

RESOLUTION NO. 97-65

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY, CALIFORNIA, ORDERING THE VACATION OF SUNAIR ROAD, BETWEEN MELROSE DRIVE AND PALO VERDE DRIVE (VACATION NO. 97-1), AMENDING THE CONDITIONS OF VACATION CONTAINED IN RESOLUTION NO. 97-37, AND SUPERSEDING SAID RESOLUTION NO. 97-37.

WHEREAS, there is shown on the official maps of the City of Cathedral City, California, a certain public street, known as Date Palm Drive; and

WHEREAS, a request to vacate and abandon Sunair Road, between Melrose Drive and Palo Verde Drive has been received from Sunair properties, Inc., which said street vacation is described in the attached Exhibit "A", which is attached hereto and made a part hereof, and is shown on the sketch, marked Exhibit "B", which is attached hereto and made a part hereof; and

WHEREAS, pursuant to the provisions of Chapter 3 of Part 3 of Division 9 of the Streets and Highways Code of the State of California (said part being the "Public Streets, Highways, and Service Easements Vacation Law"), and subject to Section 892 of the Streets and Highways Code, this Council, on May 14, 1997, adopted Resolution No. 97-19 declaring its intention to vacate the said Sunair Road, between Melrose Drive and Palo Verde Drive; and

WHEREAS, this Council did, on June 25, 1997, after publishing and posting of due notice thereof, did open a public hearing into this matter, and did continue the hearing until the regular Council meeting on July 9, 1997; and

WHEREAS, this Council did, on July 9, 1997, did reopen the hearing into this matter, and did find and determine that all other legal requirements of said "Public Streets, Highways, and Service Easements Vacation Law" had been complied with, and that all applicable requirements of the California Environmental Quality Act (CEQA) had been complied with; and

WHEREAS, a report by the City Engineer found that certain public utility facilities exist in, over, upon, and under the portion of Sunair Road to be vacated, which their owners desire to be protected by the reservation of a utility easement, and that certain other conditions should be complied with before the vacation resolution shall become effective; and

WHEREAS, on July 9, 1997, this Council did adopt Resolution No. 97-37, which Resolution conditionally approved the vacation of Sunair Road and set forth various conditions to be met by the Applicant prior to the recordation of said Resolution; and

WHEREAS, the Applicant did subsequently request that these conditions be modified to allow the vacation of said Sunair Road to take place prior to the full compliance with all of the said conditions as contained in Res. 97-37; and

WHEREAS, the City Council did on November 12, 1997, consider a modification of said conditions, and did agree to a modification of certain of the conditions.

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

SECTION 1. Resolution No. 97-37, adopted July 9, 1997, is hereby superseded by this modified Resolution of Vacation.

SECTION 2. The City Council finds and determines that:

- a. The said portion of Sunair Road, between Melrose Drive and Palo Verde Drive, as described and shown in Exhibits "A" and "B", is unnecessary for any present or prospective use; and
- b. The said portion of Sunair Road is not, and will not in the future be useful as a non-motorized transportation facility as defined in Section 887 of the State of California Streets and Highways Code; and
- c. Pursuant to State Guidelines, the vacation of the portion of Sunair Road will have no significant effect on the environment and therefore is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15301(c); and
- d. This matter was referred to the City Planning Commission, and at its meeting held on June 4, 1997, the Commission did find that the vacation of said portion of Sunair Road is consistent with the City General Plan, and applicable Specific Plans and Precise Plans.
- e. Pursuant to Section 8340 of the Streets and Highways Code, a utility easement is hereby reserved from the vacation of Sunair Road over the entire area to be vacated, for the maintenance, operation, replacement, removal, or renewal of any public utility facilities now existing therein or that may be installed in the future.

SECTION 3. Subject to the reservation above, and the completion of the conditions set forth in Section 4 following, the portion of Sunair Road as described and shown in Exhibits "A" and "B" is hereby ordered vacated and abandoned.

SECTION 4. This Council hereby determines that the public safety, convenience, and the orderly development of the area requires that the City Clerk shall NOT consent to the recordation of this Resolution until the City Engineer has certified in writing to the City Clerk that the following condition has been met:

- a. Both ends of Sunair shall be closed off by the construction and extension of concrete curb and gutter and associated paving along the west side of Palo Verde Drive and the east side of Melrose, in accordance with a plan to be submitted by the applicant and approved by the City Engineer. In lieu of the actual construction of the curb and closure improvements prior to recordation of the resolution, the applicant may guarantee such construction through the execution of a secured agreement guaranteeing completion of the improvements within one-year of the date of adoption of this Resolution.
- b. The applicant shall post security in an amount as approved by the Director of Community Services to guarantee completion of the improvements described in Section 5, below.

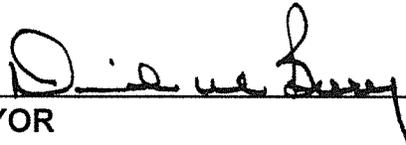
SECTION 5. Within two years of the date of adoption of this Resolution, the vacated portion of Sunair Road shall be improved with landscaping, parking, and other improvements, as follows:

- a. A plan for said improvement shall first be submitted for the review and approval by the City Director of Community Development, and by the City Fire Marshal and Police Department for approval as to emergency access through any proposed gates and access to and protection of fire hydrants and other appurtenances.
- b. The plan shall be reviewed by all affected utility companies and the applicant shall submit evidence in writing from same that the development plan does not unreasonably interfere with the utility company's use of or access to any utility facilities in the vacated street.
- c. Since title to the north half of the vacated street may vest in the owners of the properties on the north side of Sunair Road, then prior to the construction of any improvements described in this Section within the north half of said vacated street, the applicant shall submit evidence in writing of either (1) the consent of any such parties to the proposed work in the area to which they may take title, or (2) evidence of the applicant's acquisition of title to or the right to use such areas from the other parties.
- d. The vacated street shall be maintained in a clean and orderly state by the applicant and/or the abutting owners, in perpetuity.

SECTION 6. From and after the date this Resolution is recorded, the said portion of Sunair Road as described in Exhibits "A" and "B" shall no longer constitute a public street in this City.

SECTION 7. The City Clerk is hereby directed to cause a certified copy of this Resolution, attested by her under seal, to be recorded in the Office of the County Recorder of Riverside County, ONLY after receipt by the City Clerk of the written certification described in Section 4 above.

APPROVED AND ADOPTED this 12th day of November, 1997.


MAYOR

ATTEST:

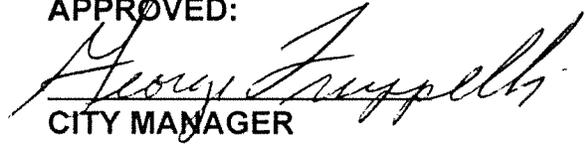
CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

APPROVED AS TO CONTENT:

DEPARTMENT

APPROVED:

CITY MANAGER

LEGAL DESCRIPTION TO ACCOMPANY REQUEST FOR STREET VACATION.

COMMENCING AT THE CENTER LINE INTERSECTION OF SUNAIR ROAD AND PALO VERDE DRIVE, IN THE CITY OF CATHEDRAL CITY, CALIFORNIA AS SHOWN BY MAP OF SUNAIR TRACT NO. 1 ON FILE IN BOOK 22 PAGE 67 OF MAPS, IN THE OFFICE OF THE RECORDER OF RIVERSIDE COUNTY, CALIFORNIA, SAID INTERSECTION BEING A POINT IN A CURVE, CONCAVE EASTERLY HAVING A RADIUS OF 800.00 FEET AND FROM WHICH A RADIAL LINE OF SAID CURVE BEARS SOUTH 73° 42' 26" EAST:

THENCE NORTH 71° 30' 00" WEST 30.00 FEET ALONG THE CENTER LINE OF SAID SUNAIR ROAD TO THE POINT OF BEGINNING, BEING ALSO A POINT IN A CURVE IN THE WESTERLY LINE OF SAID PALO VERDE DRIVE CONCAVE EASTERLY HAVING A RADIUS OF 830.00 FEET AND FROM WHICH A RADIAL LINE OF SAID CURVE BEARS SOUTH 73° 37' 38" EAST:

THENCE NORTHERLY 30.82 FEET ALONG SAID CURVE THROUGH AN ANGLE OF 2° 07' 38" :

THENCE CONTINUING ALONG SAID WESTERLY LINE NORTH 18° 30' 00" EAST 29.19 FEET TO THE BEGINNING OF A CURVE IN THE EASTERLY LINE OF LOT 1 OF BLOCK D OF SAID SUNAIR TRACT NO. 1, CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 20.00 FEET:

THENCE SOUTHERLY AND WESTERLY 31.42 FEET ALONG SAID CURVE THROUGH AN ANGLE OF 90° 00' 00" TO THE SOUTHERLY LINE OF SAID LOT 1;

THENCE NORTH 71° 30' 00" WEST 365.59 FEET ALONG SAID SOUTHERLY LINE OF LOT 1 AND THE SOUTHERLY LINES OF LOTS 2, 3, 4, 5 AND E (SUNAIR PLAZA SOUTH), OF SAID BLOCK D AND THE SOUTHERLY LINE OF LOT 1 OF BLOCK E OF SAID SUNAIR PLAZA NO. 1:

THENCE CONTINUING NORTH 71° 30' 00" WEST 139.62 FEET ALONG THE SOUTHERLY LINES OF LOTS 115, 116 AND 117 OF SUNAIR TRACT NO. 3 AS SHOWN BY MAP ON FILE IN BOOK 30 PAGES 15 AND 16 OF MAPS, IN THE OFFICE OF THE RECORDER OF SAID COUNTY AND STATE, TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 20.00 FEET:

THENCE WESTERLY AND NORTHERLY 23.82 FEET ALONG SAID CURVE THROUGH AN ANGLE OF 68° 14' 20" TO A POINT IN A CURVE IN THE EASTERLY RIGHT OF WAY LINE OF MELROSE DRIVE, CONCAVE EASTERLY HAVING A RADIUS OF 1250.00 FEET AND FROM WHICH A RADIAL LINE OF SAID CURVE BEARS NORTH 86° 44' 20" EAST:

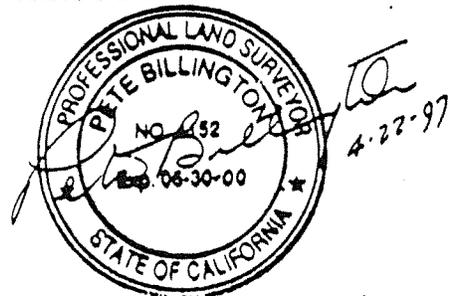
THENCE SOUTHERLY AND EASTERLY 134.41 FEET ALONG SAID CURVE THROUGH AN ANGLE OF 6° 09' 40" TO THE BEGINNING OF A CURVE IN THE WESTERLY LINE OF LOT 114 OF SAID SUNAIR TRACT NO. 3, CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 20.00 FEET. A RADIAL LINE FROM SAID CURVES BEARS NORTH 80° 34' 40" EAST:

THENCE NORTHERLY AND EASTERLY 41.16 FEET ALONG SAID CURVE THROUGH AN ANGLE OF 117° 55' 20" TO THE NORTHERLY LINE OF SAID LOT 114:

THENCE SOUTH 71° 30' 00" EAST 453.93 FEET ALONG SAID NORTHERLY LINE TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 20.00 FEET:

THENCE EASTERLY AND SOUTHERLY 29.28 FEET ALONG SAID CURVE THROUGH AN ANGLE OF 83° 52' 03" TO A POINT IN A CURVE IN THE WESTERLY LINE OF SAID PALO VERDE DRIVE, CONCAVE EASTERLY HAVING A RADIUS OF 830.00 FEET AND FROM WHICH A RADIAL LINE BEARS SOUTH 77° 37' 57" EAST:

THENCE NORTHERLY 58.02 FEET ALONG SAID CURVE THROUGH AN ANGLE OF 4° 00' 19" TO THE POINT OF BEGINNING.



PLAT TO ACCOMPANY REQUEST FOR STREET VACATION.

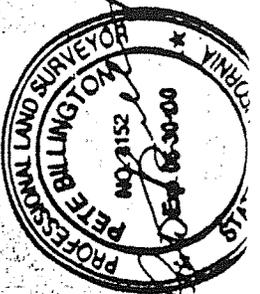
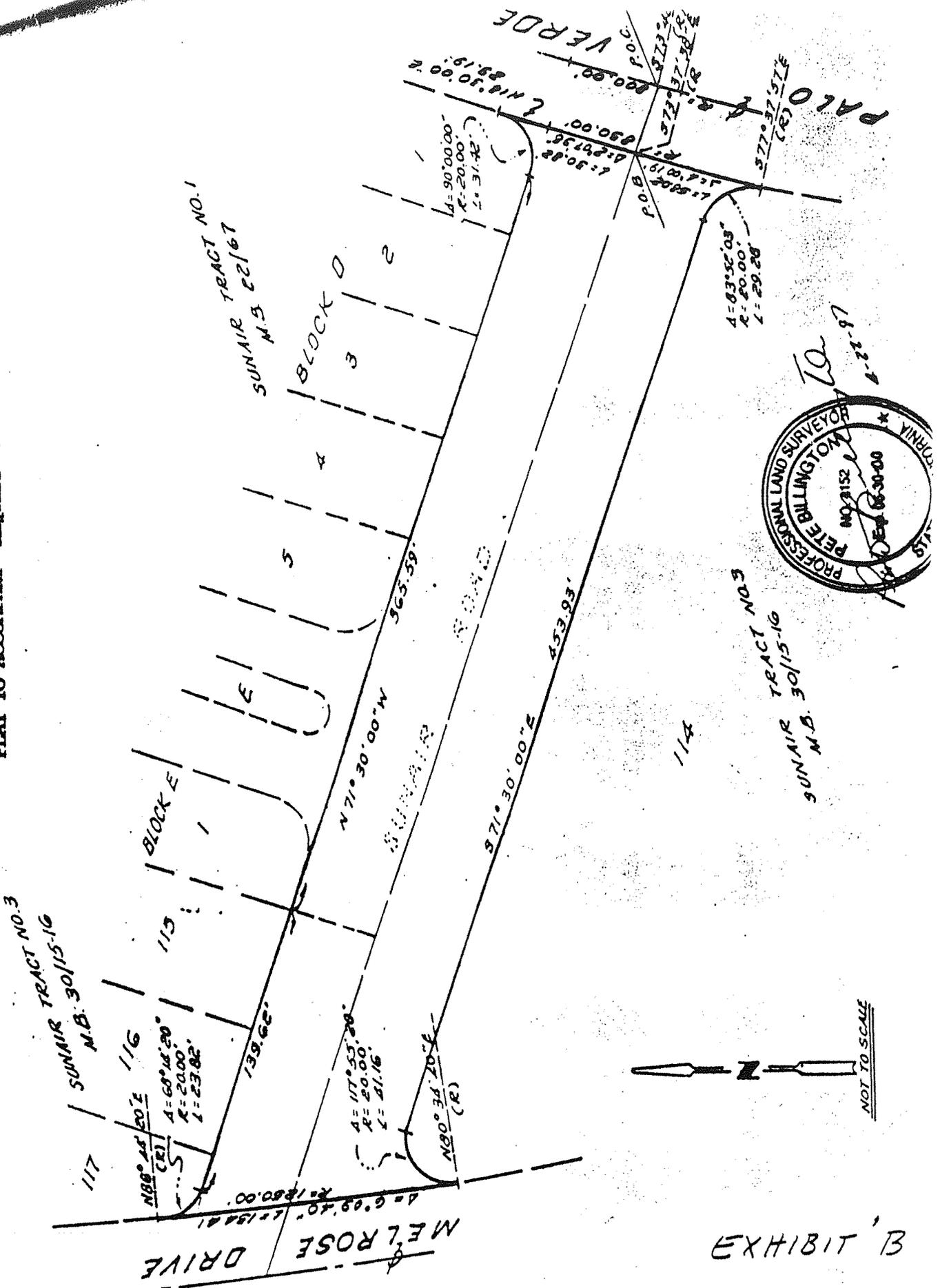


EXHIBIT 'B'

