



## CITY COUNCIL STAFF REPORT

Date: March 25, 2009 CONSENT CALENDAR

Subject: SUMMARY VACATION OF PUBLIC UTILITY EASEMENTS WITHIN LOTS 6 AND 7 OF PALM SPRINGS PALISADES MAP IN SECTION 15, TOWNSHIP 4 SOUTH, RANGE 5 EAST; FILE R 08-022

From: David H. Ready, City Manager

Initiated by: Public Works and Engineering Department

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### SUMMARY

The Streets and Highways Code of the State of California allows the City to consider summarily vacating public service easements by following a streamlined process under certain conditions. In this case, the City Council may summarily vacate an unused public service easement 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 PUBLIC UTILITY EASEMENTS LOCATED WITHIN LOTS 6 AND 7 OF PALM SPRINGS PALISADES IN SECTION 15, TOWNSHIP 4 SOUTH, RANGE 5 EAST; FILE R 08-022."

### STAFF ANALYSIS:

On September 23, 2008, staff received an application from the Harold and Dorothy Meyerman Trust to vacate public utility easements located in Lots 6 and 7 of Palm Springs Palisades, the hillside tract located north of West Tahquitz Canyon Way, directly west of the Palm Springs Art Museum. The existing easement has never been used by public utility companies, and vacating the easement will allow both lots to be merged and developed pursuant to separate City approval.

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 service easements. In accordance with Section 8333 of the Code, 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. The City need only adopt a Resolution citing specific facts that allows for the summary vacation of the public service easement; a Public Hearing is not required.

Staff coordinated with the public utility companies and determined that there are no public utilities within the easements. Staff has verified that the public utility easements are not necessary for use by the public utility companies, and recommends that the City Council adopt the attached Resolution, which will vacate the public utility easements located on Lots 6 and 7 of Palm Springs Palisades Map.

FISCAL IMPACT:

None.



\_\_\_\_\_  
David J. Barakian  
Director of Public Works/City Engineer



\_\_\_\_\_  
Thomas J. Wilson  
Assistant City Manager



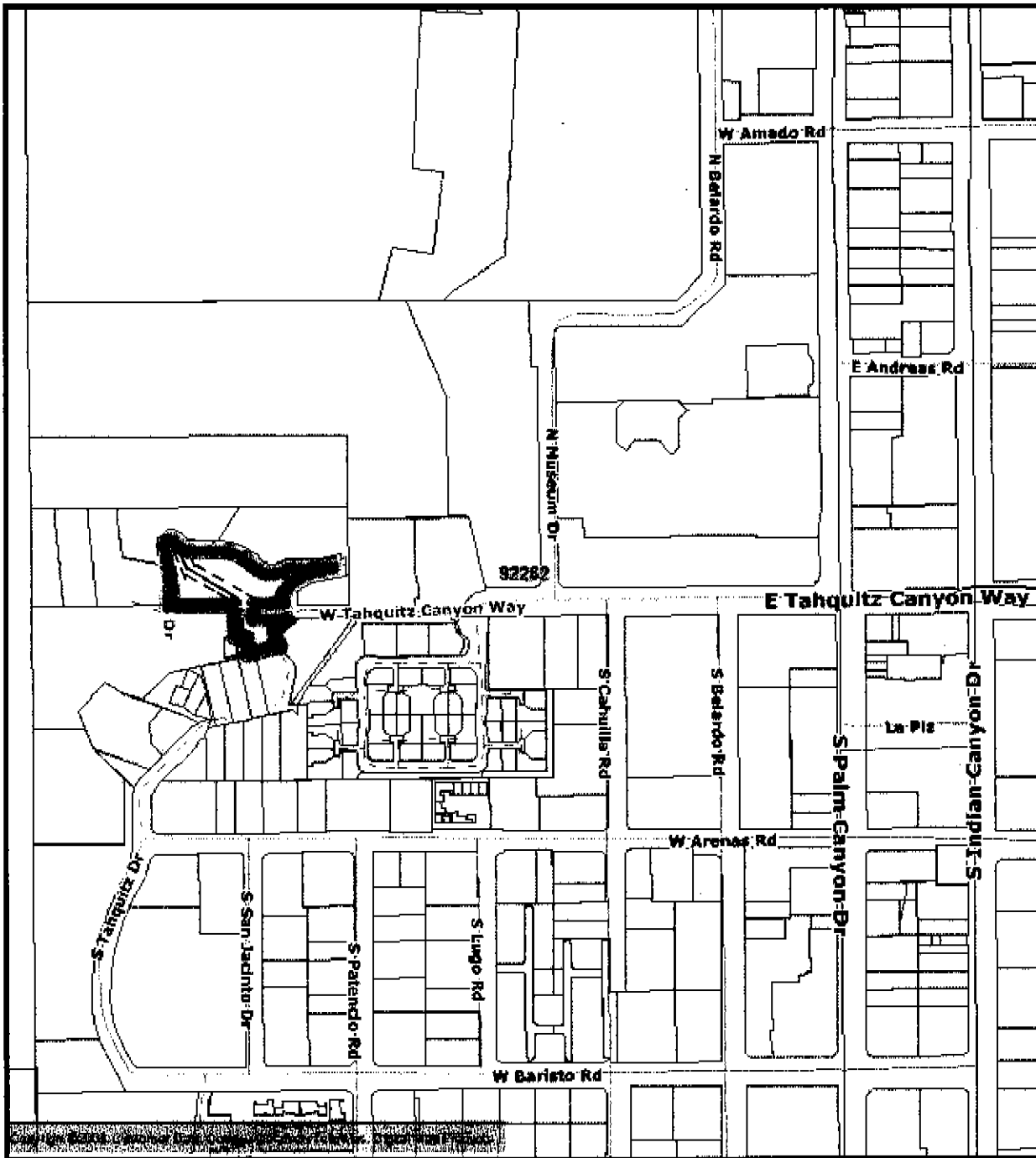
\_\_\_\_\_  
David H. Ready, City Manager

ATTACHMENTS:

1. Vicinity Map
2. Resolution

ATTACHMENT 1

VICINITY MAP



# VICINITY MAP

P.U.E. Vacation



450ft

CityGIS

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ATTACHMENT 2

RESOLUTION

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 PUBLIC UTILITY EASEMENTS LOCATED WITHIN LOTS 6 AND 7 OF PALM SPRINGS PALISADES IN SECTION 15, TOWNSHIP 4 SOUTH, RANGE 5 EAST; FILE R 08-022

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

WHEREAS, pursuant to Section 8333 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, a dedication of that public service easement shown within Lots 6 and 7 of Palm Springs Palisades, recorded in Map Book 19, Page 23, records of Riverside County, California, on May 20, 1937, was offered and accepted; and

WHEREAS, the public service easement shown within Lots 6 and 7 of Palm Springs Palisades, recorded in Map Book 19, Page 23, records of Riverside County, California, on May 20, 1937, has been unused for the purpose for which it was dedicated for five consecutive years preceding the adoption of this Resolution.

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 I, "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 the public service easements located within Lots 6 and 7 of Palm Springs Palisades, Map Book 19, Page 23, Riverside County, California, being the vacated area described in Exhibit "A", and shown on Exhibit "B", attached hereto and made a part hereof.
- Section 3. This Resolution to summarily vacate and abandon all the City's right, title and interest in the public service easements located within Lots 6 and 7 of

Palm Springs Palisades, Map Book 19, Page 23, Riverside County, California, is made in accordance with Section 8333, which states that 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.

Section 4. 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 25th day of March, 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 March 25, 2009, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:  
0

\_\_\_\_\_  
James Thompson, City Clerk  
City of Palm Springs, California

**EXHIBIT "A"**  
**PUBLIC UTILITY EASEMENT VACATION - PALM SPRINGS PALISADES**  
**R 08-022**

THE SOUTHWESTERLY FIVE FEET OF LOT 6 OF PALM SPRINGS PALISADES AS FILED IN MAP BOOK 19 AT PAGE 23, RECORDS OF RIVERSIDE COUNTY CALIFORNIA, SHOWN AS 5' EASEMENT.

SAID EASEMENT CONTAINS 1255 SQ. FT MORE OR LESS.

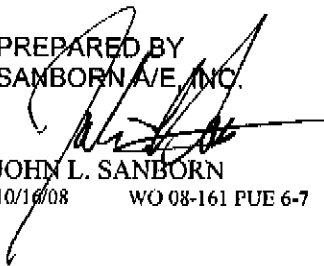
TOGETHER WITH:

THE NORTHEASTERLY FIVE FEET OF LOT 7 OF PALM SPRINGS PALISADES AS FILED IN MAP BOOK 19 AT PAGE 23, RECORDS OF RIVERSIDE COUNTY CALIFORNIA, SHOWN AS 5' EASEMENT.

SAID EASEMENT CONTAINS 1242 SQ. FT MORE OR LESS .

TOTAL EASEMENT VACATION CONTAINS 2497 SQ. FT. MORE OR LESS.

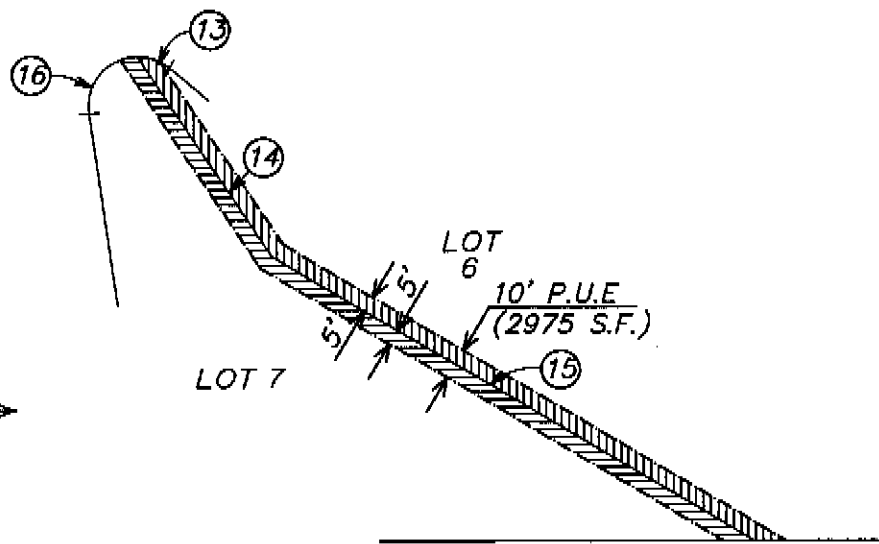
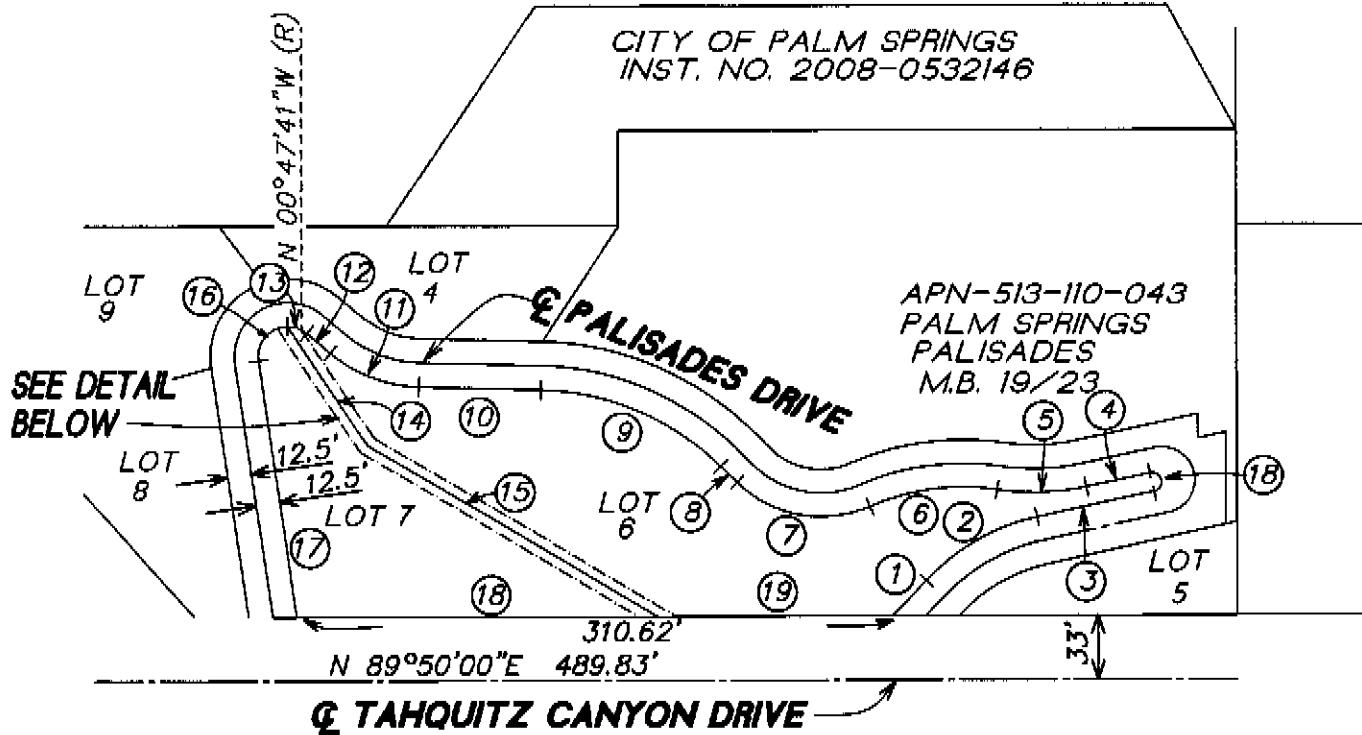
PREPARED BY  
SANBORN AVE, INC.

  
JOHN L. SANBORN  
10/16/08      WO 08-161 PUE 6-7





# EXHIBIT "B"



**P.U.E BLOW-UP  
DETAIL**

N.T.S.



CITY OF PALM SPRINGS  
PUBLIC WORKS & ENGINEERING  
DEPARTMENT

APPROVED:

DATE

7987

ASST. DIRECTOR OF PUBLIC WORKS/  
ASST. CITY ENGINEER

P.L.S.

## VACATION PLAT

DESIGN BY:

SCALE:

FILE NO.:

D.G.H.

1" = 60'

RO8-022

CHECKED BY:

W.O. #

SHEET NO.:

J.L.S.

08-161

1 OF 2

LEGAL DESCRIPTION:

SEE EXHIBIT "A"

**EXHIBIT "B"**  
( FORMERLY RECORDED )

DATA

①	DELTA/BEARING	RADIUS	LEN./DIST.	TANGENT
①	(N 43°15'00"E)		(25.43')	
②	(34°13'00")	(112.50')	(67.18')	(34.63')
③	(N 77°28'00"E)		(62.53')	
④	(N 77°28'00"E)		(33.84')	
⑤	(21°09'00")	(126.54')	(46.71')	(23.62')
⑥	(32°27'00")	(119.94')	(67.93')	(34.90')
⑦	(68°42'00")	(62.50')	(74.94')	(42.71')
⑧	(N 45°08'00"W)		(11.97')	
⑨	(43°30'00")	(137.50')	(104.39')	(54.86')
⑩	(N 88°38'00"W)		(63.59')	
⑪	(38°30'00")	(74.50')	(50.06')	(26.02')
⑫	(N 50°08'00"W)		(16.00')	
⑬	40°39'41"	(15.50')	(11.00')	(5.74')
⑭	(N 34°03'00"W)		74.86' (74.36')	
⑮	(N 59°27'00"W)		175.32' (175.41')	
⑯	97°44'19"	(15.50')	26.44' (26.46')	(17.75')
⑰	(N 08°32'00"E)		135.38' (135.02')	
⑱	(N 89°50'00"E)		187.92' (187.78')	
⑲	(N 89°50'00"E)		122.70' (122.61')	



CITY OF PALM SPRINGS  
PUBLIC WORKS & ENGINEERING  
DEPARTMENT

APPROVED:

DATE

7987

ASST. DIRECTOR OF PUBLIC WORKS/  
ASST. CITY ENGINEER

P.L.S.

**VACATION PLAT**

LEGAL DESCRIPTION:

SEE EXHIBIT "A"

DESIGN BY:

D.G.H.

SCALE:

1" = 100'

FILE NO.:

ROB-022

CHECKED BY:

J.L.S.

W.O. #

08-161

SHEET NO.:

2 OF 2