

CITY OF MERCED
Planning & Permitting Division

STAFF REPORT: #19-19

AGENDA ITEM: 4.1

FROM: Kim Espinosa,
Planning Manager

PLANNING COMMISSION
MEETING DATE: July 17, 2019

PREPARED BY: Francisco Mendoza-Gonzalez,
Associate Planner

CITY COUNCIL
MEETING DATE: Sept. 3, 2019
(Tentative)

SUBJECT: **Vacation #19-04**, initiated by Yosemite & G, LLC, property owner, to abandon a portion of a Work Easement near the northeast corner of Yosemite Avenue and G Street.

ACTION: Finding:

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

RECOMMENDATION

The property owner is requesting the abandonment of a portion of a Work Easement located at the northeast corner of Yosemite Avenue and G Street. Engineering and Planning Department staff have reviewed this request and consulted with local utility companies and recommend that the Planning Commission adopt a Finding stating that the proposed Vacation is consistent with the General Plan. The area to be vacated consists of approximately 440 square feet.

BACKGROUND

The subject site is a vacant 19.7-acre parcel zoned Planned Development (P-D) #72 with General Plan designations of Commercial Professional Office (CO) and High-Medium Density Residential (HMD). The applicant is requesting the vacation of a portion of a Work Easement as described in Exhibit B and shown at Exhibit C, located at the Northeast corner of Yosemite Avenue and G Street. A portion of the easement is within current City right-of-way so that portion would not need to be vacated. This easement was dedicated to the City by deed during the late 1980's for sewer purposes. The City's Engineering Department reviewed this proposal and looked through several records, and could not determine the original purpose for this easement or find a specific project that it was reserved for. However, the City's Engineering Department determined that this easement would not be needed for any future City-related projects. The City's Engineering Department recommends vacating a portion of this easement to give the property owner full rights to develop their land. If the City needs additional easements on this property, they can be requested when the property owner submits land use applications to develop this site.

After contacting all utility companies in the area, it was determined that no utilities were located within this easement, and there are no plans to use this easement in the future. Therefore, this easement is 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



Order No.
Escrow No.
Loan No.

WHEN RECORDED MAIL TO:

CITY OF MERCED
P.O. BOX 2068
MERCED, CA 95344-0068

19900

RECORDED BY

City of Merced

JUL 29 1987

10:40am

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OFF'L RECORDS OF
MERCED COUNTY
CALIFORNIA

LEROY G. GILSDORF

SPACE ABOVE THIS LINE FOR RECORDER'S USE

MAIL TAX STATEMENTS TO:

SAME AS ABOVE

EASEMENT DEED

For a Valuable consideration, receipt of which is hereby acknowledged,
Spalding G. Mathen and Della Mathen,

hereby grants to the City of Merced, a Municipal Corporation, an easement
for sewer purposes, over and across the southwest portion of Lot 57,
according to that certain map entitled "TOWNE SUB-DIVISION,
YOSEMITE COLONY," filed for record October 13, 1891 in Book 1 of
Official Plats at Page 22, now appearing in Volume 2 of Official
Plats at Page 22, Merced County Records, and being in the
southwest quarter of Section 8, T. 7 S. R. 14 E., M.D.B. & M.,
Merced County California, being more particularly described as
follows:

The south 15.00 feet of the west 50.00 feet of said Lot 57,
the south line of said 15.00 foot strip of land being the north
line of Yosemite Avenue.

Also a working easement over the south 35.00 feet of the
west 70.00 feet of said Lot 57, the south line of said 70.00 foot
strip of land being the north line of Yosemite Avenue.

Subject to rights of way of record, if any.

Said working easement shall terminate upon filing of a Notice of Completion.
A.P.N. 60-040-73



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Dated July 10, 1987

Spalding G. Wathen
Spalding G. Wathen

Dated July 10, 1987

Della Wathen
Della Wathen

CITY OF MERCED

Approved Description:

By: Harmon Mc Lister 7-24-87
(Engineering Dept) Date

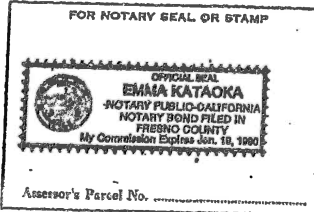
Approved Form:
By: S. J. [Signature] 7/27/87
City Attorney Date

Reference: North Merced Survey

STATE OF CALIFORNIA }
COUNTY OF Fresno } SS.
On July 10, 1987 before me, the under-
signed, a Notary Public in and for said County and State, personally
appeared Spalding G. Wathen and
Della Wathen

_____ known to me
to be the person(s) whose names are subscribed to the within
instrument and acknowledged that they executed the same.

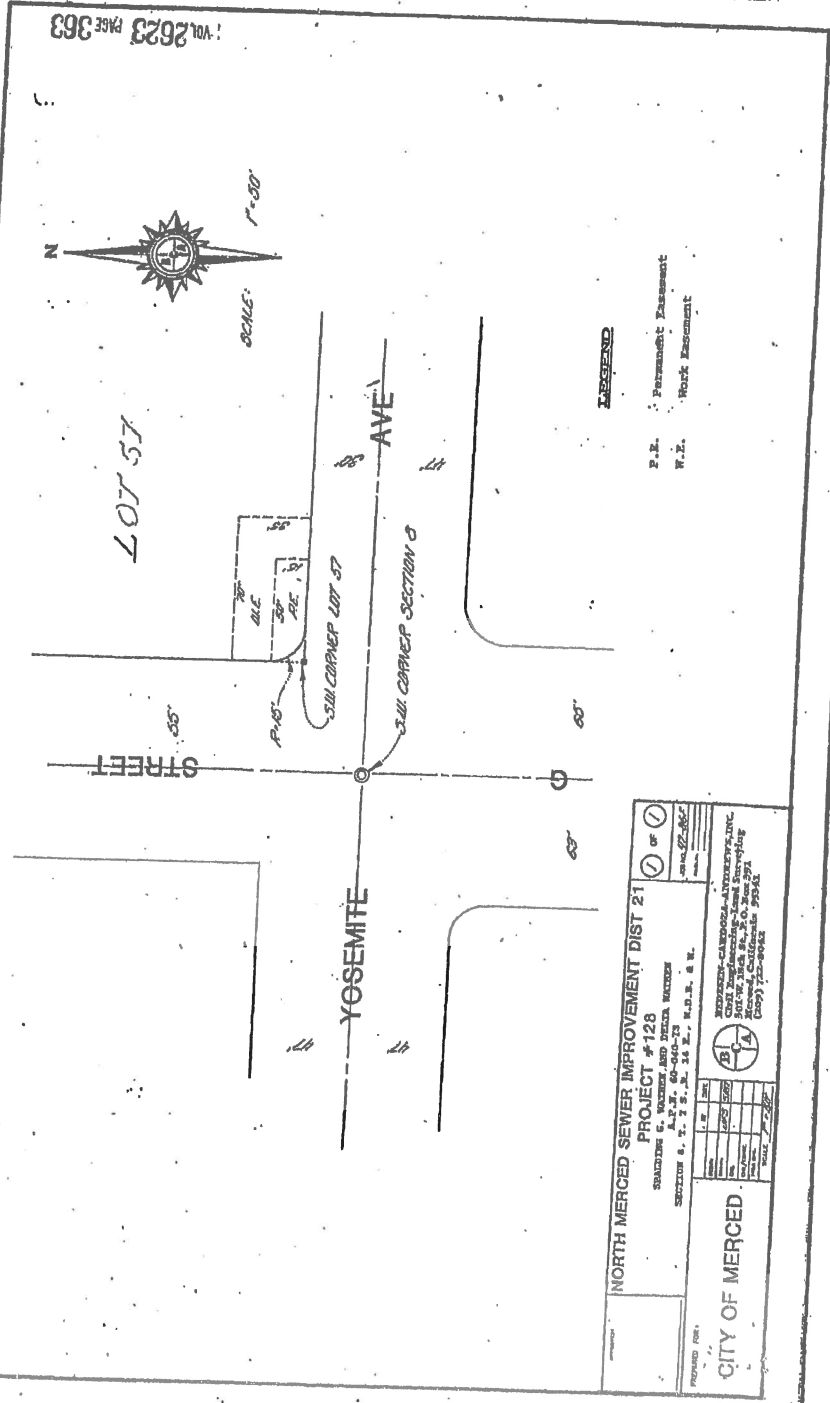
Emma Kataoka
Signature of Notary
Emma Kataoka



Assessor's Parcel No. _____

MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE; IF NO PARTY SO SHOWN, MAIL AS DIRECTED ABOVE

Name _____ Street Address _____ City & State _____
L-1 (5.2) (Rev. 4-75) 6 pt. VOL. 2623 PAGE 362



ATTACHMENT C