



Planning Commission Staff Report

DATE: April 13, 2016

SUBJECT: RUDY DVORAK AND CLIVE WILKINSON REQUEST TO ABANDON AND VACATE A PUBLIC UTILITY EASEMENT WITHIN A PREVIOUSLY VACATED PORTION OF SOUTH PATENCIO ROAD; BETWEEN LINDA VISTA DRIVE AND RAMON ROAD, IN SECTION 15, TOWNSHIP 4 SOUTH, RANGE 4 EAST, S.B.M., (ENGINEERING FILE R 15-14).

FROM: Department of Public Works and Engineering

SUMMARY

The applicants, Rudy Dvorak and Clive Wilkinson, request to abandon and vacate a public utility easement within a previously vacated portion of S. Patencio Road, between W. Linda Vista Drive and Ramon Road. The proposed vacation and abandonment of a public utility easement is consistent with 2007 General Plan per California Streets and Highways Code 8313.

RECOMMENDATION:

The Planning Commission to find that the proposed vacation and abandonment of a public utility easement within a previously vacated portion of S. Patencio Road, located between W. Linda Vista Drive and Ramon Road, is consistent with the 2007 City of Palm Springs General Plan.

BACKGROUND:

<i>Most Recent Ownerships</i>	
March 2016	Silva Beach Investments LLC – APNs: 513-193-031 & 513-19-034
October 2015	Clive Wilkinson (Security FSE Two Hundred & Ninety One, Inc.) – APN: 513-193-028

<i>Field Check</i>	
December 2015.	Staff visited the site to observe existing conditions.

<i>Site Area</i>	
Patencio Road	R.O.W. Vacation/Reserved P.U.E. Area: 9,241 S.F.+/- (0.21 Ac.+/-)

Related Relevant City Actions by Engineering, Planning, Fire, Building, etc...	
July 2015	Submitted proposed R.O.W. Vacation to Public Utility Agencies for review and comment/approval.
September 2015	All public utility agencies approved vacation of P.U.E.



PROJECT DESCRIPTION:

The proposed project by Rudy Dvorak and Clive Wilkinson is a request to vacate and abandon a public utility easement within a previously vacated portion of S. Patencio Road between W. Linda Vista Drive and Ramon Road. Rudy Dvorak owns the property located at 486 W. Patencio Lane, while Clive Wilkinson owns the property located at 511 Linda Vista Drive. Both applicants share interest of the existing public utility easement that was reserved after the public right-of-way for S. Patencio Road, as depicted in the Vicinity Map above and further explained in the Analysis below, was vacated in 1973 and 1978. Mr. Dvorak also owns three (3) vacant parcels along Ramon Road that he would like to develop in the future. Mr. Wilkinson wants to merge his property with a vacant parcel along Ramon Road for future development. The applicants wish to vacate the existing public utility easement that encroaches on a portion of their respective properties so that it will not encumber future development.

ANALYSIS:

The southerly portion of the S. Patencio Road right-of-way was vacated by the City of Palm Springs as indicated in the Riverside County Minute Order, recorded in Book 24, Page 9, on October 9, 1973. The northerly portion of the S. Patencio Road right-of-way was vacated by Instrument 142399, recorded on July 11, 1978. Both right-of-way vacations left a public utility easement in place. Public utility companies were contacted; Desert Water Agency, Southern California Gas Company, Southern California Edison, Time Warner Cable, and Verizon had no facilities in the area and had no objections to the vacation of the said public utility easement.

There is a public sanitary sewer line that traverses the property line between the two owners, which used to be the centerline of S. Patencio Road. The sewer line has a lateral that goes to the applicants' properties; however, property owners have verified that they are not in use. Veolia Water N.A. that manages the City Wastewater Treatment plant has approved the vacation of the public utility easement on the condition that the sewer line be cut and capped from the south of the sewer manhole at the intersection of S. Patencio Road and W. Linda Vista Drive. The sewer manhole structure located within the formerly vacated public right-of-way will be partially removed and filled with a slurry mix along with the remaining sewer line. The owners will be required to have inspectors from the City and/or Veolia Water N.A. to be at the site during abandonment operations. The owners believe that they can take sanitary sewer service from Ramon Road if necessary.

The proposed vacation and abandonment of a public utility easement within the previously vacated portion of S. Patencio Road will not affect the road's designation as a Local road on the 2007 Circulation Plan. The Circulation Plan shows that S. Patencio Road stops short of Ramon Road to the south. Therefore, the proposed vacation and abandonment conforms to the City's General Plan.

CONCLUSION:

The proposed vacation and abandonment of a public utility easement within a previously vacated portion of S. Patencio Road, located between W. Linda Vista Drive and Ramon Road, is consistent with the 2007 City of Palm Springs General Plan. Further, vacation and abandonment of the existing public utility easement will facilitate future development of vacant lots along Ramon. Staff recommends that the Planning Commission make the appropriate finding of General Plan conformity as contained in the attached resolution.



Felipe Primera
Senior Engineering Assistant



Flinn Fagg, AICP
Director of Planning Services

Attachments:

1. Resolution
2. Exhibits "A" & "B"

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, DETERMINING THAT A REQUEST TO VACATE AND ABANDON A PUBLIC UTILITY EASEMENT WITHIN A PREVIOUSLY VACATED PORTION OF SOUTH PATENCIO ROAD, BETWEEN WEST LINDA VISTA DRIVE AND RAMON ROAD, WITHIN SECTION 15, TOWNSHIP 4 SOUTH, RANGE 4 EAST CONFORMS TO THE CITY OF PALM SPRINGS GENERAL PLAN; (ENGINEERING FILE R 15-07).

WHEREAS, the southern portion of the S. Patencio Road public right-of-way was previously vacated by the City of Palm Springs, as reflected in Riverside County Minute Order, recorded in Book 24, Page 9, on October 9, 1973, and Instrument No. 142399, recorded on July 1, 1978; and

WHEREAS, the previous vacation actions herein referenced included herein reserved a public utility easement; and

WHEREAS, the Silva Beach Investments, LLC, and Clive Wilkinson filed an application to vacate a public utility easement within the previously vacated portion of S. Patencio Road, between W. Linda Vista Drive and Ramon Road; and

WHEREAS, the public utility easement proposed to be vacated and abandoned is described in Exhibit "A" and shown on Exhibit "B"; and

WHEREAS, Section 65402(a) of the California Government Code requires the that no public street shall be vacated or abandoned if the adopted general plan applies thereto until the location, purpose and extent of such easement 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, the vacation and abandonment of said public utility easement will not affect S. Patencio Road's designation as a Local road on the 2007 Circulation Plan; the Circulation Plan shows that S. Patencio Road stops short of Ramon Road to the south.

WHEREAS, the vacation and abandonment of said public utility easement will remove the encumbrance and encourage development of vacant lots along Ramon Road; 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

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby determines that the vacation of a public utility easement within a previously vacated portion of Patencio Road is consistent with the 2007 adopted City of Palm Springs General Plan.

ADOPTED this 13th day of April, 2016.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Flinn L. Fagg, AICP
Director of Planning Services
City of Palm Springs, California

EXHIBIT "A"

PARCEL 1:

ALL THAT PORTION OF THE EASEMENT FOR SEWER AND PUBLIC UTILITY PURPOSES AS DESCRIBED IN THE DOCUMENT RECORDED JULY 11, 1978 AS INSTRUMENT NO. 142399 OF OFFICIAL RECORDS, SAID PORTION LYING WITHIN THE FOLLOWING DESCRIBED PROPERTY:

BEGINNING AT THE NORTHWEST CORNER OF LOT 8, IN BLOCK 4 OF PALM SPRINGS, IN THE CITY OF PALM SPRINGS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 9, PAGE 432 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY, SAID POINT ALSO BEING A POINT ON THE EAST RIGHT OF WAY OF PATENCIO ROAD (VACATED) 100.00 FEET NORTH OF THE NORTH LINE OF SOUTH STREET AS SHOWN ON SAID MAP, THENCE WEST 33.00 FEET TO A POINT, SAID POINT BEING NORTH 100.00 FEET OF THE SAID NORTH LINE OF SOUTH STREET;
THENCE NORTH, ALONG THE WEST LINE OF SAID PATENCIO ROAD, A DISTANCE OF 87.45 FEET TO A POINT IN THE RIGHT OF WAY OF WEST LINDA VISTA DRIVE, SAID POINT BEING THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 60.00, A RADIAL TO SAID POINT BEARS SOUTH 00°08'00" WEST;
THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 39°59'00", A DISTANCE OF 41.87 FEET;
THENCE SOUTH, ALONG SAID EAST LINE PATENCIO ROAD, A DISTANCE OF 111.81 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

ALL THAT PORTION OF THE EASEMENT FOR SEWER AND PUBLIC UTILITY PURPOSES AS DESCRIBED IN THE DOCUMENT RECORDED JULY 11, 1978 AS INSTRUMENT NO. 142399 OF OFFICIAL RECORDS, SAID PORTION LYING WITHIN THE FOLLOWING DESCRIBED PROPERTY:

THE SOUTH 100 FEET OF WEST AVENUE, LYING NORTH OF THE NORTH LINE OF SOUTH STREET, AS SHOWN ON THE MAP OF PALM SPRINGS ON FILE IN BOOK 9 PAGE 432 OF MAPS, RECORDS OF SAN DIEGO COUNTY, CALIFORNIA, SAID PORTION OF WEST AVENUE HAVING BEEN VACATED BY RESOLUTION OF THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY, CALIFORNIA, A CERTIFIED COPY OF SAID RESOLUTION HAVING BEEN RECORDED OCTOBER 11, 1933 IN BOOK 142 PAGE 260 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.



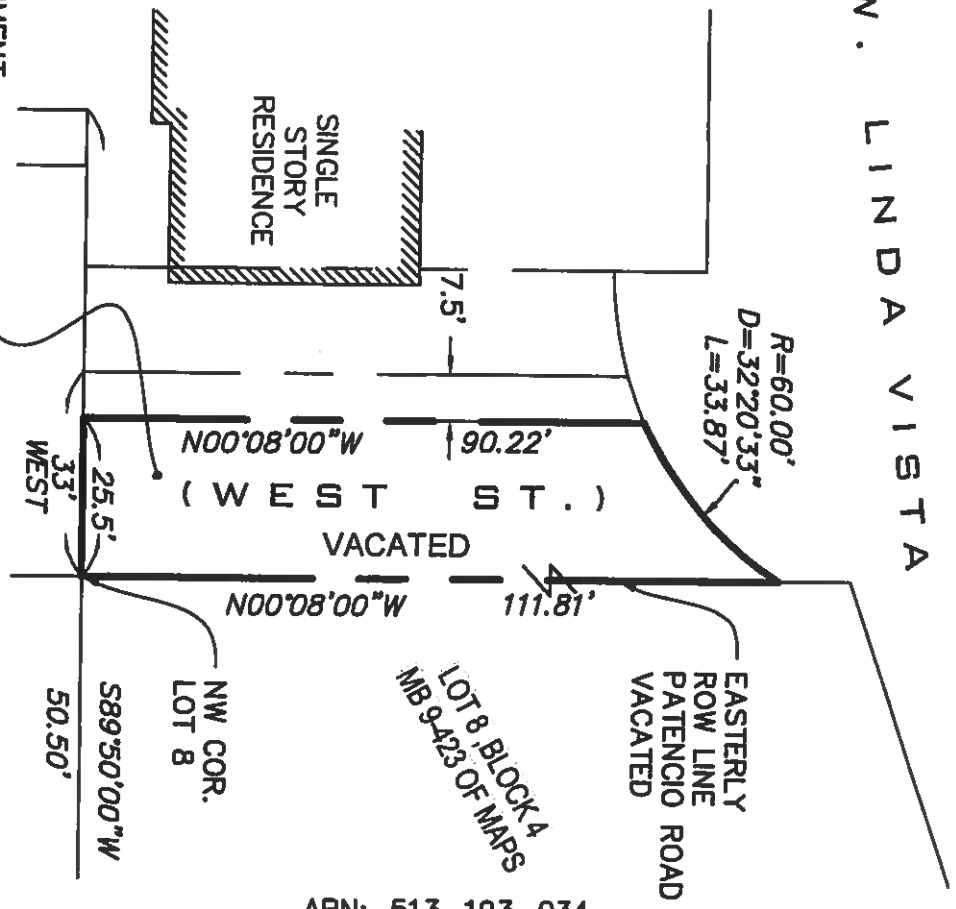
EXHIBIT "B"



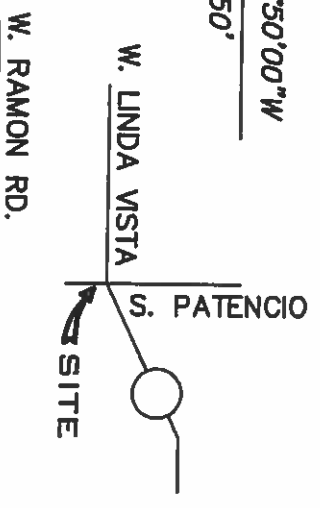
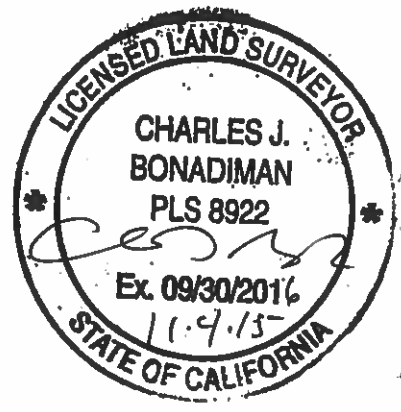
W. LINDA VISTA

POR. INSTRUMENT
NO 142399 OR
TO BE VACATED

APN: 513-193-031



APN: 513-193-034

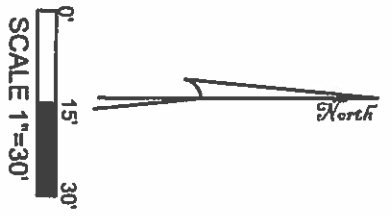


VICINITY MAP



EXHIBIT "B" 2 OF 2

SINGLE STORY RESIDENCE

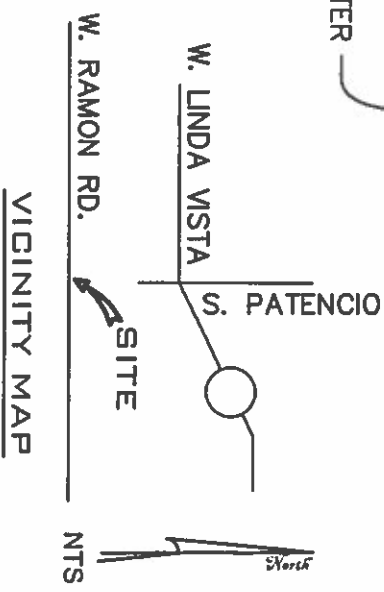
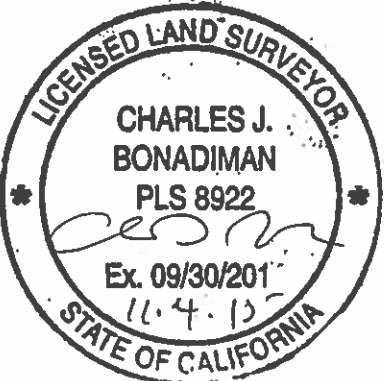
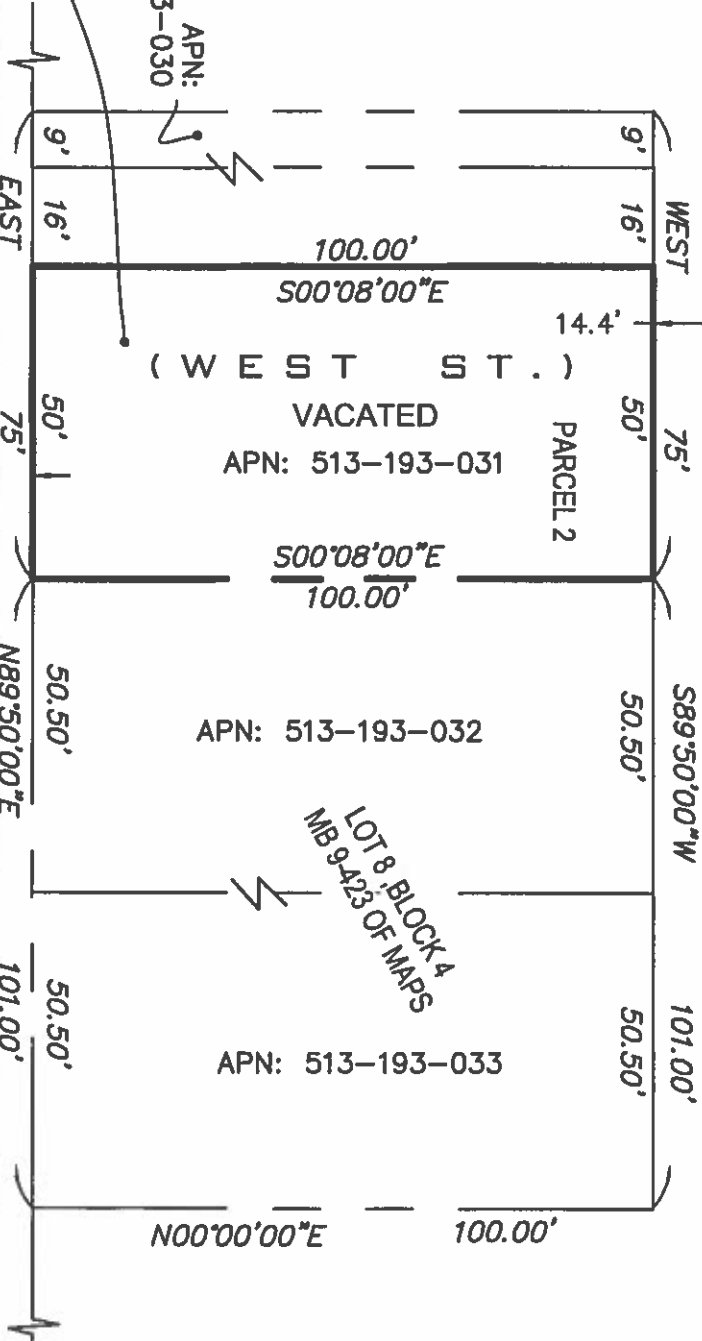


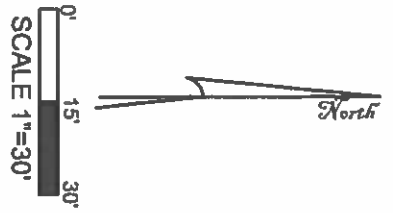
POR. INSTRUMENT NO. 142399 TO BE VACATED

APN: 513-193-030

RAMON RD. (SOUTH STREET)

CURB & GUTTER

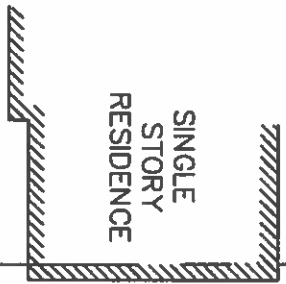




W. LINDA VISTA

INSTRUMENT
NO. 142399 O.R.
FOR PUBLIC
UTILITY PURPOSES
TO BE VACATED

APN: 513-193-031



N00°08'00"W 87.45'

R=60.00'
D=39°59'00"
L=41.87'

PARCEL 1

(WEST ST.)

VACATED

N00°08'00"W 111.81'

EASTERLY
ROW LINE
PATENCIO ROAD
VACATED

LOT 8, BLOCK 4
MB 9-423 OF MAPS

APN: 513-193-034

NW COR.
LOT 8

S89°50'00"W
50.50'

W. RAMON RD.

W. LINDA VISTA

S. PATENCIO



SITE



NTS

VICINITY MAP

