

RESOLUTION NO. 2023 - \_\_\_\_

RESOLUTION ORDERING THE  
SUMMARY VACATION AND ABANDONMENT  
OF THE EASEMENT FOR STORM DRAIN PIPELINE MAINTENCE PURPOSES OVER  
PARCEL 6 OF PARCEL MAP 4813 RECORDED IN BOOK 49 OF PARCEL MAPS AT PAGE  
18, TULARE COUNTY RECORDS

WHEREAS, The City of Visalia, State of California, has an easement for storm drain pipeline maintenance purposes over Parcel 6 of parcel map 4813, recorded in Book 49 of Parcel Maps at Page 18, 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.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Council of the City of Visalia hereby orders the summary vacation and abandonment of the easement for storm drain over Parcel 6 of Parcel Map 4813, recorded in Book 49 at Page 18, Tulare County Records.
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 at least one of the following cases described in California Streets and Highways Code section 8333:
  - 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  - c. The easement has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement.
3. From and after the date this resolution is recorded, storm drain easement is vacated and abandoned, and no longer constitutes an easement.

PASSED AND ADOPTED: Month \_\_, 2023

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 2023-\_\_ passed and adopted by the Council of the City of Visalia at a regular meeting held on Month \_\_\_\_, 2023.

Dated: \_\_\_\_\_

Leslie B. Caviglia, CITY CLERK

\_\_\_\_\_  
By Michelle E. Nicholson, Chief Deputy City Clerk