



Legislation Text

File #: 22-275, Version: 1

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SUBJECT: Adoption of Resolution Declaring Intent to Vacate 15 Easements Within the Merced Mall Parking Lot at 851 W. Olive Avenue to Accommodate the Merced Mall Remodel and Expansion Project and setting a Public Hearing for June 6, 2022 (Vacation #21-05)

REPORT IN BRIEF

Considers adopting a resolution of intent to abandon 15 easements within the Merced Mall parking lot at 851 W. Olive Avenue, Merced, and setting time and place for Public Hearing.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2022-17**, a Resolution of the City Council of the City of Merced, California, declaring its intention to vacate 15 easements within the parking lot for the Merced Mall at 851 W. Olive Avenue, generally located on the north side of Olive Avenue, approximately 450 feet east of R Street (Vacation #21-05) 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 #86-080 establishes a policy concerning costs associated with the vacation.

CITY COUNCIL PRIORITIES

Not applicable.

DISCUSSION

Request

The Merced Mall is located at 851 W. Olive and consists of one parcel (approximately 27.30 acres) containing the mall building, the parking lot, and shared driveways. The Mall was approved several decades ago as part of Planned Development #1. The Merced Mall remodel was approved in 2018 and includes updating building facades, adding structures, and possibly adding a second level on top of portion of the first level. To do the construction work for the remodel, the developer would have to relocate or eliminate several utilities and associated easements. As such, the Mall is submitting this application to vacate 15 different easements to complete the Mall remodel and construct structures on the current location of easements. The easements in question include different types of easements for P.G. & E., Merced Water Company, City of Merced, and Grant of Public Utilities. The new location of easements would be reviewed by the City's Engineering Department.

Background

The Merced Mall was originally constructed several decades ago. In 2018, the Mall ownership received approval to remodel their site. The remodel includes updating the façade, adding several structures, and possibly adding a second level on top of portions of the first level.

History and Past Actions

At the Planning Commission meeting of April 6, 2022, 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 3 to set a public hearing for June 6, 2022, to vacate the area 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 Descriptions and Maps
3. Draft City Council Resolution