

CITY OF MERCED
Planning & Permitting Division

STAFF REPORT: #19-14

AGENDA ITEM: 4.2

FROM: Kim Espinosa,
Planning Manager

PLANNING COMMISSION
MEETING DATE: June 5, 2019

PREPARED BY: Francisco Mendoza-Gonzalez,
Associate Planner

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

SUBJECT: **Vacation #19-03**, initiated by Jose and Maria Morales, property owners, to abandon a Street Light Easement and Storm Drain Easement located at 1368 Griffin Street.

ACTION: Finding:

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

RECOMMENDATION

The property owners are requesting the vacation of an old Storm Drain Easement and Street Light Easement located at 1368 Griffin Street (Attachment A). The Storm Drain Easement is located at the northwest corner of the parcel, and the Street Light Easement (10-foot-wide) runs east and west through the center of the parcel. Engineering and Planning Department staff have reviewed this request and consulted with local utility company companies. Staff did not receive any objections from utility companies during the review process. Staff is recommending that the Planning Commission adopt a Finding stating that the proposed Vacation is consistent with the General Plan.

The subject site contains a third easement that will remain with the site. This is a 10-foot-wide Public Utility Easement located along the eastern property line.

BACKGROUND

The subject site is a vacant 0.31-acre parcel zoned Low Density Residential (R-1-6) principally reserved for single-family homes. The applicant is in the process of developing a home on this parcel. However, the old Street Light Easement and Storm Drain Easement prohibit the applicant from constructing any structures within 15 feet of the easements. This results in a significant amount of undevelopable land that makes it difficult for a design professional to design a conventional and practical floor plan for this site.

The old storm drain easement was originally dedicated to Merced County for storm drain purposes when this area was located within Merced County jurisdiction. However, this area is now within the City limits, and the storm drain easement dedication rights have now been transferred to the City. The City's Engineering and Public Works Departments have reviewed this application and

have determined that the City does not need the old Storm Drain Easement. The City has installed storm drain utilities around the subject site, within Griffin Street (west of the subject site) and along the Merced Irrigation District (MID) Concrete Lined Canal (north of the subject site), therefore no longer needing the old storm drain easement (see lines drawn at Attachment D). In addition, MID has indicated that they do not object to vacating this storm drain easement.

The old Street Light Easement was initially intended to allow for power to be drawn from existing telephone/power poles along the eastern property line to power a street light at the end of Griffin Street. However, over the past few decades several lots in this neighborhood have been improved or developed. During that time, several street lights have been installed throughout Griffin Street, including a street light directly across the street from the subject site (Attachment E). Because there is already a street light at the end Griffin Street, the City has determined that another street light is not needed and that the old street light easement should be abandoned.

After contacting all utility companies in the area, it was determined that no utilities were located within the Storm Drain Easement, and there are no plans to use the easement in the future. There is a power pole within the street light easement, but it can be relocated as it is no longer needed for a street light. Therefore, these easements are no longer needed and should be abandoned to give the property owners full use of their property. The General Plan does not address the abandonment of easements; and thus, this action does not conflict with any General Plan policies, text, or maps, so it can be considered “consistent.”

Attachments:

- A) Location Map and General Vacation Area
- B) Legal Description
- C) Parcel Map
- D) Storm Drain Lines
- E) Existing Street Light

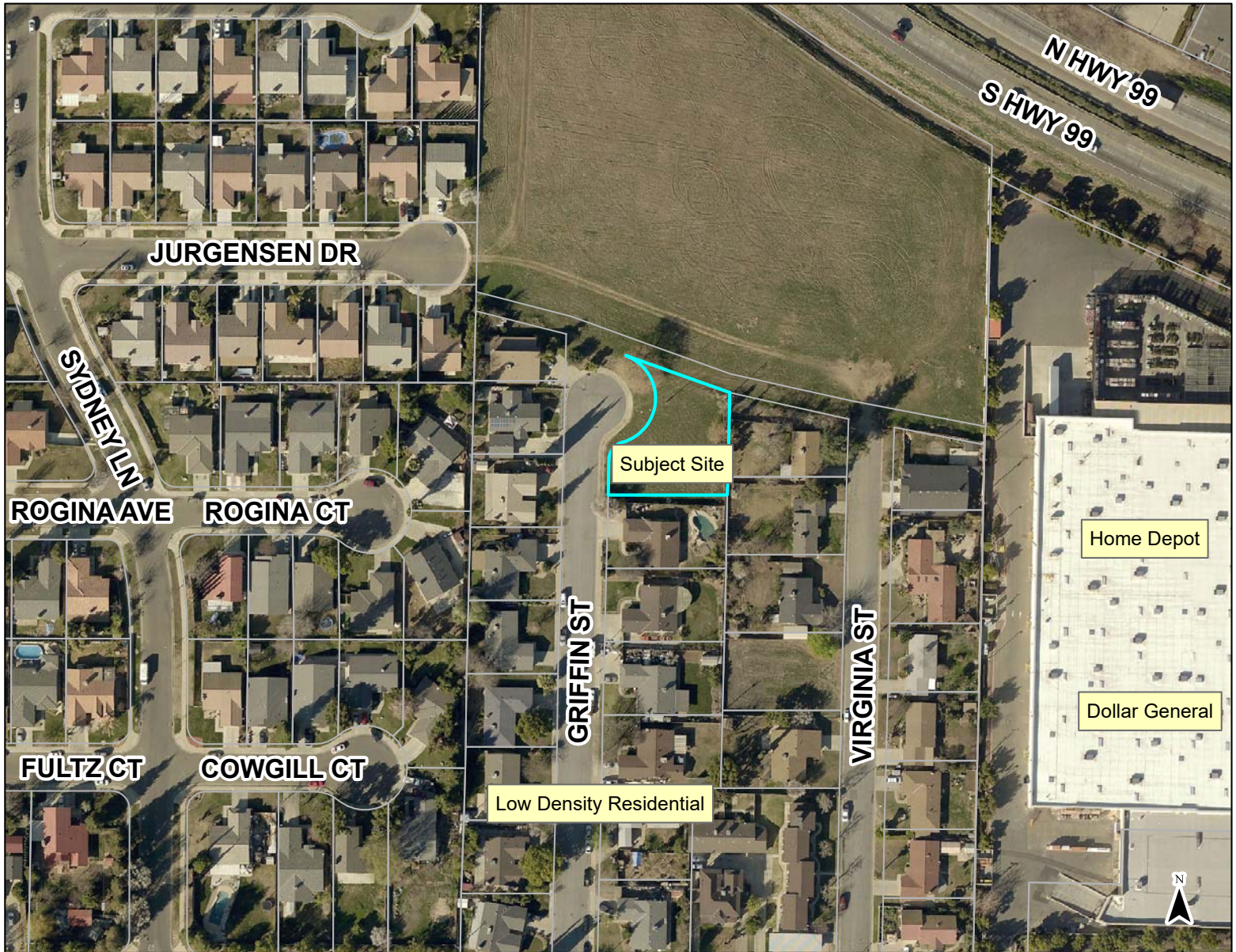


EXHIBIT "A"

STORM DRAINAGE EASEMENT ABANDONMENT AND
STREET LIGHTING EASEMENT ABANDONMENT

DESCRIPTION

STORM DRAINAGE EASEMENT

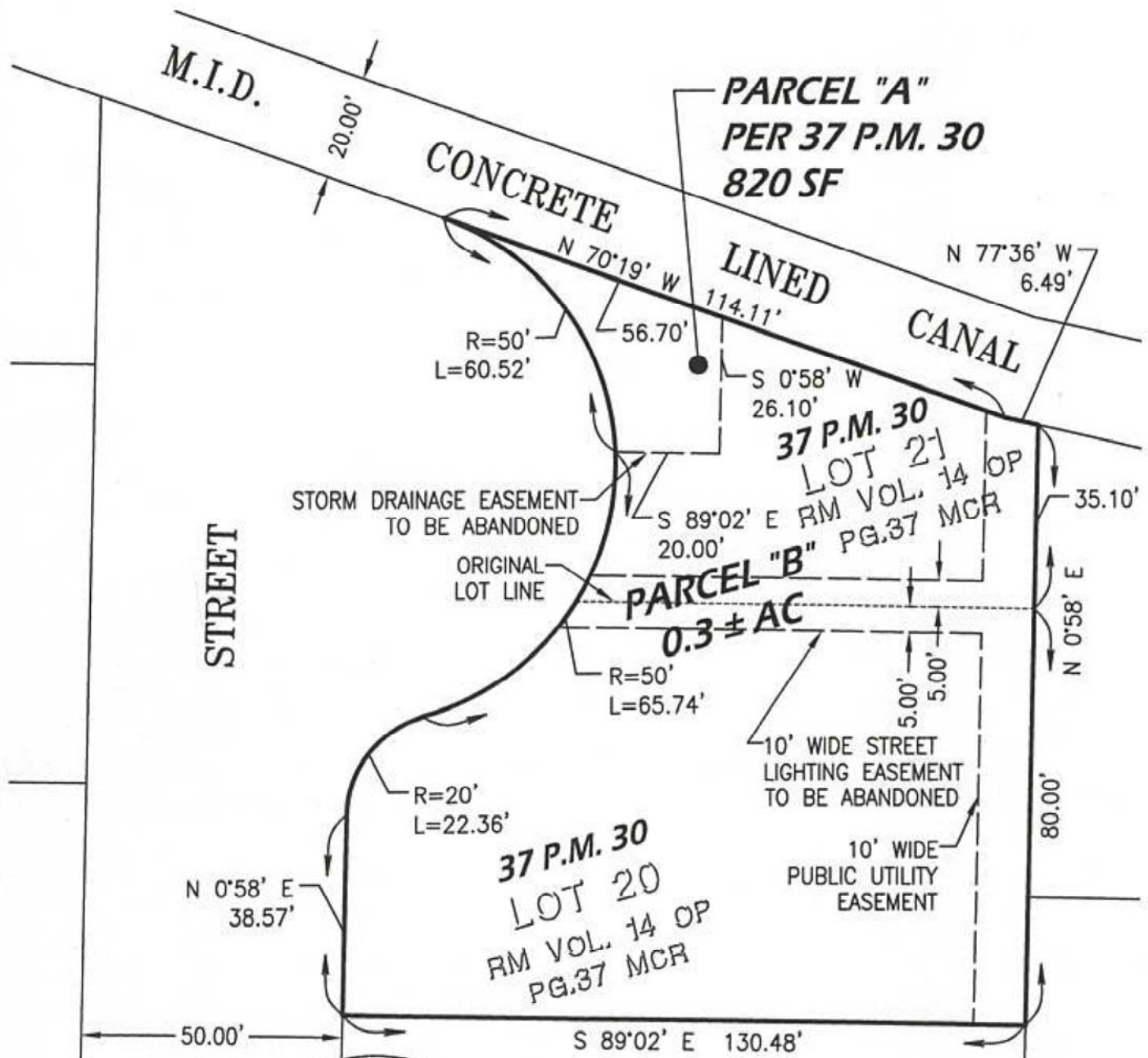
A storm drain easement to be abandoned, situate in Section 23, Township 7 South, Range 14 East, Mount Diablo Base and Meridian, in the City of Merced, State of California; said storm drain easement shown on Parcel "A" on that certain Parcel Map for "Marion C. East", recorded in Volume 37 at Page 30, Merced County Records.

10.00 FOOT WIDE STREET LIGHTING EASEMENT

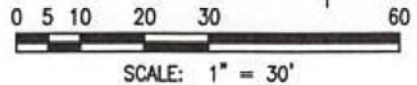
A 10.00 foot wide street lighting easement, being the south 5.00 feet of Lot 21 and the north 5.00 feet of Lot 20 as shown on the map of "Griffin Subdivision", recorded in Volume 14 of Official Plats at Page 37, Merced County Records; said easement lines terminates on the west at the east line of that certain cul-de-sac dedicated on said Parcel Map for "Marion C. East" and on the east said easement lines terminate on the east lines of said Lots 20 and 21.



EXHIBIT 'B'



STREET



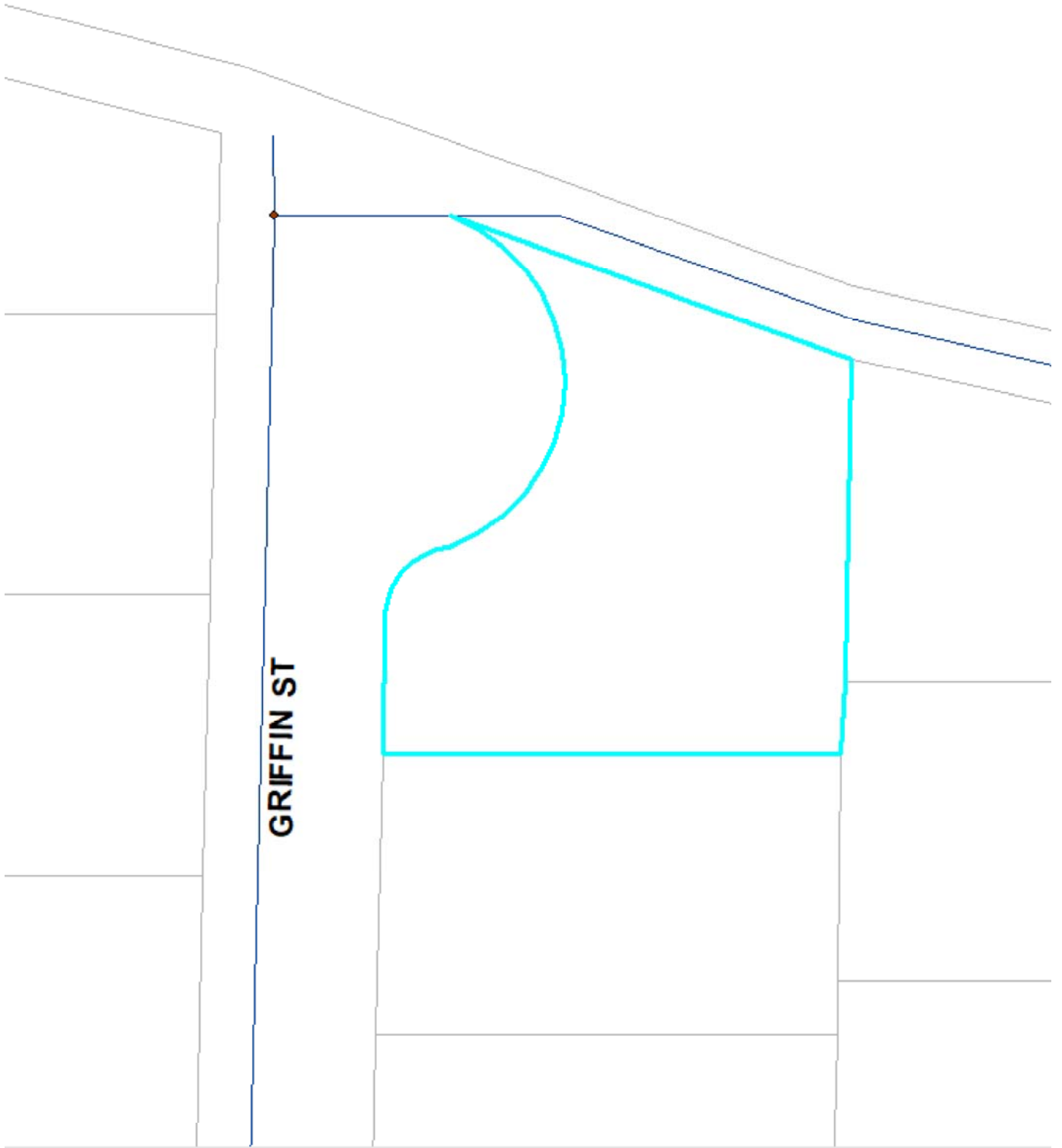
GOLDEN VALLEY
ENGINEERING & SURVEYING

405 W. 19th Street • P.O. Box 349 • Merced, CA 95340
Phone (209) 722-3200 • Fax (209) 722-3254

Job No. 19072 Date: 5/14/2019

EXHIBIT 'B'

Exhibit Map for "Abandonment of Storm Drainage Easement" and "Street Light Easement", situated in Section 23, T.7S., R.14E., M.D.B.&M., in the City of Merced, State of California



ATTACHMENT D



ATTACHMENT E