18, 2019, the City Council approved the vacation of the 20-foot-wide Temporary Emergency Vehicle Access Easement on Lot 130. This easement abutted the easement on Lot 137 and provided access to Mariner Way. When this easement was vacated, the applicant and City staff overlooked that need to abandon the easement on Lot 137. Because the easement on Lot 130 has been vacated, the easement on Lot 137 no longer serves a purpose. In addition, as explained above, since the street network has been constructed, there is no longer a need for a second EVA.

On June 3, 2019, the Planning Commission reviewed the requested vacation and found that the proposed vacation is consistent with the General Plan.

Recommendation

Staff recommends the City Council adopt the resolution at Attachment 3 approving the vacation of the 20-foot-wide emergency access easement on Lot 137 of the Sumer Creek, Phase 2 Subdivision.

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. Draft City Council Resolution
4. Presentation