

RESOLUTION 2021__

**CITY OF VISALIA
RESOLUTION OF NECESSITY
SHIRK STREET ENHANCEMENT PROJECT**

WHEREAS, the City of Visalia (hereinafter referred to as “City”) is a municipal corporation and charter law city organized and existing pursuant to the laws of the State of California; and,

WHEREAS, City has identified that portions of the following properties (legal descriptions and drawings showing the impacted area of each property are attached to this Resolution in general each of these properties are located on the eastern side of Shirk Street between Riggin Avenue and Goshen Avenue in Visalia) that would be impacted by the Shirk Street Enhancement Project, a project to complete the widening of the east side of Shirk Street to its fully planned width:

APN - 077-780-003 – See Exhibit 1 (Scalia Inc. property)

APN – 077-640-001 – See Exhibit 2 (James and Lindsey DeGroot property)

APN – 077-650-001- See Exhibit 3 (Rocky Floyd White property)

WHEREAS, City, pursuant to Article III of its charter, may acquire, maintain, and operate property inside or outside of the city limits for the construction of streets, roads, curbs, gutters, storm drainage and wastewater conveyance facilities, and for the improvement of the public safety may acquire such property for pedestrian and vehicular travel and circulation, all of which are purposes and activities of the City; and

WHEREAS, City is acquiring portions of the properties described in this Resolution to improve and enhance Shirk Street, specifically to improve pedestrian and vehicular circulation by constructing the east side of the street to its fully planned width to provide four lanes for vehicle travel, along with curb, gutter, and bike lanes; and

WHEREAS, the City of Visalia Traffic Circulation Element to its General Plan has identified this project as one the City needs to complete within the current planning period, expiration 2030, to meet increased traffic demands due to the growth in this area; and

WHEREAS, for years portions of Shirk Street have been a two-lane street while some sections have expanded further as adjacent development has incurred in most instances the additional lanes cannot be fully utilized because sections of Shirk Street remain two lanes; and

WHEREAS, the Shirk Street Enhancement Project will complete the fully planned street width on the east side of Shirk within the project area and is intended to improve the level of service provided by the roadway; and

WHEREAS, each of the properties described herein is necessary for the proposed project, the street cannot be widened to match the planned width of Shirk Street without each of these properties and the planned curb, gutter, and bike lane improvements cannot be built without the portions of each of the identified properties; and

WHEREAS, City obtained an appraisal of the areas that it must acquire to construct the street improvements and made an offer to purchase each portion of property at the appraised value pursuant to the provisions of California Government Code Section 7267.2, however no negotiated purchase has been reached; and

WHEREAS, City provided notice of hearing to the owner of record of each property and provided them with an opportunity to be heard prior to the adoption of this resolution; and

NOW, THEREFORE, BE IT RESOLVED, by the Visalia City Council that:

1. The officers of City are authorized and directed to cause the appropriate civil litigation to be instituted to acquire for City by condemnation the portion of real property described in the attached Exhibits:
 - a. Exhibit 1 refers to portions of APN 077-780-003 owned by Scalia Inc. This exhibit contains a legal description and drawing of the land to be permanently acquired, approximately 27,012 square feet in size.
 - b. Exhibit 2 refers to a portion of APN 077-640-001 owned by James and Lindsey DeGroot. This exhibit contains a legal description and drawing of the land to be permanently acquired, approximately 17,940 square feet in size.
 - c. Exhibit 3 refers to a portion of APN 077-650-001 owned by Rocky Floyd White. This exhibit contains a legal description and drawing of the land to be permanently acquired, approximately 30,567 square feet in size.
2. The public use and purpose of the project is to construct street improvements, specifically vehicle travel lanes, curb, gutter, and bike lanes.
3. The City is authorized by its charter and by state law to acquire real property and real property interests to construct street improvements.
4. The public interest and necessity require the proposed project. (CCP¹ § 1245.230(c)(1).)

¹ References herein to CCP sections shall be to sections of the California Code of Civil Procedure.

5. The proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury. (CCP § 1245.230(c)(2).)
6. The property described in this Resolution and the referenced Exhibits is necessary for the property project. (CCP § 1245.230(c)(3).)
7. The City hired a professional appraiser licensed by the State of California to provide an appraisal of the properties described in this Resolution, the Visalia City Council reviewed the appraisals once completed and established the appraised values as just compensation for each property and those amounts were used in the written offers meeting the requirements of Government Code section 7267.2 that were mailed to the property owners. CCP § 1245.230(c)(4).)
8. Pursuant to the requirements of CCP § 1245.235, the City provided written notice to the owner of record of this hearing.

PASSED AND ADOPTED: