

CITY OF MERCED
Planning & Permitting Division

STAFF REPORT: #15-19

AGENDA ITEM: 4.1

FROM: Kim Espinosa,
Planning Manager

PLANNING COMMISSION
MEETING DATE: Oct. 21, 2015

PREPARED BY: Julie Nelson,
Associate Planner

CITY COUNCIL
MEETING DATE: Dec. 7, 2015
(Tentative)

SUBJECT: **Vacation #15-01**, initiated by Raymond and Rebecca Abarca, property owners, to abandon a 10-foot-wide Public Utilities Easement (PUE) located along the eastern property line of the property located at 2936 Crestwood Court.

ACTION: Finding:

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

RECOMMENDATION

The property owner is requesting the vacation of a 10-foot-wide Public Utilities Easement (PUE) that runs north and south along the eastern property line of their property located at 2936 Crestwood Court (Attachment A). Engineering and Planning Department staff have reviewed this request and consulted with local utility companies and recommend that the Planning Commission adopt a Finding that the proposed Vacation is consistent with the General Plan. The area to be vacated consists of approximately 620 square feet of a Public Utilities Easement located along the eastern property line of the property located at 2936 Crestwood Court (Attachments B and C).

BACKGROUND

The property owners are installing a pool in their backyard and this easement prohibits them from placing the pool within 5-feet of the eastern property line (as allowed by the Zoning Ordinance). With this easement, the pool would have to be at least 10 feet from the eastern property line which would not leave enough room for the pool within the backyard. 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
- B) Map of Vacation Area
- C) Legal Description of Vacation Area

VACATION #15-01
2936 CRESTWOOD COURT

10-Foot Public
Utilities Easement
to be abandoned.



CRESTWOOD

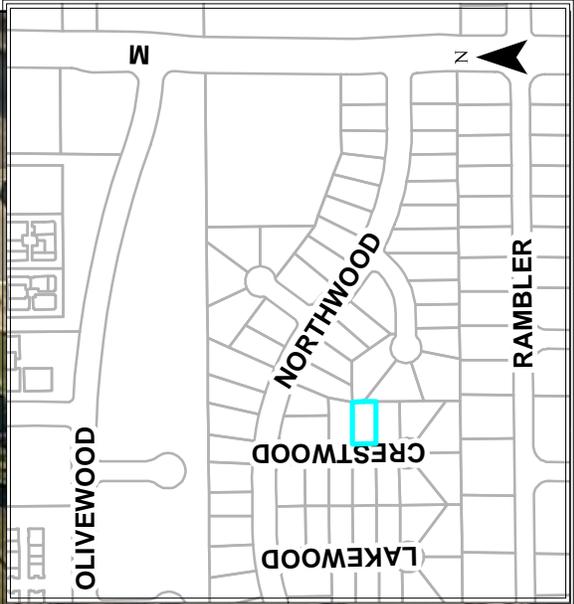


EXHIBIT "A"

Being a portion of Lot 64 as shown on "Wainwrights Bear Creek Village No. 4", recorded in Volume 19 of Official Plats at page 1, 2 and 3, Merced County Records, lying in the northwest quarter of Section 19, Township 7 South, Range 14 East, Mount Diablo Meridian, in the City of Merced, County of Merced and State of California, being more particularly described as follows:

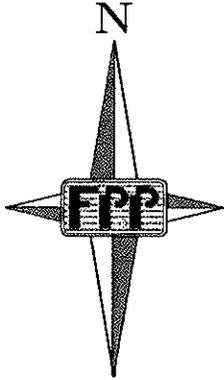
The east 10.00 feet of said Lot 64 shown as a 10.00 foot wide Public Utilities Easement on said map.

Containing 620 square feet more or less.



David D. Heinrichs
10/9/2015

EXHIBIT "B"



SCALE 1" = 20'

LOT 63
19 O.P.: 1
M.C.R.: 1

CRESTWOOD COURT

LOT 64
19 O.P.: 1
M.C.R.: 1

EAST 10' OF LOT 64

EXISTING P.U.E. TO BE ABANDONED

LOT 65
19 O.P.: 1
M.C.R.: 1



[Handwritten Signature]
10/9/2015

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10/9/2015