

RESOLUTION NO. 2019-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS, CALIFORNIA, APPROVING THE VACATION OF ORTEGA DRIVE FOR PUBLIC ROADWAY PURPOSES, GENERALLY LOCATED BETWEEN ELISEO ROAD AND AGUA CAYENDO ROAD, AND RESERVING OF EASEMENT FOR PUBLIC UTILITIES

WHEREAS, the City of Desert Hot Springs ("City") is a charter city and a political subdivision of the State of California; and

WHEREAS, California Streets and Highways Code Section 8312 provides that the legislative body of a local agency, including the City, may utilize general vacation procedures to vacate any excess right-of-way of a street not required for street or highway purposes; and

WHEREAS, Streets and Highways Code Section 8324 provides that the legislative body of a local agency, including the City, may vacate a public right-of-way by adopting a resolution of vacation in compliance with the requirements set forth therein; and

WHEREAS, if there are any public utility facilities within the Subject Street, any vacation of the Subject Street by the City would require reservation of an easement(s) and right necessary to maintain, operate, replace, remove, or renew the public utility facilities; and

WHEREAS, on November 5, 2019, at a regular public meeting, the City Council of the City adopted a resolution to declare its intention to vacate Ortega Drive located between Eliseo Road and Agua Cayendo Road, which it owns in fee ("Subject Street"), for public roadway street purposes located in accordance with the procedures contained in the Streets and Highways Code Section 8320 et seq. for non-summary vacation ("Resolution of Intent"); and

WHEREAS, on November 12, 2019, at a regular public meeting, the Planning Commission of City adopted a resolution to making a finding that the City's vacation of the Subject Street is consistent with the City's Plan because it is not included on the street map of the Circulation Element of the General Plan; and

WHEREAS, on December 3, 2019, the City Council received the Planning Commission resolution, attached here to as Exhibit "A" and incorporated herein; and

WHEREAS, the City Council's Resolution of Intent set a public hearing to vacate the Subject Street on December 3, 2019, at 6pm, or as soon thereafter as the matter may be heard at:

Carl May Center/Council Chambers
11711 West Drive
Desert Hot springs, California 92240

WHEREAS, the City Council considered this Resolution after the a duly noticed public hearing pursuant to the Hearing Date and Time; and

WHEREAS, the vacation of a right-of-way is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15061 (b)(3) of the CEQA Guidelines because such vacations do not have the potential for causing a significant effect on the environment; and

WHEREAS, the City Council desires to vacate the Subject Street.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS DOES RESOLVE, AS FOLLOWS:

Section 1. RECITALS.

That the recitals set forth above are true and correct and are incorporated herein by this reference.

Section 2. VACATION OF SUBJECT STREET AND RESERVATION OF EASEMENT.

That the City Council hereby approves the vacation of the Subject Street, as show on the Map in Exhibit "A" attached and incorporated herein, reserving from the vacation any easements and rights necessary to maintain, operate, replace, remove, or renew the public utility facilities that exist as of the date of adoption of this Resolution.

Section 3. RECORDATION OF RESOLUTION.

That the City Clerk, as required by Streets and Highways Code Section 8325, is hereby directed to cause a certified copy of this Resolution, attested by him under seal, to be recorded without acknowledgment, certificate of acknowledgment, or further proof in the Recorder's Office of the County of Riverside.

Section 4. EFFECT OF RECORDATION.

That from and after the date this Resolution is recorded in the Recorder's Office of the County of Riverside, the vacation of the Subject Street shall be complete.

Section 5. COMPLIANCE WITH CEQA.

That vacation of the Subject Street is exempt from CEQA pursuant to Section 15061 (b)(3) of the CEQA Guidelines because such vacation does not have the potential for causing a significant effect on the environment.

Section 6. SEVERABILITY.

That the City Council declares that, should any provision, section, paragraph, sentence or word of this Resolution be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Resolution as hereby adopted shall remain in full force and effect.

Section 7. REPEAL OF CONFLICTING PROVISIONS.

That all the provisions heretofore adopted by the City Council that are in conflict with the provisions of this Resolution are hereby repealed.

Section 8. EFFECTIVE DATE.

That this Resolution shall take effect upon its adoption.

Section 9. CERTIFICATION.

That the City Clerk shall certify to the passage of this Resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED by the City Council of the City of Desert Hot Springs, California, at a regular meeting held on the 3rd day of December, 2019, by the following vote:

AYES:

NOES:

ABSENT:

RECUSED:

[SIGNATURES FOLLOW ON THE NEXT PAGE]

ATTEST:

CITY OF DESERT HOT SPRINGS

Jerryl Soriano, City Clerk

Scott Matas, Mayor

APPROVED AS TO FORM:

Jennifer Mizrahi, City Attorney

EXHIBIT "A"

MAP

**STREET VACATION
ORTEGA ROAD**

ALL THAT REAL PROPERTY IN THE CITY OF DESERT HOT SPRINGS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

LOT 'F' OF MIRACLE HEIGHTS NO. 2, AS SHOWN BY MAP ON FILE IN BOOK 32 OF MAPS, PAGES 40 THROUGH 42, RECORDS OF SAID COUNTY, ALSO SHOWN AS ORTEGA ROAD ON SAID MAP.

I HIS DESCRIPTION PREPARED BY ME OR UNDER MY DIRECTION.


NEIL C. McANALLY P.L.S. NO. 4820



SCALE: 1" = 100'

**STREET VACATION PLAT
SHOWING ORTEGA ROAD**
LOT 'F', MIRACLE HEIGHTS UNIT NO. 2
M.B. 32/40-42
CITY OF DESERT HOT SPRINGS
RIVERSIDE COUNTY, CALIFORNIA
L.S.A.P. CONSULTANTS NOV., 2019

