



City Council Staff Report

Date: March 18, 2015

CONSENT CALENDAR

Subject: ACCEPTANCE OF RELINQUISHMENT OF PROPERTY FROM THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION AND WAIVING THE 90 DAYS' NOTICE OF INTENTION TO RELINQUISHMENT, ASSOCIATED WITH THE INTERSTATE 10/INDIAN CANYON DRIVE INTERCHANGE, CITY PROJECT NO. 00-14

From: David H. Ready, City Manager

Initiated by: Department of Public Works & Engineering

SUMMARY:

Reconfiguration of the Interstate 10 / Indian Canyon Drive Interchange resulted in the realignment of the California Department of Transportation's ("Caltrans") right of way at the southwest corner of Indian Canyon Drive and 20th Avenue. Caltrans requires relinquishment of the right-of-way to the City of Palm Springs.

RECOMMENDATION:

1. Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ACCEPTING THE RELINQUISHMENT OF COLLATERAL FACILITIES FROM THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION, INCORPORATING THE RIGHTS OF WAY INTO THE CITY'S MAINTENANCE REPOSNSIBILITIES, AND WAIVING THE NINETY DAYS' NOTICE OF INTENTION TO REQLINQUISHMENT, ASSOCIATED WITH THE INTERSTATE 10/INDIAN CANYON DRIVE INTERCHANGE, CITY PROJECT NO. 00-14;" and
2. Authorize the City Manager to act on behalf of the City of Palm Springs and execute associated documents and agreements.

STAFF ANALYSIS:

The Interstate 10/Indian Canyon Drive Interchange, City Project No. 00-14, (the "Project"), made several improvements to local City streets, including 20th Avenue and Indian Canyon Drive. As part of the Project, the Indian Canyon Drive at 20th Avenue intersection was realigned, leaving excess Caltrans right of way at the southwest

ITEM NO. 21

corner. Caltrans requires the City to incorporate the excess right-of-way into the City's street system, and has requested the City to facilitate the relinquishment; a copy of the right-of-way relinquishment map is included as **Exhibit "A"** to the Resolution. The right-of-way to be relinquished to the City is a small portion of right-of-way that has already been improved to the City's satisfaction as part of the Project, and there is no reason for the City to object to the relinquishment, which is also shown here as **Figure 1**:

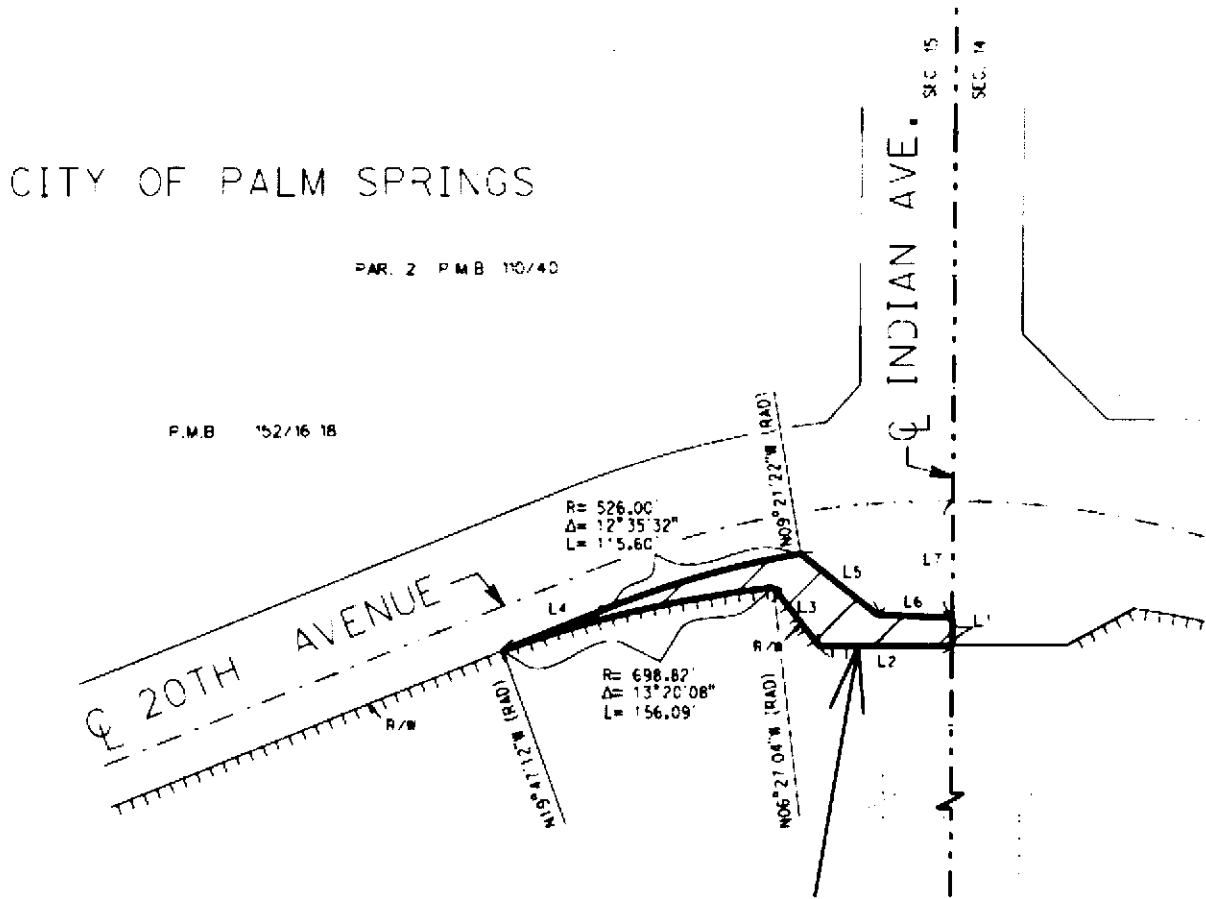


Figure 1

Staff has prepared a Resolution for City Council adoption to authorize the City Manager to facilitate the requested relinquishment of a portion of Caltrans right-of-way to the City of Palm Springs. Section 73 of the California Streets and Highways Code authorizes Caltrans to relinquish rights-of-way that are no longer part of the state highway system to a local agency, subject to a 90-day public noticing period. The proposed Resolution will allow the City to accept the relinquished right-of-way from Caltrans, and waives the 90-day noticing requirement of the Streets and Highway Code for this relinquishment action by Caltrans.

ENVIRONMENTAL IMPACT:

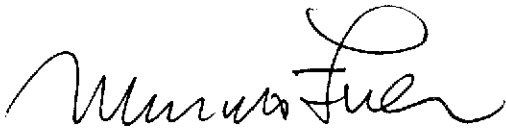
Section 15061(b)(3) of the California Environmental Quality Act ("CEQA") Guidelines exempts activities that are covered under the general rule that CEQA applies only to projects that have the potential to cause significant effects on the environment. Where it can be seen with certainty that there is no possibility the activity in question may have a significant effect upon the environment, the activity is not subject to CEQA. The requested action transfers the ownership and maintenance responsibilities of a portion of public right-of-way from the state of California to the City of Palm Springs, with the use of the land as a public right-of-way unchanged. Therefore, the requested action is considered exempt from CEQA.

FISCAL IMPACT:

Accepting a small portion of additional right-of-way from Caltrans transfers to the City an unknown, but minor, additional cost for future maintenance of the associated street improvements. As the Project has been completed and improved the right-of-way to be relinquished to the City, there is no immediate cost to the City associated with accepting the relinquishment at this time.

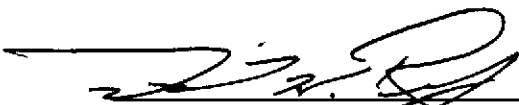
SUBMITTED

Prepared by:



Marcus L. Fuller, MPA, P.E., P.L.S.
Assistant City Manager/City Engineer

Approved by:



David H. Ready, Esq., Ph.D
City Manager

Attachment:

1. Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ACCEPTING THE RELINQUISHMENT OF COLLATERAL FACILITIES FROM THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION, INCORPORATING THE RIGHTS OF WAY INTO THE CITY'S MAINTENANCE RESPONSIBILITIES, AND WAIVING THE NINETY DAYS' NOTICE OF INTENTION TO REQLINQUISHMENT, ASSOCIATED WITH THE INTERSTATE 10/INDIAN CANYON DRIVE INTERCHANGE, CITY PROJECT NO. 00-14

WHEREAS, pursuant to Section 73 of the California Streets and Highway Code, the California Transportation Commission (CTC) may relinquish any frontage or service road, which has a right of way of 40 feet or more in width, or non-motorized transportation facility, within the limits of a city or county, which has been constructed as part of a State highway project but does not constitute a part of a main travelled roadway, provided the city or county has adopted a resolution consenting to the resolution; and

WHEREAS, the State of California, Department of Transportation (Caltrans) desires to relinquish to the City of Palm Springs (City) one segment of Caltrans right-of-way shown on the Map of Proposed Relinquishment to the City of Palm Springs, Request No. 494-R (2 sheets) which is included as "Exhibit A" to this resolution; and

WHEREAS, the segment of right-of-way were previously acquired for the purposes of constructing the Interstate 10 freeway, but do not now constitute a part of the state highway; and

WHEREAS, the City agrees to accept the relinquishment of this segment of right-of-way upon approval of the relinquishment by the CTC; and

WHEREAS, pursuant to Section 1806(b) of the California Streets and Highway Code, the City accepts the portion of the roadway into the City street system; and

WHEREAS, the City agrees to waive the ninety (90) days' notice of "Intention to Relinquish" requirement contained in Section 73 of the California Streets and Highway; and

WHEREAS, Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines exempts activities that are covered under the general rule that CEQA applies only to projects that have the potential to cause significant effects on the environment, and where it can be seen with certainty that there is no possibility the activity in question

may have a significant effect upon the environment, the activity is not subject to CEQA; and

WHEREAS, adoption of this resolution transfers the ownership and maintenance responsibilities of a portion of public right-of-way from the state of California to the City of Palm Springs, with the use of the land as a public right-of-way unchanged, and is therefore, considered exempt from CEQA in accordance with said Section 15061(b)(3); and

WHEREAS, pursuant to Section 73 of the California Streets and Highway Code, the California Transportation Commission may relinquish a portion of state highway to a city upon the City Council's adoption of a resolution consenting thereto; and

WHEREAS, pursuant to California Government Code 65402, the acceptance of the segment of excess right-of-way from Caltrans depicted on "Exhibit A" is not subject to the requirements for submittal to and reporting upon by the City of Palm Springs Planning Commission as to conformity with the City's adopted general plan as the relinquishment of right-of-way is the result of an alignment project, and is considered to be of a minor nature.

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

Section 1. The above recitals are all true and correct and are hereby adopted as findings.

Section 2. The City Council of the City of Palm Springs does hereby accept the fee interest in the segment of right-of-way depicted in "Exhibit A" from Caltrans and hereby incorporates it into the City street system.

Section 3. The City Council of the City of Palm Springs does hereby find that the provisions of Government Code Section 65402 are inapplicable to this real property transfer because it involves a minor street alignment, and the City Council hereby waives the ninety (90) days' notice of "Intention to Relinquish" requirement contained in Section 73 of the California Streets and Highway Code.

Section 4. The City Clerk of the City of Palm Springs is hereby authorized and directed to execute the appropriate acceptance of the relinquished right-of-way segment for and on behalf of the City of Palm Springs.

Section 5. The City Manager of the City of Palm Springs is hereby authorized to execute and approve required agreements or documents facilitating the relinquishment of the segment of right-of-way.

Resolution No. _____

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ADOPTED THIS 18th day of March, 2015.

David H. Ready, City Manager

ATTEST:

James Thompson, City Clerk

CERTIFICATION

STATE OF CALIFORNIA)
CITY OF PALM SPRINGS) ss.

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 18, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

James Thompson, City Clerk

EXHIBIT "A"

STATE OF CALIFORNIA
CALIFORNIA STATE TRANSPORTATION AGENCY
DEPARTMENT OF TRANSPORTATION

IN THE COUNTY OF RIVERSIDE
RELINQUISHMENT OF COLLATERAL FACILITIES
T.3 S., R.4 E., S.B.M.,
SECTION 15

DIST.	COUNTY	ROUTE	POST MILE	SHEET NO.	TOTAL SHEETS
08	RIV	10	33.1	1	2

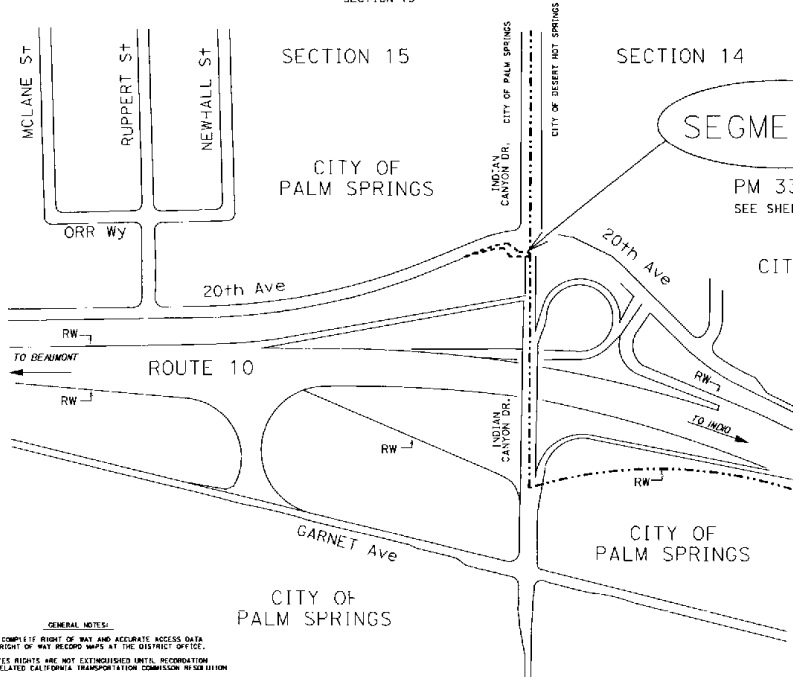
LICENSED LAND SURVEYOR



DATE APPROVED

"THE STATE OF CALIFORNIA OR ITS OFFICERS OR AGENTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF ELECTRONIC COPIES OF THIS PLAN SHEET."

APPROVAL RECOMMENDED BY
DISTRICT DIRECTOR RIGHT OF WAY



SEGMENT 1

PM 33.1
SEE SHEET 2

Filed this _____ day of _____, 20____, at _____, Ca.
In Book _____ of State Highway Map Bank
at Page(s) _____, at the request of CALTRANS
No. _____ Fee _____
LARRY N. WAHD, Assessor-County Clerk-Recorder RIVERSIDE CO., CA
By: _____ Deputy

- GENERAL NOTES:
1. FOR COMPLETE RIGHT OF WAY AND ACCURATE ACCESS DATA SEE RIGHT OF WAY RECORD MAPS BY THE DISTRICT OFFICE.
 2. STATES RIGHTS ARE NOT EXTINGUISHED UNTIL RECORDATION OF RELATED CALIFORNIA TRANSPORTATION COMMISSION RESOLUTION

BEARINGS AND DISTANCES SHOWN HEREON ARE OREG. BASED UPON THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 6. TO OBTAIN GROUND DISTANCES, MULTIPLY BY 1.00002594

CALIFORNIA STATE TRANSPORTATION AGENCY
VICINITY MAP OF PROPOSED
RELINQUISHMENT TO THE
CITY OF PALM SPRINGS

REQUEST NO. 494-R

----- SEGMENT TO BE RELINQUISHED

----- CITY LIMITS

NO SCALE

EXHIBIT "A"

COUNTY OF RIVERSIDE
T. 3 S., R. 4 E S.B.M.
SECTION 15

APPROVAL RECOMMENDED BY
ROBERT SC
DEPUTY DISTRICT DIRECTOR RIGHT OF WAY

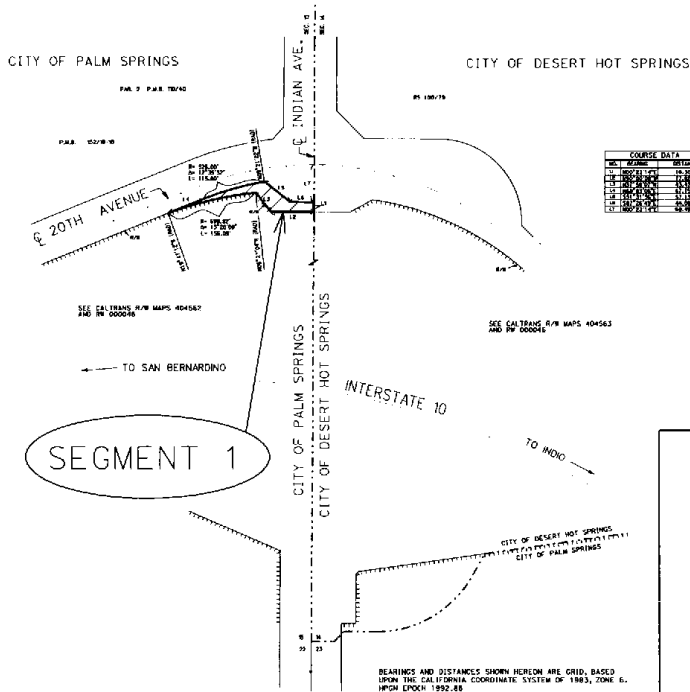
DIST.	COUNTY	ROUTE	POST MILE	SHEET NO.	TOTAL SHEETS
DR	RIV	10	33.1	2	2

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DATE APPROVED



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LINE	BEARING	DISTANCE
1	N 89° 15' 00" W	100.00
2	S 89° 15' 00" E	100.00
3	N 00° 00' 00" E	100.00
4	S 00° 00' 00" W	100.00

SEGMENT 1

CALIFORNIA STATE TRANSPORTATION AGENCY

PROPOSED RELINQUISHMENT TO THE CITY OF PALM SPRINGS

REQUEST NO. 494-R

SEGMENT TO BE RELINQUISHED

ACCESS RIGHTS RETAINED BY STATE

CITY LIMIT LINE

FEET 0 100 200 300 400

Supplementary information may be obtained from the District Office, Survey Branch or Right of Way Engineering Branch; 404 W. Fourth St., San Bernardino, CA 92401

BEARINGS AND DISTANCES SHOWN HEREON ARE GRID, BASED UPON THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 6, IPUM EPOCH 1982.88 TO OBTAIN GROUND DISTANCES, MULTIPLY BY 1.00000584