



City Council Staff Report

DATE: September 21, 2016 CONSENT CALENDAR

SUBJECT: CONSIDERATION OF THE SUMMARY VACATION OF A PUBLIC UTILITY AND SEWER EASEMENT OVER THE VACATED PORTION OF PATENCIO ROAD, BETWEEN LINDA VISTA DRIVE AND RAMON ROAD, SECTION 15, TOWNSHIP 4 SOUTH, RANGE 4 EAST, S.B.M., FILE R 15-14

FROM: David H. Ready, City Manager

BY: Public Works and Engineering Department

SUMMARY

The Streets & Highways Code of the State of California allows the City to consider summarily vacating public service easements under certain conditions. In this case, the City Council may summarily vacate a public service easement that has been determined to be excess and is unused by any public other public facilities, 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 A SEWER AND PUBLIC UTILITY EASEMENT PREVIOUSLY RESERVED WITHIN THE VACATED PORTION OF PATENCIO ROAD, BETWEEN LINDA VISTA DRIVE AND RAMON ROAD, SECTION 15, TOWNSHIP 4 SOUTH, RANGE 4 EAST, S.B.M., FILE R 15-14, AND APPROVING A DETERMINATION THAT THE ACTION IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)."

BACKGROUND:

On November 5, 2015, Rudy Dvorak, president of Silvas Beach Investments LLC, owner of 486 W. Patencio Lane, and Clive Wilkinson & Cheryl Lee Scott, owners of 511 Linda Vista Drive, submitted an application to vacate an existing 50 feet wide easement for sewer and public utility purposes extending across their properties. The public right-

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of-way for Patencio Road once extended south from Linda Vista Drive to Ramon Road, but was previously vacated by the City of Palm Springs by action taken on July 5, 1978, through adoption of Resolution No. 12695. As a part of that action, the City reserved unto itself the easement for sewer and public utility purposes across the vacated right-of-way, to accommodate an existing City sewer line that extended south of Linda Vista Drive.

The location of the proposed summary vacation is shown in **Figure 1 and 2**.



**Aerial View
Figure 1**

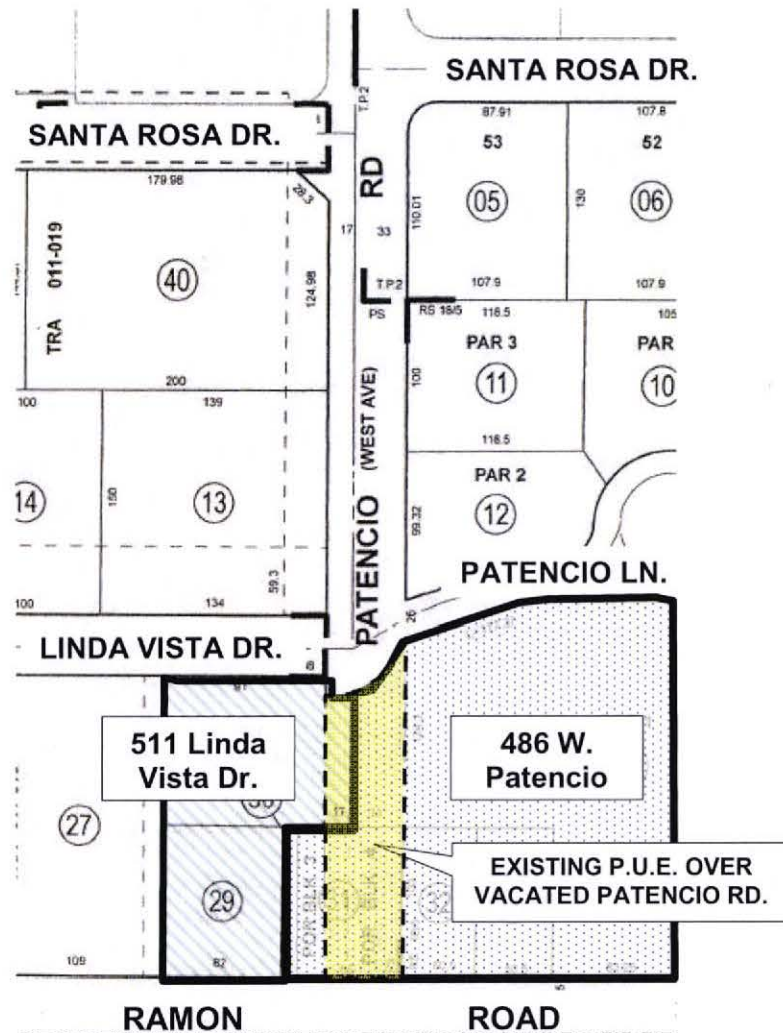


Figure 2

The California Streets and Highways Code Division 9, Part 3, Chapter 4, Section 8333 allows the City to consider summarily vacating a public service easement provided the following conditions are satisfied:

- (1) The easement has been determined to be in excess by the easement holder; and
- (2) There are no other public facilities located in the easement.

Public utility agencies have been contacted regarding the requested summary vacation; all have confirmed that there are no public utilities located within the area of the proposed summary vacation. The existing City sewer line that extends south of Linda Vista Drive does not provide sewer service to any other properties, and the City has determined that the sewer line may be removed and abandoned.

As a result, both of the legal conditions regulating the processing of the summary vacation are satisfied, and staff recommends that the City Council approve the summary vacation of the easement reserved for sewer and public utility purposes extending over the vacated portion of Patencio Road.

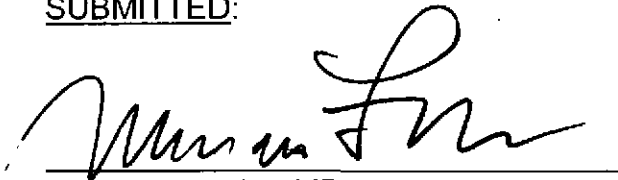
ENVIRONMENTAL IMPACT:

Section 21084 of the California Public Resources Code requires Guidelines for Implementation of the California Environmental Quality Act ("CEQA"). The Guidelines are required to include a list of classes of projects which have been determined not to have a significant effect on the environment and which are exempt from the provisions of CEQA. In response to that mandate, the Secretary for Resources identified classes of projects that do not have a significant effect on the environment, and are declared to be categorically exempt from the requirement for the preparation of environmental documents. In accordance with Section 15305 "Minor Alterations in Land Use Limitations," Class 5 projects consist of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density. Therefore, in accordance with Section 15305, staff has determined that the proposed summary vacation is considered categorically exempt from CEQA.

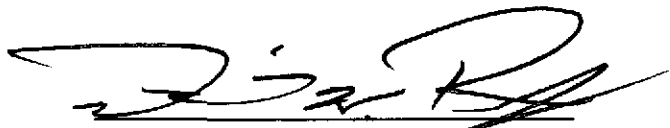
FISCAL IMPACT:

None.

SUBMITTED:



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



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

Attachments:
1) Resolution

ATTACHMENT 1

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 A SEWER AND PUBLIC UTILITY EASEMENT PREVIOUSLY RESERVED WITHIN THE VACATED PORTION OF PATENCIO ROAD, BETWEEN LINDA VISTA DRIVE AND RAMON ROAD, SECTION 15, TOWNSHIP 4 SOUTH, RANGE 4 EAST, S.B.M., FILE R 15-14, AND APPROVING A DETERMINATION THAT THE ACTION IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

WHEREAS, the City Council of the City of Palm Springs, California, is authorized by Division 9, Part 3, Chapter 4, of the Streets and Highways Code of the State of California (the "statute"), to summarily vacate a public service easement, or parts thereof, within the limits of the City; and

WHEREAS, pursuant to Section 8333 of the statute, the City Council may consider summarily vacating public service easements if the easement has been determined to be in excess by the easement holder, and there are no other public facilities located within the easement; and

WHEREAS, on July 5, 1978, the City Council of the City of Palm Springs, adopted Resolution No. 12695, vacating and abandoning a portion of Patencio Road, between Linda Vista Drive and Ramon Road, and reserving unto the City an easement for sewer and public utility purposes there over; and

WHEREAS, in accordance with California Government Code Section 65402, the proposed vacation and abandonment of the easement for sewer and public utility purposes over the vacated portion of Patencio Road between Linda Vista Drive and Ramon Road was submitted to and reported upon by the Planning Commission of the City of Palm Springs; and

WHEREAS, on August 10, 2016, the Planning Commission of the City of Palm Springs adopted Resolution No. 6580 determining that the proposed vacation and abandonment of the easement for sewer and public utility purposes over the vacated portion of Patencio Road between Linda Vista Drive and Ramon Road was in conformance with the Palm Springs General Plan; and

WHEREAS, the portion of the easement for sewer and public utility purposes over the vacated portion of Patencio Road between Linda Vista Drive and Ramon Road, being the vacated area described on Exhibit "A" and shown on Exhibit "B", attached hereto and made a part hereof, has been determined to be excess by the City of Palm Springs, and there are no other public facilities located within the easement; and

WHEREAS, Section 21084 of the California Public Resources Code requires Guidelines for Implementation of the California Environmental Quality Act ("CEQA"), and pursuant to the CEQA Guidelines, Section 15305 "Minor Alterations in Land Use Limitations," Class 5 projects consist of minor alterations in land use limitations in areas with an

average slope of less than 20%, which do not result in any changes in land use or density; and

WHEREAS, in accordance with Section 15301(c) of the CEQA Guidelines, the City Council has determined that approval of the requested right-of-way vacation is considered categorically exempt from CEQA.

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 summary vacation is exempt from the provisions of CEQA pursuant to Section 15305 of the CEQA Guidelines.

Section 2. The City Council hereby declares that this vacation is being made under and pursuant to the California Streets and Highways Code Division 9, Part 3, Chapter 4, Section 8333, and that the easement has been determined to be in excess by the easement holder, and there are no other public facilities located within the easement.

Section 3. The City Council does hereby find that the easement for sewer and public utility purposes reserved over the portion of Patencio Road between Linda Vista Drive and Ramon Road, vacated on July 5, 1978, by the City of Palm Springs, through Resolution No. 12695, recorded July 11, 1978, as Document No. 142399, as described and shown on Exhibits "A" and "B", attached hereto and made a part hereof, (hereafter the "Vacated Area"), is unnecessary for present or prospective public use.

Section 4. The City Council does hereby vacate and abandon all the City's right, title and interest in the Vacated Area, and that from and after the date this Resolution is recorded in the records of the Riverside County Recorder, the sewer and public utility easements located within the Vacated Area no longer constitute public service easements.

Section 5. 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.

ADOPTED this 21st day of September, 2016.

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 September 21, 2016, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

JAMES THOMPSON, CITY CLERK
City of Palm Springs, California

LEGAL DESCRIPTION

EXHIBIT "A"

R 15-14

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, ALSO KNOWN AS RAMON ROAD, THENCE WEST 50.00 FEET TO A POINT, SAID POINT BEING NORTH 100.00 FEET OF THE SAID NORTH LINE OF SOUTH STREET, ALSO BEING A POINT ON THE WEST RIGHT-OF-WAY LINE OF VACATED PATENCIO LANE;

THENCE NORTH, ALONG THE WEST LINE OF SAID PATENCIO ROAD, NORTH $00^{\circ}08'00''$ WEST, A DISTANCE OF 85.00 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 $00^{\circ}08'00''$ EAST;

THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $56^{\circ}26'34''$, A DISTANCE OF 59.11 FEET;

THENCE SOUTH, ALONG SAID EAST LINE PATENCIO ROAD, A DISTANCE OF 111.81 FEET TO THE **POINT OF BEGINNING.**

CONTAINING 4,647 SQUARE FEET

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, NOW KNOWN AS RAMON ROAD, 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.

CONTAINING 5,023 SQUARE FEET

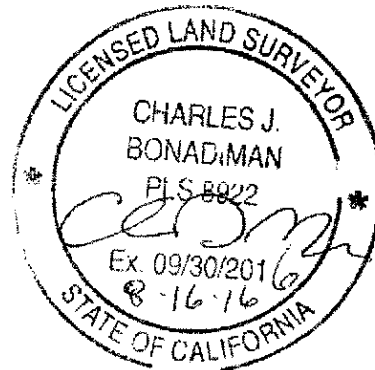
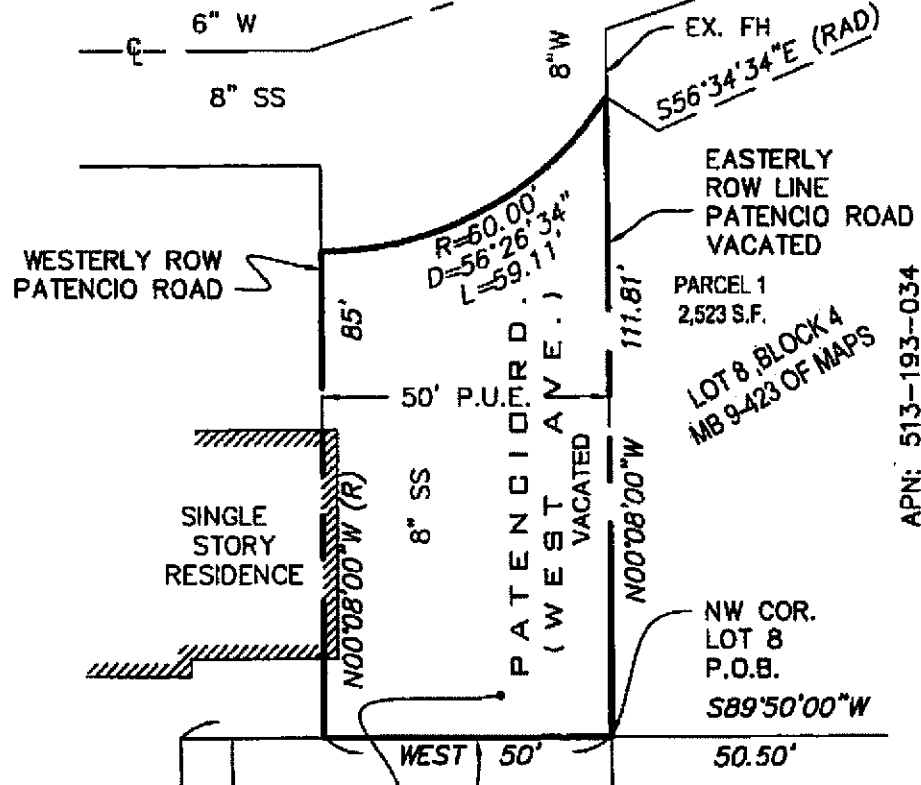


EXHIBIT "B" 1 OF 2

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W. LINDA VISTA

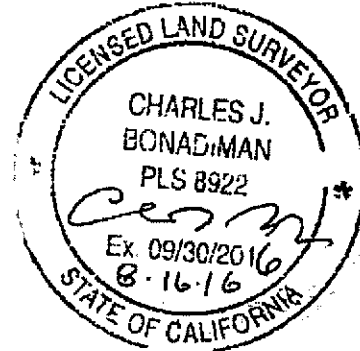
W. PATENCIO LANE



NOTE:
UTILITY LOCATIONS SHOWN
HEREON ARE FOR REFERENCE
PURPOSES ONLY.



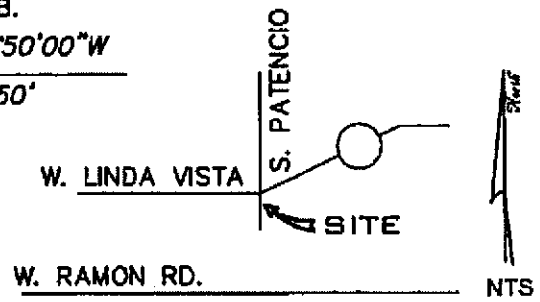
APN: 513-193-034



POR. INSTRUMENT
NO 142399 OR
TO BE VACATED

APN: 513-193-031

MATCH LINE
SHEET 2



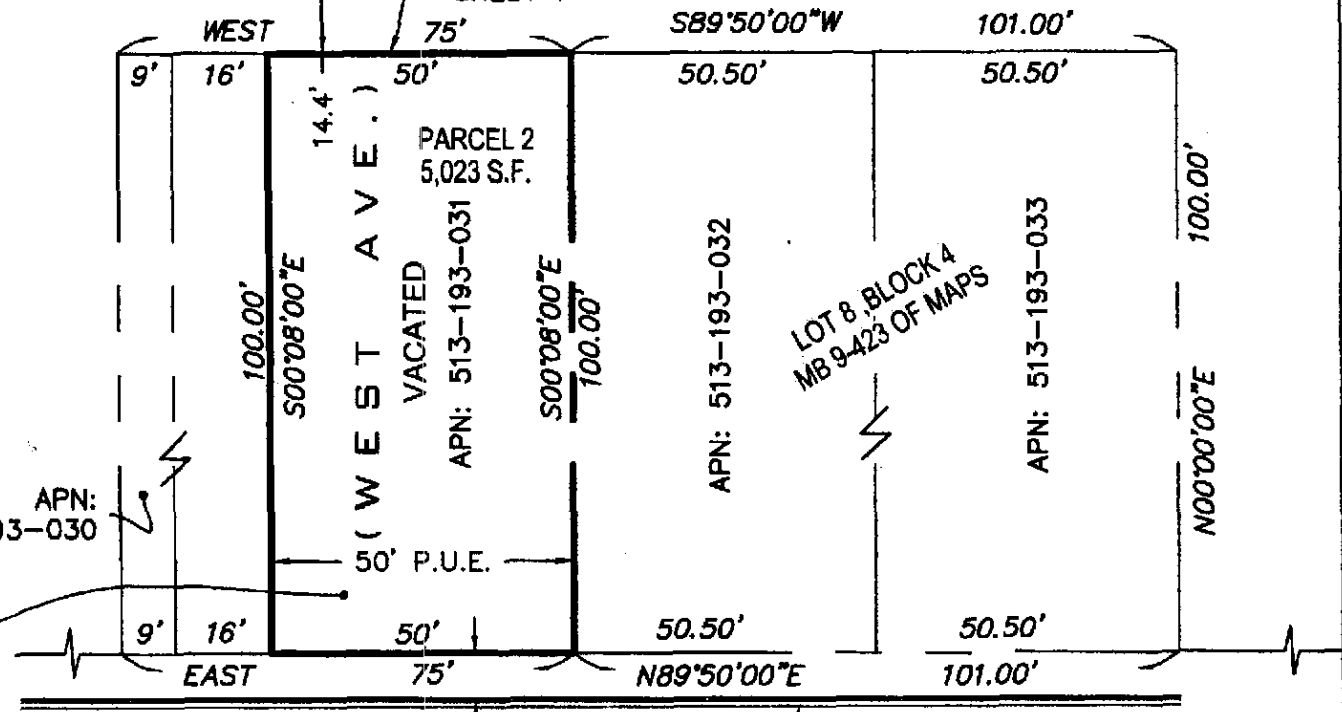
VICINITY MAP

EXHIBIT "B" 2 OF 2

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SINGLE STORY RESIDENCE

MATCH LINE SHEET 1



POR. INSTRUMENT NO. 142399 TO BE VACATED

APN: 513-193-030

PARCEL 2 5,023 S.F.

(WEST AVE.)

APN: 513-193-031

APN: 513-193-032

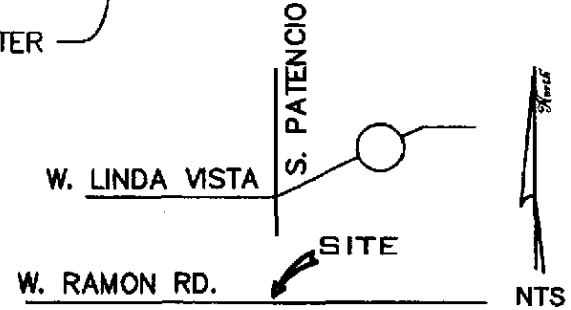
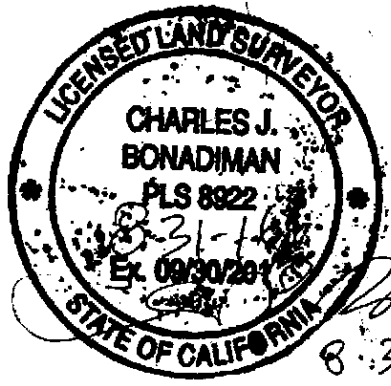
APN: 513-193-033

LOT 8, BLOCK 4 MB 9-423 OF MAPS

50' P.U.E.

RAMON RD. (SOUTH STREET)

CURB & GUTTER



VICINITY MAP