

RESOLUTION NO. 2023 - ____

RESOLUTION ORDERING THE
SUMMARY VACATION AND ABANDONMENT
OF LOT C, LOT D AND THE EASEMENT FOR INGRESS/EGRESS OVER PARCEL 9 OF
PARCEL MAP 4869 RECORDED IN BOOK 49 OF PARCEL MAPS AT PAGE 74, TULARE
COUNTY RECORDS

WHEREAS, The City of Visalia, State of California, has an easement for Ingress/Egress over Parcel 9 of Parcel Map 4869, recorded in Book 49 of Parcel Maps at Page 74, Tulare County Records.

WHEREAS, The City of Visalia, State of California, has been dedicated through map the Lot C and Lot D for landscaping, sidewalk, and the maintenance thereof, of Parcel Map 4869, recorded in Book 49 of Parcel Maps at Page 74, Tulare County Records; 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 (California Streets & Highways Code, Section 8300 et seq.); and

WHEREAS, The City Council of the City of Visalia may terminate and abandon an offer of dedication of real property in the same manner as a street, highway, or public service easement vacation under California Government Code 7050; 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, all entities having any right, title, or interest in the public service easement being vacated have been notified of this action; and

WHEREAS, this summary vacation is being made due to development of a Visalia RV Storage Park on Parcel Map 4869 per Conditional Zoning Agreement No. 2019-10. With this development the location of current access easements, Lot C and Lot D are being relocated; and

WHEREAS, the summary vacation requirement for the public service easement over Parcel 9 of Parcel Map 4869 has been met, pursuant to Section 8333(a) and Section 8333(c) of the California Streets & Highways Code, that the easement to the City of Visalia for ingress/egress over Parcel 9 of Parcel Map 4869 has not been used for the five consecutive years immediately preceding the proposed vacation, and has been superseded by relocation and there are no other existing public facilities within the easement; and

WHEREAS, the summary vacation requirement for Lot C and Lot D of Parcel Map 4869 has been met, pursuant to Section 8330(a) of the California Streets & Highways Code, that this property has been superseded by relocation.

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 Ingress/Egress over Parcel 9 of Parcel Map 4869, recorded in Book 49 at Page 74, 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, the Ingress/Egress easement referenced herein no longer constitutes an easement.

THEREFORE, BE IT FURTHER RESOLVED AS FOLLOWS:

1. The Council of the City of Visalia hereby orders the summary vacation and abandonment of dedicated Lot C and Lot D of Parcel Map 4869, recorded in Book 49 at Page 74, Tulare County Records.
2. A public hearing is not required, and the use of a summary proceeding is allowed for the vacation of dedicated Lot C and Lot D by having met the California Streets and Highways Code Section 8330:
 - a. The legislative body of a local agency may summarily vacate a street or highway that has been superseded by relocation.
 - b. A street or highway shall not be summarily vacated pursuant to this section if vacation would do either of the following:
 1. Cut off all access to a person's property which, prior to relocation, adjoined the street or highway.
 2. Terminate a public service easement unless the easement satisfies the requirements of Section 8333.
3. From and after the date this resolution is recorded, Lot C and Lot D of Parcel Map 4869, recorded in Book 49 at Page 74, Tulare County Records are vacated and abandoned, and no longer constitute dedicated lots for landscaping, sidewalk, and the maintenance thereof.

PASSED AND ADOPTED: _____, 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 _____, 2023.

Dated: _____

Leslie B Caviglia, CITY CLERK

By Michelle E. Nicholson, Chief Deputy City Clerk