



PLANNING COMMISSION STAFF REPORT

Date: February 10, 2010

Case No.: Engineering File R-09-011

Type: Right-of-Way Vacation

Location: Barona Road, between E. Palm Canyon Dr. and Palm Canyon Wash

APN: 510-210-055, 510-112-007, 510-124-007, 510-20-015, 510-028-002

Applicant: Tracy Conrad, on behalf of Smoke Tree Ranch

General Plan: Barona Road, designated as a 60 feet wide Collector roadway

Zone: R-G-A(6), R-1-A

From: Marcus L. Fuller, Asst. Director of Public Works/Asst. City Engineer

PROJECT DESCRIPTION:

Tracy Conrad, on behalf of Smoke Tree Ranch, owner of the property located adjacent to the west side of Barona Road between E. Palm Canyon Drive and the Palm Canyon Wash, submitted an application to the Public Works and Engineering Department to have excess public right-of-way adjacent to the property vacated.

RECOMMENDATION:

Staff recommends that the Planning Commission determine that the vacation of a portion of right-of-way for Barona Road between E. Palm Canyon Drive and the Palm Canyon Wash is consistent with the Circulation Element of the City of Palm Springs General Plan.

ANALYSIS:

On July 6, 2009, the City received a request from Tracy Conrad, on behalf of Smoke Tree Ranch, to vacate excess street right-of-way adjacent to Barona Road between E. Palm Canyon Dr. and the Palm Canyon Wash. In 1966, the City's General Plan designated Barona Road as an 88 feet wide Secondary Thoroughfare. The original street right-of-way (44 feet half-width) was previously granted to the City in 1967 and 1968 by Smoke Tree Ranch consistent with this designation.

Subsequently, the City's 2007 General Plan Update has reclassified Barona Road as a 60 feet wide collector. Therefore, along the west side of Barona Road, south of the new Smoke Tree Shopping Center, there exists 14 feet of additional right-of-way that is now considered excess right-of-way and is no longer required.

The California Government Code requires that cities determine whether the vacation or abandonment of any street right-of-way is consistent with the City's General Plan. Specifically, Government Code Section 65402(a) states:

*If a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, and no real property shall be disposed of, **no street shall be vacated or abandoned**, and no public building or structure shall be constructed or authorized, **if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof.** The planning agency shall render its report as to conformity with said adopted general plan or part thereof within forty (40) days after the matter was submitted to it, or such longer period of time as may be designated by the legislative body.*

The Planning Commission is the designated planning agency for the City of Palm Springs. As emphasized in the above cited Government Code, it is necessary for the Planning Commission to determine that the subject vacation of the westerly 14 feet of public right-of-way for Barona Road south of the new Smoke Tree Shopping Center is consistent with the City's General Plan.

It is staff's recommendation that the Planning Commission make such determination, with the understanding that following the vacation, 60 feet of right-of-way will remain for Barona Road, consistent with its designation as a Collector on the 2007 Palm Springs General Plan Update.

Submitted:



Marcus L. Fuller, P.E., P.L.S.
Asst. Director of Public Works/
Asst. City Engineer

ATTACHMENTS:

1. Site Plan of Vacation Area
2. Vacation Area Exhibits "A" & "B"
3. Resolution

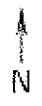


Portion of Barona Road
R/W to be Vacated



R/W VACATION

BARONA ROAD



CityGIS

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EXHIBIT "A"
RIGHT OF WAY VACATION
R 09 - 011
LEGAL DESCRIPTION

IN THE CITY OF PALM SPRINGS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, THAT PORTION OF THE WEST HALF OF SECTION 25, TOWNSHIP 4 SOUTH, RANGE 4 EAST, S.B.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF PARCEL 3 OF PARCEL MAP NO. 7257, AS SHOWN BY MAP ON FILE IN BOOK 24, AT PAGE 18, OF PARCEL MAPS, RIVERSIDE COUNTY RECORDS, SAID POINT ALSO LYING 44.00 FEET WESTERLY OF THE EASTERLY LINE OF THE WEST HALF OF SAID SECTION 25, ALSO BEING THE CENTERLINE OF BARONA ROAD;

THENCE PARALLEL WITH THE CENTERLINE OF SAID BARONA ROAD SOUTH 00°04'30" WEST ALONG SAID WESTERLY LINE A DISTANCE OF 1,806.87 FEET;

THENCE CONTINUING ALONG SAID PARALLEL LINE SOUTH 00°03'30" WEST A DISTANCE OF 889.67 FEET, TO A POINT ON THE NORTHERLY LINE OF PARCEL 6040-7, AS SHOWN ON MAP ON FILE IN BOOK 103 PAGES 85 THROUGH 92, INCLUSIVE, OF RECORDS OF SURVEY;

THENCE NORTH 46°23'24" EAST ALONG SAID NORTHERLY LINE A DISTANCE OF 19.35 FEET, TO A POINT LYING 30.00 FEET WESTERLY OF THE CENTERLINE OF SAID BARONA ROAD;

THENCE NORTH 00°03'30" EAST ALONG SAID WESTERLY LINE AND PARALLEL WITH SAID CENTERLINE OF BARONA ROAD A DISTANCE OF 876.28 FEET;

THENCE CONTINUING ALONG SAID PARALLEL LINE NORTH 00°04'30" EAST A DISTANCE OF 1,806.88 FEET, TO THE PROLONGATION OF THE SOUTHERLY LINE OF SAID PARCEL 3 OF PARCEL MAP NO. 7257;

THENCE NORTH 89°52'45" WEST ALONG SAID PROLONGATED LINE A DISTANCE OF 14.00 FEET TO THE POINT OF BEGINNING.

SUBJECT TO EXISTING EASEMENTS, COVENANTS, RIGHTS AND RIGHTS-OF-WAY OF RECORD.

**CONTAINING 37,649 SQUARE FEET
OR 0.864 ACRES, MORE OR LESS.**

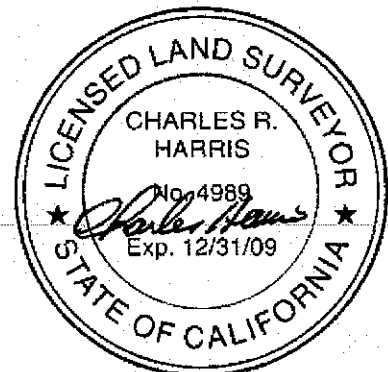
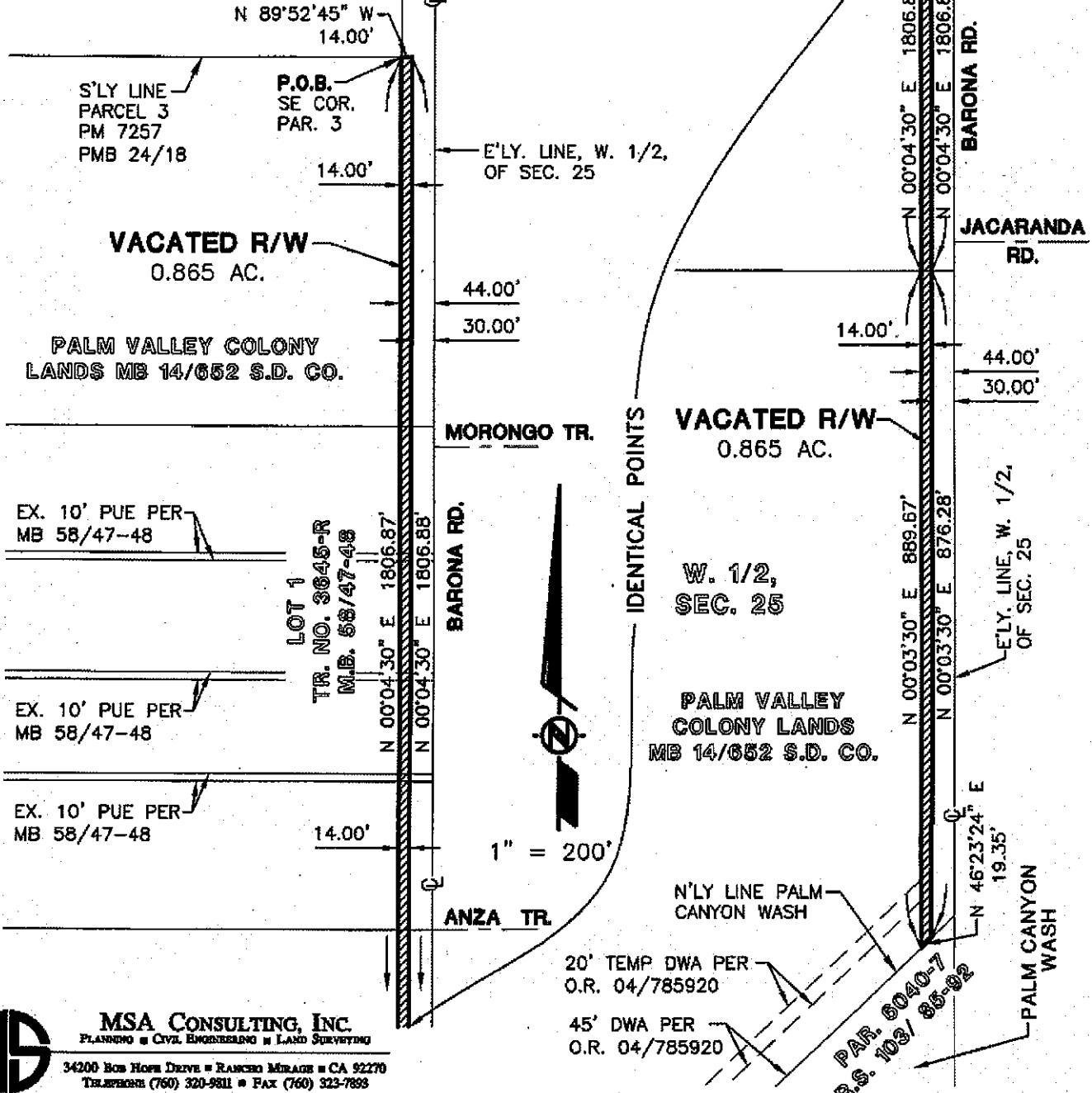


EXHIBIT "B"

PARCEL 1
PARCEL MAP NO. 34289
P.M.B. 225/55-57



MSA CONSULTING, INC.
PLANNING • CIVIL ENGINEERING • LAND SURVEYING
34200 BOB HOPE DRIVE • RANCHO MIRAGE • CA 92270
TELEPHONE (760) 320-9811 • FAX (760) 323-7893



CITY OF PALM SPRINGS
PUBLIC WORKS &
ENGINEERING DEPARTMENT

APPROVED: _____ DATE _____
7987
ASST. DIRECTOR OF PUBLIC WORKS/
ASST. CITY ENGINEER P.L.S.

RIGHT OF WAY VACATION

LEGAL DESCRIPTION: SEE EXHIBIT "A"

DESIGN BY: CRH	SCALE: 1"=200'	FILE NO.: R 09 - 011
CHECKED BY: CRH	W.O. # 1765	SHEET NO.: 1 OF 1

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, DETERMINING THAT THE VACATION OF THE WESTERLY 14 FEET OF RIGHT-OF-WAY FOR BARONA ROAD, SOUTH OF THE SMOKE TREE SHOPPING CENTER, IS CONSISTENT WITH THE PALM SPRINGS GENERAL PLAN; FILE R 09-11.

WHEREAS, Tracy Conrad, on behalf of Smoke Tree Ranch ("Applicant"), the owner of property located adjacent to the west side of Barona Road between E. Palm Canyon Drive and the Palm Canyon Wash, has filed an application with the City to have vacated the westerly 14 feet of public right-of-way for Barona Road, south of the Smoke Tree Shopping Center; and

WHEREAS, Section 65402(a) of the California Government Code requires that no street shall be vacated or abandoned if the adopted general plan applies thereto until the location, purpose and extent of such street vacation or abandonment have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof; and

WHEREAS, Section 607 of Article VI of the Charter of the City of Palm Springs established the Planning Commission, and assigned it all duties set out in the California Planning and Zoning Law for a planning agency; and

WHEREAS, the Applicant has requested vacation of excess public right-of-way not necessary for future or prospective use, consistent with the Palm Springs General Plan.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby determines that the proposed right-of-way vacation of the westerly 14 feet of public right-of-way for Barona Road, south of the Smoke Tree Shopping Center, is consistent with the Palm Springs General Plan.

ADOPTED this 10th day of February, 2010.

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Craig A. Ewing, AICP
Director of Planning Services