



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Vacation of Public Utility Easement at 400 South Beckman Road

MEETING DATE: January 3, 1996

PREPARED BY: Public Works Director

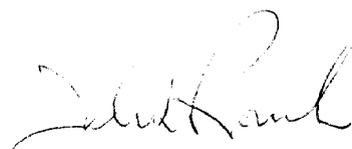
RECOMMENDED ACTION: That the City Council adopt a resolution vacating the public utility easement at 400 South Beckman Road at the request of R.E. Services, property owner.

BACKGROUND INFORMATION: A five-foot public utility easement was dedicated in 1959 across a large parcel of land lying between Cherokee Lane and the southerly extension of Cluff Avenue. The property subsequently has been subdivided into smaller parcels and State Highway 99.

The proposed public utility easement to be abandoned is only that portion lying east of Beckman Road currently owned by R.E. Services (see Exhibit A). This portion of the five-foot public utility easement has never been used. The developer of the properties will dedicate easements for any necessary services required for future development.

Under Section 8333 of the Streets and Highways Code, a local agency may summarily vacate an easement if "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." This Department therefore recommends the request to abandon this easement be granted without Planning Commission referral or the normal posting, publishing, and public hearing.

FUNDING: Not applicable.


Jack L. Ronsko
Public Works Director

Prepared by Jeannie Matsumoto, Senior Engineering Technician

JLR/JM/lm

Attachments

cc: City Attorney
Associate Civil Engineer
R.E. Services
Baumbach & Piazza

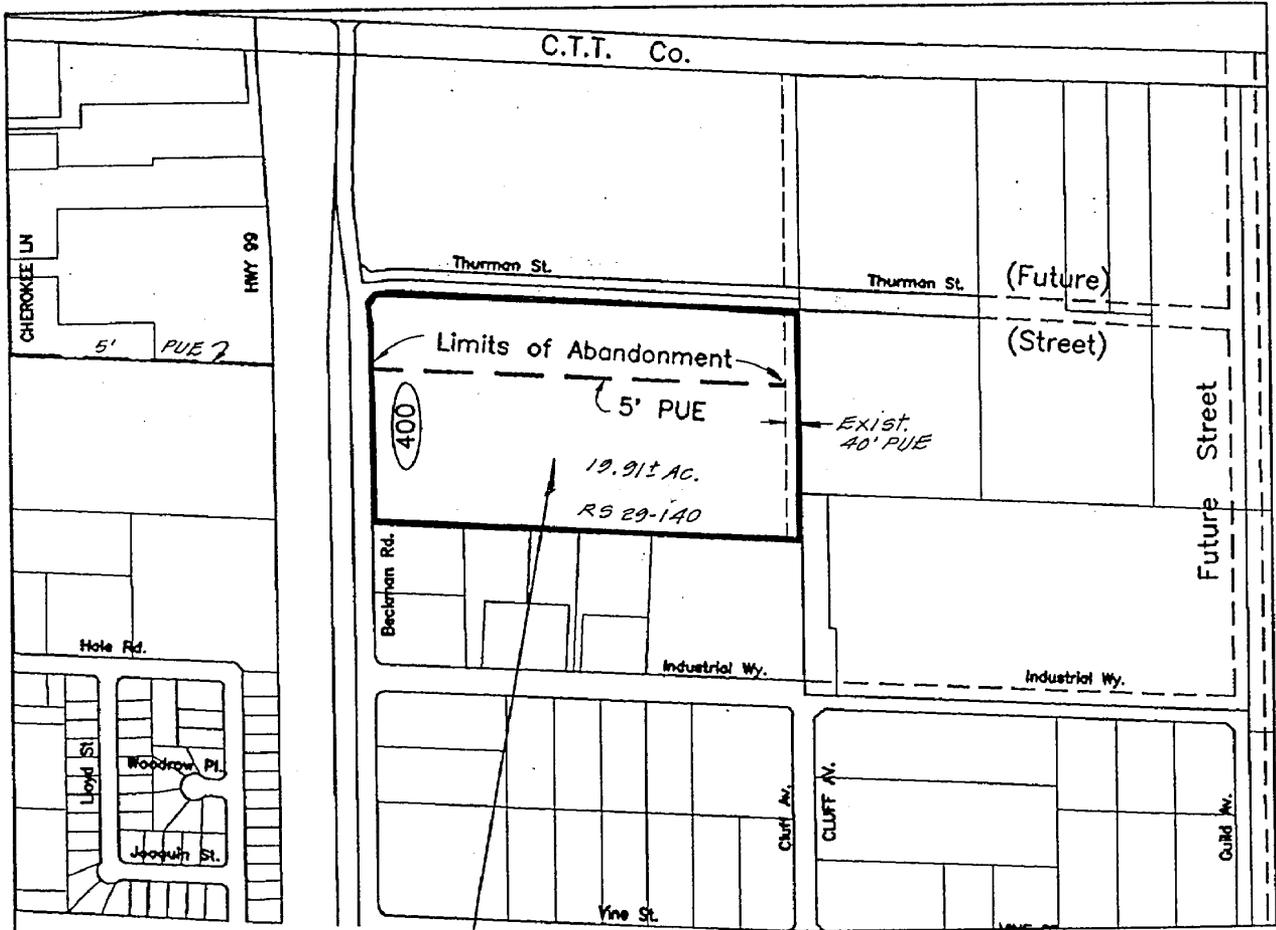
APPROVED: _____


H. Dixon Flynn -- City Manager



CITY OF LODI
PUBLIC WORKS DEPARTMENT

EASEMENT
ABANDONMENT



PROPOSED ABANDONMENT
OF 5' PUE

N.T.S.

CITY COUNCIL

DAVID P. WARNER, Mayor
PHILLIP A. PENNINO
Mayor Pro Tempore
RAY C. 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

R E Service Co., Inc.
400 S. Beckman Rd.
Lodi, CA 95240

Baumbach & Piazza
323 W. Elm St.
Lodi, CA 95240

SUBJECT: Vacation of Public Utility Easement at 400 South Beckman Road

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, Associate Civil Engineer, at 333-6706.



Jack L. Ronsko
Public Works Director

JLR/lm

Enclosure

cc: City Clerk

PLEASE RECORD AND RETURN TO:
Jennifer M. Perrin, City Clerk
P.O. Box 3006
Lodi, CA 95241-1910

RESOLUTION NO. 96-01

A RESOLUTION OF THE LODI CITY COUNCIL
VACATING THE PUBLIC UTILITY EASEMENT
AT 400 SOUTH BECKMAN ROAD

WHEREAS, on July 3, 1959, there was dedicated an easement for public utilities located at 400 South Beckman Road, Lodi, more particularly described as follows:

The South Five (5) feet of the following described property:

The South one-half of the North 55¼ acres of the fractional Northwest Quarter of Section 7, Township 3 North, Range 7 East, Mount Diablo Base and Meridian.

EXCEPT THEREFROM that portion in State Highway on the West.

ALSO EXCEPT that portion conveyed to the State of California in deed recorded December 31, 1958 in Book of Official Records, Vol. 2131, page 51, San Joaquin County records.

WHEREAS, the owners of 400 South Beckman Road, have requested that the City of Lodi abandon the portion of said easement within the boundaries of their parcel (APN 049-070-058), said parcel being shown on the Record of Survey recorded in Book 29 of Surveys, page 140 on September 25, 1987 in the Office of the County Recorder of San Joaquin County; and

WHEREAS, 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; and

WHEREAS, the Streets and Highways Code of the State of California, Sections 8330 and 8333 provide that the legislative body of a local agency may summarily vacate a public service easement if 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; and

WHEREAS, pursuant to the requirements of Government Code Section 27288.1, the name of the owner of the title or interest 400 South Beckman Road as it appeared at the time and in the document creating the interest, right or encumbrance is as follows:

W. G. Micke

WHEREAS, in accordance with Streets and Highways Code Section 8300 et. seq., it is the desire of the City Council of the City of Lodi to vacate such easement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lodi as follows:

That the public utility easement located at 400 South Beckman Road (APN 049-070-058), said parcel being shown on the Record of Survey recorded in Book 29 of Surveys, page 140 on September 25, 1987 in the Office of the County Recorder of San Joaquin County be vacated; and

That from and after the date this resolution is recorded, such easement will no longer constitute a public service easement.

Dated: January 3, 1996

I hereby certify that Resolution No. 96-01 was passed and adopted by the City Council of the City of Lodi in a regular meeting held January 3, 1996, by the following vote:

AYES: COUNCIL MEMBERS - Davenport, Mann, Pennino, Sieglock
and Warner (Mann)

NOES: COUNCIL MEMBERS - None

ABSENT: COUNCIL MEMBERS - None


JENNIFER M. PERRIN
City Clerk