

**CITY OF MERCED**  
**Planning & Permitting Division**

**STAFF REPORT:** #17-18

**AGENDA ITEM:** 4.2

**FROM:** Kim Espinosa,  
Planning Manager

**PLANNING COMMISSION**  
**MEETING DATE: December 6, 2017**

**PREPARED BY:** Julie Nelson,  
Planner

**CITY COUNCIL**  
**MEETING DATE: February 20, 2018**  
**(Tentative)**

---

**SUBJECT:** **Vacation #17-02**, initiated by Bill Lyons, applicant for Lyons Land and Cattle, Inc., property owner, and Ken Spagnola for CVP Acquisition, property owner, to abandon an existing 40-foot-wide “Avenue” located on the eastern edge of three parcels, generally located at the northeast corner of Childs Avenue and Kibby Road (4155 and 4315 East Childs Avenue) and the southeast corner of East Highway 140 and Kibby Road (1704 Kibby Road).

**ACTION:** Finding:

- 1) The proposed vacation is consistent with the General Plan.

**RECOMMENDATION**

Engineering and Planning Department staff has reviewed this request and recommends that the Planning Commission adopt a Finding that the proposed Vacation of the existing “Avenue” on the eastern edge of the two parcels generally located at the northeast corner of Childs Avenue and Kibby Road (4155 East Childs Avenue and 4315 East Childs Avenue) and the parcel generally located at the southeast corner of East Highway 140 and Kibby Road (1704 Kibby Road) (Attachment B), is consistent with the General Plan.

**BACKGROUND**

The owner of the parcels located at 4155 East Childs Avenue and 1704 Kibby Road (Lyons Land and Cattle, Inc.) is working with PG&E to sell a portion of this property to them for future development. During this process, staff discovered that a 40-foot-wide “Avenue” had been dedicated by the original subdivision of this property (Grimes Subdivision No. 1 recorded on April 5, 1927). This “Avenue” was intended for roadway purposes at the time, but has never been used. City staff has determined that the “Avenue” is not needed, is not shown on the City’s Circulation Plan, and will not be used in the future. Therefore, the right-of-way should be abandoned.

Because the Avenue also affects the property owned by CVP Acquisitions, the City felt it would be more efficient to abandon the entire Avenue with one process. Therefore, CVP Acquisition also submitted an application requesting the abandonment of the Avenue on their property (4315 East Childs Avenue).

The General Plan does not address such routine issues as abandoning unused local roadways. Therefore, the abandonment would not conflict with any goals, policies, or actions in the General Plan, and the proposed vacation is consistent with the General Plan.

**Attachments:**

- A) Location Map
- B) Site Plan Showing Abandonment Area



VACATION #17-02  
CHILDS AVE & KIBBY RD

140

1704 KIBBY RD

Approximate Location  
of Abandonment Area

KIBBY

TOWER

McLane  
Pacific

4155 EAST  
CHILDS AVE

4315 EAST  
CHILDS AVE

CHILDS

GERARD

ATTACHMENT A





# EXHIBIT 'B'

A.T. & S.F. RR



**BOUNDARY LINES**

- PROPERTY LINE \_\_\_\_\_
- SECTION LINE \_\_\_\_\_
- 40' AVENUE LINE PER VOL. 9 PG. 19 \_\_\_\_\_
- OLD LOT LINE PER VOL. 9 PG. 19 \_\_\_\_\_

**LEGEND**

- PM PARCEL MAP
- O.P. OFFICIAL PLATS
- ZZZ ABANDONMENT AREA



H:\31420-Kibby Road\Drawings\31420-Road Abandonment.dwg 14:04:21 11/21/2017



1165 Scenic Drive, Suite A  
Modesto, CA 95350  
odellengineering.com

DESCRIPTION: ROAD ABANDONMENT			
SCALE:	1"=400'	DATE:	NOV. 21, 2017
JOB NO.:	31420		
FILE:	31420-ROAD ABANDONMENT.DWG		

1  
of  
1

## ATTACHMENT B