



## CITY COUNCIL STAFF REPORT

Date: May 13, 2009 CONSENT CALENDAR

Subject: SUMMARY VACATION OF A 30-FEET WIDE PUBLIC ROADWAY  
EASEMENT IN SECTION 15, TOWNSHIP 3 SOUTH, RANGE 4 EAST;  
FILE R 09-06

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 road 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 A 30-FEET WIDE PUBLIC ROADWAY EASEMENT DESCRIBED IN INSTRUMENT RECORDED DECEMBER 4, 1953, BOOK 1532, PAGE 136, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, IN SECTION 15, TOWNSHIP 3 SOUTH, RANGE 4 EAST; FILE R 09-06."

### STAFF ANALYSIS:

On February 26, 2009, staff received a letter from The Jamieson Group, Inc., on behalf of Burrtec Waste Industries, requesting that the City initiate a vacation of a certain 30 foot wide public road easement that extends across property owned by Burrtec. This public road easement extends across Parcels 3, 4, 5 and 6 of Parcel Map 20820, (otherwise known as the "Orr Tract" industrial subdivision) located north of I-10 and west of Indian Canyon Drive. This 30 foot wide easement was originally reserved in favor of "J.W. Rice, Sheriff, for road purposes" on December 4, 1953. As part of the City's approval of a Conditional Use Permit 5.0973 CUP-A for Burrtec to build a Materials Recovery Facility, Burrtec was required to pursue a quitclaim or abandonment of this 30 foot wide public road easement.

ITEM NO. 2.H.

As the original road easement was reserved specifically in favor of the Riverside County Sheriff, staff directed the applicant to the Riverside County Surveyor to seek a quitclaim or abandonment of the road easement through the Sheriff's Department given the nature in which it was specifically reserved in benefit of the Riverside County Sheriff. After County staff reviewed the information, it was determined that although the easement was reserved in favor of the Sheriff, it was considered a public road easement in favor of the general public, which was subsequently passed to the City as a public roadway upon the City's annexation of the area.

Therefore, the 30 feet wide public road easement originally granted in 1953, has been unused and is the subject of an application for a summary vacation, consistent with the City's direction to Burrtec in its approval of their Materials Recovery Facility. Furthermore, development of the Orr Tract industrial subdivision has rendered the public road easement unusable.

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 road easements. In accordance with Section 8331 of the Code, a local agency may summarily vacate a street or highway if both of the following conditions exist: (1) for a period of five consecutive years, the street or highway has been impassable for vehicular travel; and (2) no public money was expended for maintenance on the street or highway during such period. The City need only adopt a Resolution citing specific facts that allows for the summary vacation of the public road easement; a Public Hearing is not required.

Staff determined that there are no public utilities within the public roadway easement, that the public road easement is not necessary for use by the public, and recommends that the City Council adopt the attached Resolution, which will vacate the public roadway easement originally reserved in favor of "J.W. Rice, Sheriff" recorded December 4, 1953, Book 1532, Page 136, records of Riverside County, California, in Section 15, Township 3 South, Range 4 East.

FISCAL IMPACT:


None.



David J. Barakian  
Director of Public Works/City Engineer



Thomas J. Wilson  
Assistant City Manager



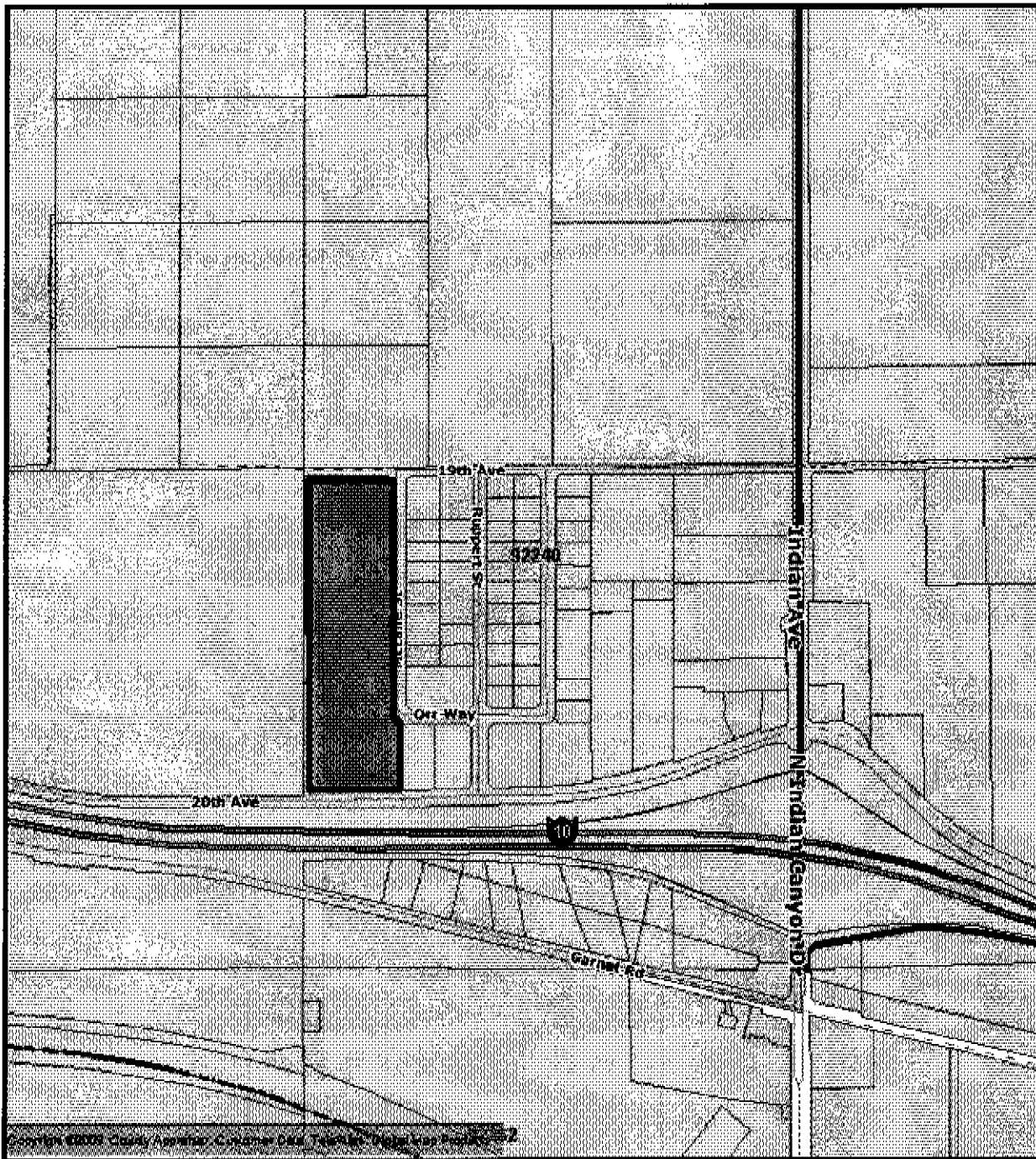
David H. Ready, City Manager

ATTACHMENTS:

1. Vicinity Map; 2. Resolution

ATTACHMENT 1

VICINITY MAP



**VICINITY MAP**  
**VACATION OF ROADWAY**  
**EASEMENT - R09-006**



856 ft

**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 A 30-FEET WIDE PUBLIC ROADWAY EASEMENT DESCRIBED IN INSTRUMENT RECORDED DECEMBER 4, 1953, BOOK 1532, PAGE 136, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, IN SECTION 15, TOWNSHIP 3 SOUTH, RANGE 4 EAST; FILE R 09-06

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

WHEREAS, pursuant to Section 8331 of the statute, the legislative body of a local agency may summarily vacate a street or highway if both of the following conditions exist: (a) for a period of five consecutive years, the street or highway has been impassable for vehicular travel; and (b) no public money was expended for maintenance on the street or highway during such period; and

WHEREAS, an easement for public road purposes in favor of J.W. Rice, Sheriff, was reserved over the westerly 30-feet of that certain property conveyed by an Indenture recorded December 4, 1953, in Book 1532, Page 136, records of Riverside County, California; and

WHEREAS, the 30-foot wide public roadway reserved in favor of J.W. Rice, Sheriff, extends across Parcels 3, 4, 5, and 6 of Parcel Map 20820, recorded in Book 166, Pages 70-73, records of Riverside County, California; and

WHEREAS, for a period of five consecutive years, the 30-foot wide public roadway reserved in favor of J.W. Rice, Sheriff, has been impassable for vehicular travel, and no public money was expended for maintenance on the public roadway during such period.

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 30-foot wide public roadway easement

originally reserved in favor of J.W. Rice, Sheriff, described as the westerly 30-feet of that certain property conveyed by an Indenture recorded December 4, 1953, in Book 1532, Page 136, records of 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 a public roadway easement described as the westerly 30-foot wide public roadway easement originally reserved in favor of J.W. Rice, Sheriff, described as the westerly 30-feet of that certain property conveyed by an Indenture recorded December 4, 1953, in Book 1532, Page 136, records of Riverside County, California, is made in accordance with Section 8331 of the California Streets and Highways Code.

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 13th day of May, 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 May 13, 2009, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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James Thompson, City Clerk  
City of Palm Springs, California



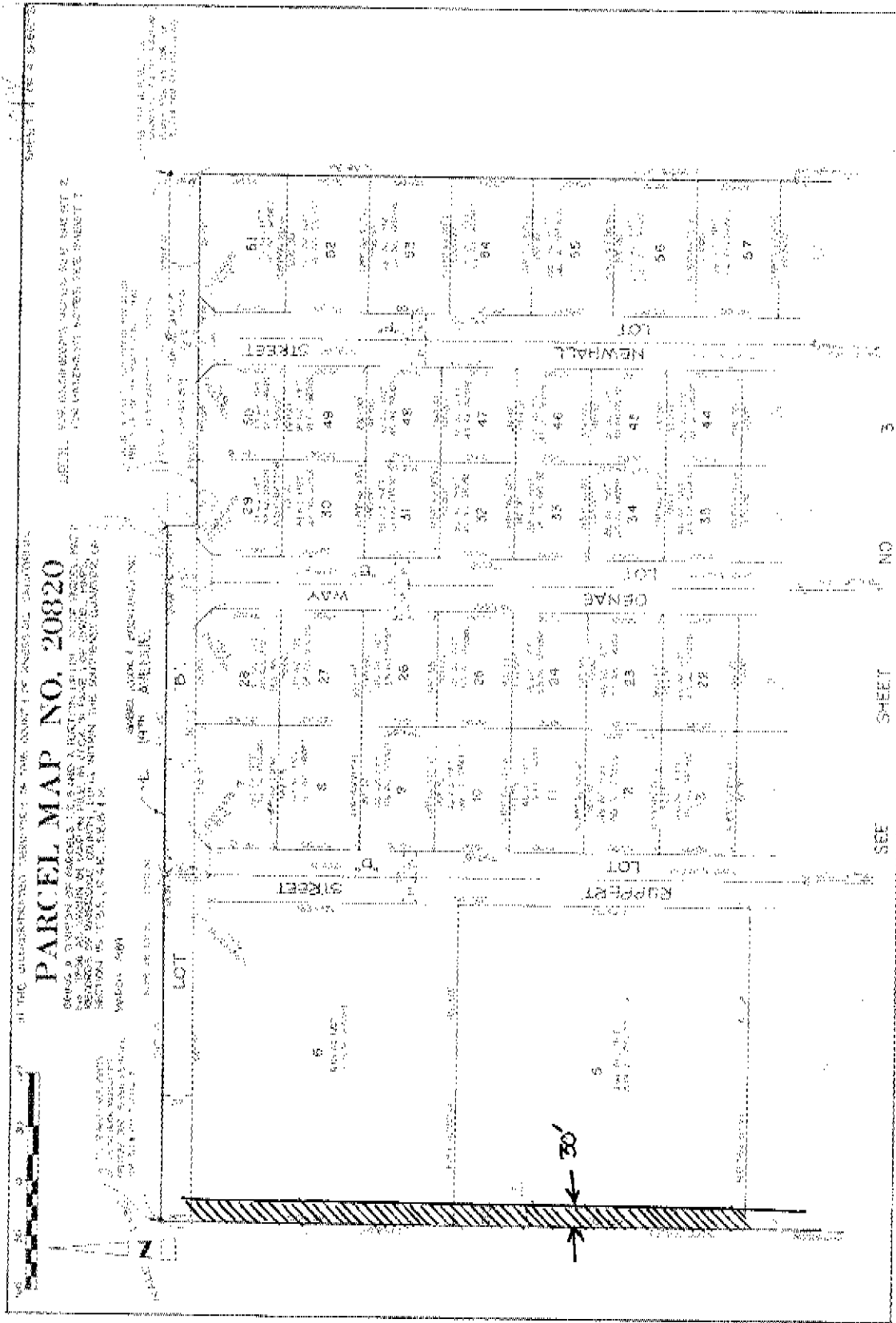
**EXHIBIT "A"**

That certain public road easement, reserved in favor of J.W. Rice, Sheriff, over the westerly 30 feet of that certain property located in the Southeast Quarter (SE¼) of Section 15, Township 3 South, Range 4 East, San Bernardino Base and Meridian, conveyed by an Indenture recorded December 4, 1953, in Book 1532, Page 136, records of Riverside County, California, more particularly described as follows:

Being over the westerly 30.00 feet of Parcels 3, 4, 5, and 6, of Parcel Map 20820, recorded in Book 166 of Parcel Maps, at Pages 70 – 73, filed September 27, 1990, records of Riverside County, California.

  
5/4/09

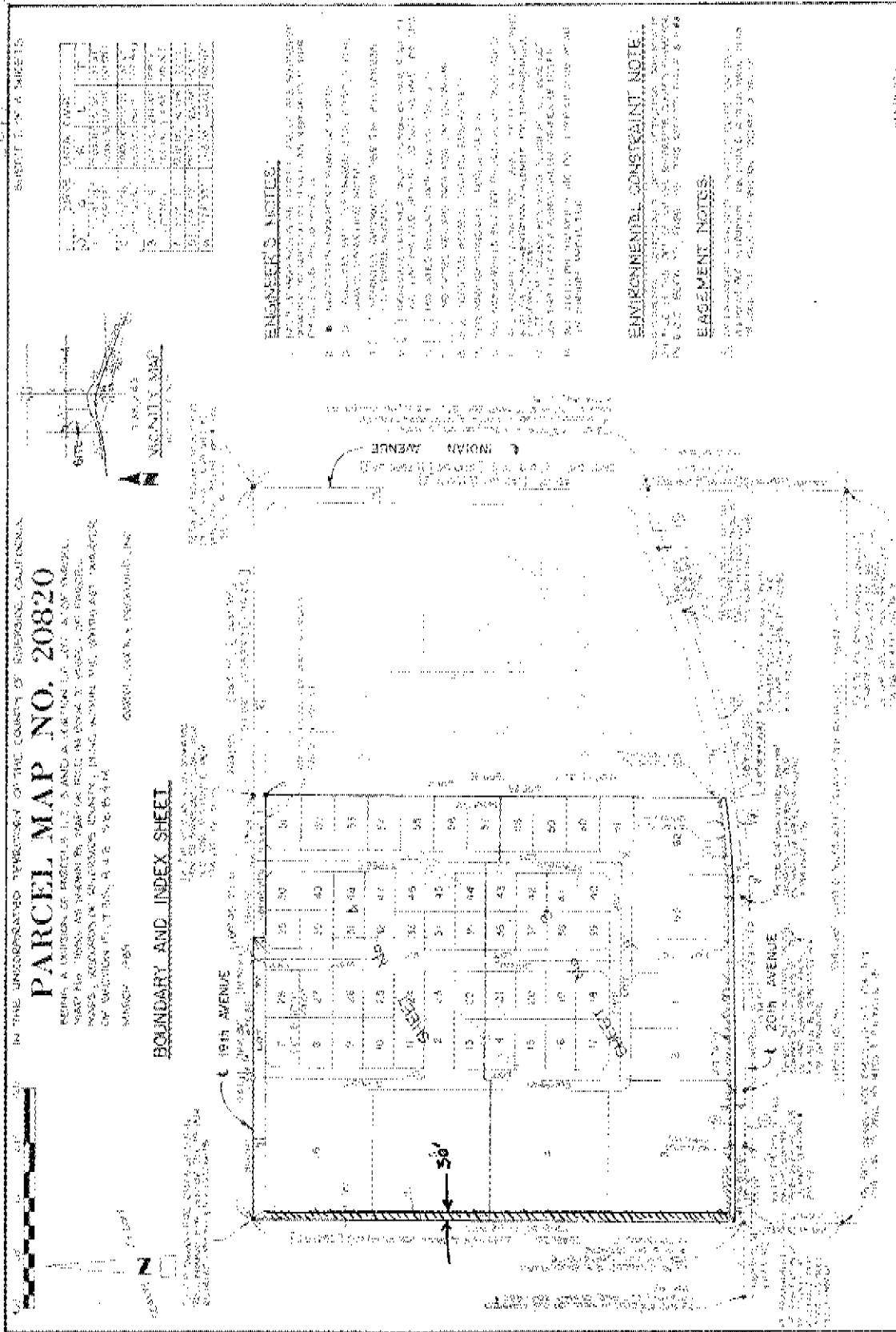
# EXHIBIT "B"



PM 166/73

Area to be vacated

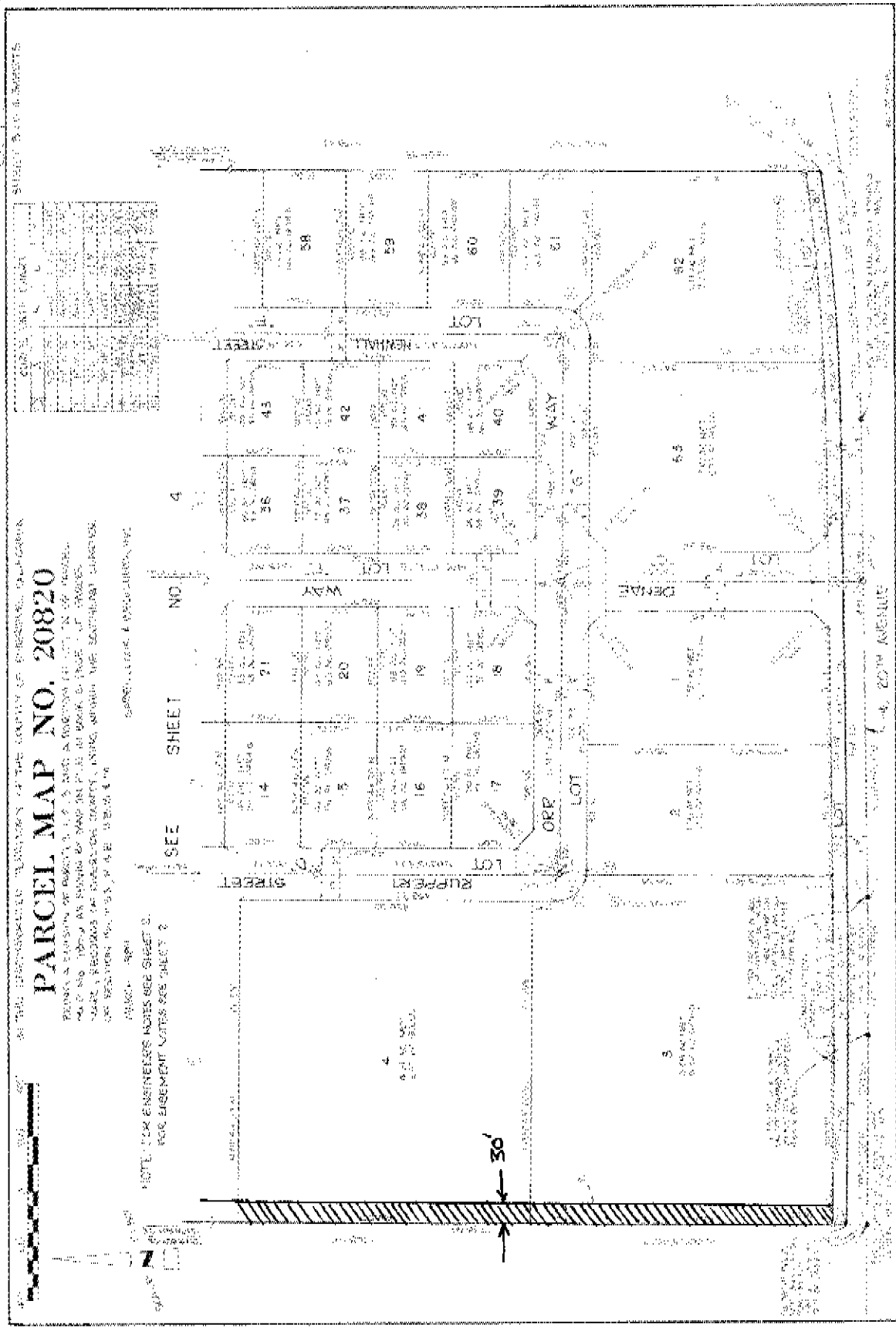
# EXHIBIT "B"



PM 166/71

Area to be vacated

# EXHIBIT "B"



## PARCEL MAP NO. 20820

PRINTED & EXAMINED BY THE COUNTY OF PASCUNUK, NEW JERSEY  
 MADE & RECORDED BY THE COUNTY OF PASCUNUK, NEW JERSEY  
 DATE OF RECORDING: 10/15/13, P. 42, U.S. 4. 13

PREPARED BY: [Name]

NOTE: FOR ENGINEER'S NOTES SEE SHEET 2  
 FOR EASEMENT NOTES SEE SHEET 2

PM 166172

Area to be vacated