

ORDINANCE NO. 2022-03

AN ORDINANCE AUTHORIZING THE SALE OF REAL PROPERTY  
LOCATED AT NORTHWEST CORNER OF STATE ROUTE 99 AND CALDWELL AVE

WHEREAS, the City of Visalia owns all the legal and beneficial interest in certain real property, approximately 1.48 acres in size located at northwest corner of State Route 99 and Caldwell/Avenue 280), APN 119-010-021, the property is currently being leased and used for agricultural use; and

WHEREAS, the California Department of Transportation ("Caltrans") is working on a project to improve the interchange between Caldwell/Avenue 280 and State Route 99, ("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 access between Caldwell Avenue and State Route 99; and

WHEREAS, Caltrans has informed the City that it needs to acquire a portion of APN 119-010-021 for the Project, approximately 1.48 acres of property that it needs to permanently acquire and an additional 3,854 square feet of property that Caltrans would need on a temporary basis during construction of the Project; 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, 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: The City Manager is also authorized to revise the current lease of the subject property with the tenant to accommodate this sale being made under threat of condemnation.

Section 3: This ordinance shall go into effect thirty (30) days after its passage.

PASSED AND ADOPTED:

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Mayor

ATTEST:

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City Clerk

APPROVED AS TO FORM

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City Attorney