



CITY COUNCIL STAFF REPORT

Date: March 16, 2011

CONSENT CALENDAR

Subject: SUMMARY VACATION OF AN OFFER OF DEDICATION OF RIGHT-OF-WAY FOR PALM HILLS DRIVE

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 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 AN OFFER OF DEDICATION OF RIGHT-OF-WAY FOR PALM HILLS DRIVE, IN SECTION 29, TOWNSHIP 4 SOUTH, RANGE 5 EAST; FILE R 04-15."

STAFF ANALYSIS:

On June 17, 1981, the City Council adopted Resolution No. 13857, approving Tentative Tract Map 17043, for a subdivision of land to allow construction of a 97-unit residential project on 114 acres of property located in Palm Hills, south of E. Palm Canyon Dr. One of the conditions of approval required that "The developer shall offer Palm Hills Drive for dedication although the City will reject (the) offer of dedication at this time, reserving the right to accept (the) dedication at some future time after ultimate typical cross section is constructed."

On May 16, 1984, the City Council adopted Resolution No. 15053, approving a final subdivision map for Tract 17043. Subsequently, the final map was recorded on June 18, 1984. Concurrently with recordation of the final map, by separate instrument, an "Offer of Dedication" for street, highway and utility purposes for Palm Hills Drive was

made to the City of Palm Springs, reserving a future right-of-way and legal access to the Palm Hills Drive subdivision.

The Palm Hills subdivision (Tract 17043) is a subdivision of land that relies on Palm Hills Drive for legal access. The actual subdivision is located just north of Eagle Canyon, just below the ridgeline behind the Rimrock Shopping Center. As part of the City's approval of Tract 17043, the developers are required to extend Palm Hills Drive up the hillside, generally where the existing dirt road extends to the Desert Water Agency water tanks. At the time, Palm Hills Dr. was identified as a major thoroughfare, and the Offer of Dedication included 100 feet of right-of-way for the major thoroughfare, with additional extensive off-site right-of-way to allow for construction of the road on the hillside, including easements for cut and fill slopes.

Since its approval in 1984, Tract 17043 has not been developed and all of the lots and private streets only exist "on paper". However, preserving legal access to this City approved subdivision is essential, as the lots within Tract 17043 are legal lots of record.

The owner of the off-site property over which Palm Hills Drive extends, located just east of the Rimrock Shopping Center, has requested that the City review the current Offer of Dedication for Palm Hills Drive, and consider revising the limits of the proposed right-of-way. The original limits of right-of-way were determined at the time that specific cross-sections for the roadway were not available, and it is staff's opinion that excessive right-of-way limits were determined to allow for undefined cut and fill slopes that may have been necessary during construction of the roadway.

However, the owner that is currently burdened by the Offer of Dedication has had his engineering consultants review the approved street plans for Palm Hills Drive, and has prepared specific cross-sections for the roadway to better define the limits of the required cut and fill slope easements. It is the owner's intent to clarify permanent slope easements, and to reduce the overall limits of the right-of-way for Palm Hills Drive, which will allow for better development opportunities on the property below Palm Hills Drive that is currently burdened with the Offer of Dedication.

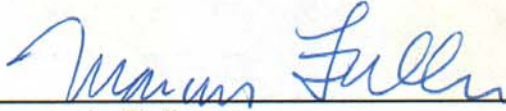
Staff has reviewed the specific cross-sections and revised limits of right-of-way, and recommends that the City Council summarily vacate the existing Offer of Dedication, and in its place, the owner will execute and record a new Offer of Dedication which more accurately defines the required limits of right-of-way, including permanent cut and fill slope easements. Ultimately, no change in access control will occur, and the status of Tract 17043, its development, and extension of Palm Hills Drive, remains unchanged. There are currently no plans for development of this subdivision or Palm Hills Drive, and the nature of this request is merely to clarify the Palm Hills Drive right-of-way limits (particularly cut and fill slopes) that were inaccurately defined in 1984.

FISCAL IMPACT:

None

Submitted:

Prepared by:



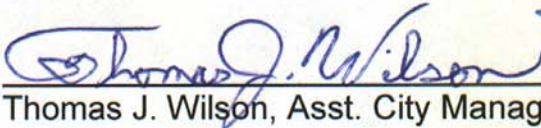
Marcus L. Fuller
Assistant Director of Public Works

Recommended by:

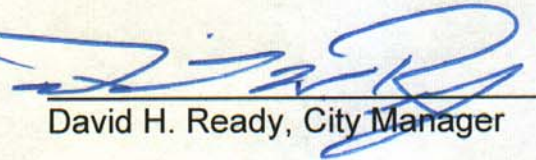


David J. Barakian
Director of Public Works/City Engineer

Approved by:



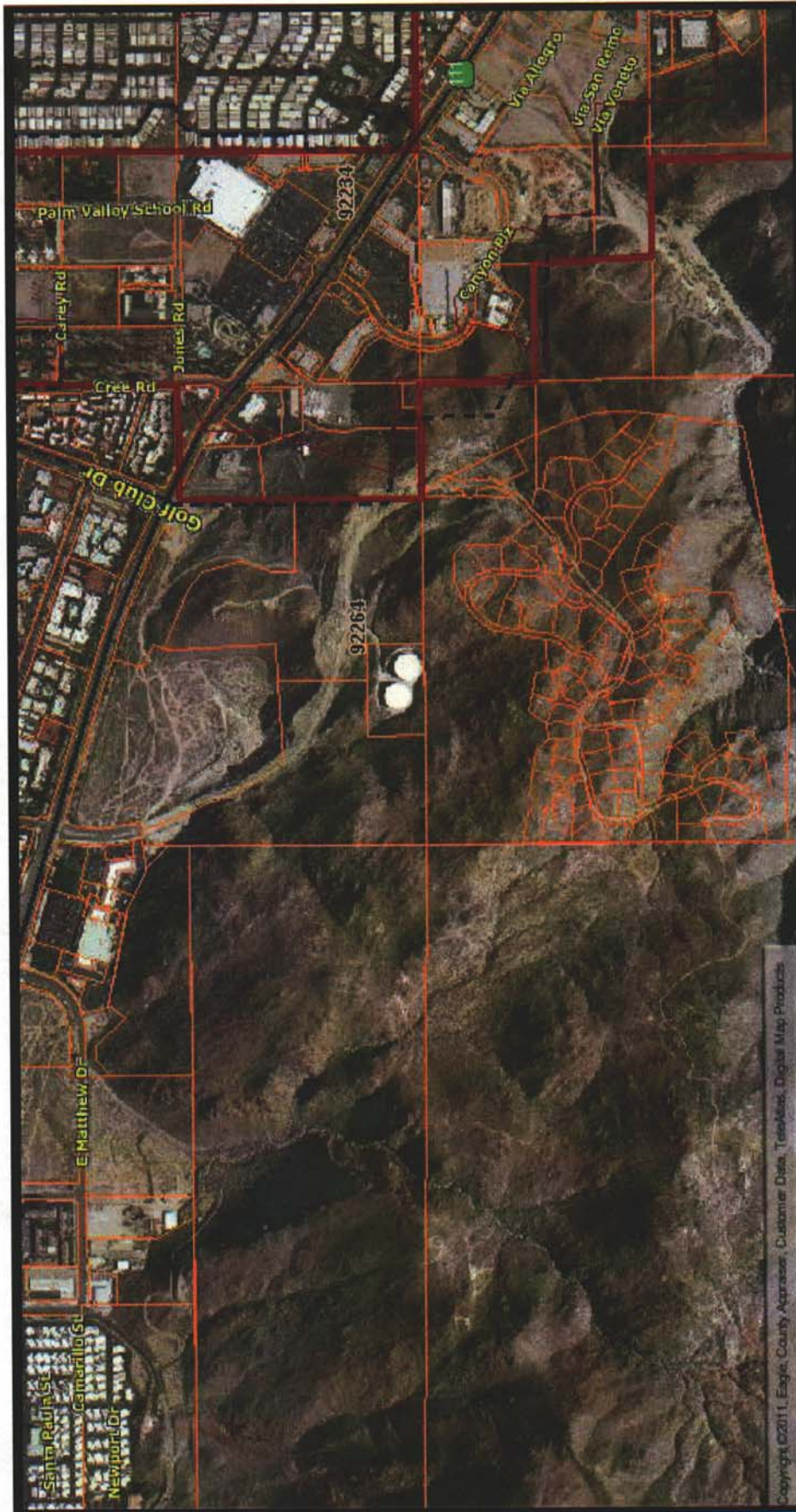
Thomas J. Wilson, Asst. City Manager



David H. Ready, City Manager

ATTACHMENTS:

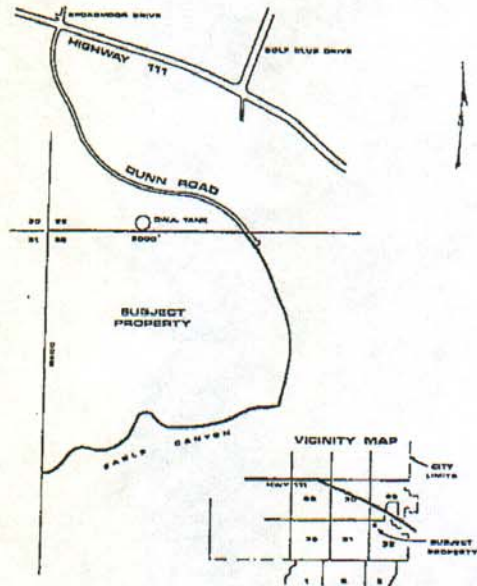
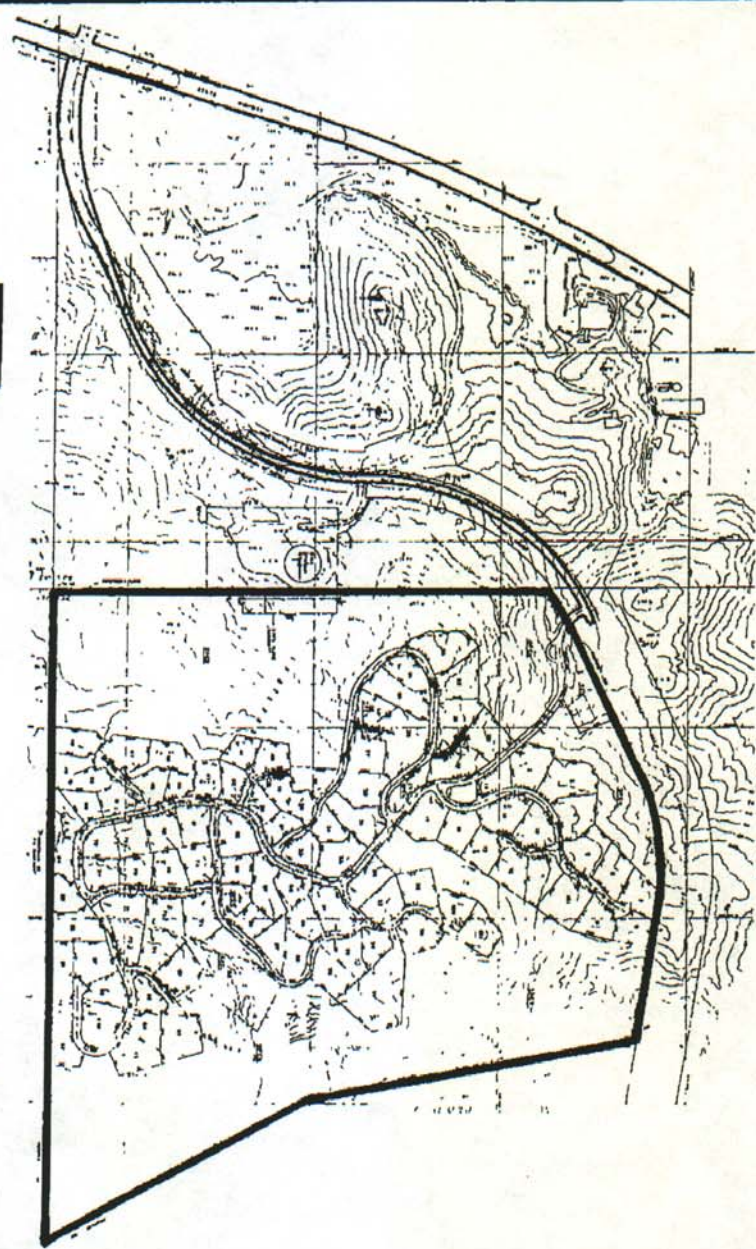
1. Vicinity Map
2. Existing Site Plan Figure
3. Resolution



Copyright ©2011, Eagle County Appraisers - Customer Data, Taxpayers, Digital Map Products



Copyright © 2006 All Rights Reserved. The information contained herein is the proprietary property of the contributor supplied under license and may not be approved except as licensed by Digital Map Products.



CITY OF PALM SPRINGS

CASE NO. TTM 17043 (Ref. Case 5,0078-PD-91)

APPLICANT Ervin Eng./M. Dunn

REMARKS

APPROVED BY PLAN. COMM. DATE

APPROVED BY COUNCIL DATE

ORD. NO.

RESOL. NO.

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 AN OFFER OF DEDICATION OF RIGHT-OF-WAY FOR PALM HILLS DRIVE, IN SECTION 29, TOWNSHIP 4 SOUTH, RANGE 5 EAST; FILE R 04-15

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 streets and public service easements, or parts thereof, within the limits of the City; and

WHEREAS, pursuant to Section 8331 of the statute, the legislative body of a local agency may summarily vacate a street if both of the following conditions exist: (1) for a period of five consecutive years, the street has been impassable for vehicular travel; and (2) no public money was expended for maintenance on the street during such period; and

WHEREAS, pursuant to Section 8333(a) of the statute, the legislative body of a local agency may summarily vacate a public service easement if the easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation; and

WHEREAS, on June 18, 1984, an irrevocable "Offer of Dedication" recorded as Document No. 130136 (records of Riverside County) was made to the City of Palm Springs for street, highway and utility purposes for Palm Hills Drive; and

WHEREAS, the City of Palm Springs has never accepted the Offer of Dedication, and Palm Hills Drive has never been constructed and has been impassable for vehicular travel for over five consecutive years, and no public money has been expended for maintenance on it during such period; and

WHEREAS, it is necessary to vacate and abandon the original Offer of Dedication of right-of-way for Palm Hills Drive, and in its place, have the owners of the real property burdened by the Offer of Dedication execute and record a new Offer of Dedication of right-of-way for Palm Hills Drive, whereby more accurately defined limits of right-of-way, permanent slope easements, and temporary construction easements, are offered for dedication to the City of Palm Springs; and

WHEREAS, no change in legal access to Tract 17043 will occur as a result of the City's actions undertaken by this Resolution of Vacation, and that right-of-way for Palm Hills Drive will continue to be offered for dedication to the City of Palm Springs, subject to future acceptance upon completion of the extension of Palm Hills Drive to Tract 17043 by others.

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 9, "Change of Grade and Vacation" of the California Streets and Highways Code (Section 8330 et. seq.).
- Section 2. Subject to Sections 3 and 4 herein below, the City Council does hereby summarily vacate and abandon all the City's right, title and interest in the irrevocable Offer of Dedication for Palm Hills Drive as originally dedicated to the City of Palm Springs by Document No. 130136, recorded June 18, 1984, being the vacated area described in Exhibit "A", and shown on Exhibit "B", attached hereto and made a part hereof.
- Section 3. The owner(s) of the real property currently burdened by the Offer of Dedication, being the real property identified by Assessor's Parcel Number (APN) 681-480-001, 681-480-002, and 681-480-004, shall execute a new irrevocable Offer of Dedication of right-of-way for street and public utility purposes to the City of Palm Springs for Palm Hills Drive, including permanent slope easements and temporary construction easements, as required by the City Engineer. The irrevocable offers of dedication shall be appropriately executed by the record title owners, and shall be recorded in the Office of the Riverside County Recorder immediately succeeding the recordation of this Resolution of Vacation.
- Section 4. Upon notification from the City Engineer that the obligations set forth in Section 3 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, and that from and after the date this Resolution is recorded, the irrevocable Offer of Dedication for Palm Hills Drive as originally dedicated to the City of Palm Springs by Document No. 130136, recorded June 18, 1984, being the vacated area described in Exhibit "A", and shown on Exhibit "B", attached hereto and made a part hereof, no longer constitutes a public right-of-way in accordance with Section 8335 of the statute.

ADOPTED this 16th day of March, 2011.

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 March 16, 2011, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

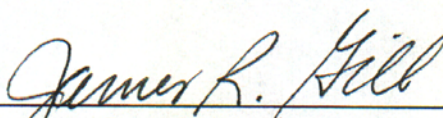
James Thompson, City Clerk
City of Palm Springs, California

EXHIBIT "A"
LEGAL DESCRIPTION
QUITCLAIM OF EASEMENT FOR ROADWAY AND UTILITY PURPOSES

A portion of Palm Hills Drive within Lots 24, 25, 26 and 27, Palm Valley Colony Lands, as per Map filed in Book 14, Page 652 of Maps, Records of San Diego County, California, in the City of Palm Springs, County of Riverside, State of California, as shown in the document recorded May 24, 1984, as Instrument No. ~~130136~~ of Official Records of said County, described as follows:

Beginning at the southerly terminus of that certain curve concave easterly in the centerline of Palm Hills Drive described in said Instrument as having a radius of 800.00 feet, a length of 487.27 feet and a central angle of 34°53'54"; thence along the boundary of said Instrument No. ~~130136~~ the following courses: radially from said curve on said centerline North 72°06'06" East 50.00 feet, South 76°09'28" East 73.79 feet, South 32°10'00" East 678.34 feet, South 46°06'20" East 293.21 feet, South 36°43'38" West 131.00 feet, southwesterly 604.44 feet along a non-tangent curve concave northerly having a radius of 920.00 feet through a central angle of 37°38'36", non-tangent from said curve North 00°54'58" West 20.00 feet, North 71°08'16" East 326.26 feet, South 19°31'11" East 197.44 feet, southeasterly 381.87 feet along a non-tangent curve concave southwesterly having a radius of 1080.00 feet through a central angle of 20°15'32" to the East line of said Lot 27; thence leaving said boundary and along said east line non-tangent from said curve South 00°08'51" West 251.50 feet to a point on a non-tangent curve concave southwesterly shown as having a radius of 900.00 feet, a central angle of 65°56'51" and a length of 1035.90 feet in said Instrument No. ~~130136~~, a radial line to said point bears North 49°47'21" East; thence along the boundary of said Instrument No. ~~130136~~ the following courses: northwesterly 796.48 feet along said curve through a central angle of 50°42'19", non-tangent from said curve North 00°54'58" West 20.00 feet, westerly 644.76 feet along a non-tangent curve concave northerly having a radius of 1080.00 feet through a central angle of 34°12'20", non-tangent from said curve North 45°53'27" West 108.25 feet, northwesterly 479.25 feet along a non-tangent curve concave northeasterly having a radius of 1065.00 feet through a central angle of 25°46'59", non-tangent from said curve North 25°29'25" West 441.05 feet, North 17°05'19" West 196.00 feet and North 72°06'06" East 50.00 feet to the TRUE POINT OF BEGINNING.

As shown on Exhibit "B" attached hereto and by this reference made a part hereof.



James R. Gill, L.S. 5780
My License Expires: June 30, 2004
Date: 3-17-04



FILE NO.: R-04-015
SHEET NO.: 1 of 3

BROADMOOR DRIVE

EXHIBIT "B"

PALM HILLS DRIVE (100' WIDE)
SHOWN ON INST. NO.
130136, O.R., RECORDED
MAY 24, 1984

P.O.B.

STATE

HIGHWAY

111

N72°06'06"E
100.00'
N17°05'19"W
196.00'

50'50'
50.00'
50.00'
Δ=34°53'54"
R=800.00'
L=487.27'
S76°09'28"E
73.79'

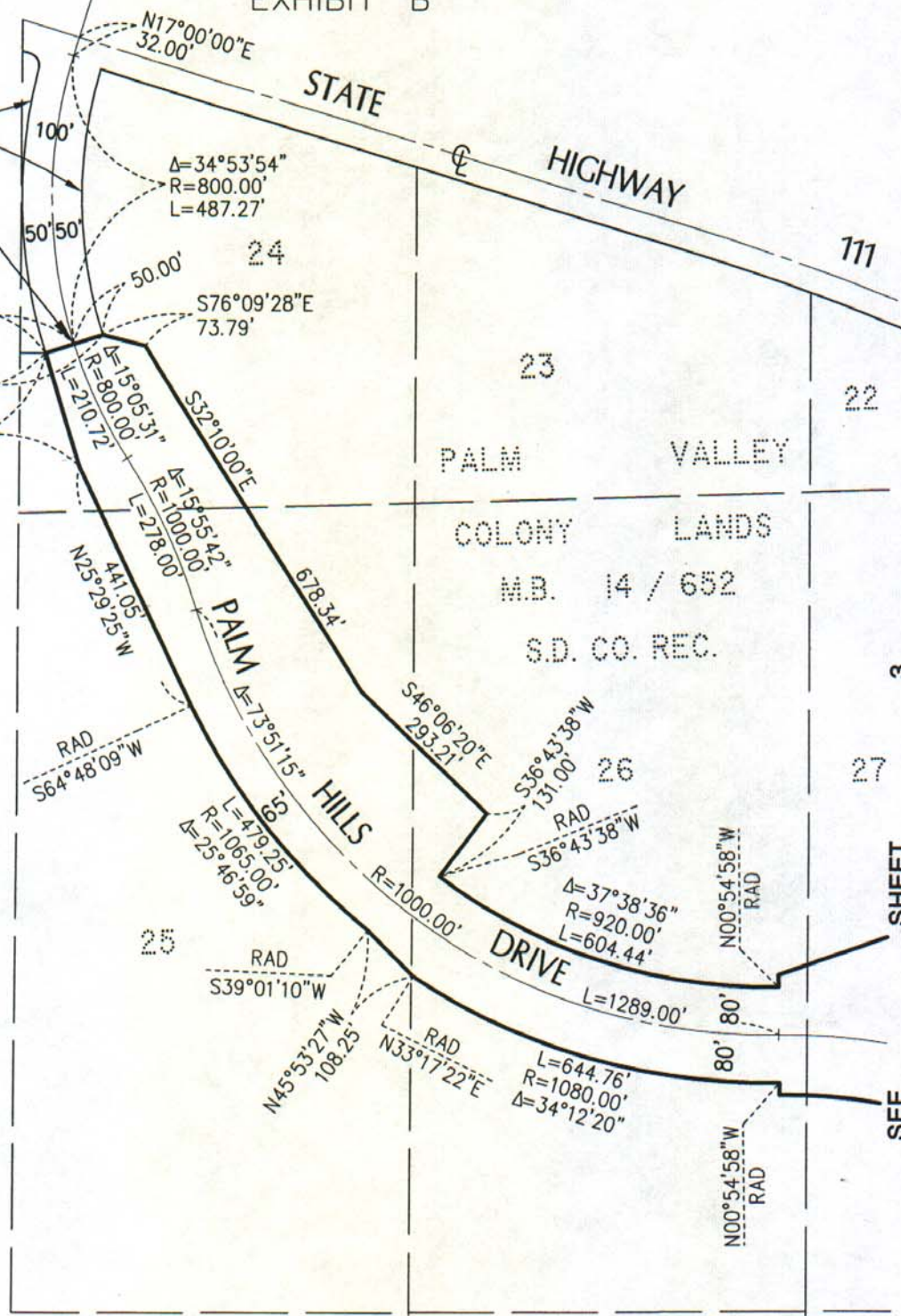
Δ=15°05'31"
R=800.00'
L=210.72'
S32°10'00"E
678.34'

Δ=15°55'42"
R=1000.00'
L=278.00'
N25°29'25"W
441.05'

Δ=73°51'15"
R=1000.00'
L=1065.00'
Δ=25°46'59"
R=479.25'
S64°48'09"W
RAD

Δ=37°38'36"
R=920.00'
L=604.44'
S36°43'38"W
131.00'
RAD

Δ=34°12'20"
R=1080.00'
L=644.76'
N33°17'22"E
RAD
N45°53'27"W
108.25'
S39°01'10"W
RAD



NW 1/4 SEC. 32

T. 4 S., R. 5 E., S.B.M.



CITY OF PALM SPRINGS
PUBLIC WORKS & ENGINEERING
DEPARTMENT

QUITCLAIM OF EASEMENT
FOR ROADWAY AND
UTILITY PURPOSES

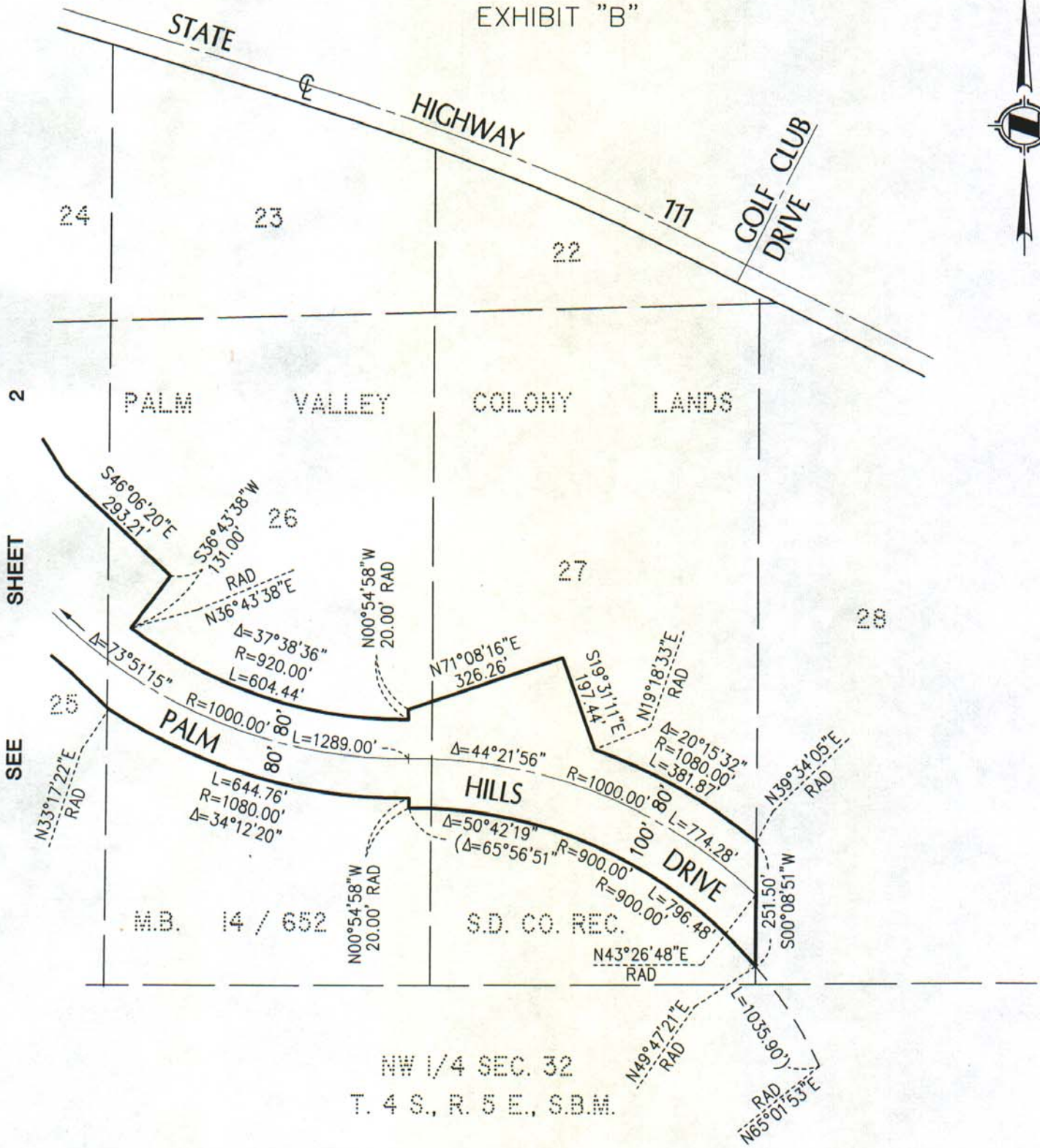
H&A LEGAL NO. 5880

LEGAL DESCRIPTION:

SEE EXHIBIT "A"

DESIGN BY: J. GILL	SCALE: 1" = 300'	FILE NO.: R-04-015
CHECKED BY: H. Foss	W.O. # 2867-3	SHEET NO.: 2 OF 3

EXHIBIT "B"



CITY OF PALM SPRINGS
PUBLIC WORKS & ENGINEERING
DEPARTMENT

QUITCLAIM OF EASEMENT
FOR ROADWAY AND
UTILITY PURPOSES

H&A LEGAL NO. 5880

LEGAL DESCRIPTION:

SEE EXHIBIT "A"

DESIGN BY:

J. GILL

SCALE:

1" = 300'

FILE NO.:

R-04-015

CHECKED BY:

H. Foss

W.O. #

2867-3

SHEET NO.:

3 OF 3