

RESOLUTION NO. 2021 - _____

RESOLUTION ORDERING THE
SUMMARY VACATION, ABANDONMENT, AND TRANSFER
OF EXCESS PROPERTY IN THE AREA OF
SOUTH PINKHAM STREET AND EAST SEEGER AVENUE

WHEREAS, the City of Visalia, State of California, has excess right of way in the vicinity of South Pinkham Street and East Seeger Avenue that it has not used for street or highway purposes in excess for five consecutive years preceding this proposed abandonment and has been determined to excess of what is considered necessary for street or highway purposes; and

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 (State of California Streets & Highways Code, § 8300 et seq.); and

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

WHEREAS, the summary vacation requirement for a public street has been met, pursuant to section 8333 subsections (a) and (c) of the California Streets & Highways Code; and

WHEREAS, a legal description and diagram of the area to be vacated are attached hereto as Exhibits “A” and “B” and made a part hereof by reference; and

WHEREAS, this area was granted to the City of Visalia and thereafter dedicated by the City for a public purpose, street right of way, which the City of Visalia has determined does not exist over this area, the area has never been used for such needs by the City of Visalia, there are no current or planned public improvements for this excess right of way, there are no publicly owned improvements in this excess right of way, no known public utilities, and no plans that would require this area for such uses; and

WHEREAS, since the City has no need for the excess property it is hereby stating its intent to authorize the transfer of the excess property returned to the current owner of the adjacent parcel, since the excess property has been maintained and used by the adjacent parcel at all times since it was deeded to the City.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Council of the City of Visalia, pursuant to its authority under the Visalia City and the provisions stated in section 8330 through section 8336, Chapter 4 of Part 3, Division 9, entitled “Summary Vacation,” of the State of California Streets & Highways Code hereby orders the summary vacation and abandonment of the excess right of way to the north of the intersection of Seeger Avenue and Pinkham Street as described and shown in Exhibits “A” and “B” which are attached hereto and made a part hereof.

2. A public hearing is not required in this instance and the use of a summary proceeding is allowed for the vacation of this public street under California Streets and Highways Code section 8333(a) since the excess right of way has not been used for the municipal purpose that it was acquired, or any municipal purpose for more than five consecutive prior years preceding this resolution, and under California Streets and Highways Code section 8333(c), that the property to be vacated has been determined to be in excess of that required for the street improvements and there are no public facilities in the excess area.
3. The vacation and abandonment of the street shall become effective the date this Resolution is recorded and that from and after the date this resolution is recorded the identified portion is vacated and no longer constitutes a street, highway, or public service easement.
4. The City Manager is hereby authorized to transfer the excess property to the adjacent owner.

PASSED AND ADOPTED: _____, 2021

CITY CLERK

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

I, _____, City Clerk of the City of Visalia, certify the foregoing is the full and true Resolution 2021-__ passed and adopted by the Council of the City of Visalia at a regular meeting held on _____, 2021.

Dated: _____

CITY CLERK

By Michelle E. Nicholson, Chief Deputy City Clerk