



## Legislation Text

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File #: 20-184, Version: 1

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**SUBJECT:** Public Hearing - Vacation No. 20-01 for the Adoption of a Resolution Ordering the Vacation of a Sewer Lift Station Easement, Temporary Construction Access Easement, and a Public Utilities Easement Generally Located at the West End of the Property Located at 1610 West 16<sup>th</sup> Street

### REPORT IN BRIEF

Considers approving a Resolution to order the vacation of a Sewer Lift Station Easement, Temporary Construction Access Easement, and a Public Utilities Easement Generally Located at the west end of the property located at 1610 West 16<sup>th</sup> Street.

### RECOMMENDATION

**City Council** - Adopt a motion approving **Resolution 2020-24**, a Resolution of the City of Merced, California ordering the vacation of a 908-square-foot sewer lift station easement, a 908-square-foot temporary construction easement, and a 2,791-square-foot public utilities easement generally located on the west end of the property located at 1610 West 16<sup>th</sup> Street (Vacation #20-01).

### 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

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 owners of the property at 1610 West 16th Street (Attachment 1) have requested the City abandon a 908-square-foot sewer lift station easement, a 980-square-foot temporary construction

easement, and a 2,791-square-foot public utilities easement generally located on the west end of their property (Attachment 2). The abandonment of this area would allow the owners to use the land for other uses and not be limited to the restrictions placed on it by the easements.

City staff has reviewed the request and determined the easements as they currently exist are not needed. However, easements are still needed for a possible future sewer lift station and for a sewer line that runs through the property. Therefore, the owners have agreed to a revised easement area.

### History and Past Actions

At the Planning Commission meeting of May 6, 2020, 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.

On April 20, 2020, the City Council adopted a Resolution of Intention (Resolution No. 2020-17 - Attachment 4) and set May 18, 2020, as the date for the public hearing to consider Vacation #20-01.

Because the new easement area had not been determined at the time of the May 18, 2020, City Council meeting, the City Council opened the public hearing and continued the item to the June 1, 2020, City Council meeting. On June 1, 2020, the item was continued to July 20, 2020, to allow additional time for the new easement area to be determined. On July 20, 2020, the new easement area still had not been determined and the item was continued to August 17, 2020.

### Recommendation

Staff is recommending the adoption of the Resolution at Attachment 4 to abandon the easements 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. Abandonment Area
3. Council Resolution 2020-17
4. Draft City Council Resolution Ordering Vacation
5. Presentation