

RESOLUTION NO. 2009-70

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA
ORDERING THE VACATION OF A PORTION
OF A CERTAIN PUBLIC RIGHT-OF-WAY
(KIBBY ROAD) (VACATION #06-01)**

WHEREAS, By adoption of Resolution No. 2009-57 on August 17, 2009, the City Council declared its intention to vacate a portion of a public right-of-way (Kibby Road) in the City of Merced, and more particularly described in Exhibits A and B attached hereto and incorporated herein by this reference, and set a public hearing thereon; and,

WHEREAS, Resolution No. 2009-57 fixed a time and place for hearing all persons interested in or objecting to the proposed vacation to wit: On Monday, September 21, 2009, at the hour of 7:00 p.m. of said day, in the Council Chambers of the City Council, 678 West 18th Street, Merced, California, which said time was not less than fifteen (15) days from the above-mentioned date and passage of Resolution No. 2009-57; and,

WHEREAS, Resolution No. 2009-57 was published in the manner prescribed by Section 8320 *et seq.* of the Streets and Highways Code of the State of California; and,

WHEREAS, The public hearing before the City Council occurred on September 21, 2009, and was continued to September 23, 2009, September 26, 2009, and September 28, 2009; and,

WHEREAS, On August 25, 2009, notices were conspicuously posted along the lines of the portions of said public right-of-way proposed to be vacated, not more than three hundred (300) feet apart, which notices consisted of copies of Resolution No. 2009-57; and,

WHEREAS, The vacation of the public right-of-way as proposed by Resolution No. 2009-57 was submitted to the Planning Commission on August 19, 2009, and considered by the Planning Commission on August

19, 2009 and August 24, 2009; the Planning Commission recommended approval of the proposed vacation on August 24, 2009, and found the proposed vacation to be in conformity with the general plan.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. The City Council finds from all of the evidence submitted that the public right-of-way in the City of Merced as described in Exhibits A and B, is unnecessary for present or prospective public right-of-way purposes.

SECTION 2. It is hereby ordered that the public right-of-way lying within the above described territory be and the same is hereby abandoned and vacated, pursuant to the provisions of Part 3, Division 9, of the Streets and Highways Code of the State of California, being the Public Streets, Highways, and Services Easements Vacation Law; provided, however, that the City hereby reserves an easement over the right-of-way described in Exhibits A and B for public utility purposes until the public utilities currently located in said right-of-way have been relocated to the satisfaction of the City Engineer.

SECTION 3. The City Clerk is directed to cause a certified copy of this resolution, attested under seal of the City of Merced, to be recorded in the Office of the County Recorder of Merced County.

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PASSED AND ADOPTED by the City Council of the City of Merced
at a regular meeting held on the 28th of September, 2009, by the following
called vote:

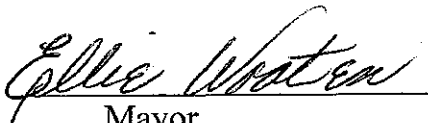
AYES: Council Members: SANDERS, CORTEZ, GABRIALT-ACOSTA,
LOR, SPRIGGS, WOOTEN

NOES: Council Members: CARLISLE

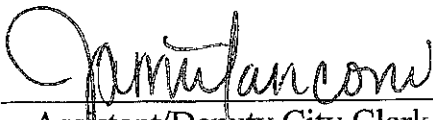
ABSTAIN: Council Members: NONE

ABSENT: Council Members: NONE

APPROVED:


Mayor

ATTEST:
CITY CLERK

BY: 
Assistant/Deputy City Clerk

(SEAL)



APPROVED AS TO FORM:

BY:  8/28/09
City Attorney Date

EXHIBIT

Land Description for the Abandonment of a portion of Kibby Road

A strip of land forty feet in width lying twenty feet on either side of the east line of the northeast quarter of Section 34, Township 7 South, Range 14 East, Mount Diablo Base and Meridian, the boundary of which is more particularly described as follows:

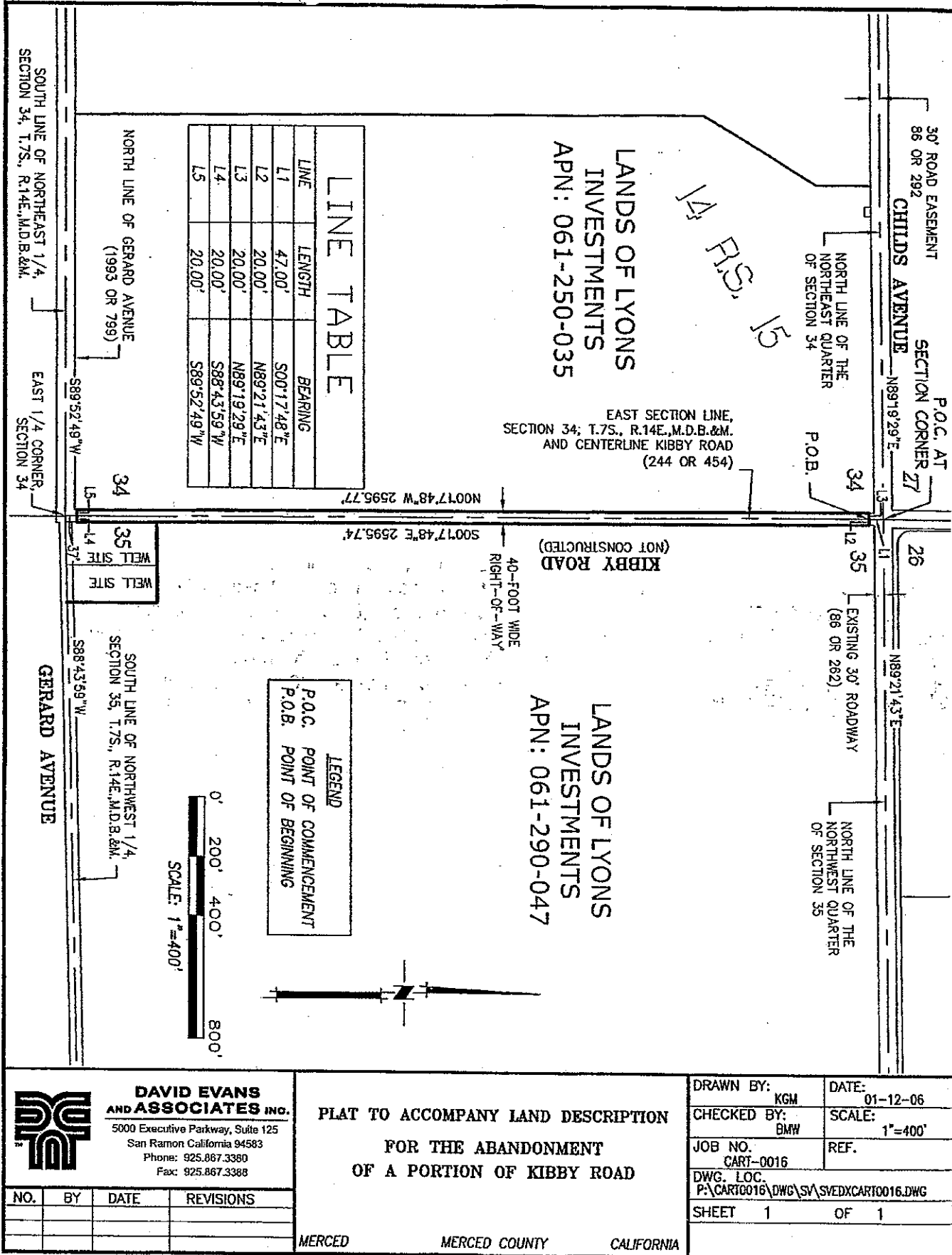
COMMENCING at the northeast corner of said Section 34, said point also being the intersection of the centerline of Kibby Road and the centerline of Childs Avenue; thence S 00°17'48"E, coincident with the east line of the northeast quarter of said Section 34, a distance of 47.00 feet to the **POINT OF BEGINNING**; thence parallel with the north line of the northwest quarter of Section 35, Township 7, Range 14 East M.D.B.M., N 89°21'43"E a distance of 20.00 feet; thence S00°17'48"E, coincident with the easterly line of that certain 40-foot right-of-way known as Kibby Road, described in the deed to the County of Merced recorded April 1, 1929 in Volume 244 of Official Records, Page 454, a distance of 2595.74 feet; thence S88°43'59"W, parallel to and distant 37.00 feet north of the south line of said northwest quarter of Section 35, a distance of 20.00 feet to the west section line of said northwest quarter; thence S89°52'49"W, parallel to and distant 37.00 feet north of the south line of said northeast quarter of said Section 34, a distance of 20.00 feet to the westerly right-of-way line of said Kibby Road (244 OR 454); thence N00°17'48"W, coincident with said westerly line, a distance of 2595.77 feet to a point on said westerly right-of-way that bears S89°19'29"W, 20.00 feet from the Point of Beginning; thence parallel with the north line of the northeast quarter of said Section 34, N89°19'29"E, 20.00 to the **POINT OF BEGINNING**.

Containing an area of 2.4 acres more or less.

End of Description

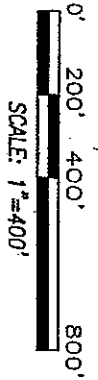


Bryn M. Wright, P.L.S. 8071
Expires 12/31/2007
5000 Executive Parkway, #125
San Ramon, Ca 94583



LINE	LENGTH	BEARING
L1	47.00'	S00°17'48"E
L2	20.00'	N89°21'43"E
L3	20.00'	N89°19'29"E
L4	20.00'	S88°43'59"W
L5	20.00'	S89°52'49"W

LEGEND
P.O.C. POINT OF COMMENCEMENT
P.O.B. POINT OF BEGINNING



DAVID EVANS AND ASSOCIATES INC.
5000 Executive Parkway, Suite 125
San Ramon California 94583
Phone: 925.867.3380
Fax: 925.867.3388

**PLAT TO ACCOMPANY LAND DESCRIPTION
FOR THE ABANDONMENT
OF A PORTION OF KIBBY ROAD**

MERCED MERCED COUNTY CALIFORNIA

DRAWN BY: KGM	DATE: 01-12-06
CHECKED BY: BMW	SCALE: 1"=400'
JOB NO. CART-0016	REF.
DWG. LOC. P:\CART0016\DWG\SV\SVEDXCART0016.DWG	
SHEET 1	OF 1

NO.	BY	DATE	REVISIONS