

RESOLUTION NO. 2024 - ____

RESOLUTION ORDERING THE
SUMMARY VACATION AND ABANDONMENT
OF PORTIONS OF THE PUBLIC UTILITY EASEMENT AND RIGHT OF WAY DEDICATIONS
OVER PARCEL 6 AND 7 OF PARCEL MAP 4645 RECORDED IN BOOK 47 OF PARCEL
MAPS AT PAGE 50, TULARE COUNTY RECORDS

WHEREAS, The City of Visalia, State of California, has an easement for public utilities purposes and a dedication for right of way over Parcel 6 and 7 of parcel map 4645, recorded in Book 47 of Parcel Maps at Page 50, Tulare County Records.

WHEREAS, The City Council of the City of Visalia may vacate all or part of a street, highway, or public service easement pursuant to the Public Streets, Highways, and Service Easements Vacation Law (California Streets & Highways Code, section 8300 et seq.); and

WHEREAS, the summary vacation proceedings are to be conducted pursuant to the provisions in sections 8330 – 8336, Chapter 4 of Part 3, Division 9, entitled “Summary Vacation,” of the California Streets & Highways Code; and

WHEREAS, the summary vacation requirement for the public service easement has been met, pursuant to §8333(c) of the California Streets & Highways Code, the portions of the public service easement being vacated have been superseded by relocation and determined to be in excess by the holder of the easement, in this instance what was formerly a cul-de-sac has been modified into a through street and portions of the former cul-de-sac, including areas of the public service easement, have been determined to be unnecessary.

WHEREAS, the summary vacation requirements for the portions of the street right of way to be abandoned has been met pursuant to §8330(a) of the California Streets & Highways Code, and 8334(a), excess right of way of a street or highway not required for street or highway purposes, specifically that the street right of way has been superseded by relocation, in this instance what was formerly a cul-de-sac has been modified into a through street and portions of the former cul-de-sac have been determined to be unnecessary, it is also noted the areas vacated are under one ownership.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Council of the City of Visalia hereby orders the summary vacation and abandonment of portions of a public utilities easement and right of way dedication over Parcels 6 and 7 of Parcel Map 4645, recorded in Book 47 at Page 50, Tulare County Records. In this instance a planned cul-de-sac has been modified into a through street with the former areas of the cul-de-sac dedicated to public service easements and streets and highway usage no longer necessary.

A public hearing is not required, and the use of a summary proceeding is allowed for the vacation of a public service easement by having met at least one of the following cases described in California Streets and Highways Code section 8333, specifically subsection (c) having been superseded by relocation, or determined to be excess by the easement holder and there are no other public facilities located within the easement being vacated:

- a. The easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation.
 - b. The date of dedication or acquisition is less than five years, and more than one year, immediately preceding the proposed vacation, and the easement was not continuously used since that date.
 - c. The easement has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement.
2. A public hearing is not required, and the use of a summary proceeding is allowed for the vacation of a public service easement by having met California Streets and Highways Code section 8330(a), when a street or highway has been superseded by relocation:
 - a. "The legislative body of a local agency may summarily vacate a street or highway that has been superseded by relocation."
 - b. A street or highway shall not be summarily vacated pursuant to this section if vacation would do either of the following:
 1. Cut off all access to a person's property which, prior to relocation, adjoined the street or highway.
 2. Terminate a public service easement, unless the easement satisfies the requirements of Section 8333.
3. A public hearing is not required, and the use of a summary proceeding is allowed for the vacation of a street or highway by having met at least one of the following cases described in California Streets and Highways Code section 8334, which allows for summary vacation when a street or highway has been determined to be in excess and not required for street or highway purposes, in this instance both portions of this section apply as the street or highway of the former cul-de-sac is excess and not required, in addition the portion being vacated lies within one ownership and does not continue through ownership or touch the property of another.

8334. The legislative body of a local agency may summarily vacate any of the following:

 - a. An excess right-of-way of a street or highway not required for street or highway purposes.
 - b. A portion of a street or highway that lies within property under one ownership and that does not continue through such ownership or end touching property of another.
4. From and after the date this resolution is recorded, portions of public service easement and right of way dedication are vacated and abandoned, and no longer constitute an easement or dedication. A map and legal descriptions of the portions of the street and public service easement being vacated are attached hereto as Exhibits 1 and 2, and made a part hereof by reference.

PASSED AND ADOPTED: June __, 2024

Leslie B Caviglia, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF TULARE) ss.
CITY OF VISALIA)

I, Leslie B. Caviglia, City Clerk of the City of Visalia, certify the foregoing is the full and true Resolution 2024-__ passed and adopted by the Council of the City of Visalia at a regular meeting held on June 17, 2024.

Dated: _____

Leslie B. Caviglia, CITY CLERK

By Michelle E. Nicholson, Chief Deputy City Clerk

Exhibit 1

EXHIBIT 'A'

PUBLIC UTILITY EASEMENT VACATION-PARCEL 6

LEGAL DESCRIPTION EXHIBIT

Lane Project No. 23334

April 16, 2024

A strip of land 6.00 feet wide, being a portion of the Public Utilities Easement within Parcel 6 of Parcel Map No. 4645, recorded in Book 47 of Parcel Maps, at Page 50, T.C.R., situated in the NE1/4 of Section 30, Township 18 South, Range 24 East, Mount Diablo Base and Meridian, in the City of Visalia, County of Tulare, State of California, the southerly line of said strip described as follows:

BEGINNING at the northeast corner of that portion of land dedicated to the City of Visalia per Grant Deed recorded as Instrument No. 2018-0033605, O.R.T.C.R., said northeast corner being the beginning of a non-tangent curve concave to the South having a radius of 53.00 feet, to which beginning of curve a radial line bears North 52°50'44" West, said beginning of curve also being on the existing northerly Right of Way line of Legacy Court as shown on said Parcel Map; Thence northeasterly 61.65 feet along said curve and northerly Right of Way line through a central angle of 66°38'45"; Thence South 76°11'59" East 89.95 feet to an angle point in said northerly Right of Way line, said angle point being 30.00 feet North of the centerline of said Legacy Court as measured at right angles thereto and the POINT OF TERMINATION.

The sidelines of said strip should be prolonged or shortened so as to terminate at a line running parallel with and 6.00 feet northerly of the North line of said portion of land dedicated to the City of Visalia and the easterly prolongation thereof.

CONTAINING 815 SQUARE FEET, MORE OR LESS.

SEE EXHIBIT 'B' ATTACHED HERETO AND MADE A PART HEREOF.



04/16/2024

Exhibit 1

EXHIBIT 'A'

PUBLIC UTILITY EASEMENT VACATION-PARCEL 7

LEGAL DESCRIPTION EXHIBIT

Lane Project No. 23334

April 16, 2024

A strip of land 6.00 feet wide, being a portion of the Public Utilities Easement within Parcel 7 of Parcel Map No. 4645, recorded in Book 47 of Parcel Maps, at Page 50, T.C.R. situated in the NE1/4 of Section 30, Township 18 South, Range 24 East, Mount Diablo Base and Meridian, in the City of Visalia, County of Tulare, State of California, the northerly line of said strip described as follows:

BEGINNING at the southeast corner of that portion of land dedicated to the City of Visalia per Grant Deed recorded as Instrument No. 2018-0033605, O.R.T.C.R., said southeast corner being the beginning of a non-tangent curve concave to the North having a radius of 53.00 feet, to which beginning of curve a radial line bears South 52°49'49" West, said beginning of curve also being on the existing southerly Right of Way line of Legacy Court as shown on said Parcel Map; Thence southeasterly 61.65 feet along said curve and southerly Right of Way line through a central angle of 66°38'46"; Thence North 76°11'03" East 89.95 feet to an angle point in said southerly Right of Way line, said angle point being 30.00 feet south of the centerline of said Legacy Court as measured at right angles thereto and the POINT OF TERMINATION.

The sidelines of said strip should be prolonged or shortened so as to terminate at a line running parallel with and 6.00 feet southerly of the South line of said portion of land dedicated to the City of Visalia and the easterly prolongation thereof.

CONTAINING 815 SQUARE FEET, MORE OR LESS

SEE EXHIBIT 'B' ATTACHED HERETO AND MADE A PART HEREOF.



04/16/2024

Exhibit 2

EXHIBIT 'A' RIGHT OF WAY VACATION -PARCEL 6

LEGAL DESCRIPTION EXHIBIT Lane Project No. 23334 April 16, 2024

Being that portion of the Right of Way of Legacy Court lying within Parcel 6 of Parcel Map No. 4645, recorded in Book 47 of Parcel Maps, at Page 50, T.C.R., situated in the NE1/4 of Section 30, Township 18 South, Range 24 East, Mount Diablo Base and Meridian, in the City of Visalia, County of Tulare, State of California, more particularly described as follows:

BEGINNING at the northeast corner of that portion of land dedicated to the City of Visalia per Grant Deed recorded as Instrument No. 2018-0033605, O.R.T.C.R., said northeast corner being the beginning of a non-tangent curve concave to the South having a radius of 53.00 feet, to which beginning of curve a radial line bears North 52°50'44" West, said beginning of curve also being on the existing northerly Right of Way line of Legacy Court as shown on said Parcel Map; Thence northeasterly 61.65 feet along said curve and northerly Right of Way line through a central angle of 66°38'45"; Thence South 76°11'59" East 89.95 feet to an angle point in said northerly Right of Way line, said angle point being 30.00 feet North of the centerline of said Legacy Court as measured at right angles thereto; Thence North 89°11'45" West 142.25 feet along said northerly Right of Way line, to the POINT OF BEGINNING.

CONTAINING 1,783 SQUARE FEET, MORE OR LESS.

SEE EXHIBIT 'B' ATTACHED HERETO AND MADE A PART HEREOF.



04/16/2024

Exhibit 2

EXHIBIT 'A'

RIGHT OF WAY VACATION -PARCEL 7

LEGAL DESCRIPTION EXHIBIT

Lane Project No. 23334

April 16, 2024

Being that portion of the Right of Way of Legacy Court lying within Parcel 7 of Parcel Map No. 4645, recorded in Book 47 of Parcel Maps, at Page 50, T.C.R., situated in the NE1/4 of Section 30, Township 18 South, Range 24 East, Mount Diablo Base and Meridian, in the City of Visalia, County of Tulare, State of California, more particularly described as follows:

BEGINNING at the southeast corner of that portion of land dedicated to the City of Visalia per Grant Deed recorded as Instrument No. 2018-0033605, O.R.T.C.R., said southeast corner being the beginning of a non-tangent curve concave to the North having a radius of 53.00 feet, to which beginning of curve a radial line bears South 52°49'49" West, said beginning of curve also being on the existing southerly Right of Way line of Legacy Court as shown on said Parcel Map; Thence southeasterly 61.65 feet along said curve and southerly Right of Way line through a central angle of 66°38'46"; Thence North 76°11'03" East 89.95 feet to an angle point in said southerly Right of Way line, said angle point being 30.00 feet south of the centerline of said Legacy Court as measured at right angles thereto; Thence South 89°10'49" West 142.25 feet along said northerly Right of Way line to the POINT OF BEGINNING.

CONTAINING 1,783 SQUARE FEET, MORE OR LESS.

SEE EXHIBIT 'B' ATTACHED HERETO AND MADE A PART HEREOF.



Exhibit 2

EXHIBIT B

BASIS OF BEARINGS:

THE CENTERLINE OF LEGACY COURT BEARS
N89°59'32"E PER PM 4645.

NOTE:
ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.

RACE LEASING
GRANT DEED DOC. NO.
2018-0050295, O.R.T.C.R.

P A R C E L 6
P. N. A 45

APN 073-220-017

6.00' PUE TO BE VACATED
815 SQ. FT.

6.00' WIDE PUE TO BE
DEDICATED

L=61.65
 $\Delta=66^{\circ}38'46''$
R=53.00

S89°11'45"E 211.73

AMERICAN ST.

GRANTED TO THE CITY OF
VISALIA PER INSTRUMENT
NO. 2018-0033605, O.R.T.C.R.

BASIS OF BEARINGS

N89°59'32"E

LEGACY COURT

POB PARCEL 6
RW VACATION

POB PARCEL 7
RW VACATION

P. M.
4 8 0 0

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6.00' WIDE PUE TO BE
DEDICATED

L=61.65
 $\Delta=66^{\circ}38'46''$
R=53.00

N89°01'49"E 211.71

P. M.
3 3 0 0

6.00' WIDE PUE PER
PM 4645 TO REMAIN

30.00

RIGHT OF WAY TO BE VACATED
1,783 SQ. FT.

6.00' PUE TO BE VACATED
815 SQ. FT.

P A R C E L 1
P. N. A 45

APN 073-220-018

PICKETT FAMILY REVOCABLE TRUST
GRANT DEED DOC. NO. 2021-0063012, O.R.T.C.R.

04/16/2024

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JOB NO. 23334
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