



CITY COUNCIL STAFF REPORT

Date: April 21, 2010 CONSENT CALENDAR

Subject: AMENDING RESOLUTION NO. 22228 TO AUTHORIZE AN EXTENSION OF TIME TO SATISFY CONDITIONS RELATED TO THE RIGHT-OF-WAY VACATION OF AVENIDA EVELITA

From: David H. Ready, City Manager

Initiated by: Public Works and Engineering Department

SUMMARY

On May 21, 2008, the City Council held a public hearing and approved the vacation of right-of-way for Avenida Evelita between Ramon Road and Calle de Ricardo. The City Council's approval was contingent on certain conditions being satisfied within two years. The applicant has requested an extension of time to satisfy the City's conditions related to the right-of-way vacation.

RECOMMENDATION:

Adopt Resolution No. _____ "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 6 OF RESOLUTION NO. 22228 ADOPTED MAY 21, 2008, RELATED TO THE VACATION AND ABANDONMENT OF A PORTION OF PUBLIC RIGHT-OF-WAY DEDICATED FOR AVENIDA EVELITA BETWEEN RAMON ROAD AND CALLE DE RICARDO, AND PORTIONS OF PUBLIC UTILITY EASEMENTS ON LOTS 5 AND 6 OF VISTA DEL CIELO, AND PORTIONS OF PUBLIC UTILITY EASEMENTS ON LOTS 1 AND 6 OF VISTA DEL CIELO NO. 3, IN SECTION 19, TOWNSHIP 4 SOUTH, RANGE 5 EAST; FILE R-07-039."

STAFF ANALYSIS:

On May 21, 2008, the City Council held a public hearing and approved the vacation of right-of-way for Avenida Evelita between Ramon Road and Calle de Ricardo. The requested right-of-way vacation is an element of a new professional office building approved for construction, identified by Case No. 3.3051 (MAJ), 6.499 (VAR). One critical element of this project is the vacation and abandonment of a portion of Avenida

ITEM NO. 2.6.

Evelita, which allows for the consolidation of various adjacent lots into a single merged parcel on which the new building will be constructed.

Resolution No. 22228, adopted by the City Council on May 21, 2008, outlines certain requirements related to the vacation of the right-of-way. Specifically, Section 4 requires that the applicant remove all existing street improvements within the vacated area, and Section 6 requires that the requirement be satisfied within two years. Staff included this automatic "sunset" clause in the Resolution of Vacation to ensure that the item did not remain open and unfulfilled.

Given the current state of the economy, development of this new professional office building has been postponed, and the applicant has subsequently received City approvals for extensions of time on the related architectural approval. The applicant has requested a two-year extension of time to satisfy the requirements related to the City's vacation of Avenida Evelita, and staff recommends that Resolution No. 22228 be amended as necessary to grant the applicant's request.

FISCAL IMPACT:
None.

SUBMITTED:

Prepared by:



Marcus L. Fuller
Assistant Director of Public Works

Recommended by:

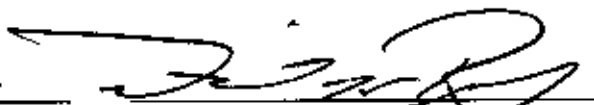


David J. Barakian
Director of Public Works/City Engineer

Approved by:



Thomas J. Wilson, Asst. City Manager



David H. Ready, City Manager

ATTACHMENTS:

1. May 21, 2008, City Council Staff Report
2. Resolution

RAMON OFFICE BUILDING LLC

December 28, 2009

Mr. Marcus Fuller, P.E.
Assistant Director of Public Works/Assistant City Engineer
City of Palm Springs
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

Re: Ramon Office Building: City Council Approval
File Number 3.3051-MAJ / 6.499-VAR

Dear Mr. Fuller,

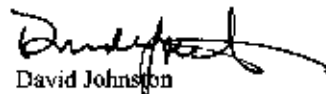
During our recent conversation, I stated we are no different than other local builders and have been affected by the current downturn in the economic environment. We have not been able to secure adequate financing for the project. Thus, we are requesting a two-year extension on all previous approvals received from the City Council. This timeframe will allow us to ride out current market challenges.

Thank you for your consideration and please do not hesitate to contact Dave or myself, if you have any questions or require any additional information.

Very truly yours,

Ramon Office Building, LLC.


Pam Touschner, FAIA
Member


David Johnston
Member

sdb
cc: File, AOC

ATTACHMENT 2
MAY 21, 2008, CITY COUNCIL STAFF REPORT



CITY COUNCIL STAFF REPORT

May 21, 2008

PUBLIC HEARING

Subject: RIGHT-OF-WAY VACATION OF AVENIDA EVELITA BETWEEN RAMON ROAD AND CALLE DE RICARDO, AND VACATION OF PORTIONS OF PUBLIC UTILITY EASEMENTS ON LOTS 5 AND 6 OF VISTA DEL CIELO, AND PORTIONS OF PUBLIC UTILITY EASEMENTS ON LOTS 1 AND 6 OF VISTA DEL CIELO NO. 3, IN SECTION 19, TOWNSHIP 4 SOUTH, RANGE 5 EAST; FILE R-07-39

From: David H. Ready, City Manager

Initiated by: Public Works and Engineering Department

SUMMARY

The Streets and Highways Code of the State of California requires that the City hold a Public Hearing to discuss and review the vacation of public right-of-way and easements. After consideration of testimony received at the Public Hearing, the City Council can consider denial or approval of the requested right-of-way vacation.

RECOMMENDATION:

- 1) Open the public hearing and receive public testimony.
- 2) Adopt Resolution No. _____ "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, VACATING AND ABANDONING ALL OF ITS RIGHT, TITLE AND INTEREST IN A PORTION OF PUBLIC RIGHT-OF-WAY DEDICATED FOR AVENIDA EVELITA BETWEEN RAMON ROAD AND CALLE DE RICARDO, AND PORTIONS OF PUBLIC UTILITY EASEMENTS ON LOTS 5 AND 6 OF VISTA DEL CIELO, AND PORTIONS OF PUBLIC UTILITY EASEMENTS ON LOTS 1 AND 6 OF VISTA DEL CIELO NO. 3, IN SECTION 19, TOWNSHIP 4 SOUTH, RANGE 5 EAST; FILE R-07-039."

STAFF ANALYSIS:

On August 30, 2007, staff received an application from Ramon Office Building, LLC, to vacate a portion of public right-of-way dedicated for Avenida Evelita between Ramon Road and Calle De Ricardo, and portions of public utility easements on Lots 5 and 6 of

Vista Del Cielo, and portions of public utility easements on Lots 1 and 6 of Vista Del Cielo No. 3.

The requested right-of-way vacation is an element of a new professional office building approved for construction, identified by Case No. 3.3051 (MAJ), 6.499 (VAR). On June 27, 2007, the Planning Commission approved this development application for a new professional office building with associated parking lot, which includes a requirement to vacate the portion of Avenida Evelita between Ramon Road and Calle De Ricardo and certain public utility easements. The applicant owns the adjacent lots, and the intent of the proposed right-of-way vacation is to consolidate all of these lots, and the underlying street right-of-way, into a larger parcel necessary to construct the approved professional office building and parking lot.

Avenida Evelita is a local street not shown or identified on the Circulation Element of the Palm Springs General Plan. Therefore, the requested right-of-way vacation has been determined to be consistent with the Palm Springs General Plan. During the entitlement review process, the Engineering Department reviewed the proposal to close-off Avenida Evelita, and recommended approval of the closure of this portion of Avenida Evelita to the Planning Commission as part of its approval of the related development application. It is the City Engineer's opinion that removal of the Avenida Evelita intersection at Ramon Road will improve traffic circulation on Ramon Road by eliminating a local intersection, and will not significantly impact the adjacent neighborhood. Sufficient alternative routes exist to the adjacent parallel streets (El Placer to the west and Paseo Dorotea to the east), both of which are signalized intersections at Ramon Road.

There is no sewer or water, or other underground facilities within the subject portion of Avenida Evelita. Two existing street lights owned by Southern California Edison (SCE) will be removed from service (at the intersection of Avenida Evelita with Ramon Road, and Avenida Evelita with Calle De Ricardo). Only one overhead utility exists across the subject portion of Avenida Evelita, a communication line owned by Verizon, which will be re-routed and installed underground as part of the development of this project.

The City Council's approval of this action will authorize the developer to enter the public right-of-way and remove the existing street improvements prior to the formal recordation of the Resolution of Vacation, allowing for removal of the SCE lights at Ramon Road and Calle De Ricardo, and for utility undergrounding and other work to commence. Concrete barriers will be installed at Ramon Road and Calle De Ricardo to temporarily close-off the street during construction of the site.

Staff forwarded the requested right-of-way vacation information to the City Clerk, and pursuant to Section 8320 of the Streets and Highways Code, the City Clerk administratively scheduled a public hearing for May 21, 2008, to hear all persons interested in or objecting to the easement vacation.

Notices of the proposed right-of-way vacation have been posted within the vacation area, published in the local newspaper, and mailed to all public utility companies. Staff

recommends that the City Council adopt the attached Resolution, which will vacate the portion of right-of-way dedicated for Avenida Evelita between Ramon Road and Calle De Ricardo, and portions of public utility easements on Lots 5 and 6 of Vista Del Cielo, and portions of public utility easements on Lots 1 and 6 of Vista Del Cielo No. 3, all of which is necessary to develop the approved professional office building and associated parking lot.

FISCAL IMPACT:

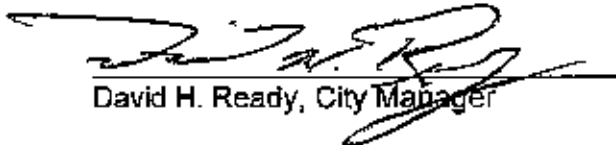
None.



David J. Barakian
Director of Public Works/City Engineer



Thomas J. Wilson
Assistant City Manager



David H. Ready, City Manager

ATTACHMENTS:

1. Resolution

RESOLUTION NO. 22228

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, VACATING AND ABANDONING ALL OF ITS RIGHT, TITLE, AND INTEREST IN A PORTION OF PUBLIC RIGHT-OF-WAY DEDICATED FOR AVENIDA EVELITA BETWEEN RAMON ROAD AND CALLE DE RICARDO, AND VACATION OF PORTIONS OF PUBLIC UTILITY EASEMENTS ON LOTS 5 AND 6 OF VISTA DEL CIELO, AND PORTIONS OF PUBLIC UTILITY EASEMENTS ON LOTS 1 AND 6 OF VISTA DEL CIELO NO. 3, IN SECTION 19, TOWNSHIP 4 SOUTH, RANGE 5 EAST; FILE R-07-039.

WHEREAS, the City Council of the City of Palm Springs, California, is authorized by Chapter 3, Part 3, Division 9 of the Streets and Highways Code of the State of California (the "statute"), to vacate and close to public use right-of-way dedicated for public streets and public service easements, or parts thereof, within the limits of the City; and

WHEREAS, pursuant to Section 8320 of the statute, the City Clerk administratively set a public hearing for May 21, 2008, for City Council consideration of vacating and closing to public use a portion of the public right-of-way dedicated for Avenida Evelita between Ramon Road and Calle De Ricardo; and for City Council consideration of vacating and closing to public use portions of public utility easements on Lots 5 and 6 of Vista Del Cielo, and portions of public utility easements on Lots 1 and 6 of Vista Del Cielo No. 3; and

WHEREAS, the City Clerk did cause to be published a notice of the public hearing, and did cause to be posted notices of vacation along the line of the subject public right-of-way, as required by the statute; and

WHEREAS, the City Council did hold a public hearing as required by the statute, and has considered all evidence submitted concerning the portion of public right-of-way dedicated for Avenida Evelita between Ramon Road and Calle De Ricardo; and concerning portions of public utility easements on Lots 5 and 6 of Vista Del Cielo, and concerning portions of public utility easements on Lots 1 and 6 of Vista Del Cielo No. 3, being the vacated areas described on Exhibits "A-1", "A-2", "A-3", "A-4", and "A-5"; and shown on Exhibits "B-1", "B-2", "B-3", "B-4", and "B-5", attached hereto and made a part hereof, and the need therefore for present and prospective public use.

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

Section 1. The City Council does hereby find that the portion of public right-of-way dedicated for Avenida Evelita between Ramon Road and Calle De Ricardo; and the

portions of public utility easements on Lots 5 and 6 of Vista Del Cielo, and portions of public utility easements on Lots 1 and 6 of Vista Del Cielo No. 3, are unnecessary for present or prospective public use.

Section 2. The Director of Public Works/City Engineer is authorized to allow Avenida Evelita, between Ramon Road and Calle De Ricardo, to be permanently closed to public use prior to the recordation of this Resolution, for the purposes of complying with Sections 4 and 5 herein below.

Section 3. Subject to Sections 4, 5, and 6, herein below, the City Council does hereby vacate and abandon all the City's right, title and interest in the portion of public right-of-way dedicated for Avenida Evelita between Ramon Road and Calle De Ricardo; and the portions of public utility easements on Lots 5 and 6 of Vista Del Cielo, and the portions of public utility easements on Lots 1 and 6 of Vista Del Cielo No. 3, being the vacated areas described on Exhibits "A-1", "A-2", "A-3", "A-4", and "A-5"; and shown on Exhibits "B-1", "B-2", "B-3", "B-4", and "B-5", attached hereto and made a part hereof.

Section 4. The owners, lessees, or agents of the properties located on the east and west sides of Avenida Evelita, adjacent to the subject portion of vacated right-of-way, as described and shown on Exhibits "A-1" and "B-1", shall be required to remove all existing street improvements within the vacated area, subject to the approval of the City Engineer, and shall be responsible for all costs associated therewith.


Section 5. The owners, lessees, or agents of the property located on the east and west sides of Avenida Evelita, adjacent to the subject portion of vacated right-of-way, as described and shown on Exhibits "A-1" and "B-1", shall be required to grant to Southern California Edison and Verizon California easements for extension of underground utilities across their property as a result of the vacation of right-of-way, and shall be responsible for all costs associated therewith. Executed and recorded Grant Deeds conveying easements to the utility companies shall be provided to the City Engineer.

Section 6. In the event the obligations set forth in Sections 4 and 5 herein above are not fulfilled to the satisfaction of the City Engineer within two years of the date of the adoption of this Resolution, the action taken by the adoption of this Resolution vacating and abandoning all the City's right, title and interest in the subject portion of right-of-way dedicated for Avenida Evelita between Ramon Road and Calle De Ricardo; and the portions of public utility easements on Lots 5 and 6 of Vista Del Cielo, and the portions of public utility easements on Lots 1 and 6 of Vista Del Cielo No. 3, being the vacated areas described on Exhibits "A-1", "A-2", "A-3", "A-4", and "A-5"; and shown on Exhibits "B-1", "B-2", "B-3", "B-4", and "B-5", shall be deemed null and void, and the action automatically rescinded.

Section 7. That, upon notification from the City Engineer that the obligations set forth in Sections 4 and 5 herein above have been satisfied, the City Clerk is hereby directed to cause a certified copy of this Resolution, attested by him under the seal of the City, to

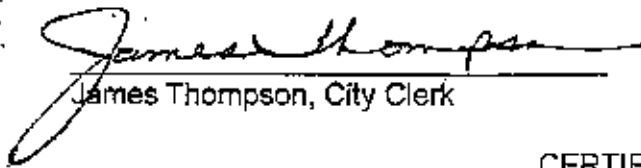
be recorded in the Office of the County Recorder of Riverside County. Upon recordation of this Resolution, the subject portions of right-of-way shall be deemed vacated and closed to future public use.

ADOPTED this 21st day of May, 2008.



David H. Ready, City Manager

ATTEST:



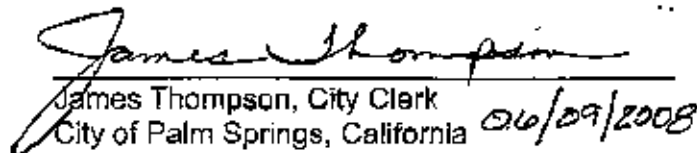
James Thompson, City Clerk

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. 22228 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 the 21st day of May 21, 2008, by the following vote:

AYES: Councilmember Hutcheson, Councilmember Weigel, Mayor Pro Tem Foat, and Mayor Pougnet.
NOES: None
ABSENT: Councilmember Mills.
ABSTAIN: None.



James Thompson, City Clerk
City of Palm Springs, California 06/09/2008

EXHIBIT "A-1"
VACATION LEGAL DESCRIPTION
R 07-039

PARCEL "A"

ALL THAT PORTION OF AVENIDA EVELITA BEING A PORTION OF LOT "J", "B" AND 5 OF VISTA DEL CIELO AS FILED IN MAP BOOK 20 AT PAGE 86 AND A PORTION OF LOT "A", "D" AND 1 OF VISTA DEL CIELO NO. 3 AS FILED IN MAP BOOK 21 AT PAGE 55, RECORDS OF RIVERSIDE COUNTY CALIFORNIA, DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 5 AT A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID AVENIDA EVELITA AND THE WEST LINE OF SAID LOT "J", THENCE SOUTH $00^{\circ}-02'-15''$ EAST ALONG LINE A A DISTANCE OF 62.88 FEET TO THE NORTHEAST CORNER OF SAID LOT "B", SAID CORNER BEING THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 20.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE AND NORTHERLY LINE OF SAID LOT "B" THROUGH A CENTRAL ANGLE OF $90^{\circ}-21'-15''$ AND A LENGTH OF 31.54 FEET TO THE NORTH LINE OF SAID LOT "B";

THENCE SOUTH $89^{\circ}-41'-00''$ EAST ALONG THE NORTH LINE OF SAID LOT "B" AND ITS EXTENSION THEREOF A DISTANCE OF 100.00 FEET TO A POINT ON THE NORTHERLY LINE OF SAID LOT "D" AND THE POINT OF CUSP OF CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 20.00 FEET, A RADIAL BEARING PASSES THROUGH SAID CURVE BEARS SOUTH $00^{\circ}-19'-00''$ EAST, SAID POINT ALSO BEING ON THE NORTHERLY RIGHT-OF-WAY OF CALLE DE RICARDO;

THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $89^{\circ}-38'-45''$ AND A LENGTH OF 31.29 FEET TO A POINT ON THE EAST LINE OF SAID LOT "A" AND THE EAST RIGHT-OF-WAY OF AVENIDA EVELITA;

THENCE NORTH $00^{\circ}-02'-15''$ WEST ALONG SAID EAST LINE A DISTANCE OF 118.00 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 20.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $90^{\circ}-21'-15''$ AND A LENGTH OF 31.54 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF RAMON ROAD;

THENCE NORTH $89^{\circ}-41'-00''$ WEST ALONG SAID SOUTH RIGHT-OF-WAY A DISTANCE OF 100.00 FEET TO THE POINT OF CUSP OF A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 20.00 FEET, A RADIAL BEARING PASSES THROUGH SAID CURVE BEARS NORTH $00^{\circ}-19'-00''$ EAST;

THENCE SOUTHEASTERLY ALONG SAID CURVE AND THE WESTERLY RIGHT-OF-WAY OF AVENIDA EVELITA THROUGH A CENTRAL ANGLE OF $89^{\circ}-38'-45''$ AND A LENGTH OF 31.29 FEET TO THE WEST LINE OF SAID LOT "J" AND WESTERLY RIGHT-OF-WAY OF AVENIDA EVELITA;

THENCE SOUTH $00^{\circ}-02'-15''$ EAST ALONG SAID WESTERLY RIGHT-OF-WAY A DISTANCE OF 55.12 FEET TO THE POINT OF BEGINNING.

SAID PARCEL "A" CONTAINS 9,823 SQ. FT. (0.225 AC.)

PREPARED BY
SANBORN A/E, INC.


JOHN L. SANBORN
09/20/07 WC 07-107 west



EXHIBIT "A-2"
PUE VACATION LOT 5 VISTA DEL CIELO
R 07-39

THE SOUTHERLY FIVE FEET OF THE EASTERLY 113.28 OF LOT 5 OF VISTA DEL CIELO AS
FILED IN MAP BOOK 20 AT PAGE 86, RECORDS OF RIVERSIDE COUNTY CALIFORNIA.

SAID PARCEL CONTAINS 566.4 SQ. FT

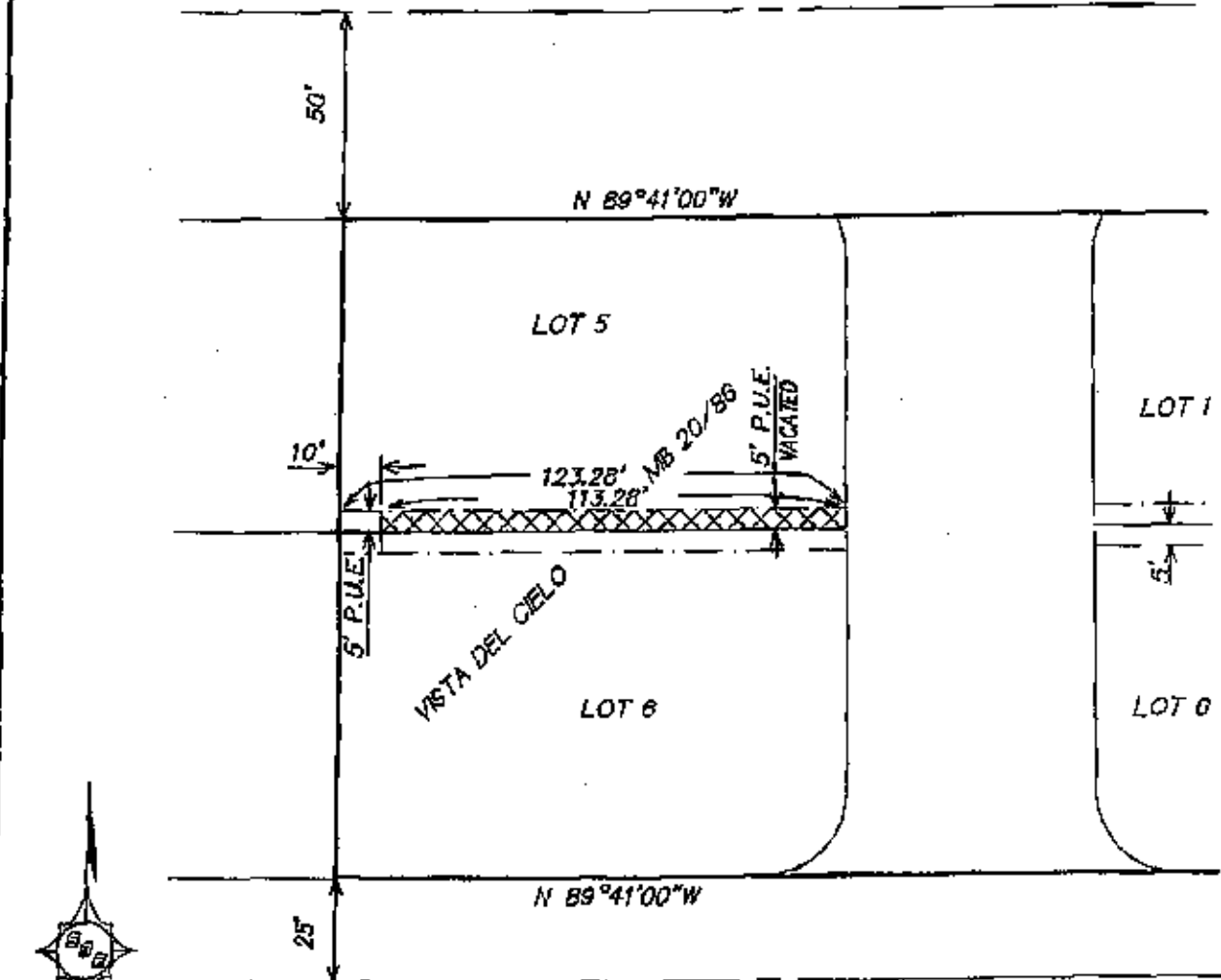
PREPARED BY
SANBORN J.E., INC.


JOHN L. SANBORN
04/17/08 WO 07-107 PUE



EXHIBIT "B-2"

RAMON ROAD



CALLE DE RICARDO

AVENIDA EVELITA



CITY OF PALM SPRINGS
PUBLIC WORKS & ENGINEERING
DEPARTMENT

APPROVED:

Marcus Fuller
ASST. DIRECTOR OF PUBLIC WORKS/
ASST. CITY ENGINEER

4/28/09
DATE

7987
P.L.S.

P.U.E. VACATION PLAT

LEGAL DESCRIPTION:
SEE EXHIBIT "A-"

DESIGN BY:

D.H.

SCALE:

1" = 40'

FILE NO.:

SHEET NO.:

CHECKED BY:

J.L.S.

N.O. #

07-107

1 OF 1

EXHIBIT "A-3"
PUE VACATION LOT 6 VISTA DEL CIELO
R 07-39

THE NORTHERLY FIVE FEET OF THE EASTERLY 113.28 FEET OF LOT 6 OF VISTA DEL CIELO
AS FILED IN MAP BOOK 20 AT PAGE 86, RECORDS OF RIVERSIDE COUNTY CALIFORNIA.

SAID PARCEL CONTAINS 566.4 SQ. FT

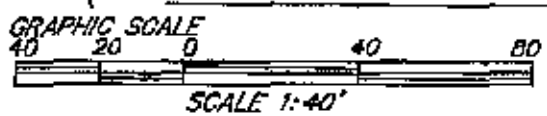
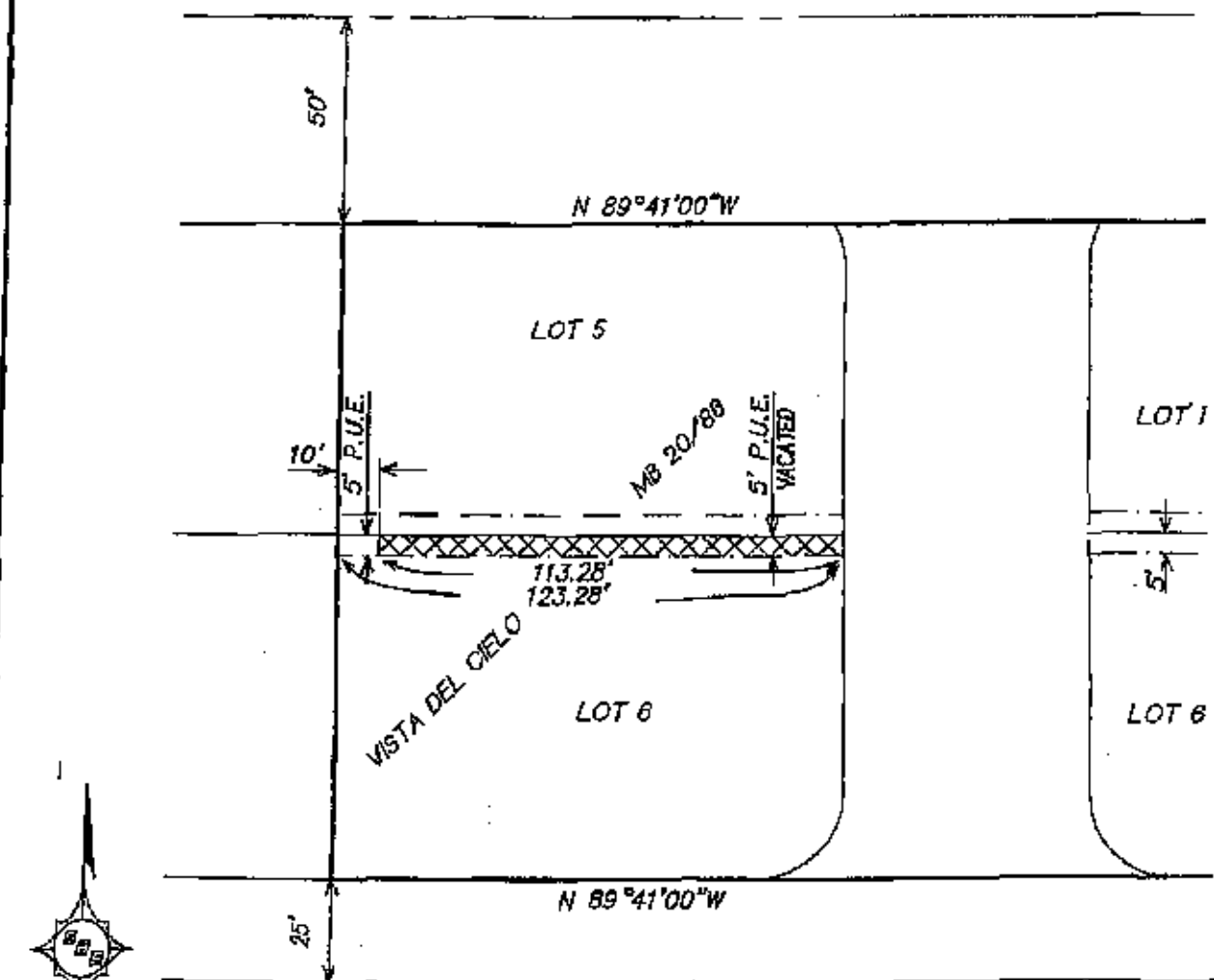
PREPARED BY
SANBORN A/E, INC.


JOHN L. SANBORN
04/12/08 WO 07-107 PUE



EXHIBIT "B-3"

RAMON ROAD



CITY OF PALM SPRINGS
PUBLIC WORKS & ENGINEERING
DEPARTMENT

APPROVED: *Marius Fuller* 4/28/08
ASST. DIRECTOR OF PUBLIC WORKS/ 7987
ASST. CITY ENGINEER P.L.E. DATE

P.U.E. VACATION PLAT
LEGAL DESCRIPTION:
SEE EXHIBIT "A-"

DESIGN BY: D.H.	SCALE: 1" = 40'	FILE NO.:
CHECKED BY: J.L.S.	NO. # 07-107	SHEET NO.:
		1 OF 1

EXHIBIT "A-4"
PUE VACATION LOT 1 VISTA DEL CIELO NO. 3
R 07-39

THE SOUTHERLY FIVE FEET THE WESTERLY 100.00 FEET OF LOT 1 OF VISTA DEL CIELO NO.
3 AS FILED IN MAP BOOK 21 AT PAGE 55, RECORDS OF RIVERSIDE COUNTY CALIFORNIA.

SAID PARCEL CONTAINS 500 SQ. FT

PREPARED BY
SANBORN & CO., INC.

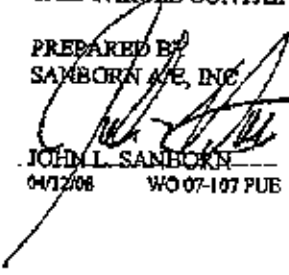

JOHN L. SANBORN
04/12/08 WO 07-107 PUE



EXHIBIT "A-5"
PUE VACATION LOT 6 VISTA DEL CIELO NO. 3
R 07-39

THE NORTHERLY FIVE FEET OF THE WESTERLY 100.00 OF LOT 6 OF VISTA DEL CIELO NO. 3
AS FILED IN MAP BOOK 21 AT PAGE 55, RECORDS OF RIVERSIDE COUNTY CALIFORNIA.

SAID PARCEL CONTAINS 500 SQ. FT

PREPARED BY
SANBORN A/E, INC.


JOHN L. SANBORN
04/12/08 WO 07-107 PUE



EXHIBIT "B-5"

RAMON ROAD

N 89°41'00"W

LOT 5

LOT 2

LOT 1

5' P.U.E.

5' P.U.E. VACATED

NO. 9 5' P.U.E.

MB 21/55

120.00'

100.00'

VISTA DEL CIELO

20'

5' P.U.E.

N 89°41'00"W

LOT 6

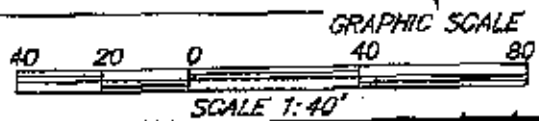
LOT 6

LOT 7

N 89°41'00"W

CALLE DE RICARDO

AVENIDA EVELITA



CITY OF PALM SPRINGS
PUBLIC WORKS & ENGINEERING
DEPARTMENT

APPROVED:

Manuel Lillo
ASST. DIRECTOR OF PUBLIC WORKS/
ASST. CITY ENGINEER

4/28/08
DATE

7887
P.L.S.

P.U.E. VACATION PLAT

LEGAL DESCRIPTION:
SEE EXHIBIT "A-"

DESIGN BY:
D.H.

SCALE:
1" = 40'

FILE NO.:

CHECKED BY:
J.L.S.

N.O. #
07-107

SHEET NO.:
1 OF 1

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 6 OF RESOLUTION NO. 22228 ADOPTED MAY 21, 2008, RELATED TO THE VACATION AND ABANDONMENT OF A PORTION OF PUBLIC RIGHT-OF-WAY DEDICATED FOR AVENIDA EVELITA BETWEEN RAMON ROAD AND CALLE DE RICARDO, AND PORTIONS OF PUBLIC UTILITY EASEMENTS ON LOTS 5 AND 6 OF VISTA DEL CIELO, AND PORTIONS OF PUBLIC UTILITY EASEMENTS ON LOTS 1 AND 6 OF VISTA DEL CIELO NO. 3, IN SECTION 19, TOWNSHIP 4 SOUTH, RANGE 5 EAST; FILE R-07-039

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

Section 6 of Resolution No. 22228, adopted May 21, 2008, is amended to read as follows:

Section 6. In the event the obligations set forth in Sections 4 and 5 herein above are not fulfilled to the satisfaction of the City Engineer within four years of the date of the adoption of this Resolution, the action taken by the adoption of this Resolution vacating and abandoning all the City's right, title and interest in the subject portion of right-of-way dedicated for Avenida Evelita between Ramon Road and Calle De Ricardo; and the portions of public utility easements on Lots 5 and 6 of Vista Del Cielo, and the portions of public utility easements on Lots 1 and 6 of Vista Del Cielo No. 3, being the vacated areas described on Exhibits "A-1", "A-2", "A-3", "A-4", and "A-5"; and shown on Exhibits "B-1", "B-2", "B-3", "B-4", and "B-5", shall be deemed null and void, and the action automatically rescinded.

ADOPTED this 21st day of April, 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 April 21, 2010, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

James Thompson, City Clerk
City of Palm Springs, California