

ORDINANCE NO. 2023-____

AN ORDINANCE AUTHORIZING THE SALE OF 367 SQUARE FEET OF PROPERTY LOCATED AT LOVERS LANE AND E. MILLCREEK PARKWAY

WHEREAS, the City of Visalia owns all the legal and beneficial interest in certain real property, located at the intersection of Lovers Lane and East Millcreek Parkway, APN 103-260-004 ; and

WHEREAS, the California Department of Transportation (“Caltrans”) is working on a project to rehabilitate the roadways in this area, (“Project”) a state highway project that Caltrans has full statutory authority to construct, including the right to acquire necessary property by eminent domain, and

WHEREAS, the Project, once completed, will provide a benefit to traffic flow and pedestrian access in this area; and

WHEREAS, Caltrans has informed the City that it needs to acquire a portion of APN 103-260-004 for the Project, approximately 367 square feet, 138 square feet of which is unencumbered, and 229 square feet which is subject to existing roadway easements; and

WHEREAS, City engineering staff reviewed the proposed take area and does not dispute that it would be needed for the Project based on the design prepared by Caltrans; and

WHEREAS, City staff do not anticipate any impacts to the remainder parkway property owned by the City; and

WHEREAS, state laws concerning notice requirements for surplus land sales are not applicable to purchases made under threat of condemnation by another public agency; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VISALIA:

Section 1: The Council hereby authorizes the City Manager to sell and transfer ownership of the area required by Caltrans for fair market value by a purchase and sale agreement containing reasonable terms in a form approved by the City Attorney.

Section 2: This ordinance shall go into effect thirty (30) days after its passage.

PASSED AND ADOPTED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM

City Attorney