

RESOLUTION NO. 2025 - 61

RESOLUTION ORDERING THE
SUMMARY VACATION AND ABANDONMENT PORTION OF
MILL CREEK TRAIL EAST OF DEMAREE

WHEREAS, the City of Visalia, owns and operates the Mill Creek Trail, a pathway located generally along Mill Creek, including the subject property portion east of Demaree along Assessor Parcel Numbers 089-25-046, 089-25-047, 089-25-048, 089-25-049, 089-35-044, and 089-25-045; and

WHEREAS, this area was acquired by the City through a dedication made by the property owner as part of the development of the adjacent property; 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 in § 8330 – 8336, Chapter 4 of Part 3, Division 9, entitled “Summary Vacation,” of the State of California Streets & Highways Code; and

WHEREAS, the Mill Creek Trail is a paved pathway used by the public, qualifying as a “public service easement” as that term is defined in Streets & Highways Code § 8306.

WHEREAS, City staff have determined that a portion of the previously dedicated right of way for the Mill Creek Trail, approximately 5.5’ in width along the property line and legal described in Exhibit “A” which is attached hereto and made a part hereof by reference, is in excess of what is required for the Mill Creek Trail, not necessary for municipal purposes, and there are no public facilities located within this area, which allows for the use of the summary process to abandon a public service easement under Streets & Highways Code § 8333(c); and

WHEREAS, City staff have determined that no other entities have any right, title, or interest in that portion of the public service easement being proposed to be vacated.

WHEREAS, City staff have determined that this abandonment of a portion of the trail right of way constitutes a minor realignment of the trail that does not impact public access, usage, and operation of the trail.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Council of the City of Visalia hereby orders the summary vacation and abandonment of that portion of the Mill Creek Trail described above and in the legal description attached to this Resolution as Exhibit “A” which is made a part hereof by reference.
2. A public hearing is not required, and the use of a summary proceeding is allowed for the vacation of this portion of the Mill Creek Trail public service easement by the City Council having determined under California Streets and Highways Code pursuant to the provisions in § 8330 – 8336, Chapter 4 of Part 3, Division 9, specifically §

8333(c) that permits the summary vacation of a public service easement when it has been determined to be in excess of what is for municipal purposes and there are no other public facilities located in this portion of the public service easement. In this instance the City Council has determined that the portion of the public service easement to be abandoned is in excess of what is required by the City of Visalia and there are no other public facilities located within this portion of the easement.

3. The City Council further determines that the provisions of Government Code § 65402 concerning the administration of the general plan over streets, highways, and public service easements, does not apply to this abandonment as it is a project of a minor nature impacting the alignment of the trail and public access and use of the trail are not being impacted.
4. From and after the date this resolution is recorded, this portion of the Mill Creek Trail public service easement is vacated and abandoned.
5. Pursuant to Government Code § 66477.5(c) when a local agency that has been dedicated property for a public purpose has determined that same public purpose for which dedication was required does not exist, then the public agency shall reconvey the property to the developer or successor in interest. Under these requirements since this portion of the Mill Creek Trail, that was dedicated to the City of Visalia, has been determined to no longer be necessary for municipal purposes the City Manager is directed to sign a deed reconveying any interest held by the City over that portion of the trail being vacated by this resolution to the adjacent property owner as the successor in interest. All other portions of the Mill Creek Trail shall remain property of the City of Visalia and remain in use for municipal purposes.

PASSED AND ADOPTED: _____, 2025

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 2025-61 passed and adopted by the Council of the City of Visalia at a regular meeting held on Month __, 2025.

Dated: _____

Leslie B. Caviglia , CITY CLERK

By Reyna Rivera, Chief Deputy City Clerk

EXHIBIT 'A'

Mill Creek Abandonment
Lane Engineers, Inc. Job No. 22078
March 26, 2025

LEGAL DESCRIPTION:

A portion of Mill Creek as described in Grant Deed recorded as Document No. 2003-0022263, O.R.T.C.R., situated in the South Half of Section 25, 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:

Commencing at the Northwest corner of Parcel 6 of Parcel Map No. 2323, recorded in Book 24 of Parcel Maps, at Page 24, T.C.R.;

Thence South 00°50'15" East 88.37 feet along the West line of said Parcel 6 to the Southwest corner of said Mill Creek;

Thence North 74°28'51" East 17.76 feet along the South line of said Mill Creek to the TRUE POINT OF BEGINNING;

Thence leaving said South line North 63°24'08" East 9.45 feet;

Thence North 55°19'33" East 7.42 feet;

Thence North 46°53'43" East 7.42 feet;

Thence North 51°20'22" East 6.25 feet;

Thence North 64°00'51" East 13.34 feet;

Thence North 72°18'12" East 11.62 feet;

Thence North 76°21'37" East 9.86 feet;

Thence North 85°11'05" East 9.19 feet;

Thence North 87°13'37" East 12.93 feet;

Thence North 87°35'32" East 160.05 feet;

Thence North 89°32'40" East 211.16 feet;

Thence North 89°47'02" East 138.06 feet;

Thence South 89°41'29" East 97.53 feet;

Thence North 88°26'02" East 147.39 feet;

Thence North 89°04'07" East 160.00 feet;

Thence South 89°09'44" East 56.88 feet;

Thence North 89°13'20" East 146.20 feet;

Thence North 89°37'15" East 96.84 feet;

Thence North 88°54'28" East 81.97 feet;

Thence South 89°40'56" East 23.17 feet;

Thence South 89°04'18" East 16.88 feet;

Thence South 87°49'25" East 30.98 feet;
Thence South 85°14'35" East 66.51 feet;
Thence South 78°14'01" East 25.56 feet;
Thence South 73°03'56" East 27.91 feet;
Thence South 67°01'38" East 31.93 feet to a point of cusp on a non-tangent curve, concave to the south, having a radius of 470.00 feet, the initial radial of which bears North 19°24'45" East;
Thence along said South line of said Mill Creek through the following courses:
 Westerly along said curve 164.45 feet through a central angle of 20°02'52";
 South 89°21'45" West 325.97 feet to the West line of Parcel 1 of Parcel Map No. 3164, recorded in Book 32 of Parcel Maps, at Page 65, T.C.R.;
 North 00°38'15" West 1.11 feet along said West line;
 South 89°21'45" West 346.10 feet to the West line of Parcel 2 of said Parcel Map No. 2323;
 South 00°38'15" East 2.00 feet along said West line;
 South 89°21'45" West 663.37 feet;
 South 74°28'51" West 100.67 feet to the TRUE POINT OF BEGINNING.

CONTAINING 10,367 SQUARE FEET OR 0.24 ACRES MORE OR LESS.

END OF DESCRIPTION.



03/26/2025