

RESOLUTION NO. 2016-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY, CALIFORNIA, DECLARING ITS INTENTION TO VACATE A PORTION OF AN 80 FOOT WIDE UTILITY EASEMENT RESERVED FROM THE VACATION OF SUNAIR ROAD, BETWEEN MELROSE DRIVE AND PALO VERDE DRIVE, PURSUANT TO VACATION NO. 97-1, AS DESCRIBED IN RESOLUTION NO. 97-65, RECORDED ON MAY 17, 2002, AS INSTRUMENT NO. 2002-262992, IN OFFICIAL RECORDS OF RIVERSIDE COUNTY.

(VACATION NO. 2016-01)

WHEREAS, in 1997, the owners of the CCBC Resort Hotel, located at 68-300 Gay Resort Drive, in Cathedral City, applied to the City for the vacation of all of Sunair Road, 80 feet wide, along the north frontage of the hotel, between Melrose Drive and Palo Verde drive; and

WHEREAS, on July 9, 1997, after a duly noticed public hearing, the City Council adopted Resolution No. 97-19 which conditionally vacated the above described portion of Sunair Road; and

WHEREAS, on November 12, 1997, the City Council considered the modification of the said conditions, and did adopt Resolution No. 97-65, which superseded the previous Resolution 97-19; and

WHEREAS, on May 17, 2002, after the conditions precedent to the recordation of Resolution No. 97-65 were met, said Resolution 97-65 was recorded as Instrument No. 2002-262992, in Official Records of Riverside County, which had the effect of vacating all of Sunair Road, between Melrose Drive and Palo Verde Drive, subject to the reservation of an 80 foot wide utility easement over all of Sunair Road, for the maintenance, operation, replacement, removal or renewal of any public utility facilities then existing in Sunair Road or that may be installed in the future; and

WHEREAS, the said utility easement as reserved in Said Resolution 97-65 is described in Exhibit "A" and shown on Exhibit "B", which are attached to and made a part hereof; and

WHEREAS, the present owners of the CCBC Resort Hotel have requested the vacation of a portion of the above described 80 foot wide utility easement as described and shown in said Exhibits "A" and "B" to allow for the construction of a restaurant within a portion of the former Sunair Road right of way, pursuant to the owner's application for Conditional Use Permit No. 16-039.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Cathedral City as follows:

SECTION 1. It is the intention of this City Council to consider the vacation of some portion of the utility easement reserved over the vacated right of way of Sunair Road, as described and shown in the attached Exhibits "A" and "B". The exact dimensions, length and area of the portion to be vacated will depend upon the final disposition and relocation plans of any existing utility facilities located within the vacated portion of Sunair Road required to clear the building site for the proposed restaurant building.

A more exact legal description of the portion to be vacated will be contained in the final Resolution of Vacation to be considered at the public hearing to be held on this vacation request.

SECTION 2. This vacation proceeding will be conducted under Chapter 3 of Part 3 of Division 9 of the Streets and Highways Code of the State of California, said Part 3 being the Public Streets, Highways, and Service Easements Vacation Law, and subject to Section 892 of said Streets and Highways Code.

BE IT FURTHER RESOLVED that a public hearing on this proposed vacation will be held on:

Wednesday, January 11, 2017, at 6:30 p.m. in the Council Chambers, at the City of Cathedral City City Hall, located at 68700 Avenida Lalo Guerrero, Cathedral City, California,

at which time and place the City Council will hear and consider the proposal and statements from all parties interested in the proposed vacation.

BE IT FURTHER RESOLVED that the City Clerk is directed to cause this Resolution of Intention and a Notice of Public Hearing to be posted as follows:

1. It shall be forthwith posted in at least the three (3) public places designated for the posting of ordinances and public notices.
2. No later than by December 23, 2016, at least three (3) copies shall be posted conspicuously along the easement to be considered for vacation, and not more than 300 feet apart.

A Notice of Public Hearing shall be published twice for two successive weeks prior to the public hearing in a daily, semi-weekly or weekly newspaper published in the County of Riverside and circulated in the City of Cathedral City.

/

/

/

/

/

APPROVED, and **ADOPTED** at a regular meeting of the City Council for the City of Cathedral City held on this 30th day of November, 2016, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Stanley E. Henry, Mayor
City of Cathedral City, California

ATTEST:

City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

City Attorney

Department

REVIEWED:

Charles P. McClendon, City Manager

Attachments:

Exhibit A: legal description of vacated portion of former Sunair Road and reserved utility easement, between Melrose Drive and Palo Verde Drive

Exhibit B: sketch of vacated portion of former Sunair Road and existing reserved utility easement