



# CITY OF LODI

## COUNCIL COMMUNICATION

AGENDA TITLE: Improvement Agreement for 929 South Cherokee Lane (APN 047-390-007)

MEETING DATE: January 3, 1996

PREPARED BY: Public Works Director

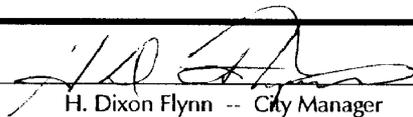
**RECOMMENDED ACTION:** That the City Council approve the terms of an Improvement Agreement for the installation of frontage improvements at 929 South Cherokee Lane and authorize the City Manager to sign an agreement containing the authorized conditions without further Council action.

**BACKGROUND INFORMATION:** The owner of the property, Mr. Walter Tecklenberg, has applied for a building permit (Construction Application 9557) to connect an existing auto detail shop on the property to the public sanitary sewer. The auto detail shop is operated by Mr. Robert Haro. As a condition of the building permit for the sewer connection, the owner has been required to pay for the installation of a 4-inch sewer service lateral to be installed by City crews (\$800.00), a sewer capacity fee of one sewer service unit (\$2,099.00) and fees for an outstanding reimbursement agreement (79S02) for the sewer main fronting his property (\$3,372.43). Copies of the permit conditions and billing sent to the owner are attached as Exhibit A. Mr. Tecklenberg and Mr. Haro have questioned the fees for the reimbursement agreement and would like them waived. Mr. Haro suggested that the money would be better spent on other improvements, such as curb, gutter and sidewalk.

The auto detail shop is located on the north side of the parcel (see attached Exhibit B). When the sanitary sewer main south of Mr. Tecklenberg's property was installed in 1970, a manhole was constructed at the south property line and a service lateral was stubbed to the west to serve a residence on the property. The flower shop located on the south side of the subject parcel is also currently connected to the public sewer using this lateral. These connections would not have been allowed under current City standards without extending the sewer main along the entire parcel frontage. In 1979, a sanitary sewer main was installed across the frontage of the subject property in conjunction with a development to the north. A reimbursement agreement was executed with the developer installing this sewer main to recover his costs when the subject property connected to the main. Under the terms of the agreement, any monies collected after May 7, 1989 would be retained by the City. The existing sewer service connection on the south side of the property is not deep enough to serve the auto detail shop. Therefore, a new service connection will have to be provided from the sewer main covered by the reimbursement agreement.

The subject parcel is in the proposed assessment district for the Central City Revitalization Project and does not have frontage improvements (curb, gutter, sidewalk and landscaping). Since a portion of the parcel already has public sewer service and since the reimbursement fees will be retained by the City, staff recommends that an improvement agreement be executed between the property owner and the City, waiving the reimbursement fees under the following conditions:

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

  
H. Dixon Flynn -- City Manager

1. Street frontage improvements (curb, gutter, sidewalk and shoulder paving) and landscaping in conformance with the Central City Revitalization Program Concept Development Plan will be installed along the entire parcel frontage as part of the proposed Central City Revitalization Assessment District improvements.
2. The cost of the frontage improvements along Cherokee Lane is the OWNER'S responsibility and will be included in the Central City Revitalization Assessment District assessment for the subject parcel if the District is adopted.
3. Design services for curb, gutter and sidewalk installation will be provided by the CITY at no cost to the OWNER.
4. OWNER agrees not to protest the formation of the Central City Revitalization Assessment District.
5. City agrees that reimbursement fees due CITY under reimbursement agreement 79S02 will be waived.
6. Should the Cherokee Lane portion of the Central City Revitalization Assessment District formation effort not be approved, OWNER agrees to design, pay for and install the frontage improvements and landscaping described in Item 1 above upon written request by the City. Construction of said improvements to begin within 90 days after City's written request.

Staff has discussed Item 4 with Mr. Tim Hachman, assessment district counsel, and he advised there are no legal prohibitions against this condition.

Staff feels the proposed agreement is an equitable solution to the reimbursement fee issue raised by the owner. The installation of the Cherokee Lane frontage improvements with the assessment district improvements will certainly enhance the effectiveness of the Cherokee Lane beautification effort.

FUNDING: Design Services - Street Fund



Jack L. Ronsko  
Public Works Director

Prepared by Sharon A. Welch, Associate Civil Engineer

JLR/SAW/lm

Attachments

cc: City Attorney  
Associated Civil Engineer - Development Services  
Mr. Tim Hachman  
Mr. Walter Tecklenberg  
Mr. Robert Haro

# EXHIBIT A

CITY COUNCIL

STEPHEN J. MANN, Mayor  
DAVID P. WARNER  
Mayor Pro Tempore  
RAY G. DAVENPORT  
PHILLIP A. PENNINO  
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 7, 1995

Mr. Walter Tecklenberg  
935 S. Cherokee Lane  
Lodi, California 95240

SUBJECT: Construction Application #9557  
929 S. Cherokee Lane, Lodi, California

Your construction application for connection to the public sanitary sewer has been reviewed by the Public Works Department for conformance with City requirements. The requirements are described on the attached sheet which has been forwarded to the Building Division for inclusion in your permit.

The CONSTRUCTION REQUIREMENTS and FEES sections will be handled by the Building Division in conjunction with the issuance of your Building Permit.

We are also enclosing our bill #E-1335 under Sanitary Sewer Reimbursement Agreement 79S02 are also required for this project. The reimbursement agreement covers the cost of the sanitary sewer main installed along the Cherokee Lane frontage of the subject parcel by others. The sanitary sewer service you have requested will be provided from this main.

Should you have any questions, please call me at 333-6800 ext. 659.



Sharon A. Welch  
Associate Civil Engineer

cc: Building Division  
Mr. Robert Haro



**MEMORANDUM, City of Lodi, Public Works Department**

**EXHIBIT A**

**To:** Chief Building Official  
**From:** Associate Civil Engineer - Development Services  
**Date:** December 7, 1995  
**Subject:** Construction Application #9557  
929 S. Cherokee Lane, Lodi, California

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**CONSTRUCTION REQUIREMENTS:**

Please add the following construction requirements to the Plans and the Building Permit for the subject project:

- Install a reduced pressure backflow device assembly conforming to Standard Plan 413 on the existing metered water service.
- Discharge from wash rack area is to be collected and passed through a sand/grease trap conforming to Standard Plan 205 prior to discharge to the sanitary sewer system.

**FEES:**

Please collect the following Public Works fees at the time of issuance of the Building Permit:

- Wastewater Connection Fee for 1.0 SSU's (\$2,099.00). (017.0-752)
- Wastewater Service Charges for Work by City: \$800.00 for 4-inch sanitary sewer service installation. (017.0-766)
- Sanitary Sewer Reimbursement Fees under Agreement 79S02 are required for this project. These fees will be collected separately by the Public Works Department. See Additional Items Section below.

**ENCROACHMENT PERMIT:**

The following work is a condition of the Building Permit and should be marked on the Plans. The work is to be done prior to occupancy under the terms of an encroachment permit from the Public Works Department:

- None required.

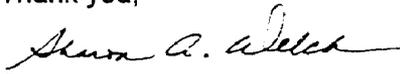
**ADDITIONAL ITEMS:**

The following additional items are required of the project and will be handled by the Public Works Department:

- Sanitary Sewer Reimbursement Fees (Agreement 79S02). The fees need to be paid prior to the issuance of the building permit.

**Please notify the Development Services Section when the fees to be collected by the Building Division are paid.**

Thank you,

  
Sharon A. Welch  
Associate Civil Engineer

cc: Mr. Robert Haro  
Mr. Walter Tecklenberg

EXHIBIT A

STATEMENT  
FINANCE DEPARTMENT  
**CITY OF LODI**

City Hall Annex / 212 West Pine Street / P.O. Box 3006 / Lodi, CA 95241-1910  
Telephone (209) 333-6717

December 7, 1995

Mr. Walter Tecklenberg  
935 S. Cherokee Lane  
Lodi, CA 95240

E-1335

Make your check payable to CITY OF LODI

	AMOUNT
Fees for development at 929 S. Cherokee Lane	
Sanitary Sewer Reimbursement Fees (Agreement 79S02) 293 LF @ \$11.51/LF	\$3,372.43

Return the attached copy with your payment

TECKLENB.DOC

STATEMENT  
FINANCE DEPARTMENT  
**CITY OF LODI**

City Hall Annex / 212 West Pine Street / P.O. Box 3006 / Lodi, CA 95241-1910  
Telephone (209) 333-6717

December 7, 1995

Mr. Walter Tecklenberg  
935 S. Cherokee Lane  
Lodi, CA 95240

E-1335

Make your check payable to CITY OF LODI

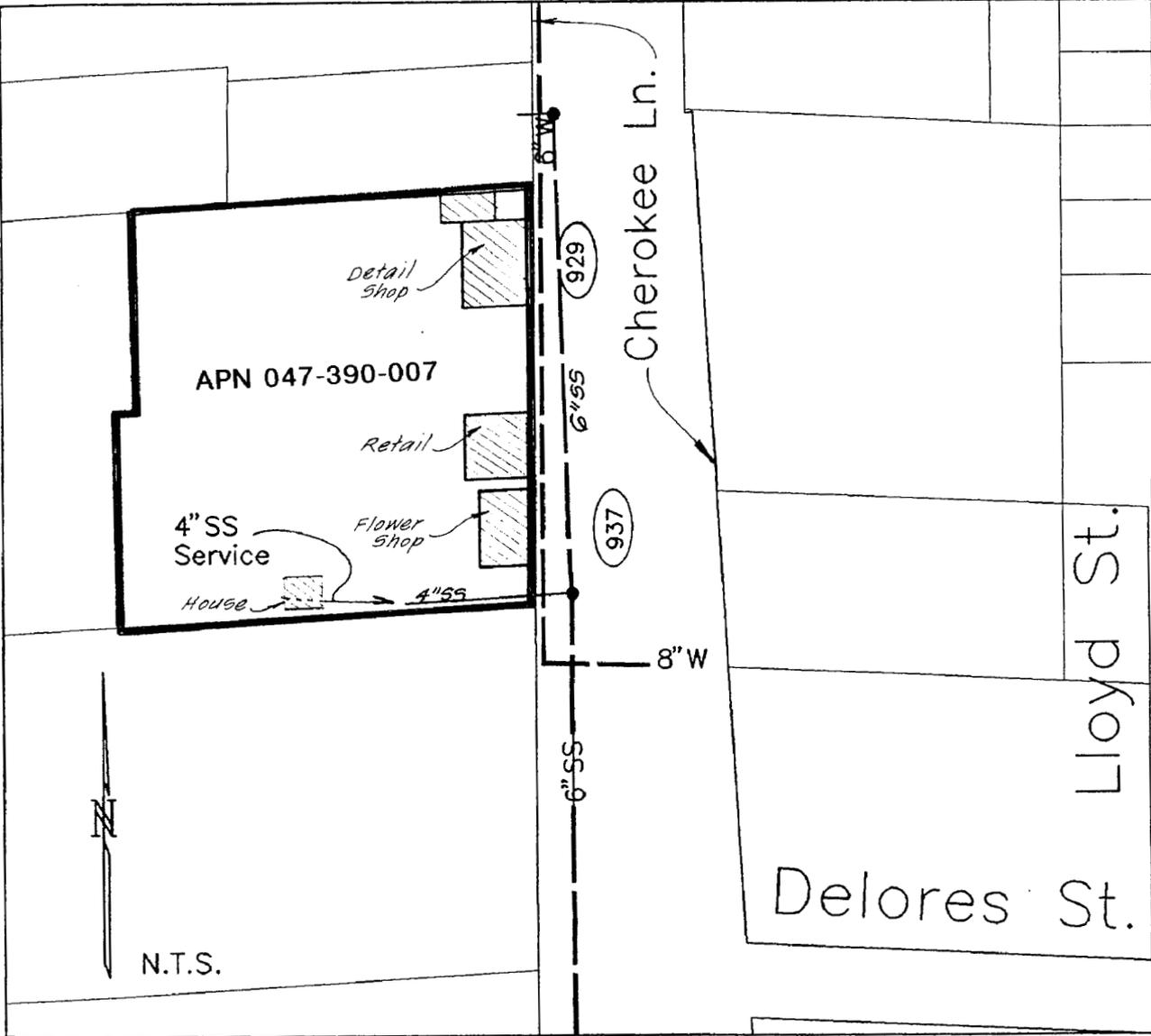
	AMOUNT
Fees for development at 929 S. Cherokee Lane	
Sanitary Sewer Reimbursement Fees (Agreement 79S02) 293 LF @ \$11.51/LF	\$3,372.43

TECKLENB.DOC



CITY OF LODI  
PUBLIC WORKS DEPARTMENT

EXHIBIT B



VICINITY MAP

CITY COUNCIL

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

# CITY OF LODI

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

December 27, 1995

Mr. Walter Tecklenberg  
935 South Cherokee Lane  
Lodi, CA 95240

Mr. Robert Haro  
929 South Cherokee Lane  
Lodi, CA 95240

SUBJECT: Improvement Agreement for 929 South Cherokee Lane (APN-047-390-007)

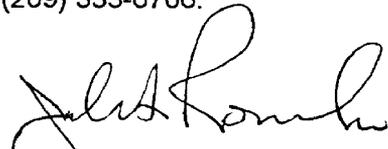
Enclosed is a copy of background information on an item on the City Council agenda of Wednesday, January 3, 1996, at 7 p.m. The meeting will be held in the City Council Chamber, Carnegie Forum, 305 West Pine Street.

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