

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

**STAFF REPORT: #19-18**

**AGENDA ITEM: 4.1**

**FROM:** Kim Espinosa,  
Planning Manager

**PLANNING COMMISSION**  
**MEETING DATE: June 3, 2019**

**PREPARED BY:** Julie Nelson,  
Associate Planner

**CITY COUNCIL**  
**MEETING DATE: July 15, 2019**  
**(Tentative)**

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**SUBJECT:** **Vacation #19-02**, initiated by Bright Development, to abandon a 20-foot-wide temporary access easement on Lot 137 within the Summer Creek Subdivision, generally located west of McKee Road at Silverstone Drive.

**ACTION:** Finding:

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

**RECOMMENDATION**

Bright Development is requesting the Vacation/Abandonment of the 20-foot-wide temporary access on Lot 137 within the Summer Creek Subdivision. Planning staff recommends the Planning Commission adopt a Finding that the proposed Vacation is consistent with the General Plan.

**BACKGROUND**

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 surrounding this subdivision had not been developed and emergency access to the site was limited to one access point off McKee Road at Silverstone Drive. Therefore, additional access was needed to the second phase of the subdivision which was provided by an easement on Lots 130 and 137. In March 2019, the City Council approved the abandonment of the temporary access easement on Lot 130. Unfortunately, the applicant and staff did not realize there was an easement on Lot 137. Therefore, the applicant is now requesting that the temporary access easement on Lot 137 be abandoned. Because the Moraga subdivision has been developed providing additional access to Yosemite Avenue, the temporary access easement is no longer needed. Additionally, with the abandonment of the easement on Lot 130, this access easement no longer provides access to a public way.

The General Plan does not address such routine issues as abandoning a temporary access easement. Therefore, the abandonments 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 and Vacation Area
- B) Legal Description and Map of Proposed Vacation Area



ATTACHMENT A

YOSEMITE AVE

VIA MORAGA

AVILES DR

LOT 137 - APPROXIMATE LOCATION OF TEMPORARY ACCESS EASEMENT TO BE ABANDONED

WHITewater WAY

MARINER WAY

OAK CREEK WAY

FREESTONE DR

CREEKVIEW DR

LOT 130 - TEMPORARY ACCESS EASEMENT ABANDONED 3/18/19

SILVERSTONE

CREEKVIEW DR

MCKEE RD



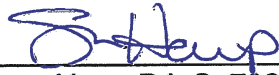
**EXHIBIT 'A'**  
**Legal Description for**  
**Abandonment of 20' Wide Temporary Access Easement**  
**Summer Creek Phase 2 (A.P.N. 008-450-005)**

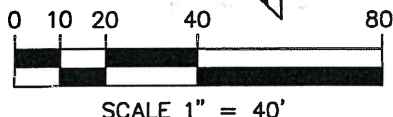
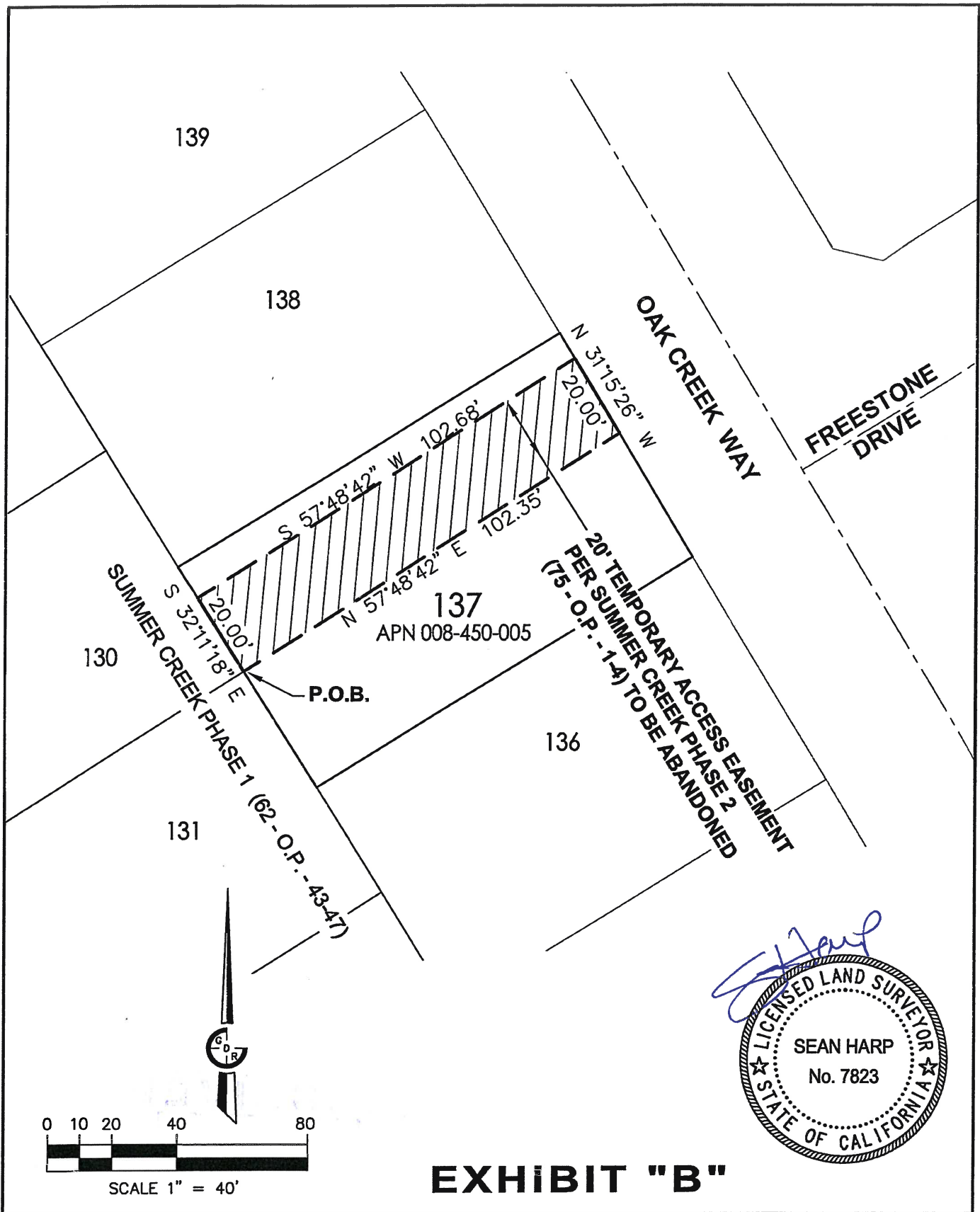
Being that certain 20-foot wide Temporary Access Easement lying within the boundaries of Lot 137 as shown on the map of Summer Creek Phase 2 filed in Book 75 of Official Plats, at Pages 1 through 4, inclusive, Merced County Records, lying in Section 16, Township 7 South, Range 14 East, Mount Diablo Base and Meridian, in the City of Merced, County of Merced, State of California, more particularly described as follows:

Beginning at the southwesterly corner of said Temporary Access Easement, also being the southeasterly corner of Lot 130 as shown on the map of Summer Creek Phase 1 filed in Book 62 of Official Plats, at Pages 43 through 47, inclusive, Merced County Records; thence along the southeasterly line of said easement, North 57°48'42" East, 102.68 feet to the northeasterly line of said Lot 137; thence along said northeasterly line, North 31°15'26" West, 20.00 feet; thence along the northwesterly line of said easement, South 57°48'42" West, 102.68 feet; thence along the southwesterly line of said Lot 137, South 32°11'18" East, 20.00 feet to the point of beginning.

This real property description was prepared by me or under my direction, in conformance with the Professional Land Surveyors Act.



  
Sean Harp, P.L.S. 7823      5/3/2019  
Date



## EXHIBIT "B"

<b>GDR ENGINEERING, Inc.</b> ENGINEERING/SURVEYING/PLANNING 3525 Mitchell Road, Ste. G, Ceres, CA 95307 PH: (209) 538-3360 www.gdrengeering.com	<b>ABANDONMENT OF TEMPORARY ACCESS          EASEMENT FOR SUMMER CREEK PHASE 2</b> CITY OF MERCED, COUNTY OF MERCED, CALIFORNIA	JOB NO.: 18022 5/3/2019 SHEET 1 OF 1
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