

RESOLUTION NO. 2025 - 79

RESOLUTION ORDERING THE
SUMMARY VACATION AND ABANDONMENT
OF THE ALLEYWAY BETWEEN LOTS 1 THROUGH 8 OF PARKSIDE TRACT AND
RESERVING AND EXCEPTING FROM THE VACATION A PUBLIC SERVICE EASEMENT

WHEREAS, The City of Visalia, State of California, owns the alleyway between Lots 1 through 8 of Parkside Tract subdivision, recorded in Volume 12 of Subdivision Maps, at Page 5, Tulare County Records, that has been determined to be excess right-of-way of a street or highway not required for street or highway purposes; and

WHEREAS, The City of Visalia, State of California, owns the alleyway between Lots 1 through 8 of Parkside Tract subdivision, recorded in Volume 12 of Subdivision Maps, at Page 5, Tulare County Records, and there are in-place public utility facilities that are in use in; 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 summary vacation requirement has been met, pursuant to §8334(a) of the California Streets & Highways Code it has been determined that the alleyway, which was to maintain access to rear garages of single family residences, is not required for street or highway purposes, since the majority of the properties along the alley are not used for residences, and is in excess of what is required since all properties along the alleyway have property access to a roadway without the alley, while public utilities are in place in the alleyway a public service easement is being reserved for their continued usage; and

WHEREAS, that the provisions of Government Code section 65402 concerning administration of the general plan or general plan elements do not apply to this abandonment as it is a project of a minor nature impacting an alleyway not a local street recognized under the circulation element of the City of Visalia General Plan; and

WHEREAS, the reservation of easement proceedings is to be conducted pursuant to the provisions in § 8340 – 8349, Chapter 5 of Part 3, Division 9, entitled “Reservation and Preservation of Easements,” of the State of California Streets & Highways Code; and

WHEREAS, there are in-place public utility facilities that are in use in the alleyway between Lots 1 through 8 of Parkside Tract, the public convenience and necessity require the City to reserve and except from the vacation any easement and right necessary to maintain, operate, replace, remove, or renew the public utility facilities, pursuant to §8340(c) and §8341(a) of the California Streets & Highways Code.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Council of the City of Visalia hereby orders the summary vacation and abandonment of the alleyway between Lots 1 through 8 of Parkside Tract.
2. A public hearing is not required, and the use of a summary proceeding is allowed for the vacation of these public service easements by having met at least one of the following cases described in California Streets and Highways Code Section 8334(a):
 - a. An excess right-of-way of a street or highway not required for street or highway purposes.
3. From and after the date this resolution is recorded, the alleyway is vacated and no longer constitutes a street or highway.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Council of the City of Visalia hereby orders the reservation and excepts from the vacation, a public service easement in the same alleyway between Lots 1 through 8 of Parkside Tract subdivision, recorded in Volume 12 of Subdivision Maps, at Page 5, Tulare County Records. as there are in-place public utility facilities that are in use at this location.
2. From and after the date this resolution is recorded, a public service easement over the in-place public utility facilities in the current alleyway is reserved and excepted from the summary vacation under Streets and Highways Code section 8340(c) as necessary to maintain, operate, replace, remove, or renew these public utility facilities.

PASSED AND ADOPTED: December 15, 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 2025-79 passed and adopted by the Council of the City of Visalia at a regular meeting held on December 15, 2025.

Dated: _____

Leslie B. Caviglia , CITY CLERK

By Reyna Rivera, Chief Deputy City Clerk