



CITY COUNCIL STAFF REPORT

Date: February 17, 2010 CONSENT CALENDAR

Subject: SUMMARY VACATION OF A PORTION OF RIGHT-OF-WAY FOR PASEO DOROTEA IN SECTION 19, TOWNSHIP 4 SOUTH, RANGE 5 EAST; FILE R 09-17

From: David H. Ready, City Manager

Initiated by: Public Works and Engineering Department

SUMMARY

The Streets and Highways Code of the State of California allows the City to consider summarily vacating street right-of-way by following a streamlined process under certain conditions. In this case, the City Council may summarily vacate excess right-of-way through the adoption of a Resolution, without a Public Hearing.

RECOMMENDATION:

Adopt Resolution No. _____ "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, SUMMARILY VACATING AND ABANDONING ALL OF ITS RIGHT, TITLE AND INTEREST IN A PORTION OF PUBLIC RIGHT-OF-WAY ADJACENT TO 915 AND 923 S. PASEO DOROTEA IN SECTION 19, TOWNSHIP 4 SOUTH, RANGE 5 EAST; FILE R 09-17."

STAFF ANALYSIS:

On October 13, 2009, the City received a request from Carolyn Goodwin and Irene Goodwin, owners of properties located at 915 and 923 S. Paseo Dorotea, to vacate excess street right-of-way adjacent to their properties.

The original Vista Del Cielo No. 2 subdivision dedicated 40 feet for the west half of Paseo Dorotea and 30 feet for the east half, providing a total of 70 feet of right-of-way for Paseo Dorotea (see Attachment 1). Subsequently, in 1953 a separate additional grant of right-of-way was dedicated to the City for Paseo Dorotea from Lot 76 of the Vista Del Cielo No. 2 subdivision, where the street curves to the north, resulting in an additional 25 feet of right-of-way on the north side of Lot 76 (for a total of 95 feet of right-of-way).

ITEM NO. 2.1.

As shown on the Assessor's Map (included as Attachment 2), the 25 feet offset of additional right-of-way does not align with any of the existing right-of-way for Paseo Dorotea north of Lot 76, and the purpose of this additional dedication from 1953 is unknown. Lot 76 was subsequently divided into two separate parcels, both of which are affected by the additional grant of right-of-way from 1953.

The City's 2007 General Plan Update designates Paseo Dorotea as a 60 feet wide collector. Therefore, along the west side of Paseo Dorotea, adjacent to 915 and 923 S. Paseo Dorotea, there exists additional right-of-way that is now considered excess right-of-way and is no longer required. The subject of this proposed right-of-way vacation is the additional grant of right-of-way to the City in 1953; the original 70 feet of right-of-way dedicated on the underlying subdivision map will remain.

Chapter 4 "Summary Vacation", of part 3 "Public Streets, Highways, and Service Easement Vacation Law", of Division 9 "Change of Grade and Vacation" of the California Streets and Highways Code (Section 8330 et. seq.), outlines the process to follow for summarily vacating public road easements. In accordance with Section 8334(a) of the Code, a local agency may summarily vacate an excess right-of-way of a street not required for street purposes. The City need only adopt a Resolution citing specific facts that allows for the summary vacation of the excess right-of-way; a Public Hearing is not required.

The Planning Commission considered the proposed right-of-way vacation at its meeting of February 10, 2010, and determined vacating the excess right-of-way is consistent with the General Plan.

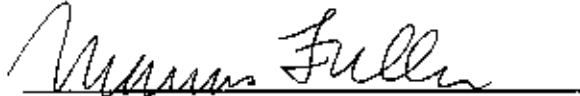
Staff coordinated with the public utility companies and have determined that there are no public utilities within the excess right-of-way to be vacated, that the excess right-of-way is not necessary for use by the public, and recommends that the City Council adopt the attached Resolution, which will vacate the excess right-of-way adjacent to 915 and 923 S. Paseo Dorotea, in Section 19, Township 4 South, Range 5 East.

FISCAL IMPACT:

None.

SUBMITTED:

Prepared by:



Marcus L. Fuller
Assistant Director of Public Works

Recommended by:

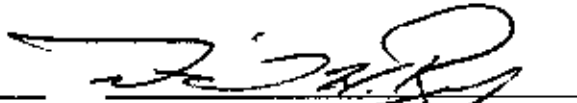


David J. Barakian
Director of Public Works/City Engineer

Approved by:



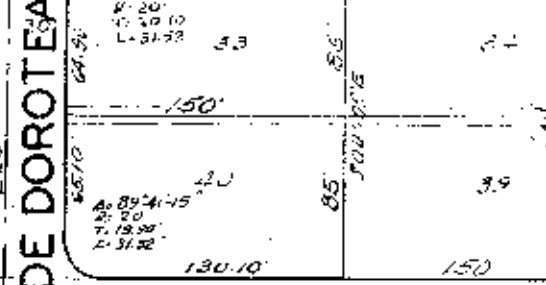
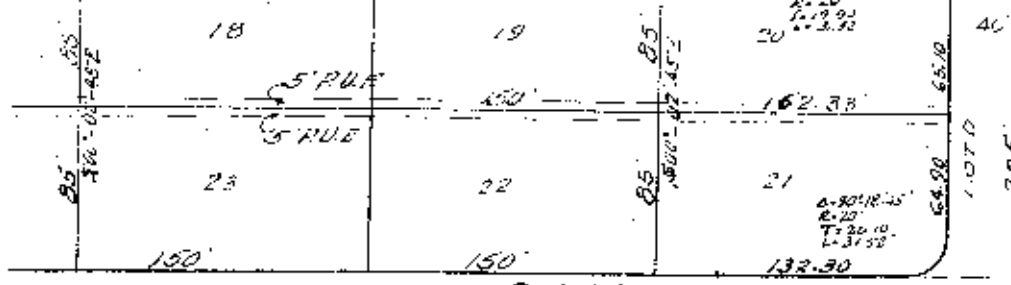
Thomas J. Wilson, Asst. City Manager



David H. Ready, City Manager

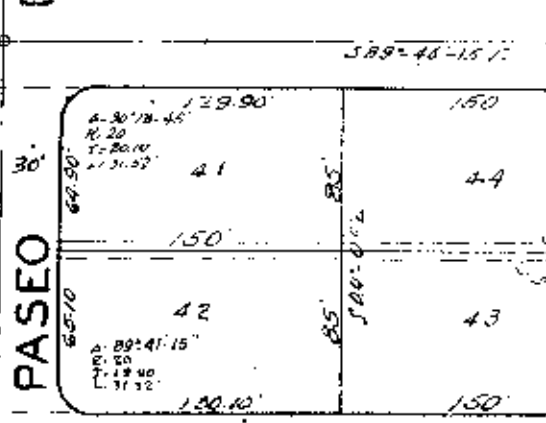
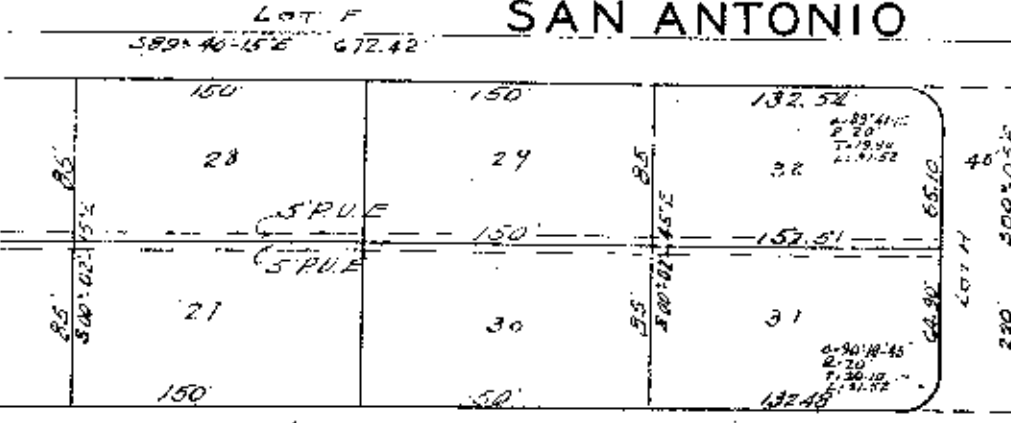
ATTACHMENTS:

1. Vista Del Cielo No. 2 Map
2. Assessor's Map
3. Site Plan of Vacation Area
4. Resolution



SAN ANTONIO

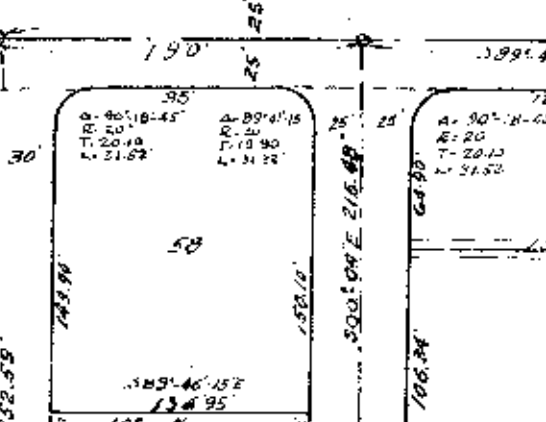
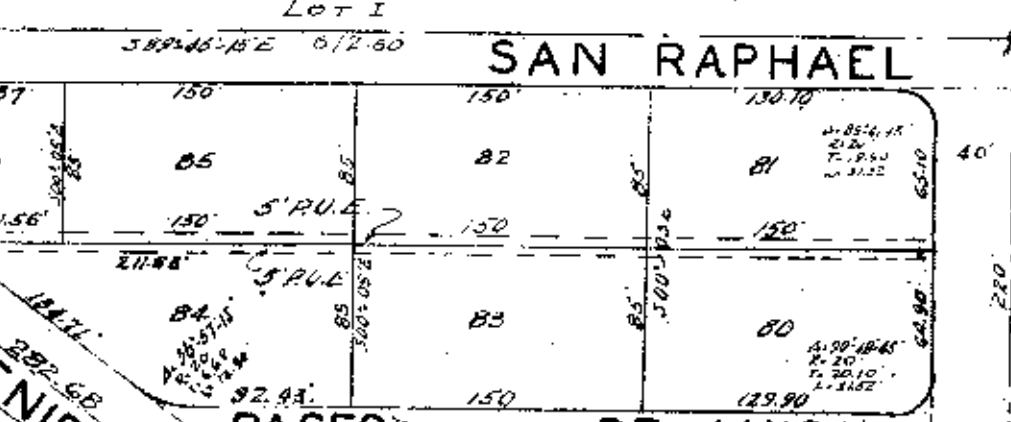
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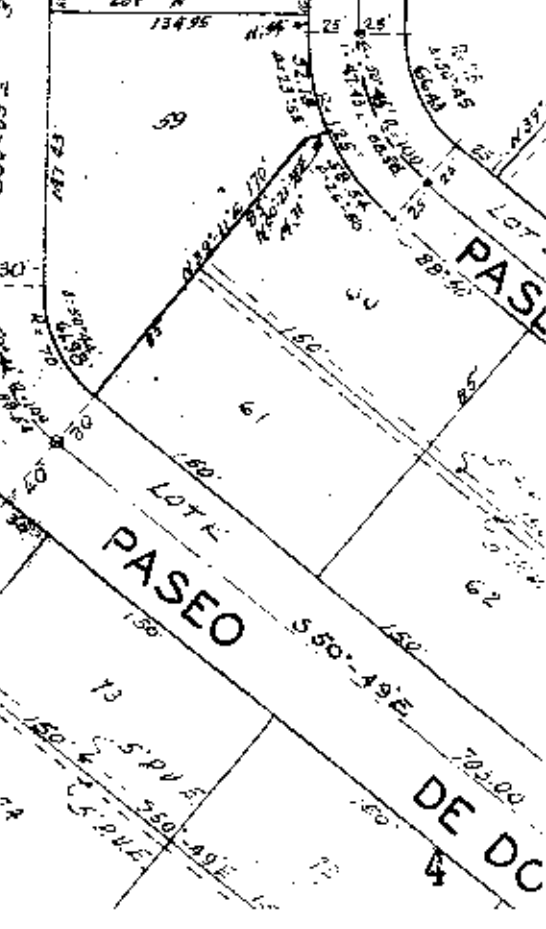
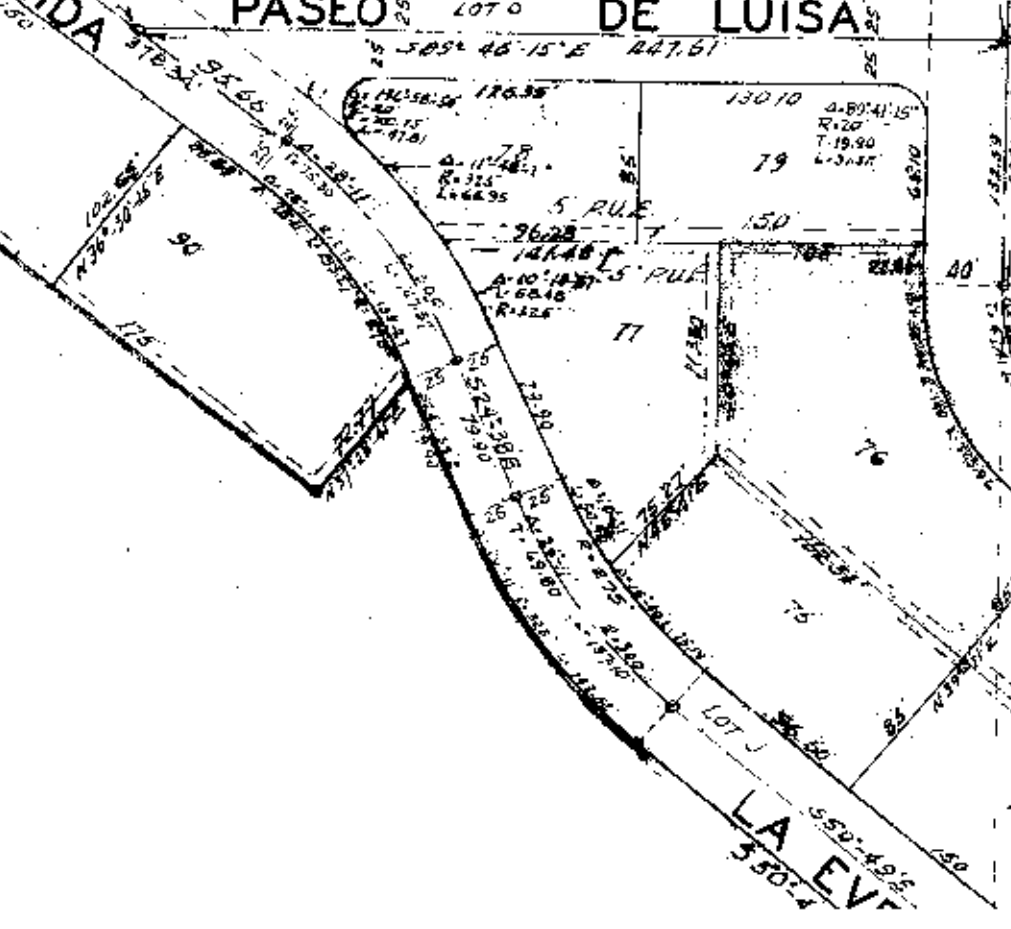
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LOT I

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PASEO DE LUISA



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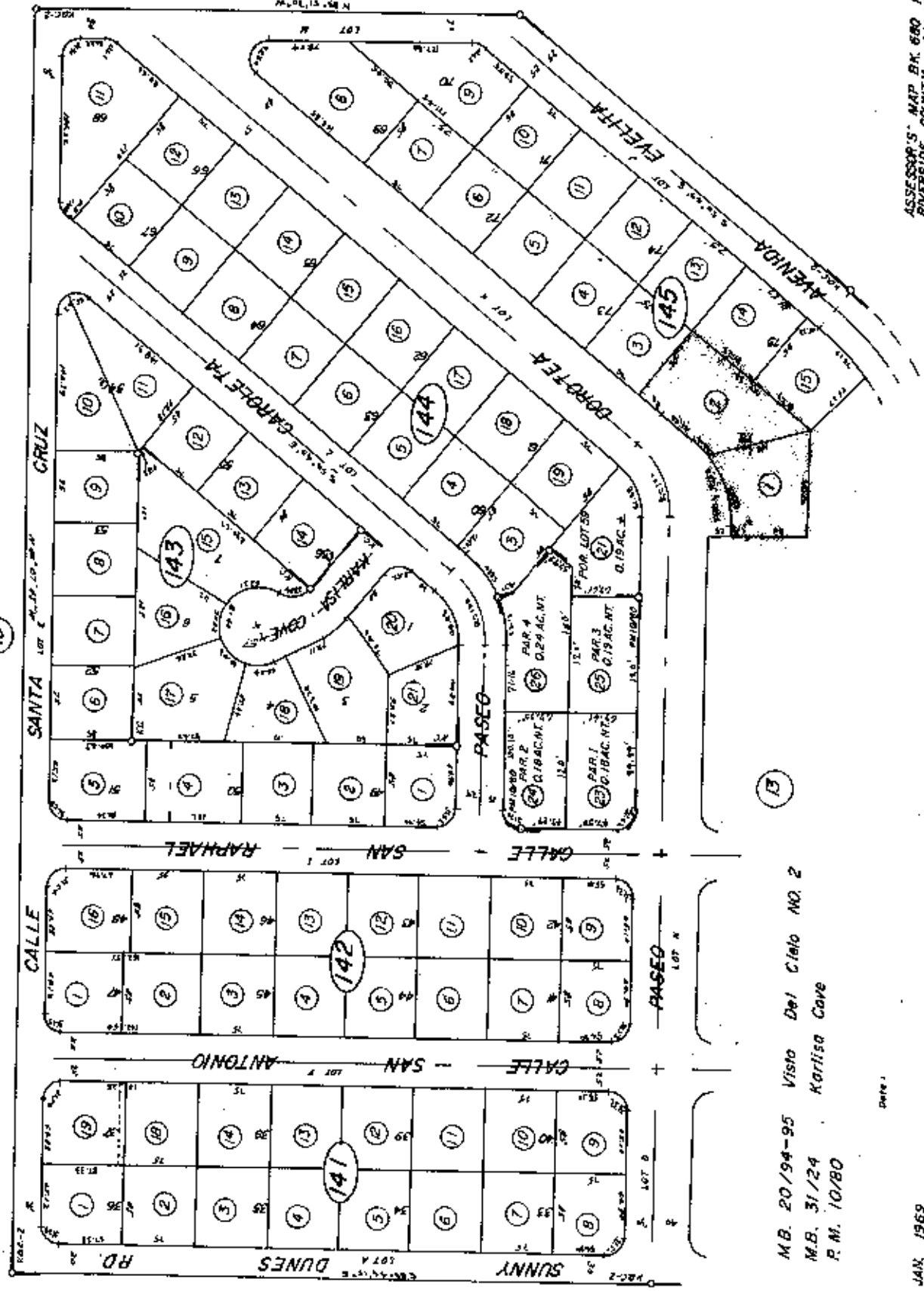
680-14

25-71-y

T.C.A. 1103

POR. S² N² SEC. 19 T.4S.R.5E.

1" = 100'



08

LOT NO.	AREA	ACRES
141	1.14	0.26
142	1.14	0.26
143	1.14	0.26
144	1.14	0.26
145	1.14	0.26

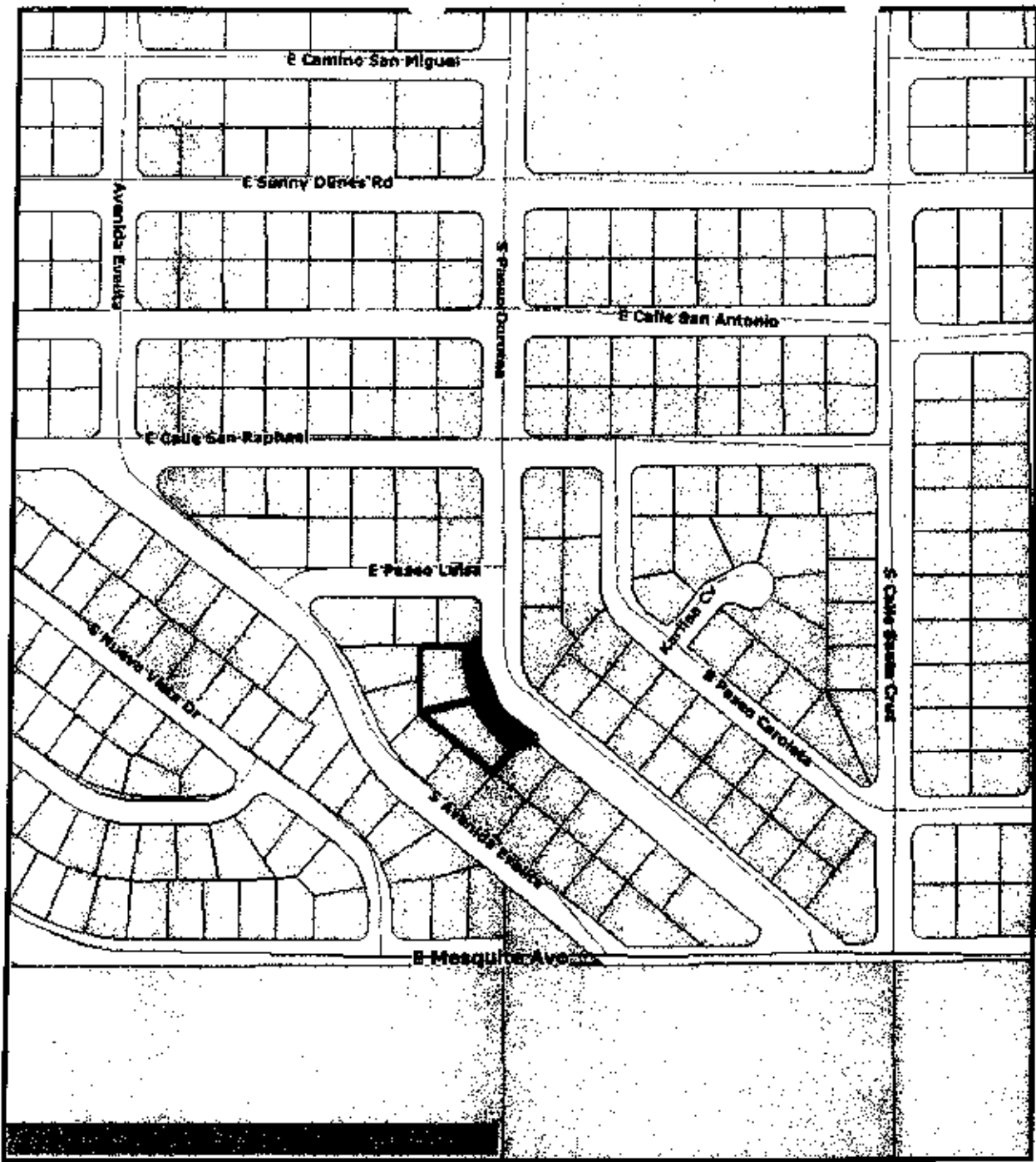
MB. 20/94-95 Vista Del Cielo NO. 2
 M.B. 31/24 Karlisa Cove
 P.M. 10/80

DATE:

JAN. 1969

CT

ASSESSOR'S MAP BK. 680 PG. 14
 RIVERSIDE COUNTY, CALIF.



VICINITY MAP

Right-of-Way Vacation of a
Portion of Paseo Dorotea



CityGIS

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RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, SUMMARILY VACATING AND ABANDONING ALL OF ITS RIGHT, TITLE AND INTEREST IN A PORTION OF PUBLIC RIGHT-OF-WAY ADJACENT TO 915 AND 923 S. PASEO DOROTEA IN SECTION 19, TOWNSHIP 4 SOUTH, RANGE 5 EAST; FILE R 09-17

WHEREAS, the City Council of the City of Palm Springs, California, is authorized by Chapter 4, Part 3, Division 9 of the Streets and Highways Code of the State of California (the "statute"), to summarily vacate and abandon public roadway easements, or parts thereof, within the limits of the City; and

WHEREAS, pursuant to Section 8334(a) of the statute, the legislative body of a local agency may summarily vacate an excess right-of-way of a street or highway not required for street or highway purposes; and

WHEREAS, an original dedication of 70 feet of right-of-way for Paseo Dorotea, shown as Lot "K" of Vista Del Cielo No. 2, recorded in Map Book 20, Pages 94-95, on May 7, 1946, records of Riverside County, California; and

WHEREAS, an additional dedication of right-of-way was granted adjacent to the properties located at 915 and 923 S. Paseo Dorotea, recorded in Book 1524, Page 477, on November 10, 1953, records of Riverside County, California; and

WHEREAS, on October 24, 2007, the City Council adopted Resolution No. 22077, approving the 2007 Comprehensive Update of the Palm Springs General Plan, classifying Paseo Dorotea as a 60 feet wide Collector; and

WHEREAS, on February 10, 2010, the Planning Commission of the City of Palm Springs determined that proposed right-of-way vacation was consistent with the Palm Springs General Plan; and

WHEREAS, the additional dedication of right-of-way granted adjacent to the properties located at 915 and 923 S. Paseo Dorotea, recorded in Book 1524, Page 477, on November 10, 1953, records of Riverside County, California, is considered excess right-of-way no longer necessary for public use.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The City Council does hereby adopt this Resolution in accordance with Chapter 4 "Summary Vacation", of Part 3 "Public Streets, Highways, and Service Easements Vacation Law", of Division I, "Change of Grade and

Vacation" of the California Streets and Highways Code (Section 8330 et seq.).

Section 2. The City Council does hereby summarily vacate and abandon all the City's right, title and interest in the additional dedication of right-of-way granted adjacent to the properties located at 915 and 923 S. Paseo Dorotea, recorded in Book 1524, Page 477, on November 10, 1953, records of Riverside County, California, being the vacated area described in Exhibit "A", and shown on Exhibit "B", attached hereto and made a part hereof.

Section 3. This Resolution to summarily vacate and abandon all the City's right, title and interest in the additional dedication of right-of-way granted adjacent to the properties located at 915 and 923 S. Paseo Dorotea, recorded in Book 1524, Page 477, on November 10, 1953, records of Riverside County, California, is made in accordance with Section 8334(a) of the California Streets and Highways Code.

Section 4. The City Clerk is hereby directed to cause a certified copy of this Resolution, attested by him under the seal of the City, to be recorded in the Office of the County Recorder of Riverside County.

ADOPTED this 17th day of February, 2010.

David H. Ready, City Manager

ATTEST:

James Thompson, City Clerk

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Resolution No. _____ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on February 17, 2010, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

James Thompson, City Clerk
City of Palm Springs, California

EXHIBIT "A"

**VACATION OF RIGHT-OF-WAY
LEGAL DESCRIPTION**

In the City of Palm Springs, County of Riverside, state of California, that portion of Lot 76 of Vista Del Cielo No. 2, as per map recorded in Book 20, pages 94 and 95 of Maps, records of said County, more particularly described as follows:

Beginning at the northeast corner of said Lot 76;

Thence, along the easterly line of said Lot 76, South $00^{\circ}05'00''$ East, a distance of 22.80 feet to the beginning of a tangent curve, concave northeasterly having a radius of 140.00 feet;

Thence, continuing along the easterly line of said Lot 76 and the arc of said curve, a distance of 123.96 feet through a central angle of $50^{\circ}44'00''$, to a point of cusp on the easterly line of said Lot 76;

Thence, leaving the easterly line of said Lot 76, North $50^{\circ}49'00''$ West, a distance of 41.60 feet to the beginning of a tangent curve, concave northeasterly having a radius of 120.00 feet;

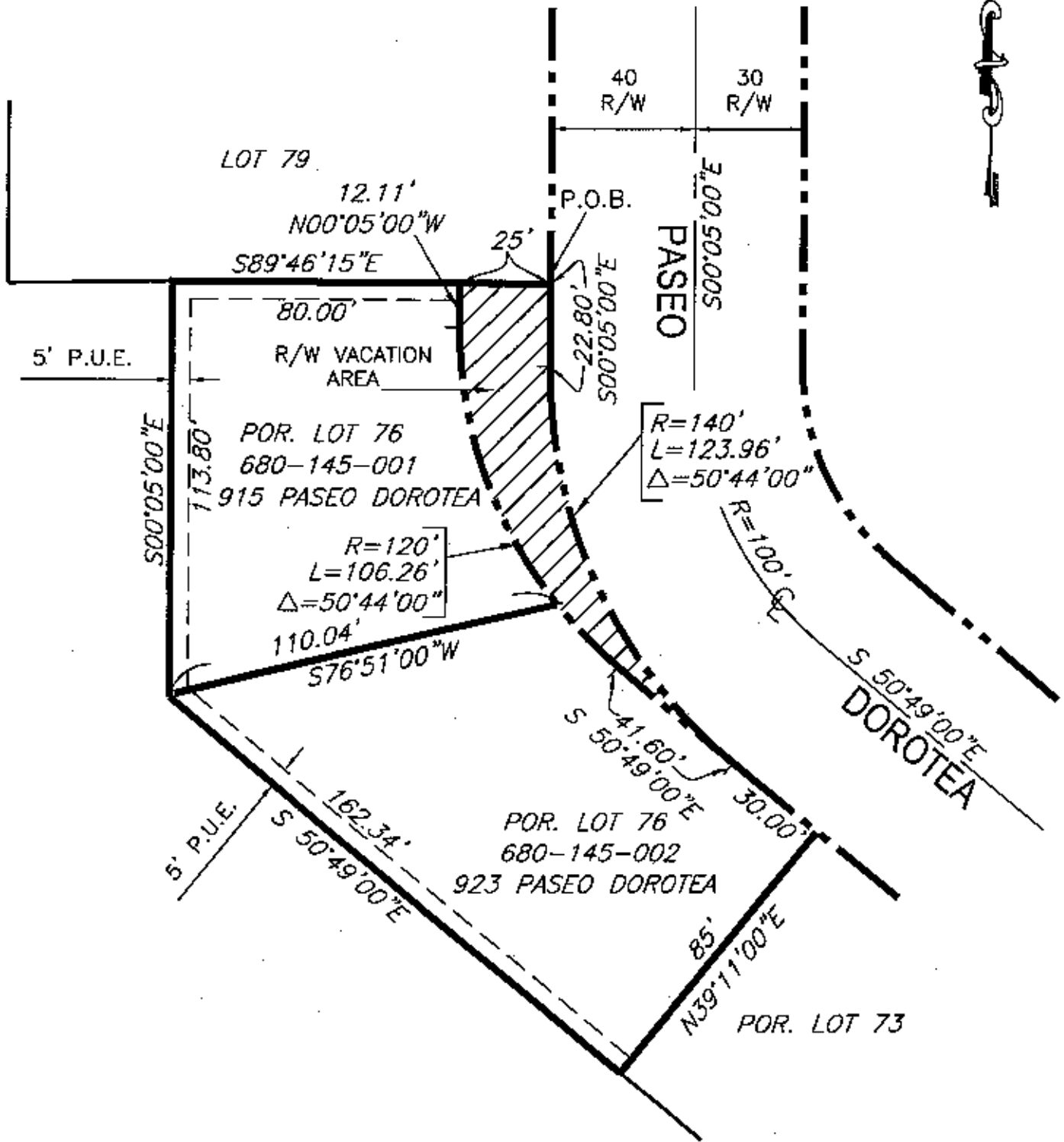
Thence, along the arc of said curve, a distance of 106.26 feet through a central angle of $50^{\circ}44'00''$ to a point on a line that is parallel to and located 25.00 feet westerly of the easterly line of said Lot 76;

Thence, along said parallel line, North $00^{\circ}05'00''$ West, a distance of 12.11 feet to a point on the northerly line of said Lot 76;

Thence, along the northerly line of said Lot 76, South $89^{\circ}46'15''$ East, a distance of 25.00 feet to the point of beginning.



EXHIBIT "B"



CITY OF PALM SPRINGS
PUBLIC WORKS & ENGINEERING
DEPARTMENT

APPROVED:

William Fuller

ASST. DIRECTOR OF PUBLIC WORKS/
ASST. CITY ENGINEER

1/27/10
DATE

7987
P.L.S.

R.O.W. VACATION PLAT

LEGAL DESCRIPTION:

SEE EXHIBIT "A"

DESIGN BY:

FUP

SCALE:

1" = 40'

FILE NO.:

R 09-017

CHECKED BY:

MLF

W.O. #

SHEET NO.:

1 OF 1