



City of La Quinta

CITY / SA / HA / FA MEETING DATE: May 6, 2014

AGENDA CATEGORY:

ITEM TITLE: ADOPT RESOLUTIONS ACCEPTING DEDICATION OF TWO LOTS AT RANCHO OCOTILLO NEAR FRED WARING DRIVE AS FLOOD REGULATION BASINS

BUSINESS SESSION:

CONSENT CALENDAR: 7

STUDY SESSION:

PUBLIC HEARING:

RECOMMENDED ACTION:

Adopt resolutions accepting dedication of two lots within the Rancho Ocotillo development, near Fred Waring Drive, as flood regulation basins: Tract No. 24517, Lot 89 and Tract No. 25290, Lot 6.

EXECUTIVE SUMMARY:

- Riverside County has notified the City that its contractor requires access to the existing garden wall through the City-maintained retention basin in the Rancho Ocotillo development in order to construct a sound wall for the Fred Waring Drive Road Widening Project.
- The retention basin is made up of two lots (Attachment 1) that were offered for dedication in 1990, but never accepted by the City.
- Staff recommends acceptance of both lots, via resolutions, in order to allow the County's contractor to complete the work.

FISCAL IMPACT:

None for this action. The lots have been designated for drainage purposes within the Rancho Ocotillo development and have been maintained by the City's Landscape and Lighting District for many years. There is no payment required for accepting these properties.

BACKGROUND/ANALYSIS:

As a condition of development for Tract No. 24517 and Tract No. 25290 (Rancho Ocotillo), two lots were improved and offered for dedication as retention basins to the City. Declarations of Dedication were recorded for both lots in the City's favor in 1990

RESOLUTION NO. 2014 -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA QUINTA, CALIFORNIA, ACCEPTING THE DECLARATION OF DEDICATION FROM WARING-ADAMS VENTURE, A CALIFORNIA GENERAL PARTNERSHIP, FOR LOT 89 OF TRACT MAP NO. 24517 AS A FLOOD REGULATION BASIN

WHEREAS, the offer of dedication for Lot 89 of Tract Map No. 24517 as a drainage retention basin was a condition of the project; and

WHEREAS, the property so offered for dedication is more fully described in Exhibit "A" hereto, which description is incorporated herein as though set forth in full (hereinafter referred to as the "Dedicated Property"); and

WHEREAS, a Final Map was recorded with the County of Riverside on January 25, 1990 as Instrument 31607; however, Lot 89 was not accepted by the City of La Quinta at the time of recordation; and

WHEREAS, the City of La Quinta now desires to accept said declaration of dedication in order to confirm the permitted use of the Dedicated Property and to ensure the continued maintenance of the property for flood regulation purposes.

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

SECTION 1. The City Council of the City of La Quinta hereby accepts the Dedicated Property.

SECTION 2. The City Clerk of the City of La Quinta is hereby authorized to record this Resolution with the Office of the County Recorder in the County of Riverside, State of California, and the City Manager and City Clerk are hereby authorized to take any other steps required to effectuate this resolution.

PASSED, APPROVED and ADOPTED at a regular meeting of the La Quinta City Council held on this 6th day of May 2014, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DON ADOLPH, Mayor
City of La Quinta, California

ATTEST:

SUSAN MAYSELS, City Clerk
City of La Quinta, California

(CITY SEAL)

APPROVED AS TO FORM:

M. KATHERINE JENSON, City Attorney
City of La Quinta, California

EXHIBIT "A"

LEGAL DESCRIPTION OF PROPERTY

That certain property located in the City of La Quinta, County of Riverside, State of California, described as follows:

Lot 89 of Tract Map No. 24517, as filed in Book 212, pages 45 through 48, inclusive, of Maps, in the office of the County of Riverside County, California.

APN(s): 604-180-034

RESOLUTION NO. 2014 -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA QUINTA, CALIFORNIA, ACCEPTING THE DECLARATION OF DEDICATION FROM WARING-ADAMS VENTURE, A CALIFORNIA GENERAL PARTNERSHIP, FOR LOT 6 OF TRACT MAP NO. 25290 AS A FLOOD REGULATION BASIN

WHEREAS, the offer of dedication for Lot 6 of Tract Map No. 25290 as a drainage retention basin was a condition of the project; and

WHEREAS, the property so offered for dedication is more fully described in Exhibit "A" hereto, which description is incorporated herein as though set forth in full (hereinafter referred to as the "Dedicated Property"); and

WHEREAS, a Final Map was recorded with the County of Riverside on October 24, 1990 as Instrument 390519; however, Lot 6 was not accepted by the City of La Quinta at the time of recordation; and

WHEREAS, the City of La Quinta now desires to accept said declaration of dedication in order to confirm the permitted use of the Dedicated Property and to ensure the continued maintenance of the property for flood regulation purposes.

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

SECTION 1. The City Council of the City of La Quinta hereby accepts the Dedicated Property.

SECTION 2. The City Clerk of the City of La Quinta is hereby authorized to record this Resolution with the Office of the County Recorder in the County of Riverside, State of California, and the City Manager and City Clerk are hereby authorized to take any other steps required to effectuate this resolution.

PASSED, APPROVED and ADOPTED at a regular meeting of the La Quinta City Council held on this 6th day of May 2014, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DON ADOLPH, Mayor
City of La Quinta, California

ATTEST:

SUSAN MAYSELS, City Clerk
City of La Quinta, California

(CITY SEAL)

APPROVED AS TO FORM:

M. KATHERINE JENSON, City Attorney
City of La Quinta, California

EXHIBIT "A"

LEGAL DESCRIPTION OF PROPERTY

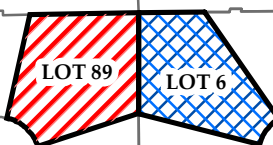
That certain property located in the City of La Quinta, County of Riverside, State of California, described as follows:

Lot 6 of Tract Map No. 25290, as filed in Book 226, pages 48 through 52, inclusive, of Maps, in the office of the County of Riverside County, California.

APN(s): 604-180-055



FRED WARING DR



LOT 89

LOT 6

CAMINO LA CRESTA

CAMINO DEL ORO

CAMINO LAVANDA

HORIZON PALMS CIR

CANTERRA CIR

ADAMS ST

CAMINO AZUL

LA PALMA DR

OCOTILLO DR

CAMINO AMARILLO

CAMINO ROSADA

LEGEND



TM 24517, LOT 89, APN 604-180-034
SITE ADDRESS: 44030 OCOTILLO DR.



TM 25290, LOT 6, APN 604-180-055

VICINITY MAP

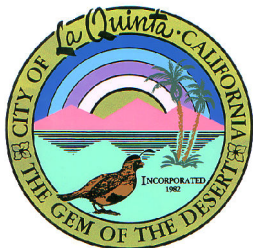
Not to Scale

CITY COUNCIL MEETING: May 6, 2014

ITEM TITLE: ADOPT RESOLUTIONS ACCEPTING DEDICATION OF TWO LOTS AT RANCHO OCOTILLO NEAR FRED WARING DRIVE DESIGNATED AS FLOOD REGULATION BASINS

DEPT. DIRECTOR: Timothy R. Jonasson, P.E., Public Works Director/City Engineer

STAFF CONTACT: Bryan McKinney, P.E., Principal Engineer



WHEN RECORDED
 Mail To:
 City of La Quinta
 P.O. Box 1504
 La Quinta, CA 92253

RECEIVED FOR RECORD
 AT 8:30 O'CLOCK A.M.
 AT Request of
 FIRST AMERICAN TITLE COMPANY
 OF RIVERSIDE

JAN 26 1990

Recorded in Official Records
 of Riverside County, California

William S. Egan
 Recorder
 Fees \$

DECLARATION OF DEDICATION
 (FLOOD REGULATION BASIN)

WARING-ADAMS VENTURE
 A CALIFORNIA GENERAL PARTNERSHIP

herein called "Owner", in accordance with conditions of approval of Tract 24517, hereby dedicates to public use, that property described on Exhibit A, as a flood regulation basin to retain and regulate storm water runoff from said Tract and other tributary properties.

1. Owner further agrees to provide landscaping with irrigation system(s) and to perform such regular maintenance as is required to continue the safe and normal operation of the park area and flood regulation basin together with said landscaping and irrigation, lawn mowing and plant maintenance, removal of silt and debris. Said maintenance includes inspection, removal of weeds, weed control and maintenance of inlet facilities on a regular basis to insure functioning of the basin as designed. Owner reserves the right to utilize the flood regulation basin for uses that are compatible with its function as a flood regulation facility; provided, however, no structures will be constructed within the flood regulation basin or other use made of it without prior written approval of the City of La Quinta.

2. Owner agrees that he shall indemnify and hold the City of La Quinta free and harmless from any liability whatsoever based or asserted upon any act or omission of owner, his officers, agents, employees, subcontractors, independent contractors, guests and invitees, for property damage, bodily injury or death or any other element of damage of any kind or nature related to or in anywise connected with or arising from the construction, operation or maintenance of the flood regulation basin, complete with landscape, the condition thereof or the failure of such installation. The owner shall defend, at his expense, including attorney's fees, the City of La Quinta, their officers, agents, employees, independent contractors in any claim or legal action based on such alleged acts or omissions.

3. The Owner agrees to maintain the facilities as provided herein until such time as the City of La Quinta may accept said facility for maintenance in accordance with the provisions of the Landscaping and Lighting Act of 1972.

The City may elect to accept Lots 78 and 89 as herein offered for dedication following satisfactory completion of all related improvements, landscaping and irrigation system(s) and the completion of the required one year warranty period.

Upon acceptance by the City of the offered dedication as herein setforth the Owner shall be released from the maintenance responsibilities, required bonding and the indemnification of the City all as provided herein.

In the event the City of La Quinta does not or elects not to accept said facilities for maintenance, the Owner agrees to further maintain the facilities as provided herein until such time as determined at the sole discretion of the City of La Quinta, sufficient flood control facilities are constructed that eliminate the need for the flood regulation basin. Thereafter, the City of La Quinta may release the Owner from the dedication of Lot 78 and 89 granted herein and relinquish said property to the Owner.

4. Upon recordation of the final map for Tract 24517, the Owner shall provide a bond in the amount of not less than \$10,000.00 for the initial year plus an additional five percent (5%) increase over the prior year for each year after the first year. Such bond shall be in a form acceptable to the City of La Quinta guaranteeing the maintenance of the facilities as required herein. The bond shall initially be for a full year and shall be renewed annually thereafter for a period of ten (10) years or until such time as the offered dedication is accepted by the City as herein setforth and conditioned.

5. The rights and obligations of owner shall inure to and bind all heirs, successors, or assignees of the owner.

Dated: January 12, 1990

WARING-ADAMS VENTURE
A CALIFORNIA GENERAL PARTNERSHIP

By: WARING-ADAMS VENTURE, A
California General
Partnership

By: *E. G. Williams*

By: _____

By: _____

STATE OF CALIFORNIA
COUNTY OF Riverside ss.

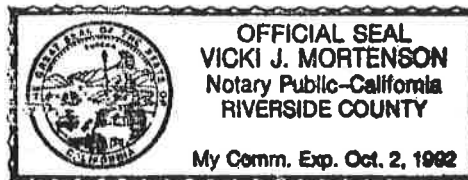
On January 12, 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared E. G. Williams

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person that executed the within instrument as general partner(s), on behalf of Waring-Adams Venture

the partnership therein named and acknowledged to me that the partnership executed it.

WITNESS my hand and official seal.

Signature *Vicki J. Mortenson*



(This area for official notarial seal)

EXHIBIT 'A'

TO

DECLARATION OF DEDICATION
(FLOOD REGULATION BASIN)

Lots 78 and 89 offered for dedication as Flood Regulation Basin as shown on Tract No. 24517 as recorded in Map Book 212 Pages 45-48 in the Office of the County Recorder, County of Riverside, State of California.

WHEN RECORDED
Mail To:
City Of La Quinta
P. O. Box 1504
La Quinta, CA. 92253

TRACT NO. 25290

RECEIVED FOR RECORD
AT 11:00 O'CLOCK A.M.

OCT 24 1990

Recorded in Official Records
of Riverside County, California

W. J. [Signature]
Recorder
Fees \$ 11-

DECLARATION OF DEDICATION
(FLOOD REGULATION BASIN)

WARING-ADAMS VENTURE
A CALIFORNIA GENERAL PARTNERSHIP

herein called "Owner", in accordance with conditions of approval of Tract 25290, hereby dedicates to public use, that property described on Exhibit A, as a flood regulation basin to retain and regulate storm water runoff from said Tract and other tributary properties.

1. Owner further agrees to provide landscaping with irrigation system(s) and to perform such regular maintenance as is required to continue the safe and normal operation of the park area and flood regulation basin together with said landscaping and irrigation, lawn mowing and plant maintenance, removal of silt and debris. Said maintenance includes inspection, removal of weeds, weed control and maintenance of inlet facilities on a regular basis to insure functioning of the basin as designed. Owner reserves the right to utilize the flood regulation facility; provided, however no structures will be constructed within the flood regulation basin or other use made of it without prior written approval of the City of La Quinta.

2. Owner agrees that he shall indemnify and hold the City of La Quinta free and harmless from any liability whatsoever based or assorted upon any act or omission of Owner, his officers, agents, employees, subcontractors, independent contractors, guests and invitees, for property damage, bodily injury or death or any other element of damage of any kind or nature related to or in anywise connected with or arising from the construction, operation or maintenance of the flood regulation basin, complete with landscape, the condition thereof or the failure of such installation. The Owner shall defend at his expense, including attorney's fees, the City of La Quinta, their officers, agents, employees, independent contractors in any claim or legal action based on such alleged acts or omissions.

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DECLARATION OF DEDICATION
TRACT NO. 25290
City of La Quinta

3. The Owner agrees to maintain the facilities as provided herein until such time as the City of La Quinta may accept said facility for maintenance in accordance with the provisions of the Landscaping and Lighting Act of 1972.

The City may elect to accept Lot 6 as herein offered for dedication following satisfactory completion of all related improvements, landscaping and irrigation system(s) and the completion of the required one year warranty period.

Upon acceptance by the City of the offered dedication as herein setforth the Owner shall be released from the maintenance responsibilities, required bonding and the indemnification of the City all as provided herein.

In the event the City of La Quinta does not or elects not to accept said facilities for maintenance, the Owner agrees to further maintain the facilities as provided herein until such time as determined at the sole discretion of the City of La Quinta, sufficient flood control facilities are constructed that eliminate the need for the flood regulation basin. Thereafter, the City of La Quinta may release the Owner from the dedication of Lot 6 granted herein and relinquish said property to the Owner.

4. Upon recordation of the final map for Tract 25290, the Owner shall provide a bond in the amount of not less than \$10,000.00 for the initial year plus an additional five percent (5%) increase over the prior year for each year after the first year. Such bond shall initially be for a full year and shall be renewed annually thereafter for a period of ten (10) years or until such time as the offered dedication is accepted by the City as herein setforth and conditioned.

Page 3
DECLARATION OF DEDICATION
TRACT NO. 25290
City of La Quinta

5. The rights and obligations of Owner shall inure to and bind all heirs, successors, or assignees of the Owner.

Dated: 4-11-90

WARING-ADAMS VENTURE
A CALIFORNIA GENERAL
PARTNERSHIP

By: WARING-ADAMS VENTURE
A California General
Partnership

By: *E. Williams*

By: _____

By: _____

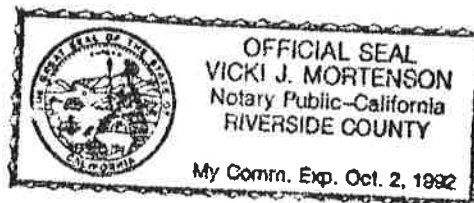
STATE OF CALIFORNIA
COUNTY OF Riverside) ss.
On April 11, 1990 before me, the undersigned, a Notary Public in and for
said State, personally appeared E. G. Williams

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person that executed the within instrument as general partner(s),
on behalf of Waring-Adams Venture

_____, the partnership
therein named and acknowledged to me that the partnership executed it.

WITNESS my hand and official seal.

Signature *Vicki J. Mortenson*



(This area for official notarial seal)

