

RESOLUTION NO. 2021 - ____

RESOLUTION ORDERING THE
SUMMARY VACATION AND ABANDONMENT
OF A TEMPORARY EASEMENT FOR STORM DRAINAGE PURPOSES OVER THE
REMAINDER OF PARCEL MAP NO. 4516, RECORDED IN BOOK 46 OF PARCEL MAPS AT
PAGE 21, TULARE COUNTY RECORDS IN EXCESS OF WHAT THE CITY NEEDS FOR
DRAINAGE COLLECTION PURPOSES

WHEREAS, the City of Visalia, State of California, has a temporary easement for storm drainage purposes over the Remainder of Parcel Map No. 4516, recorded in Book 46 of Parcel Maps at Page 21, Tulare County Records, in excess of what the City needs for drainage collection 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 in Section 8330 – 8336, Chapter 4 of Part 3, Division 9, entitled “Summary Vacation,” of the State of California Streets & Highways Code; and

WHEREAS, the City has reviewed the area dedicated and determined that the area described herein over said Remainder of Parcel Map No. 4516 were not needed by the City and were not used in the construction of the necessary public facilities; and

WHEREAS, the summary vacation requirement for a public service easement has been met, pursuant to Section 8333(a) of the California Streets & Highways Code, that the public drainage easement has not been used for the purpose for which it was dedicated for a period of more than five consecutive years preceding this vacation; and

WHEREAS, the summary vacation requirement for a public service easement has been met, pursuant to Section 8333(c) of the California Streets & Highways Code, that the easement has been determined to be in excess by the easement holder, the City of Visalia, and there are no other public facilities located within the easement.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Council of the City of Visalia hereby orders the summary vacation and abandonment of the Temporary Easement for Storm Drainage Purposes over the Remainder of Parcel Map No. 4516, recorded in Book 46 of Parcel Maps at Page 21, 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 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 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, the portion of the public drainage easement referenced herein no longer constitutes an easement.
4. The City Manager is authorized to execute any deeds, if required, to effectuate this vacation and termination.

PASSED AND ADOPTED: November __, 2021

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 2021-__ passed and adopted by the Council of the City of Visalia at a regular meeting held on October __, 2021.

Dated: _____

Leslie B. Caviglia, CITY CLERK

By Michelle E. Nicholson, Chief Deputy City Clerk