



# CITY OF LODI

## COUNCIL COMMUNICATION

AGENDA TITLE: Improvement Deferral Agreement for 404 North Calaveras Street  
(Lodi Grape Festival and Harvest Fair Grounds)

MEETING DATE: January 3, 1996

PREPARED BY: Public Works Director

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RECOMMENDED ACTION: That the City Council approve the Improvement Deferral Agreement for off-site improvements (sidewalks and commercial driveway approaches) along the Lockeford Street frontage of the Lodi Grape Festival and Harvest Fair Grounds, and direct the City Manager and City Clerk to execute the Improvement Deferral Agreement (see attached Exhibit A) on behalf of the City.

BACKGROUND INFORMATION: The subject property is located on Lockeford Street, between Calaveras Street and Cherokee Lane (see attached Exhibit B). The Lodi Grape Festival and Harvest Fair Association has submitted a construction application for a building permit to construct a storage building on the subject site. Existing City ordinances and policies as set forth in Title 15, Chapter 15.44 of the Lodi Municipal Code require the installation of off-site improvements in conjunction with this project. The improvements consist of installation of sidewalks and commercial driveway approaches along the Lockeford Street frontage. Since the City plans to widen Lockeford Street in the future, the Public Works Director has determined it would be in the best interest of the City to have the required sidewalk and driveway installation work done at a later date. The owner of the property, San Joaquin County, has dedicated the additional right-of-way required to accomplish the future street widening and requests that the final inspection and certificate of occupancy for the storage building be issued prior to the completion of the off-site improvements.

FUNDING: Not applicable.

  
Jack L. Ronsko  
Public Works Director

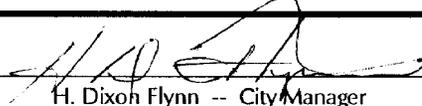
Prepared by Sharon A. Welch, Associate Civil Engineer

JLR/SAW/lm

Attachments

cc: City Attorney  
Lodi Grape Festival and Harvest Fair  
San Joaquin County

APPROVED: \_\_\_\_\_

  
H. Dixon Flynn -- City Manager

WHEN RECORDED, RETURN TO:

City Clerk  
City of Lodi  
221 West Pine Street  
Lodi, CA 95240

A-95-1132

IMPROVEMENT DEFERRAL AGREEMENT  
APN 041-240-0029

THIS AGREEMENT is made and entered into by and between the CITY OF LODI, hereinafter referred to as "City" and the COUNTY OF SAN JOAQUIN, hereinafter referred to as "Owner".

RECITALS:

Owner is the owner of that certain real property situated in the City of Lodi, County of San Joaquin, and described as follows:

Commencing at the Southeast corner of the Northeast quarter of Section 1, Township 3 North, Range 6 East, Mount Diablo Base and Meridian, and running thence along the East line of said Section 1, North 660 feet; thence North 89° 42' 30" West 1320 feet; thence south parallel to the East line of said Section 1, 749.1 feet; thence North 86° 26' East 1322.6 feet to the point of beginning and containing 21.35 acres, more or less.

A construction application (#9546) for a building permit has been submitted for construction of a storage building on the subject parcel. Existing City ordinances and policies as set forth in Title 15, Chapter 15.44 of the Lodi Municipal Code require the installation of off-site improvements, specifically installation of sidewalks and commercial driveways, in conjunction with this project. However, the Public Works Director has determined that it would be in the best interest of the City to have the required sidewalk and commercial driveway installation work done at a later date subject to the conditions listed below. Owner therefore requests final inspection and issuance of a Certificate of Occupancy for the subject project prior to the completion of the off-site improvements.

Council of the City will approve the issuance of a Certificate of Occupancy on condition that the owner first enter into and execute this agreement with the City.

NOW THEREFORE, in order to insure satisfactory performance by Owner of Owner's obligations under said City Code, the parties agree as follows:

1. Owner will pay for and complete installation of sidewalks and commercial driveways conforming to City standards along Lockeford Street between Calaveras Street and Cherokee Lane upon written request from the City of Lodi. Construction to be completed within 90 days of the date of the written request.
2. If Owner fails to complete the required improvements within the time period specified in Item #1 above, the City is hereby authorized to complete the improvements for the account and the expense of Owner, and the Owner shall be liable to City for any excess cost or damage occasioned City thereby.
3. This agreement shall run with the land and be binding on the Owner, its heirs, successors or assigns.

- 4. A copy of the Agreement shall be recorded in the office of the San Joaquin County Records, P. O. Box 1968, Stockton, California 95201-1968.
- 5. All notices herein required shall be in writing, and delivered in person or sent by registered mail, postage prepaid.

Notices required to be given to City shall be addressed as follows:

Jack L. Ronsko  
 Public Works Director  
 City of Lodi  
 P. O. Box 3006  
 Lodi, CA 95240-1910

Notices required to be given to Owner shall be addressed as follows:

San Joaquin County  
 Director of Public Works  
 Post Office Box 1810  
 Stockton, CA 95201-1810

IN WITNESS WHEREOF, the parties hereto have set their hands the day, month and year appearing opposite their names.

CITY OF LODI, a Municipal Corporation

Dated: \_\_\_\_\_ 199\_\_

By: \_\_\_\_\_

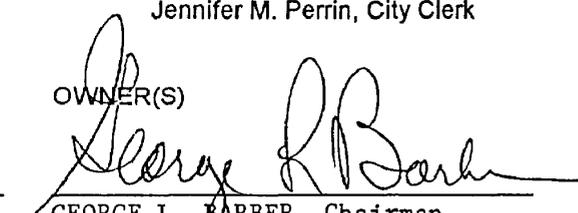
H. Dixon Flynn, City Manager

Attest: \_\_\_\_\_

Jennifer M. Perrin, City Clerk

OWNER(S)

Dated: DEC 05 1985 199\_\_



GEORGE L. BARBER, Chairman  
Board of Supervisors

APPROVED AS TO FORM: TERRENCE R. DERMODY  
County Counsel

By: Michael McGreen

Approved as to form: \_\_\_\_\_

Randall A. Hays  
City Attorney

Dated: \_\_\_\_\_ 199\_\_

**CALIFORNIA ALL-PURPOS ACKNOWLEDGMENT**

*Exhibit A*

ATTACHMENT TO IMPROVEMENT DEFERRAL AGREEMENT APN 041-240-0029

State of California

County of San Joaquin

On December 19, 1995 before me, Eileen L. Ramirez  
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared GEORGE L. BARBER, Chairman of the Board of Supervisors  
Name(s) of Signer(s)

personally known to me -- **OR** --  proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Eileen L. Ramirez  
Signature of Notary Public

**OPTIONAL**

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer  
Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_

**RIGHT THUMBPRINT OF SIGNER**  
Top of thumb here

Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer  
Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_

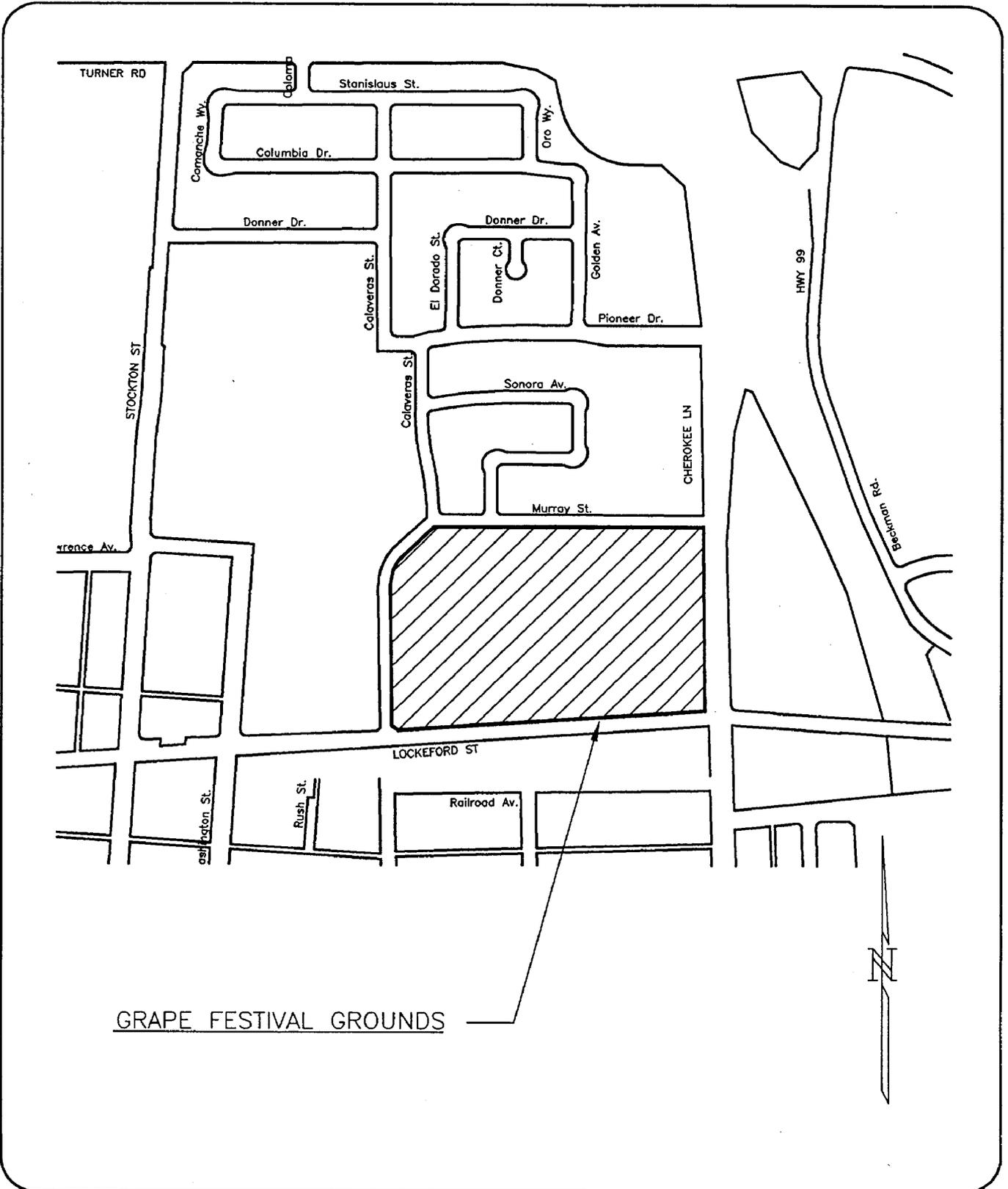
**RIGHT THUMBPRINT OF SIGNER**  
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Signer Is Representing: \_\_\_\_\_



CITY OF LODI  
PUBLIC WORKS DEPARTMENT

LODI GRAPE FESTIVAL  
GROUNDS



CITY COUNCIL

DAVID P. WARNER, Mayor  
PHILLIP A. PENNINO  
Mayor Pro Tempore  
RAY G. DAVENPORT  
STEPHEN J. MANN  
JACK A. SIEGLOCK

# CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 333-6706  
FAX (209) 333-6842

H. DIXON FLYNN  
City Manager  
JENNIFER M. PERRIN  
City Clerk  
RANDALL A. HAYS  
City Attorney

December 27, 1995

Mr. Mark Armstrong  
Lodi Grape Festival and Harvest Fair  
413 East Lockeford Street  
Lodi, CA 95240

San Joaquin County  
Director of Public Works  
P. O. Box 1810  
Stockton, CA 95201-1810

**SUBJECT: Improvement Deferral Agreement for 404 North Calaveras Street  
(Lodi Grape Festival and Harvest Fair Grounds)**

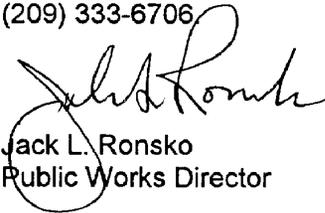
Enclosed is a copy of background information on an item on the City Council agenda of Wednesday, January 3, 1996, at 7 p.m. The meeting will be held in the City Council Chamber, Carnegie Forum, 305 West Pine Street.

This item is on the consent calendar and is usually not discussed unless a Council Member requests discussion. The public is given an opportunity to address items on the consent calendar at the appropriate time.

If you wish to write to the City Council, please address your letter to City Council, City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the mail. Or, you may hand-deliver the letter to the City Clerk at 305 West Pine Street.

If you wish to address the Council at the Council meeting, be sure to fill out a speaker's card (available at the Carnegie Forum immediately prior to the start of the meeting) and give it to the City Clerk. If you have any questions about communicating with the Council, please contact Jennifer Perrin, City Clerk, at (209) 333-6702.

If you have any questions about the item itself, please call Sharon Welch at (209) 333-6706



Jack L. Ronsko  
Public Works Director

JLR/lm

Enclosure

cc: City Clerk