



CITY COUNCIL STAFF REPORT

January 21, 2009

CONSENT CALENDAR

SUBJECT: SUMMARY VACATION OF A PORTION OF SAN JOAQUIN DRIVE IN SECTION 18, TOWNSHIP 4 SOUTH, RANGE 5 EAST; FILE R 08-028

FROM: David H. Ready, City Manager

BY: Public Works and Engineering Department

SUMMARY

The Streets and Highways Code of the State of California allows the City to consider summarily vacating streets by following a streamlined process under certain conditions. In this case, the City Council may summarily vacate excess right-of-way of a street not required for street purposes. The excess right-of-way may be summarily vacated 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 ITS RIGHT, TITLE AND INTEREST TO A PORTION OF SAN JOAQUIN DRIVE IN SECTION 18, TOWNSHIP 4 SOUTH, RANGE 5 EAST; FILE R 08-028."

STAFF ANALYSIS:

As part of the approval of Case 5.1128 CUP (Conditional Use Permit) to allow the use of an automobile service station with drive-through facilities, and Case 6.501 VAR (Variance), regarding building setbacks approved by the Planning Commission on July 23, 2008, staff has prepared this report to vacate excess public right-of-way for San Joaquin Drive south of Mission Drive. The City of Palm Springs Redevelopment Agency sold this parcel to the developer and owner of The Springs shopping center for development of the site and construction of street improvements along San Joaquin Drive. The final site plan was recently submitted for the auto service station facility in accordance to the latest Conditions of Approval for the project. This staff report reflects the vacation of excess right-of-way along the westerly 40 feet of San Joaquin Drive to reflect only the right-of-way necessary for the new street improvements and the final site plan for the auto service station facility.

Item No. **2.J.**

The centerline of San Joaquin Drive, north and south of Mission Drive, is the mutual boundary between the cities of Palm Springs and Cathedral City. The westerly 40 feet of the street was reserved as public right-of-way in Instrument No. 74689, recorded April 29, 1977, and Instrument Nos. 177941 and 177942, both recorded August 23, 1979, and shown on Parcel Map 24604, Book 159, Pages 66-67, Riverside County Records. Resolution 20253, approved by the City Council on February 20, 2002, vacated 15 feet of the westerly 40 feet for a local street width of 25 feet north of Mission Road. This summary vacation will reflect the latest General Plan adopted in 2007 which shows San Joaquin Drive as a minimum 50 feet wide local street south of Mission Drive.

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 streets. In accordance with Section 8334 (a) of the Code, the legislative body of 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 street right-of-way; a Public Hearing is not required.

Staff recommends that the City Council adopt the attached Resolution, which will summarily vacate the excess right-of-way for a portion of the westerly 40 feet of San Joaquin Drive reserved within Instrument No. 74689, recorded April 29, 1977, and Instrument Nos. 177941 and 177942, both recorded August 23, 1979, and shown on Parcel Map 24604, Book 159, Pages 66-67, Riverside County Records, Riverside County, California, in Section 18, Township 4 South, Range 5 East.

FISCAL IMPACT:

None.

SUBMITTED:



David J. Barakian
Director of Public Works/City Engineer



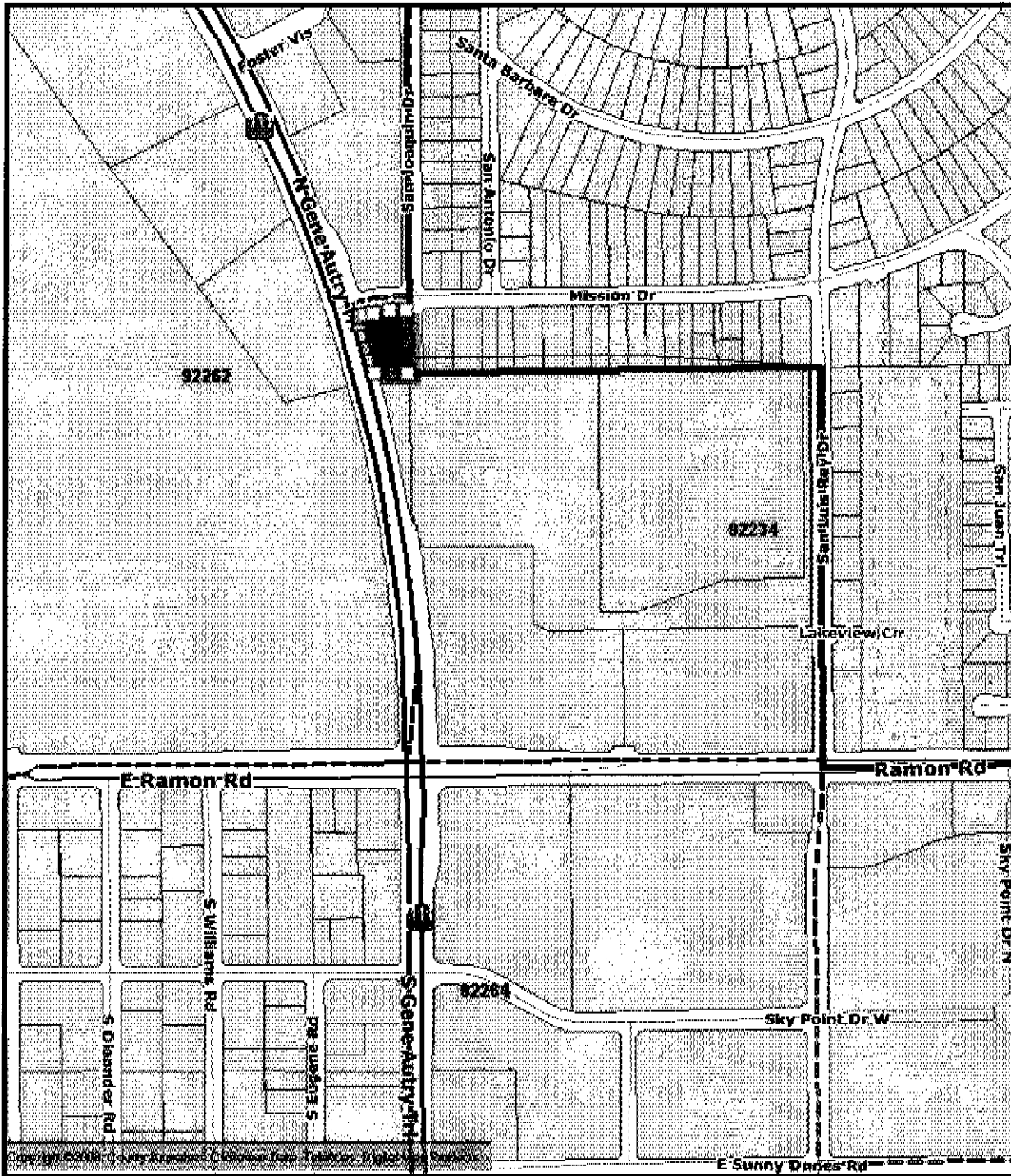
Thomas J. Wilson
Assistant City Manager



David H. Ready, City Manager

ATTACHMENTS:

1. Vicinity Map
2. Resolution



VICINITY MAP

File No. R 08-028



500ft

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 ITS RIGHT, TITLE AND INTEREST TO A PORTION OF THE WESTERLY 40 FEET OF SAN JOAQUIN DRIVE IN SECTION 18, TOWNSHIP 4 SOUTH, RANGE 5 EAST; FILE R 08-028.

WHEREAS, the City Council for the City of Palm Springs, California, is authorized by Division 9, Part 3, Chapter 3, 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, 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 excess right-of-way of a street or highway not required for street or highway purposes; and

WHEREAS, the westerly 40 feet of San Joaquin Drive was reserved for public right-of-way pursuant to Instrument No. 74689, recorded April 29, 1977, and Instrument No's 177941 and 177942, recorded August 23, 1979, and as shown on Parcel Map 24604, Book 159, Pages 66-67, Riverside County Records, Riverside County, California; and

WHEREAS, a portion of the westerly 40 feet of San Joaquin Drive reserved for public right-of-way pursuant to Instrument No. 74689, recorded April 29, 1977, and Instrument No's 177941 and 177942, recorded August 23, 1979, and as shown on Parcel Map 24604, Book 159, Pages 66-67, Riverside County Records, Riverside County, California, represents excess public right-of-way not required for street or highway purposes.

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: The City Council does hereby summarily vacate and abandon all the City's right, title and interest in a portion of the westerly 40 feet of San Joaquin Drive reserved for public right-of-way pursuant to Instrument No. 74689, recorded April 29, 1977, and Instrument No's 177941 and 177942, recorded August 23, 1979, and as shown on Parcel Map 24604, Book 159, Pages 66-67, Riverside County Records, Riverside County,

California, and more particularly described and shown on Exhibits "A" and "B", attached hereto and made a part hereof.

Section 3: This Resolution to summarily vacate excess right-of-way in a portion of the westerly 40 feet of San Joaquin Drive reserved for public right-of-way pursuant to Instrument No. 74689, recorded April 29, 1977, and Instrument No's 177941 and 177942, recorded August 23, 1979, and as shown on Parcel Map 24604, Book 159, Pages 66-67, Riverside County Records, 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 the Resolution attested by him under the seal of the City, to be recorded in the Office of the County Recorder of Riverside County.

Section 5. Following the recordation of this Resolution, the excess right-of-way dedicated for San Joaquin Drive, being generally described as a portion of the westerly 40 feet of San Joaquin Drive reserved for public right-of-way pursuant to Instrument No. 74689, recorded April 29, 1977, and Instrument No's 177941 and 177942, recorded August 23, 1979, and as shown on Parcel Map 24604, Book 159, Pages 66-67, Riverside County Records, Riverside County, California, and as more particularly described and shown on Exhibits "A" and "B", attached hereto and made a part hereof, no longer constitutes a portion of the public street known as San Joaquin Drive.

ADOPTED this 21st day of January, 2009.

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 January 21, 2009 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

James Thompson, City Clerk
City of Palm Springs, California

EXHIBIT "A"
LEGAL DESCRIPTION
RIGHT-OF-WAY VACATION

THAT PORTION OF PARCEL 2 OF PARCEL MAP NO. 24604 ON FILE IN BOOK 159 OF PARCEL MAPS, PAGES 66 AND 67, IN SECTION 18, TOWNSHIP 4 SOUTH, RANGE 5 EAST, S.B.M., COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID PARCEL 2;

THENCE SOUTH 00°13'20" EAST, A DISTANCE OF 21.33 FEET ALONG THE CENTERLINE OF SAN JOAQUIN DRIVE, ALSO BEING THE EASTERLY LINE OF SAID PARCEL 2;

THENCE SOUTH 89°46'40" WEST, A DISTANCE OF 32.69 FEET TO THE **POINT OF BEGINNING**;

THENCE SOUTH 04°30'58" EAST, A DISTANCE OF 90.86 FEET;

THENCE SOUTH 01°27' 18" EAST, A DISTANCE OF 40.98 FEET;

THENCE SOUTH 00°13'20" EAST, A DISTANCE OF 33.81 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 25.25 FEET;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 11.83 FEET THROUGH A CENTRAL ANGLE OF 26°50'15", A LINE RADIAL TO SAID CURVE AT SAID POINT BEARS NORTH 63°23'04" WEST;

THENCE SOUTH 74° 59'13" WEST, A DISTANCE OF 12.70 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAN JOAQUIN DRIVE AS RECORDED APRIL 29, 1977 IN INSTRUMENT NO. 74689, AND AS RECORDED AUGUST 23, 1979 IN INSTRUMENTS NO. 177941 AND 177942, OFFICAL RECORDS, RIVERSIDE COUNTY, CALIFORNIA;

THENCE NORTH 00°13'20" WEST, A DISTANCE OF 185.75 FEET, ALONG SAID WESTERLY RIGHT-OF-WAY LINE;

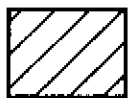
THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE, SOUTH 51°41'54" EAST, A DISTANCE OF 9.34 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 2,274 S.F. (0.05 AC.), MORE OR LESS.

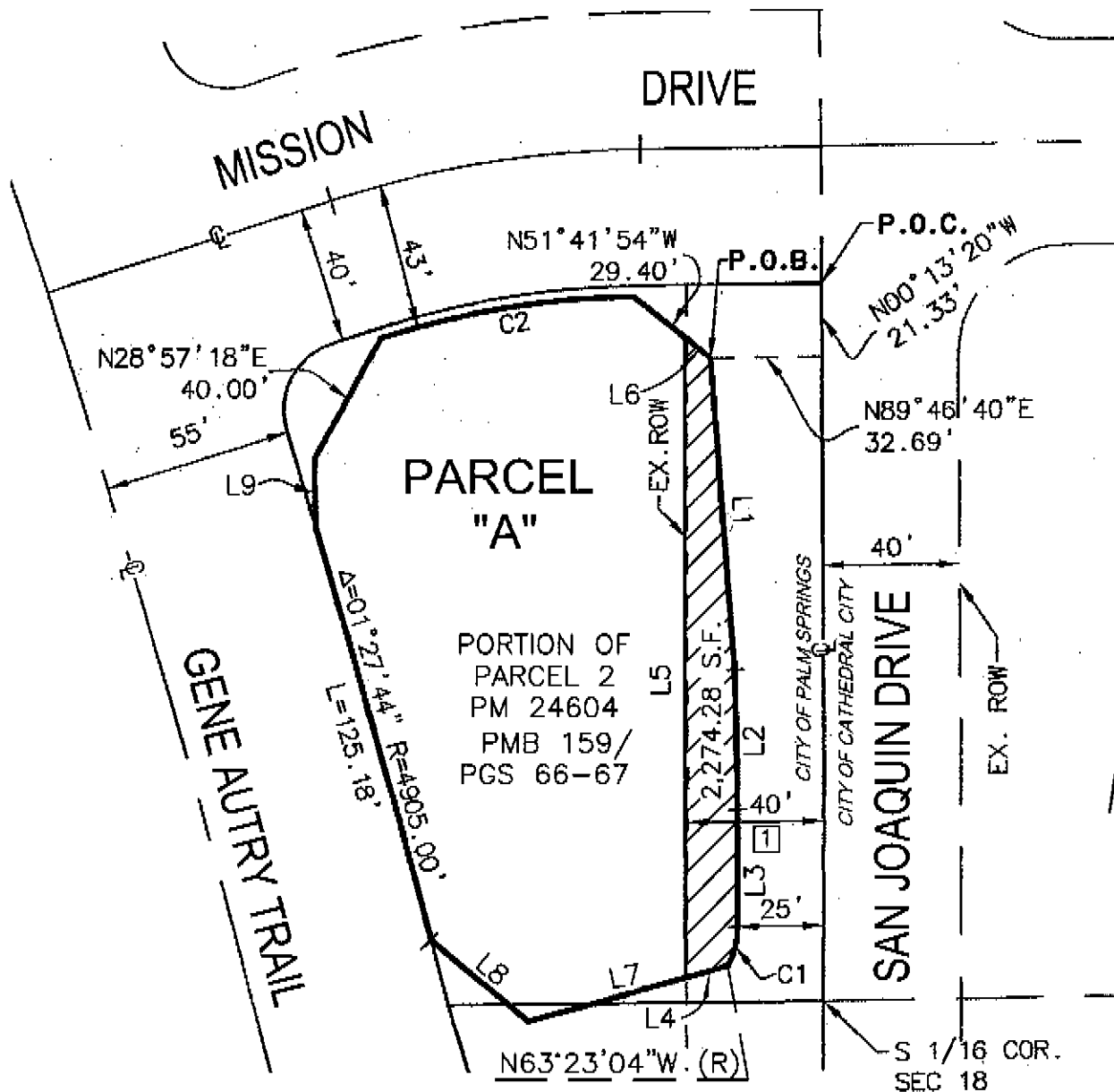


07 1/13/09 MF

EXHIBIT "B"



PORTION OF RIGHT-OF-WAY
TO BE VACATED



CURVE DATA TABLE

	R	Δ	L
C1	25.25'	26°50'15"	11.83'
C2	257.00'	16°38'02"	74.61'

LINE DATA TABLE

L1	S 04°30'58" E	90.86'
L2	S 01°27'18" E	40.98'
L3	S 00°13'20" E	33.81'
L4	S 74°59'13" W	12.70'
L5	N 00°13'20" W	185.75'
L6	S 51°41'54" E	9.34'
L7	S 74°59'13" W	60.39'
L8	N 49°52'14" W	36.85'
L9	N 01°05'12" W	19.87'

[1] 40' WIDE EASEMENT FOR STREET R/W AND PUBLIC UTILITY PURPOSES PER DEEDS RECORDED 04/29/77 AS INST. NO. 74689 AND 08/23/79 AS INST. NO. 177941 & 177942.