



# City of La Quinta

**CITY / SA / HA / FA MEETING DATE:** February 18, 2014

**AGENDA CATEGORY:**

**ITEM TITLE:** ADOPT RESOLUTION TO VACATE A PORTION OF A PUBLIC UTILITY EASEMENT LOCATED AT PGA WEST SIGNATURE PROJECT, EAST OF PGA BOULEVARD

**BUSINESS SESSION:**

**CONSENT CALENDAR:**

**STUDY SESSION:**

**PUBLIC HEARING:** 1

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## **RECOMMENDED ACTION:**

Adopt City Council Resolution No. 2014-\_\_ vacating a portion of a public utility easement located at PGA West Signature project, east of PGA Boulevard.

## **EXECUTIVE SUMMARY:**

- A 60-foot wide public utility easement (PUE) currently runs through the PGA West "Signature" project, which conflicts with the developer's plans.
- The developer has requested that the PUE be vacated within the project limits. The PUE will remain for all areas outside the project limits.
- No utilities exist within the PUE and no utility agencies have objected to the PUE vacation request.

## **FISCAL IMPACT:**

None.

## **BACKGROUND/ANALYSIS**

The existing 60-foot PUE was dedicated per corporation grant deed on April 19, 1985 in order to provide utilities access through PGA West. The developer of the Signature project has requested this PUE be vacated within the project limits so that future homes can be constructed in the vacated area. The portion of PUE in question is shown on Exhibits A and B in the attached resolution. This portion of

right-of-way is not needed by other property owners for access or improved accessibility.

On January 14, 2014, pursuant to California Government Code Section 65402, the Planning Commission made a finding that the proposed vacation is consistent with the City's General Plan.

All utility agencies have been notified of this request. They have all written letters to the City and none have objected to the PUE vacation nor have they identified facilities within the easement.

### **Public Agency Review**

This request was sent to all applicable City departments and affected public agencies. All written comments received are on file and available for review in the Public Works Department.

### **Public Notice**

This project was advertised in *The Desert Sun* newspaper on February 7 and 14, 2014, and mailed to all property owners within 500 feet of the site. To date, no comments have been received from adjacent property owners. Any written comments received will be handed out at the public hearing.

### **Environmental Review**

The proposed vacation is exempt under Section 15060 of the California Environmental Quality Act given the vacation of the subject easement will not result in a direct or reasonably foreseeable indirect physical change in the environment.

### **ALTERNATIVES:**

Staff does not recommend an alternative action since this portion of the PUE is not needed by either the City or any utility companies.

Report prepared by: Edward J. Wimmer, P.E., Principal Engineer

Report approved for submission by: Timothy R. Jonasson, P.E.

Public Works Director/City Engineer

**RESOLUTION NO. 2014 -**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
LA QUINTA, CALIFORNIA, VACATING A ± 85,072  
SQUARE FOOT PORTION OF A 60-FOOT WIDE PUBLIC  
UTILITY EASEMENT EAST OF PGA BOULEVARD**

**CASE NO. RW-V 2014-001**

**WHEREAS**, pursuant to Sections 8322 and 8323 of the Public Streets, Highways and Service Easement Vacation Law, due notice of the Public Hearing was given by public posting in the time and manner prescribed by law; and

**WHEREAS**, following its discussion of the street vacation application on January 14, 2014, the Planning Commission of the City of La Quinta has determined that the vacation of said portion of the Public Utility Easement (PUE) is not in conflict with the Circulation Element or other policies of the General Plan of the City of La Quinta; and

**WHEREAS**, the City Council of the City of La Quinta has conducted the required public hearing upon due notice and, upon hearing and considering all testimony and arguments of all interested parties and persons desiring to be heard, did find the facts to exist justifying the approval and adoption of said portion of the PUE vacation, as follows:

1. Vacation of the portion of the PUE will not adversely affect the City of La Quinta or adversely impact the Circulation Element of the City of La Quinta General Plan.
2. The affected length of the PUE is unnecessary for either present or prospective public use or purposes, including use as a non-motorized transportation facility.
3. No local public agency or utility has submitted an objection to the proposed vacation of the portion of the PUE.
4. Approval and adoption of the proposed vacation of the portion of the PUE length will not cause a significant negative impact upon the environment.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of La Quinta, California, as follows:

**SECTION 1.** The City Council, having elected to proceed under the provisions of Chapter 3 of the Public Streets, Highways and Service Easement Vacation Law of the State of California, and having held a public hearing upon due notice as provided therein, hereby finds from all evidence submitted that the portion of the PUE,

specifically described in Exhibits A and B attached hereto and incorporated herein, is unnecessary for either present or prospective public use or purposes, including use as non-motorized transportation facilities.

Section 2. The City Council hereby orders the vacation of the portion of the PUE, as shown in Exhibits A and B attached hereto and incorporated herein.

Section 3. The City Council hereby determines that adoption of the vacation will cause no significant negative environmental impact.

Section 4. The City Council hereby orders that the vacation shall not be effective until a certified copy of this Resolution has been recorded with the Riverside County Recorder.

Section 5. The City Council hereby determines and orders that the City Clerk is hereby authorized and directed to record a certified copy of this Resolution in the Office of the County Recorder of Riverside County, California.

**PASSED, APPROVED, and ADOPTED** at a regular meeting of the La Quinta City Council held on this 18<sup>th</sup> day of February 2014, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Don Adolph, Mayor  
City of La Quinta, California

**ATTEST:**

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SUSAN MAYSELS, City Clerk  
City of La Quinta, California

(CITY SEAL)

**APPROVED AS TO FORM:**

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M. Katherine Jenson, City Attorney  
City of La Quinta, California



# EXHIBIT "A"

## VACATION OF PUBLIC UTILITY EASEMENT

PORTION OF THE S 1/2, SEC. 16 & THE NW 1/4, SEC. 21, T.6S., R.7E., S.B.M.

THAT PORTION OF THE PUBLIC UTILITY EASEMENT RETAINED BY THE CITY OF LA QUINTA PER CORPORATION GRANT DEED RECORDED APRIL 19, 1985 AS INSTRUMENT NO. 82629, OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

A STRIP OF LAND 60.00 FEET WIDE, LYING 30.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE;

**COMMENCING** AT THE SOUTH QUARTER CORNER OF SECTION 16, TOWNSHIP 6 SOUTH, RANGE 7 EAST, SAN BERNARDINO MERIDIAN; THENCE SOUTH 89°37'42" WEST, ALONG THE SOUTHERLY LINE OF SAID SECTION 16, A DISTANCE OF 3.89 FEET, TO A POINT ON THE EASTERLY LINE OF PARCEL 2, PER LOT LINE ADJUSTMENT NO. 2004-411, APPROVED BY THE CITY OF LA QUINTA ON AUGUST 24, 2004 AND RECORDED OCTOBER 8, 2004 AS INSTRUMENT NO. 2004-0803272 OF OFFICIAL RECORDS, SAID POINT BEING THE **POINT OF BEGINNING**; THENCE CONTINUING SOUTH 89°37'42" WEST, ALONG SAID SOUTHERLY LINE OF SAID SECTION 16, A DISTANCE OF 1417.87 FEET, TO A POINT ON THE WESTERLY LINE OF SAID PARCEL 2 PER LOT LINE ADJUSTMENT NO. 2004-411, SAID POINT BEING THE **POINT OF TERMINUS**.

THE SIDE LINES OF SAID 60.00 FEET STRIP TO BE LENGTHENED OR SHORTENED TO INTERSECT SAID EASTERLY AND WESTERLY LINES OF SAID PARCEL 2 PER LOT LINE ADJUSTMENT NO. 2004-411.

AREA OF SAID EASEMENT TO BE VACATED EQUALS 85,072 SQUARE FEET, MORE OR LESS.

AS SHOWN ON EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF.

PREPARED UNDER THE SUPERVISION OF:

Chris J. Bergh 12/4/13  
CHRIS J. BERGH, L.S. 6588 DATE







# EXHIBIT "B"

SHEET 1 OF 1 SHEETS

## VACATION OF PUBLIC UTILITY EASEMENT

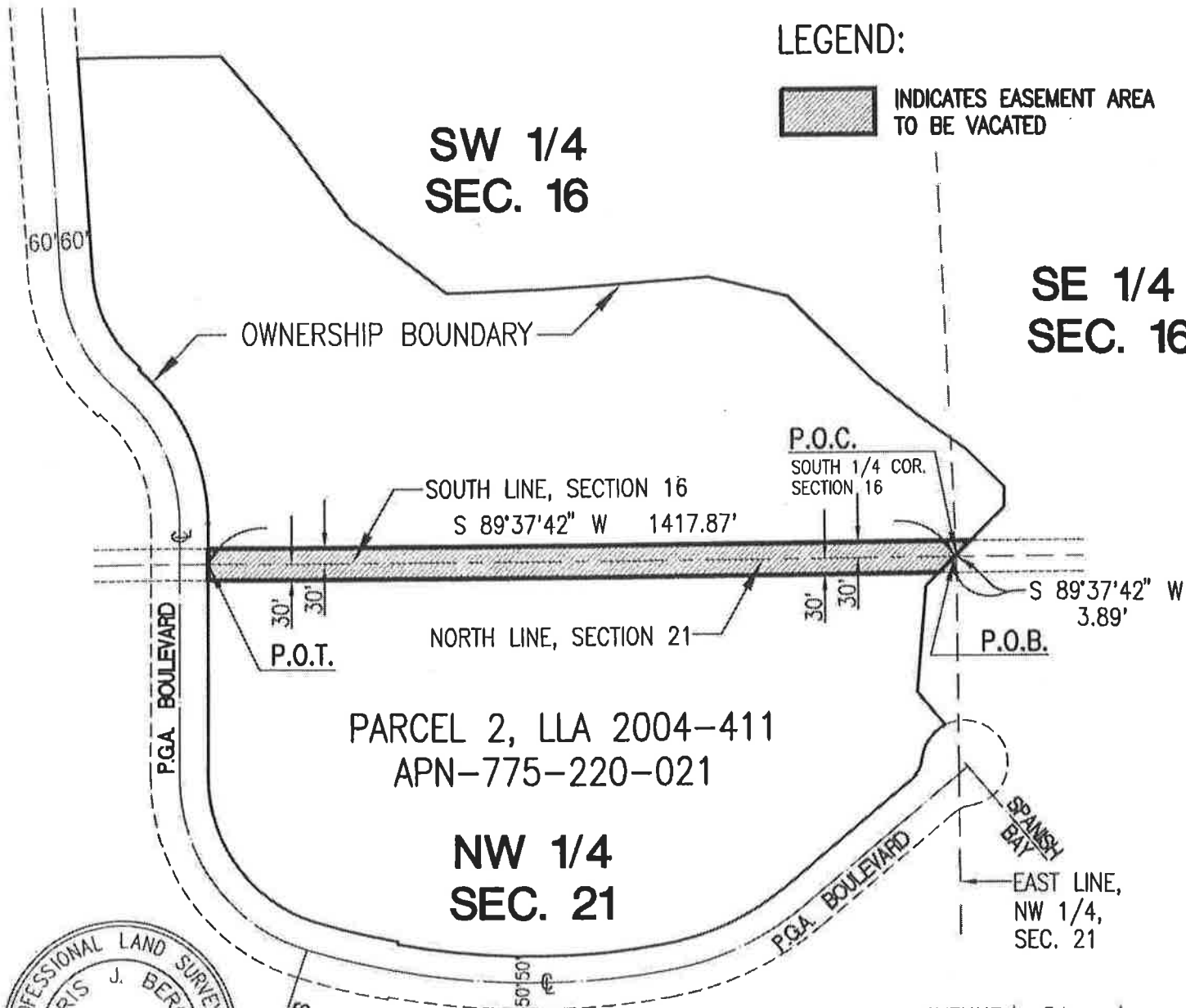
PORTION OF THE S 1/2, SEC. 16 & THE NW 1/4, SEC. 21, T.6S., R.7E., S.B.M.

### LEGEND:

 INDICATES EASEMENT AREA TO BE VACATED

SW 1/4  
SEC. 16

SE 1/4  
SEC. 16

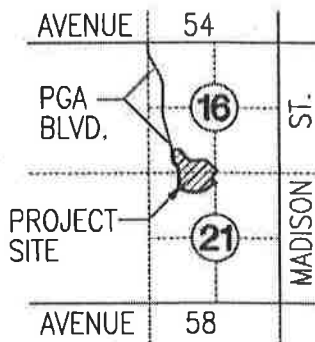


JACK  
NICKLAUS

PREPARED UNDER THE SUPERVISION OF:

*Chris J. Bergh*  
CHRIS J. BERGH, L.S. 6588

*12/4/13*  
DATE



### VICINITY MAP

NOT TO SCALE

SCALE 1"=300'



**MDS**  
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