



## CITY COUNCIL STAFF REPORT

March 19, 2014

CONSENT AGENDA

Subject: SUMMARY RIGHT-OF-WAY VACATION OF A PORTION OF WEST PALM CANYON DRIVE AT 333 E. PALM CANYON DRIVE (A.P.N. 511-060-004) IN SECTION 26, TOWNSHIP 4 SOUTH, RANGE 4 EAST; FILE R 11-14.

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 right-of-way by following a streamlined process under certain conditions. In this case, the City Council may summarily vacate a public right-of-way 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 INTERESTS TO A PORTION OF WEST PALM CANYON DRIVE AT 333 E. PALM CANYON DRIVE (A.P.N. 511-060-004) IN SECTION 26, TOWNSHIP 4 SOUTH, RANGE 4 EAST,; FILE R 11-14.

### STAFF ANALYSIS:

On August 29, 2012 staff received an application from Allen Yadgari, the owner of the property at 333 E. Palm Canyon Drive, to vacate a portion of public right-of-way dedicated for West Palm Canyon between South Palm Canyon Drive and East Palm Canyon Drive, described on Exhibit "A" and shown on Exhibit "B". Prospective owners of the hotel on the property are planning to remodel and expand the hotel in the future

ITEM NO. 25

and will need additional onsite vehicle spaces to come into compliance with Planning Department parking requirements.

The "half cul-de-sac" configuration in front of the hotel was created when a portion of curb and gutter was removed in 1963. The roadway width was originally 40 feet from face of curb to face of curb, with 25 feet of right-of-way on the north side and 35 feet of right-of-way on the south side. Vacating the southern portion of the "half cul-de-sac" will straighten the road way and return it to the original roadway and right-of-way widths.

Staff coordinated with the public utility companies and has determined that there are no public utilities within the excess right-of-way to be vacated. There is a support pole within the southern right-of-way for a Southern California Edison (SCE) power pole across the street on the north side of West Palm Canyon Drive. SCE has reviewed this and had approved the right-of-way vacation. However, the support pole must remain intact and not be disturbed during any demolition or street reconstruction.

The City Council's approval of this action will authorize the developer to enter the public right-of-way, conduct a partial removal of the existing street improvements, and replace the curb, gutter and sidewalk, and pavement per the new street plan, prior to the formal recordation of the Resolution of Vacation. The owner has submitted street improvement plans which are currently under review with the City Engineering Department (Exhibit 1). Standard City of Palm Springs street improvement plan review, construction permitting procedures, traffic control requirements and all associated fees, will be followed during demolition and reconstruction of the curb, gutter, and sidewalk within the public right-of-way.

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.

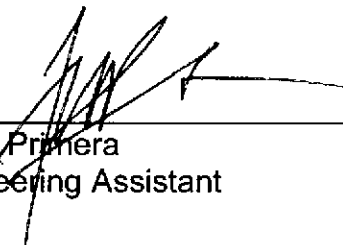
Staff recommends that the City Council adopt the attached Resolution, which will vacate excess right-of-way dedicated for West Palm Canyon Drive, adjacent to applicant's property at 333 E. Palm Canyon Drive.

FISCAL IMPACT:

None.

**SUBMITTED:**


Prepared by:

  
\_\_\_\_\_  
Felipe Primera  
Engineering Assistant

Recommended by:

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

Approved by:

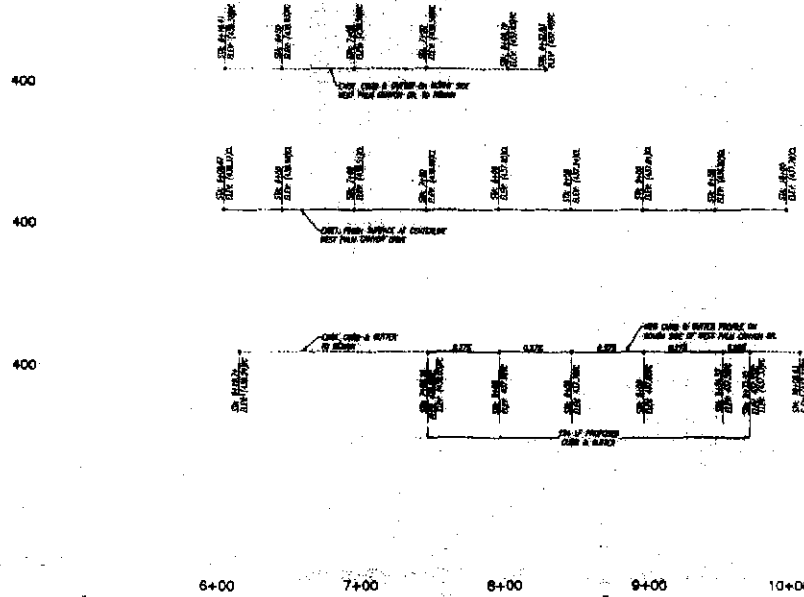
  
\_\_\_\_\_  
David H. Ready, City Manager

**ATTACHMENTS:**

1. Exhibit 1
2. Vicinity Map
3. Resolution
4. Exhibits "A" & "B"

**STREET IMPROVEMENT NOTES**

- The work shall be done in accordance with the City of Palm Springs and the Standard Specifications for Public Works, Commission 2000 Edition.
  - Utility for this project shall follow the standard specifications set forth in Chapter 16.40 of the Palm Springs Municipal Code.
  - The location of existing underground utilities shall be confirmed by utility locators. Approval by the jurisdiction of the California Government Code, the Contractor shall be responsible for the location of all utilities within the project limits. The City of Palm Springs shall not be responsible for the location of utilities.
  - Prior to construction, the Contractor shall obtain a utility location permit from the City of Palm Springs, Engineering Division. The permit will be issued according to the City of Palm Springs, Engineering Division. The Contractor shall locate all utilities at least 48 hours prior to the start of construction.
  - Contractor shall not be responsible for the location of utilities. The Contractor shall be responsible for the location of all utilities.
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  - Approval of this project shall be the responsibility of the City Engineer. The Contractor shall be responsible for the location of all utilities.
- TRAFFIC CONTROL**
- Street shall be closed to traffic during the construction period. The Contractor shall be responsible for the location of all utilities.
  - Construction shall be completed within the specified time frame. The Contractor shall be responsible for the location of all utilities.
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- STREET PAVEMENT**
- The project shall be done in accordance with the City of Palm Springs, Standard Specifications for Public Works, Commission 2000 Edition, and the City of Palm Springs, Engineering Division. The Contractor shall be responsible for the location of all utilities.
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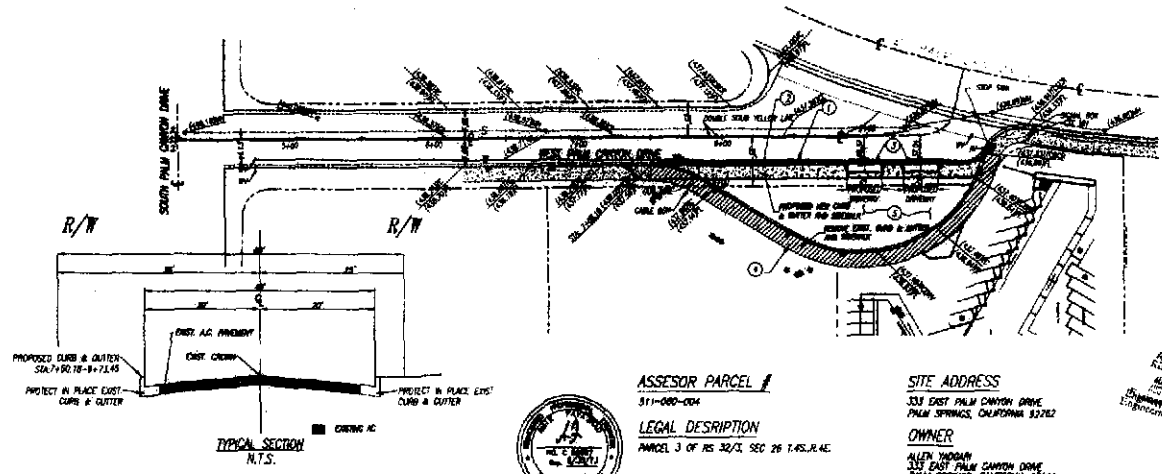
**EXHIBIT 1**

GRAPHIC SCALE  
HORIZ. 1"=40'  
VERT. 1"=4'



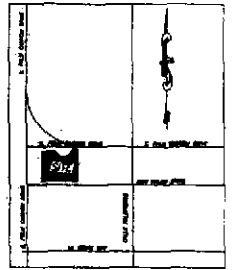
**CONSTRUCTION NOTES**

1. Construct curb & gutter per city of Palm Springs Std. # 200
2. Construct sidewalk per city of Palm Springs Std. # 210
3. Construct drainage per city of Palm Springs Std. # 201
4. Remove and replace sidewalk & curb & gutter
5. Remove AC Pavement

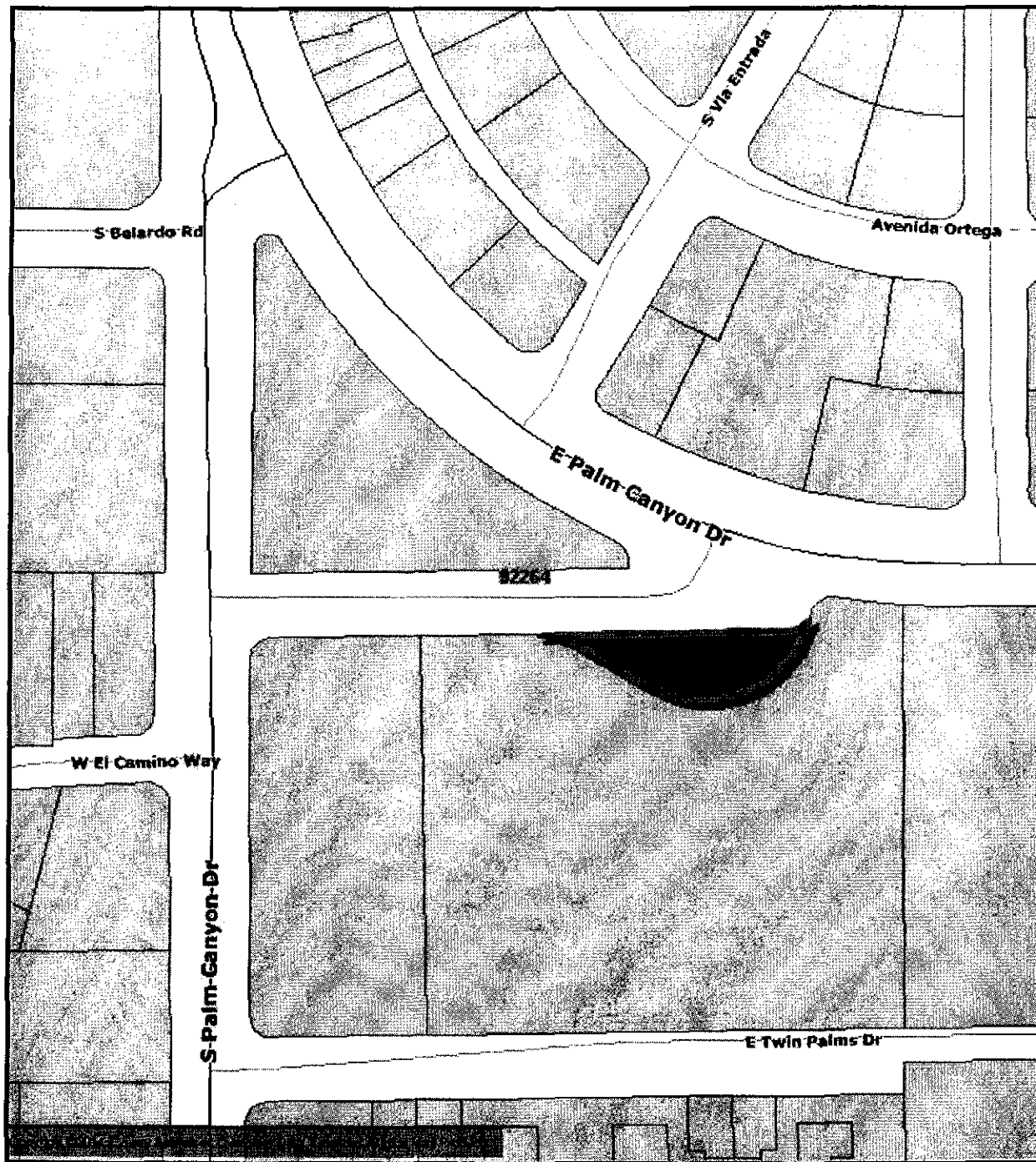


**ASSESSOR PARCEL #**  
311-080-004  
**LEGAL DESCRIPTION**  
PARCEL 3 OF RS 302/3, SEC 26 T.45S. R.4E

**SITE ADDRESS**  
333 EAST PALM CANYON DRIVE,  
PALM SPRINGS, CALIFORNIA 92262  
**OWNER**  
ALEX YAGOUR  
333 EAST PALM CANYON DRIVE  
PALM SPRINGS, CALIFORNIA 92262  
TELE: 951-255-5765



NO.	REVISION	APPROVED	DATE	BENCH MARK NO.	DATE	PREPARED UNDER THE DIRECT SUPERVISION OF	REVISION NO.	APPROVED BY	CITY OF PALM SPRINGS	FILE NO.	SHEET 1
1									CITY OF PALM SPRINGS STREET IMPROVEMENT PLANS 333 EAST PALM CANYON DRIVE PALM SPRINGS, CALIFORNIA APR. 2011-080-004	R11-14	OF 1
2										DWG. NO.	1



# Right-of-Way Vacation

## 333 E Palm Canyon Drive



**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 OF ITS RIGHT, TITLE AND INTERESTS TO A PORTION OF WEST PALM CANYON DRIVE AT 333 E. PALM CANYON DRIVE (A.P.N. 511-060-004) IN SECTION 26, TOWNSHIP 4 SOUTH, RANGE 4 EAST; FILE R 11-14.

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 close to public use streets dedicated for public use, or parts thereof, within the limits of the City; and

WHEREAS, pursuant to Section S334 (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, a dedication of right-of-way for West Palm Canyon Drive, described as Parcel 2, a portion of Tract 37, Section 26, T.4S., R.4E., as approved by Resolution 6085 by the Palm Springs City Council on December 21, 1960, Official Records of Riverside County, California.

WHEREAS, a portion of dedicated right-of-way for West Palm Canyon Drive, described as Parcel 2, a portion of Tract 37, Section 26, T.4S., R.4E., as approved by Resolution 6085 by the Palm Springs City Council on December 21, 1960, and hereby described in Exhibit "A" and Exhibit "B", represents excess public right-of-way not required for street or highway purposes per General Plan adopted October 2007.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

- Section 1. The City Council does hereby find that a portion of dedicated right-of-way for West Palm Canyon Drive, described as Parcel 2, a portion of Tract 37, Section 26, T.4S., R.4E., as approved by Resolution 6085 by the Palm Springs City Council on December 21, 1960, is unnecessary for present or prospective public use.
- Section 2 Subject to Section 3, herein below, the City Council does hereby vacate and abandon all of the City's right, title, and interest in the portion of public right-of-way dedicated for West Palm Canyon Drive, described in Exhibit "A" and shown on Exhibit "B", attached hereto and make a part thereof.

Section 3 The owners, lessees, or agents of the property located at 333 E. Palm Canyon Drive, adjacent to the subject portion of vacated right-of-way, as described on Exhibit "A" and shown on Exhibit "B", shall be required to remove and replace existing improvements within the vacated area, subject to the approval of the City Engineer, and shall be responsible for all costs associated therewith.

Section 4 In the event the obligations set forth in Section 3 above are not fulfilled to the satisfaction of the City Engineer within two years of the date of the adoption of this Resolution, the action taken by the adoption of this Resolution vacating and abandoning all the City's right, title, and interest in the subject portion of right-of-way dedicated for West Palm Canyon Drive, between South Palm Canyon Drive and East Palm Canyon Drive, described on Exhibit "A" and shown on Exhibit "B", shall be deemed null and void, and the action automatically rescinded.

Section 5 That, upon notification from the City Engineer that the obligations set forth in Section 3 herein above have been satisfied, 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. Upon recordation of this Resolution, the subject portions of right-of-way, described in Exhibit "A" and shown on Exhibit "B", shall be deemed vacated and closed to the future public use.

Section 6 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.).

ADOPTED this 19<sup>th</sup> day of March, 2014.

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David H. Ready, City Manager

ATTEST:

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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 the 19<sup>th</sup> day of March, 2014, by the following voted”

AYES:

NOES:

ABSENT:

ABSTAIN:

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James Thompson, City Clerk  
City of Palm Springs, California

**EXHIBIT A**  
**RIGHT OF WAY VACATION 11-14**

**LEGAL DESCRIPTION**

BEING A PORTION OF W. PALM CANYON DRIVE ROAD WAY, AS SHOWN BY MAP FILED IN BOOK 32, PAGE 3 OF RECORD OF SURVEY, OFFICIAL RECORDS OF RIVERSIDE COUNTY, IN THE NORTHWEST QUARTER, OF SECTION 26, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF PALM SPRINGS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF PARCEL 2, AS SHOWN ON SAID RECORD OF SURVEY;  
THENCE N 89° 37' 30" E, ALONG THE SOUTHERLY RIGHT OF WAY LINE OF WEST PALM CANYON DRIVE, A DISTANCE OF 60.75 FEET, TO THE TRUE POINT OF BEGINNING;  
SAID TRUE POINT OF BEGINNING ALSO BEING THE BEGINNING OF A TANGENT CURVE, CONCAVE TO THE SOUTHWEST, WITH A BEARING TO THE RADIUS POINT AT S 00° 22' 30" E AND A RADIUS OF 85.00 FEET, THENCE ALONG SAID TANGENT CURVE IN A SOUTHEASTERLY DIRECTION AN ARC LENGTH OF 46.92 FEET, WHICH SUBTENDS A CENTRAL ANGLE OF 31° 37' 40";

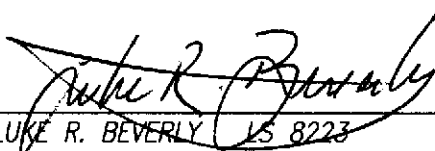
THENCE S 58° 44' 50" E, A DISTANCE OF 64.94 FEET, TO THE BEGINNING OF A TANGENT CURVE, CONCAVE TO THE NORTH, WITH A BEARING TO THE RADIUS POINT AT N 31° 15' 10" E, AND A RADIUS OF 105.00 FEET;

THENCE ALONG SAID TANGENT CURVE IN A EASTERLY AND NORTHEASTERLY DIRECTION, AN ARC LENGTH OF 197.92 FEET, WHICH SUBTENDS A CENTRAL ANGLE OF 108° 00' 00", TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE NORTHWEST, WITH A BEARING TO THE RADIUS POINT AT N 56° 59' 02" W, AND A RADIUS OF 40.00 FEET;

THENCE IN A SOUTHWESTERLY DIRECTION AN ARC LENGTH OF 39.52 FEET, WHICH SUBTENDS A CENTRAL ANGLE OF 56° 36' 32";

THENCE S 89° 37' 30" W, A DISTANCE OF 223.58 FEET TO THE TRUE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS AN AREA OF 9,401.16 SQ. FT. (0.22 AC) MORE OR LESS AND EXHIBIT B ATTACHED HERETO AND MADE A PART HEREOF

  
LUKE R. BEVERLY LS 8223

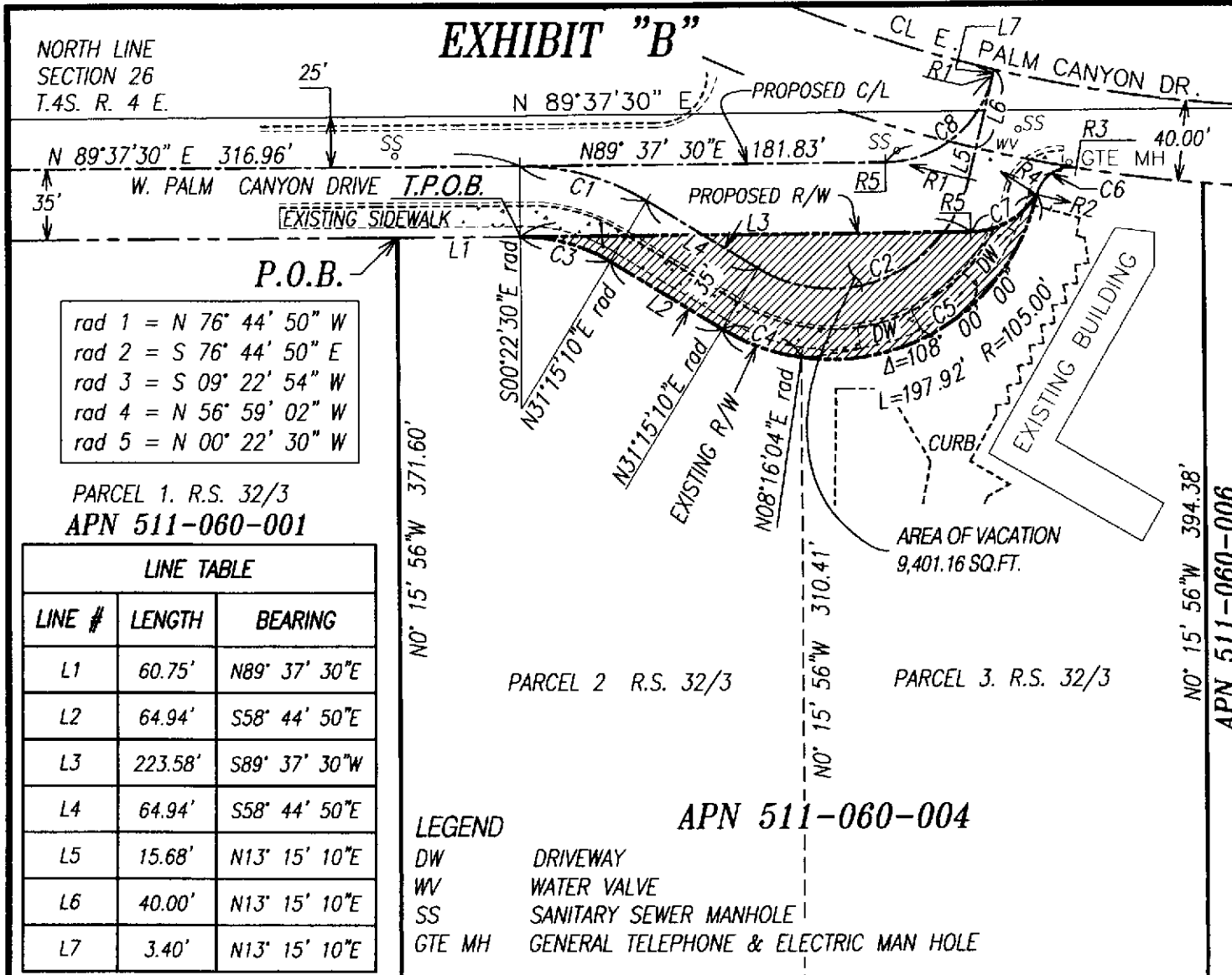
MARCH 05, 2014  
DATE



FILE NO.:
R - 11 - 14
SHEET NO.:
1 OF 1

# EXHIBIT "B"

NORTH LINE  
SECTION 26  
T.4S. R. 4 E.



- rad 1 = N 76° 44' 50" W
- rad 2 = S 76° 44' 50" E
- rad 3 = S 09° 22' 54" W
- rad 4 = N 56° 59' 02" W
- rad 5 = N 00° 22' 30" W

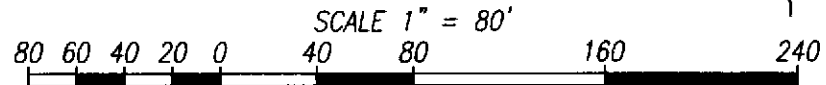
LINE TABLE		
LINE #	LENGTH	BEARING
L1	60.75'	N89° 37' 30"E
L2	64.94'	S58° 44' 50"E
L3	223.58'	S89° 37' 30"W
L4	64.94'	S58° 44' 50"E
L5	15.68'	N13° 15' 10"E
L6	40.00'	N13° 15' 10"E
L7	3.40'	N13° 15' 10"E

LEGEND

DW DRIVEWAY  
WV WATER VALVE  
SS SANITARY SEWER MANHOLE  
GTE MH GENERAL TELEPHONE & ELECTRIC MAN HOLE

CURVE TABLE			
CURVE #	LENGTH	RADIUS	DELTA
C1	66.24'	120.00'	31° 37' 40"
C2	131.95'	70.00'	108° 00' 00"
C3	46.92'	85.00'	31° 37' 40"
C4	42.12'	105.00'	22° 59' 06"
C5	155.80'	105.00'	85° 00' 54"

CURVE TABLE			
CURVE #	LENGTH	RADIUS	DELTA
C6	26.25'	17.46'	86° 07' 44"
C7	39.52'	40.00'	56° 36' 32"
C8	73.31'	55.00'	76° 22' 20"



CITY OF PALM SPRINGS  
PUBLIC WORKS AND ENGINEERING  
DEPARTMENT

VACATION OF  
RIGHT OF WAY

LEGAL DESCRIPTION: SEE EXHIBIT "A"	DESIGN BY: L.R.B.	SCALE: 1" = 80'	FILE NO.: R-11-14
	CHECKED BY: A.F.	W.O. #	SHEET NO.: 1 OF 1