



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Reimbursement to Park Place Development LLC for Costs Incurred While Acting on Behalf of the City (\$74,562.87)

MEETING DATE: May 3, 2000

PREPARED BY: Electric Utility Director

RECOMMENDED ACTION: That the City Council approve reimbursement to Park Place Development LLC in an amount not to exceed \$74,562.87 if Pacific Bell does not provide such reimbursement by June 1, 2000.

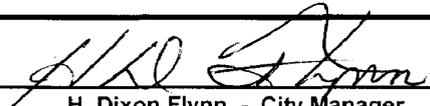
BACKGROUND INFORMATION: When a new subdivision is built within the Lodi City limits, the City places certain requirements on the developer for improvements in and around the subdivision. These requirements include surface street design and landscaping. When improvements are made to existing city streets, the relocation of existing public utilities (electric, phone, cable TV, etc.) is frequently required. If street improvements are a requirement of a developer, the costs associated with utility relocation are typically borne by the developer. If, however, street improvements are a City project to be undertaken by the City, then each utility typically pays its own costs of relocation or modification. The issue currently before the Council is related to the later circumstance.

- In 1975, the City acquired right-of-way along a portion of Stockton Street for a planned future street widening project.
- In 1992, the City approved the design of the Colvin Ranch subdivision.
- Since 1992, the City has moved toward narrower subdivision street requirements and has added landscaping requirements.

Prior to the developer, Park Place Development LLC, beginning development of Colvin Ranch, the City requested the developer perform certain improvements beyond the scope of 1992 City requirements. (For additional right-of-way for landscaping purposes on Stockton Street.) The City believed that the costs associated with the planned widening of Stockton Street could be greatly reduced given the developer of the nearby Colvin Ranch subdivision would have necessary equipment on site. The developer agreed provided the City allow street improvements within the subdivision in accordance with our current requirements, not the 1992 requirements. The City agreed.

Late in 1998 and early 1999, the City's Electric Utility Department began efforts to coordinate the undergrounding of all public utilities around the intersection of Almond Drive and Stockton Streets. The Electric Utility wanted this done prior to completion of street improvements. Around this same time, the developer was informed that Pacific Bell deemed the project to be City required as opposed to City requested. As a result, the developer was required to pay Pacific Bell \$74,562.87 prior to proceeding with the street modifications. The developer paid Pacific Bell in order to maintain a reasonable construction schedule. A project delay in excess of one year ensued as the involved public utilities have attempted to coordinate their respective construction schedules. The delay has increased the developers costs of providing agreed to services on behalf of the City. The developer has, nevertheless, agreed to honor its commitment to the City.

APPROVED: _____


H. Dixon Flynn - City Manager



CITY OF LODI

COUNCIL COMMUNICATION

The City has attempted, in recent years, to partner where possible with local developers when such partnerships yield benefits to both the developer and the City. City staff recommends reimbursing Park Place Development LLC for monies paid to Pacific Bell in an amount not to exceed \$74,562.87. City staff believes that partnerships with local developers will be difficult in the future if the City does not continue to indemnify developers for costs and specific circumstances such as these. In addition to reimbursement, the contractor will assign its rights to reimbursement from Pacific Bell to the City.

FUNDING: 160621 – Business & Customer Retention

Funding Approval:

Ruby R. Paine for
Vicky McAthie, Finance Director

Alan N. Vallow
Alan N. Vallow
Electric Utility Director

PREPARED BY: Alan N. Vallow, Electric Utility Director

ANV/tl

C: City Attorney
Public Works Director
Jeff Kirst, Park Place Development LLC

APPROVED: _____
H. Dixon Flynn - City Manager

CITY COUNCIL

KEITH LAND, Mayor
STEPHEN J. MANN
Mayor Pro Tempore
SUSAN HITCHCOCK
ALAN S. NAKANISHI
PHILLIP A. PENNINO

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6706
FAX (209) 333-6710

K
H. DIXON FLYNN
City Manager
ALICE M. REIMCHE
City Clerk
RANDALL A. HAYS
City Attorney

January 22, 1999

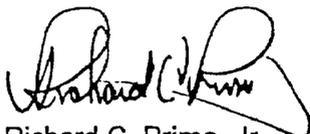
Pacific Bell
Attn: Public Works Coordinator
2300 East Eight Mile Road
Stockton, CA 95210

SUBJECT: South Stockton Street Improvements

Enclosed is a set of preliminary plans for the above project. Please mark and/or verify your utility locations on the enclosed plans and return them to the Public Works Department at your earliest convenience.

Based on a field review, it is evident that this project will require you to relocate a number of poles along the east side of Stockton Street. Since construction of this project is planned for early spring of 1999, scheduling of the relocation work should be done as soon as possible.

If you have any questions, please contact me at 333-6759.



Richard C. Prima, Jr.
Public Works Director

Enclosure

bcc: Steve Pechin

KU

UTILITY COORDINATING COMMITTEE MINUTES

March 9, 1999 1999

The March meeting of the Utility Coordinating Committee was held on March 9, 1999, at 9:00 a.m., in the conference room on the main floor in City Hall. The following agencies and representatives were present.

PUBLIC WORKS DEPARTMENT
Wes Fujitani, Senior Civil Engineer
Sharon A. Welch, Senior Civil Engineer

ELECTRIC UTILITY DEPARTMENT
Dave Comer, Electrical Estimator

PACIFIC BELL

PACIFIC GAS & ELECTRIC CO.
Ron Gibbs, Associate District Engineer

MEDIA ONE
Larry Legrand, Construction Supervisor

BROOKS FIBER COMMUNICATIONS

Each agency in attendance reviewed its project schedule and indicated its revisions in construction dates, plus the new projects that were added since the last meeting. A copy of the revised construction schedule is attached. New items in the schedule are marked with an asterisk (*).

As previously called to your attention, please note that the street widening project listed as Item #21 under Public Works Department projects requires the relocation of utility poles on both Stockton Street and Almond Drive prior to the installation of street improvements. Construction on this project is scheduled to begin no later than April 1999. Please contact Sharon Welch at 333-6800 ext. 659 to confirm that relocation of poles by the appropriate utility can be accomplished within that time frame.

NEXT MEETING: April 13, 1999, 9:00 a.m. in the conference room on the main floor in City Hall.



Sharon A. Welch
Senior Civil Engineer

Enclosures

Right of Way
2300 East Eight Mile Road
Stockton, California 95210



March 26, 1999

Richard C. Prima, Jr.
Public Works Director
City of Lodi
P. O. Box 3006
Lodi, CA 95241-1910

Dear Mr. Prima:

Pacific Bell is working to accommodate the relocation of facilities on South Stockton Street and Almond Drive. However, before we can proceed with construction of the job, the issue of billing needs to be addressed.

Upon review of the plans for Colvin Ranch, and the conditions placed on that development, it is clear that the street improvements are a result of this project. Pursuant to California Public Utilities Commission Decision No. 88398, any utility relocation costs resulting from development of private property are to be paid by the developer.

I am aware that the City has made special arrangements with the Developer. In this instance it is between you to decide who is responsible for payment of our relocation. Once this decision has been made, please inform me so we can proceed with billing.

If you have any questions, please call me on 209-474-4130.

Sincerely,

A handwritten signature in cursive script that reads "Lori Wagner".

Lori Wagner
Public Works Coordinator

cc: A. Rodriguez

RESOLUTION NO. 2000-74

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING
REIMBURSEMENT BY THE CITY OF LODI TO PARK PLACE
DEVELOPMENT LLC FOR MONIES PAID TO PACIFIC BELL

=====

WHEREAS, when a new subdivision is built within city limits, the City places certain requirements on the developer for improvements in and around the subdivision; and

WHEREAS, these requirements include surface street design and landscaping, and when improvements are made to existing City streets, the relocation of existing public utilities (electric, phone, cable TV, etc.) is frequently required; and

WHEREAS, if street improvements are a requirement of a developer, the costs associated with utility relocation are typically borne by the developer, but if the street improvements are a City project to be undertaken by the City, then each utility pays its own costs of relocation or modification, which in this case is the later; and

WHEREAS, prior to the developer, Park Place Development LLC, beginning development of Colvin Ranch, the City requested the developer perform certain improvements beyond the scope of 1992 City requirements providing additional right-of-way and landscaping on Stockton Street; and

WHEREAS, the City believed the costs associated with the planned widening of Stockton Street could be greatly reduced given the developer of the nearby Colvin Ranch subdivision would have necessary equipment on site. The developer agreed provided that the City allow street improvements within the subdivision in accordance with our current requirements, not the 1992 requirements and the City agreed; and

WHEREAS, late in 1998 and 1999, the City's Electric Utility Department began efforts to coordinate the undergrounding of all public utilities around the intersection of Almond Drive and Stockton Streets; and

WHEREAS, the Electric Utility wanted this done prior to completion of street improvements, and around this time the developer was informed that Pacific Bell deemed the project to be City required as opposed to City requested; and

Whereas, as a result, the developer was required to pay Pacific Bell \$74,562.87 prior to proceeding with the street modifications, and did so in order to maintain a reasonable construction schedule; and

WHEREAS, the project was delayed in excess of one year due to attempts of the public utilities to coordinate their respective construction schedules, which has caused increases in the developers costs of providing agreed services on behalf of the City, but nevertheless, the developer has agreed to honor its commitment to the City; and

WHEREAS, the City has attempted in recent years to partner where possible with local developers when such partnerships yield benefits to both the developer and the City; and

WHEREAS, City staff recommends reimbursing Park Place Development LLC for monies paid to Pacific Bell in an amount not to exceed \$74,562.87; and

WHEREAS, City staff believes that partnerships with local developers will be difficult in the future if the City does not continue to indemnify developers for costs and specific circumstances such as these; and

WHEREAS, in addition to reimbursement, the contractor will assign its rights to reimbursement from Pacific Bell to the City.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the reimbursement by the City of Lodi to Park Place Development LLC for costs incurred while acting on behalf of the City in the amount of \$74,562.87.

Dated: May 3, 2000

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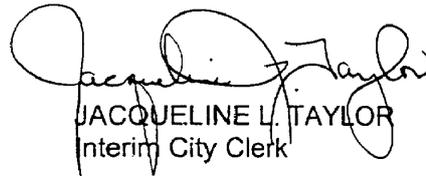
I hereby certify that Resolution No. 2000-74 was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 3, 2000 by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Land, Nakanishi, Pennino
and Mann (Mayor)

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None


JACQUELINE L. TAYLOR
Interim City Clerk

FACSIMILE MESSAGE

PACIFIC BELL
 A Pacific Telesis Company
Pacific Telesis
External Affairs
445 W. Weber Ave., Suite 236
Stockton, CA 95203

DATE: 05/02/00

PAGE: (including cover) 18

TO: Mayor Steve Mann
 Mayor Pro Tempore Alan Nakanishi
 Council Member Susan Hitchcock
 Council Member Keith Land
Cc: Council Member Phil Pennino
TELEPHONE: R. Primm
 H. Dixon Flynn
 Randall Nays
FACSIMILE: 333-6807

SUBJECT: Colvin Ranch

MESSAGE: Pacific Bell response to council agenda item for May 3, 2000:

Res. No. 2000-74 18. Reimbursement to Park Place Development LLC for costs incurred while acting on behalf of the City (\$74,562.87)

Connie Cochran, Director
 Telephone (209) 460-0121
 Facsimile (209) 460-0141
 E-mail connie.cochran@pactel.com

Connie Cochran
Director External Affairs

445 W. Weber Avenue Ste. 238
Stockton, CA 95203
(209) 460-0121



SENT VIA FACSIMILE

May 2, 2000

Richard Prima, Jr.
Public Works Director
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

Dear Mr. Prima,

We have reviewed correspondence between Pacific Bell, City of Lodi, and R. Thomas Development, Inc. and find that the \$74,562.87 has been correctly billed to the developer for relocation costs associated with the development at Colvin Ranch. Section 66473.6 of the Government Code mandates that costs associated with relocation of any existing facilities are the responsibility of the sub-divider or developer. Jane Thomas, Vice President of R. Thomas Development, Inc. signed a statement of her agreement and understanding of the charges on April 20, 1999, Job # UE1006S, CWBO# GFCIEO0145 (Attachment A).

The letter dated April 15, 1999 from Pacific Bell Engineer Abe Rodriguez to Jane Thomas of Park Place Development LLC (Attachment B), explains the special construction and relocation charges of \$74,562.87. Pacific Bell billed the cost for relocating telecommunications facilities along Stockton Street as if we were moving aerial facilities to aerial facilities (like-for-like). The additional cost for placing telecommunications facilities underground was absorbed by Pacific Bell. The decision to relocate underground at Pacific's additional expense was made in accordance with California Public Utility Commission tariff, Schedule No. A2, Section 2.1.32 Facilities to Provide Replacement of Aerial with Underground Facilities (Attachment C). This tariff allows Pacific Bell to place our facilities underground at our own expense for structural design considerations or operating convenience.

The Pacific Bell initiated decision to place our facilities underground was based on meetings and interaction with the city and the developer related to the Colvin Ranch development and the City's expressed desire, both in previous developments and with this developer, to achieve a more aesthetically appealing streetscape. These meetings, and previous requests from the City, set the course for Pacific Bell. A new aerial placement would have necessitated additional poles and support structure to accommodate the existing telecommunications facilities and anticipated growth in the area.

Page 2 of 3

After the decision to underground along Stockton Street was communicated to all parties, a request from Mel Grande of Lodi Electric Utility was made to our engineering department, for Pacific Bell to include, at our expense, the undergrounding of telephone facilities along Almond Drive. We agreed to underground our facilities along Almond Drive at our sole expense. The actual cost of undergrounding the telephone facilities on both Stockton Street and Almond Drive is well in excess of \$200,000.

Your letter to our Public Works Coordinator, dated January 22, 1999 (Attachment D), requested that our facilities along the east side of Stockton Street be relocated. Our Public Works Coordinator, Lori Wagner, responded, in a letter dated March 26, 1999 (Attachment E), that payment would be required from the City or the developer for such relocation. The developer responded, as stated herein, by signing the agreement on April 20, 1999 and issuing a check, dated April 19, 2000, for \$74,562.87.

The additional request to relocate facilities along Almond Drive and changes by the City of Lodi to the original trench location on Stockton Street did impact the original timeline. The developer had originally identified a utility easement along the back of the sidewalk. Your letter dated August 6, 1999, mandated that there be no poles placed adjacent to the landscape area (Attachment F). This change in available utility easement necessitated a redesign of our facilities placement and thus, further delays. Both Pacific Bell and Lodi Electric Utility experienced design and construction issues with the actual trenches along the Almond Drive stretch. Pacific Bell is working diligently to complete the Almond Drive portion. Estimated completion is the second week of May. Upon completion, we will be removing our poles along Stockton Street and Almond Drive.

In the absence of Pacific Bell provided poles, it is our understanding that MediaOne has elected to place their own poles to accommodate their facilities. We did notify MediaOne of our intention to place our facilities underground. Larry LeGrand of MediaOne signed an Authorization for Joint Underground Construction on May 17, 1999 (Attachment G), as they had facilities on Pacific Bell owned poles. MediaOne decided not to participate in the undergrounding process, after having signed the agreement. Pacific Bell does not and did not agree to act as the coordinating utility for this project. We do not collect relocation fees for other companies.

It is clear that discussion about the development site, improvements required, and identifying responsible parties has been going on for some time. A City of Lodi Memorandum from the Public Works Director to the Community Development Director dated April 13, 1992 (Attachment H) indicates that the developer may be responsible for costs initially and eligible for reimbursement from the City. A letter from you, in your role as city engineer, to Mr. Ronald B. Thomas, dated August 10, 1994 also indicates that the City would be responsible for costs associated with widening the streets and that the developer may obtain reimbursement as provided under Lodi Municipal Code 16.40 (Attachment I).

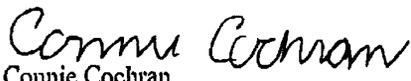
Page 3 of 3

Both Government Code and California Public Utilities Commission tariffs require that relocation charges be paid by the party requesting the relocation and not passed on in the form of rates and charges to other customers. If the City of Lodi chooses to reimburse the developer, the reconciliation is a separate agreement between two parties, not a cost to be absorbed by Pacific Bell and its customers.

If, in the future, the City of Lodi, desires Pacific Bell to convert aerial facilities to underground at Pacific Bell's sole expense, the City must pass an ordinance creating an underground district. This work will be performed in accordance with C.P.U.C. Tariff Schedule A2.1.32.

If you have any questions or require additional documentation, please call me at 209-460-0121.

Sincerely,


Connie Cochran
Director, External Affairs

Cc: D. Flynn, City of Lodi
R. Hays, City of Lodi
S. Mann, Mayor
A. Nakanishi, Council Member
S. Hitchcock, Council Member
K. Land, Council Member
P. Pennino, Council Member
M. Godbey, Pacific Bell
A. Rodriguez, Pacific Bell
T. Schmidt, Pacific Bell
L. Ortenstone, Pacific Bell



RE: JOB # UE1006S

CWBO # QFCUE00145

I have read and understood the conditions outlined on the previous page. I hereby authorize Pacific Bell to proceed with the work I have requested and agree to pay Pacific Bell any Engineering charges incurred as a result of any changes to or cancellation of this project.

BY: Jane E. Thomas
Jane Thomas/Developer-Owner

TITLE: Vice President of R. Thomas Development, Inc.
Parkplace Development LLC

DATE: 4-20-99

Summary of CWO Billing Charges

Attachment "A"

Engineering Work Order Number: UE1006S

Special Construction Charges for:
Location:

Charges

Materials: (including FCC Fees & JFA Charges)

\$23,160.05

- 1697 feet of 50 to 2400 pair cable
- 8 solely owned poles
- 2 joint poles
- 1 25 pair terminal
- 1 ISDN repeater housing
- 1 anchor and guy

Labor:

\$35,967.46

Includes, but not limited to Engineering,
Constructing, Splicing, Testing and Contract Costs.

CIAC:

\$18,600.56

Contribution in Aid of Construction (33%)

Total Billing Amount:

\$77,628.07

Less cost of joint trench :

(3,065.20)

\$74,562.87

REVIEWED AND APPROVED BY:



Engineer

Jeanie Travinger
(209)474-4016

128

PARK PLACE DEVELOPMENT, LLC

P.O. BOX 1598
LODI, CA 95241-1598
(209) 394-5521

**FARMERS & MERCHANTS BANK
OF CENTRAL CALIFORNIA**
LODI OFFICE
LODI, CA 95240
90-844-1211

4/19/99

PAY TO THE
ORDER OF

PACIFIC BELL

\$74,562.87**

Seventy-Four Thousand Five Hundred Sixty-Two and 87/100***** DOLLARS

**PACIFIC BELL ENGINEERING
ATTN: ABLE RODRIGUEZ
2300 E. EIGHT MILE RD.
STOCKTON, CA 95210**

MEMO



⑈000128⑈ ⑆⑆21108441⑆

00181447⑈

PARK PLACE DEVELOPMENT, LLC

PACIFIC BELL
04/19/99

Bill #UE1006S

4/19/99

128
74,562.87

Checking-F&M Ban

74,562.87

MAY. 3. 2000 7: 6: 41 AM PST

NO. 802 P. 8/18
Attachment B

PACIFIC BELL
A Pacific Teleco Company

Pacific Bell
2300 E Eight Mile Rd.
Stockton, Ca 95207

Parkplace Development LLC
P.O. Box 1598
Lodi, CA 95241

April 15, 1999

Re: Pacific Bell Facilities Relocation- Colvin Ranch Subdivision, Almond Dr. and Stockton St., Lodi

Attn: Jane Thomas,

Pacific Bell has proceeded with requests to provide an estimate for the relocation of aerial facilities in conjunction with the Colvin Ranch Subdivision road improvements. The amount in special construction charges to relocate the facilities will be \$74,562.87. Please note that this estimate is based on a hypothetical aerial relocation, it is at Pacific Bell's initiative that we will be undergrounding existing aerial facilities. No portion of the work required to underground, which exceeds the cost of the aerial relocations, is included in the estimate.

The billable costs include the labor and material associated with the placement of 1697 feet of 50 to 2400 pair aerial cable, placement of 8 solely owned poles, purchasing of interest in two joint poles, 1 aerial terminal, and one ISDN repeater housing. It also provides for the removal of 12 aerial cables totaling 4667 feet and 11 poles. A credit of \$3065.20 was given for a portion of joint trench that Pacific Bell will occupy along Almond Dr and Stockton St., (calculated at Pacific Bell's current cost for trenching). When Pacific Bell's work is complete, the existing aerial facilities within the scope of your road improvements will be undergrounded.

In accordance with the Tax Reform Act of 1986, a 33% gross-up must be paid in advance by the applicant to the Utility. In accordance with C.P.U.C. decision 87-09-026, the 33% gross-up component applies to all costs received for work performed by Pacific Bell for the benefit of the applicant. The billable cost quoted includes a gross-up in the amount of \$18,500.56.

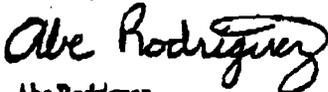
Payment for the work described above will required in advance of engineering and construction. Once payment is received, Pacific Bell will require approximately 60-75 days to schedule and complete this work. Please sign the attached document and forward a check payable to Pacific Bell in amount of \$74,562.87 to:

Pacific Bell Engineering
Attn: Abe Rodriguez
2300 E Eight Mile Rd.
Stockton, Ca 95210

There will be no bill/invoice issued, please consider this letter as a request for payment. If you have any questions regarding this letter please call Abe Rodriguez, Engineer at (209) 474-4061.

Please include the following reference on your check: UE10065-GFCUE00145

Sincerely,



Abe Rodriguez
(209) 474-4061

Pacific Bell
San Francisco, California

SCHEDULE CAL.P.U.C. NO. A2.
3rd Revised Sheet 134
Cancels 2nd Revised Sheet 134

NETWORK AND EXCHANGE SERVICES

A2. GENERAL REGULATIONS

2.1 RULES (Cont'd)

2.1.32 RULE NO. 32 - FACILITIES TO PROVIDE REPLACEMENT OF AERIAL WITH UNDERGROUND FACILITIES (Cont'd)

A. REPLACEMENT OF AERIAL WITH UNDERGROUND FACILITIES (Cont'd)

2. At the Request of Governmental Agencies or Groups of Applicants. (Cont'd)

c. The area to be undergrounded includes both sides of a street for at least one block, and

d. Arrangements are made for the concurrent removal of all electric and communication aerial distribution facilities in the area.

3. At the Request of Individual Applicants.

In circumstances other than those covered by 1. or 2. preceding, where mutually agreed upon by the Utility and an applicant, aerial facilities may be replaced with underground facilities, provided the applicant requesting the change pays, in advance, a nonrefundable sum equal to the estimated cost of construction less the estimated net salvage value of the replaced aerial facilities.¹

4. At Utility Initiative.

The Utility may from time to time replace sections of its aerial facilities with underground facilities at Utility expense for structural design considerations or its operating convenience.

NOTE 1: Includes Income Tax gross-up amount, as listed in Schedule
Cal.P.U.C. No. A2.1.3.D.

(T)

Continued

Advice Letter No. 16092B
Decision No.

Issued by
M. J. Miller

Regulatory Vice President

Date Filed: Oct. 24, 1991
Effective: JAN 01 1992

Resolution No. E-3243

** TOTAL PAGE 04 **

Pacific Bell
San Francisco, California

NETWORK AND EXCHANGE SERVICES
A2. GENERAL REGULATIONS

2.1 RULES (Cont'd)

2.1.32 RULE NO. 32 - FACILITIES TO PROVIDE REPLACEMENT OF AERIAL WITH UNDERGROUND FACILITIES (Cont'd)

A. REPLACEMENT OF AERIAL WITH UNDERGROUND FACILITIES (Cont'd)

1. In Areas Affected By General Public Interest (Cont'd)

c. Upon request of the governing body the Utility will pay for the installation of no more than 100 feet of each customer's underground service connection facility occasioned by the undergrounding. The governing body may establish a smaller footage allowance or may limit the amount of money to be expended on a single customer's service, or the total amount to be expended on consumer services in a particular project. The Utility will pay for the installation of each customer's underground service connection facility at the time and only to the extent that the electric utility pays for the customer's underground electric service lateral.

d. The Utility will replace its aerial facilities at the time and only to the extent that the overhead electric distribution facilities are replaced.

2. At the Request of Governmental Agencies or Groups of Applicants.

In circumstances other than those covered by 1. preceding, the Utility will replace its aerial facilities located in a specified area with underground facilities along public streets and roads and on public lands and private property across which rights-of-way satisfactory to the Utility have been obtained, or may be obtained without cost or condemnation, by the Utility upon request by a responsible party representing a governmental agency or group of applicants where all of the following conditions are met:

a. All property owners served by the aerial facilities to be replaced within a specific area designated by the governmental agency or group of applicants first agree in writing or are required by suitable legislation to pay the cost or to provide and to transfer ownership to the Utility of the underground supporting structure along the public way and other Utility rights-of-way in the area¹, and

b. All property owners in the area are required by ordinance or other legislation, or all agree in writing, to provide and maintain the underground supporting structure on their property, and

NOTE 1: Includes Income Tax gross-up amount, as listed in Schedule (T)
Cal.P.U.C. No. A2.1.3.D.

Continued

Advice Letter No. 160928
Decision No.

Issued by
M. J. Miller

Regulatory Vice President

Date Filed: Oct. 24, 1991
Effective: JAN 01 1992

Resolution No. E-3243

Pacific Bell
San Francisco, California

SCHEDULE CAL.P.U.C. NO. A2.
1st Revised Sheet 132
In Lieu of Original Sheet 132 Rejected

NETWORK AND EXCHANGE SERVICES
A1. GENERAL REGULATIONS

2.1 RULES (Cont'd)

2.1.32 RULE NO. 32 - FACILITIES TO PROVIDE REPLACEMENT OF AERIAL WITH UNDERGROUND FACILITIES

A. REPLACEMENT OF AERIAL WITH UNDERGROUND FACILITIES

1. In Areas Affected By General Public Interest.

The Utility will, at its expense, replace its existing aerial facilities with underground facilities along public streets and roads and on public lands and private property across which rights-of-way satisfactory to the Utility have been obtained or may be obtained without cost or condemnation, by the Utility, provided that the governing body of the city or county in which such facilities are located has:

a. Determined after consultation with the Utility and after holding public hearings on the subject, that undergrounding is in the general public interest in a specified area for one or more of the following reasons:

- (1) Such undergrounding will avoid or eliminate an unusually heavy concentration of aerial facilities;**
- (2) Said street, or road or right-of-way is in an area extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic;**
- (3) Said street, road or right-of-way adjoins or passes through a civic area or public recreation area or an area of unusual scenic interest to the general public.**

b. Adopted an ordinance creating an underground district in the area requiring, among other things:

- (1) That all existing and future electric and communication distribution facilities will be placed underground, and**
- (2) That each property owner will provide and maintain the underground supporting structure needed on their property to furnish service to them from the underground facilities of the Utility when such are available, except as provided in A.1.c following.**

Continued

Advice Letter No. 14889
Decision No.

Issued by
Robert S. Hochen

Executive Director - State Regulatory

Date Filed: Mar. 4, 1985
Effective: Apr. 18, 1985
Resolution No. 710914

CITY COUNCIL

KEITH LAND, Mayor
STEPHEN J. MANN
Mayor Pro Tempore
SUSAN HITCHCOCK
ALAN S. NAKANISHI
PHILLIP A. PENNING

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6706
FAX (209) 333-6710

H. DIXON FLYNN,
City Manager
ALICE M. REIMCHE
City Clerk
RANDALL A. HAYS
City Attorney

January 22, 1999

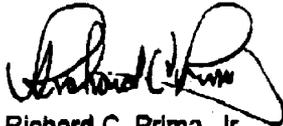
Pacific Bell
Attn: Public Works Coordinator
2300 East Eight Mile Road
Stockton, CA 95210

SUBJECT: South Stockton Street Improvements

Enclosed is a set of preliminary plans for the above project. Please mark and/or verify your utility locations on the enclosed plans and return them to the Public Works Department at your earliest convenience.

Based on a field review, it is evident that this project will require you to relocate a number of poles along the east side of Stockton Street. Since construction of this project is planned for early spring of 1999, scheduling of the relocation work should be done as soon as possible.

If you have any questions, please contact me at 333-6759.



Richard C. Prima, Jr.
Public Works Director

Enclosure

Attachment E

Right of Way
2300 East Eight Mile Road
Stockton, California 95210



March 26, 1999

Richard C. Prima, Jr.
Public Works Director
City of Lodi
P. O. Box 3006
Lodi, CA 95241-1910

Dear Mr. Prima:

Pacific Bell is working to accommodate the relocation of facilities on South Stockton Street and Almond Drive. However, before we can proceed with construction of the job, the issue of billing needs to be addressed.

Upon review of the plans for Colvin Ranch, and the conditions placed on that development, it is clear that the street improvements are a result of this project. Pursuant to California Public Utilities Commission Decision No. 88398, any utility relocation costs resulting from development of private property are to be paid by the developer.

I am aware that the City has made special arrangements with the Developer. In this instance it is between you to decide who is responsible for payment of our relocation. Once this decision has been made, please inform me so we can proceed with billing.

If you have any questions, please call me on 209-474-4130.

Sincerely,


Lori Wagner
Public Works Coordinator

cc: A. Rodriguez

CITY COUNCIL

KEITH LAND, Mayor
STEPHEN J. MANN
Mayor Pro Tempore
SUSAN HITCHCOCK
ALAN S. NAKANISHI
PHILLIP A. PENNINO

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6706
FAX (209) 333-6710

H. DIXON FLYNN .
City Manager
ALICE M. REIMCHE
City Clerk
RANDALL A. HAYS
City Attorney

August 6, 1999

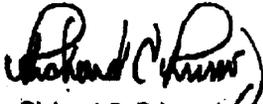
Abe Rodriguez, Engineer
Pacific Bell
2300 Eight Mile Road
Stockton, California 95210

Jim Holt, Construction Supervisor
Media One
6505 Tam O'Shanter
Stockton, California 95210

SUBJECT: Colvin Ranch Development
Relocation of Facilities

Due to the ongoing controversy over the relocation of overhead facilities on Stockton Street and Almond Drive adjacent to the Colvin Ranch subdivision, we wish to clarify the City's position regarding this matter. There is to be a publicly maintained landscape area between the back of sidewalk and the reverse frontage fence on the east side of Stockton Street and south side of Almond Drive fronting this project. There are to be no poles in the landscape area or in the sidewalk adjacent to the landscape area. If new poles are desired, they must be installed on the west side of Stockton Street and the north side of Almond Drive.

If you have any questions, please contact me at (209) 333-6759.



Richard C. Prima, Jr.
Public Works Director

RCP/SAW

cc: **Senior Civil Engineer Fujitani**
Senior Civil Engineer Welch
Electric Services Manager
Tokay Development, Inc.
R. Thomas Development, Inc.

Authorization for Joint Underground Construction

Attachment G

10.1.01

Page 1 of 1

1) Routine Order No. VE1006S	2) Division NORTHERN	District (2)	ARC No. (2) QUES3H	Date (3) 5-7-99	Revision No. (3)	Revision Date (3)	
3) Job Location STOCKTON ST + ALMOND DR.		4) Applicant Name & Address (5)				5) Tract No. (5)	
6) <input checked="" type="checkbox"/> Company To Trench <input type="checkbox"/> Applicant To Trench <input type="checkbox"/> Other Agency To Trench					7) Tentative Trench Date (7)		

P. 15/18
NO. 802

(8) Trench Cost Detail										(9) Occupants' Respective Share Of Total Costs													
Seq. No.	Trench			Unit Fac. (8c)	Unit Cost Additives				Unit Cost (8a)	Trench Cost (8f) Total	Company			Gas		Elect		CATV		Other			
	Length Ft.	Cond. (8b)	Size (8c)		Basic	I	II	III			R/C	%	Cost	%	Cost	%	Cost	%	Cost	%	Cost		
A	128		18" x 24"					9.70	1241.60	4C	67	831.87				33	409.73						
B	65		18" x 24"					10.85	705.25	4C	86	606.52				14	98.73						
1	809		18" x 36"					10.85	8777.65	4C	80	7022.12				20	1755.53						
2	97		18" x 36"					9.70	940.90	4C	67	630.40				33	310.50						
3	26	Rmv + REPL	ASPHALT					6.50	169.00		50	84.50				50	84.50						
10) Subtotals from reverse side:																							
11) Estimated Trench Cost Total:									\$11824.40				4115.41						2658.99				
12) Billing Authorization (CWBO Number for each Occupant):									EQUC00184														

Construction Coordinating Detail

Utility	Job No.	(13) Engineer		(14) Field Coordinator		(15) a/u? (Y or N)	(16) Parat? (Y or N)
		Name	Tel. No.	Name	Tel. No.		
PACBELL	VE1006S	A. RODRIGUEZ	209 474-4061	GEORGE DIAZ	474-4292	N	
MEDIAONE		L. LEGRAND	209 955-6041	JIM HOLT	955-6042	N	

(17) Special Notes:
 Medin on Project # 99-06-L

(19) Authorization Detail		
Utility	Approval Signatures	Date
PACIFIC BELL	<i>Abraham Rodriguez</i>	5/6/99
MEDIAONE	<i>Ray Robinson</i>	5/17/99

(18) Trenching Completed Date

See Reverse

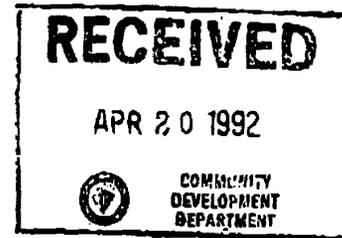
MAY 3, 2000 6:43AM

MEMORANDUM, City of Lodi, Public Works Department

TO: Community Development Director

FROM: Public Works Director

DATE: April 13, 1992

SUBJECT: Recommended Vesting Tentative Map Conditions for Calvin Ranch
3820 Almond Drive, Lodi, California
File #92S001

The following conditions of approval are required for the subject project per City codes and standards, all to be accomplished prior to, or concurrent with, final map filing unless noted otherwise:

1. Engineering and preparation of improvement plans and estimates per City Public Improvement Design Standards for all public improvements prior to final map filing. Plans to include:
 - Approved tentative map, signed by the Community Development Director;
 - Detailed utility master plan for all phases of the development;
 - Soils report;
 - Grading, drainage and erosion control plan.
2. Abandonment/removal of wells, septic systems and underground tanks in conformance with applicable City and County requirements and codes prior to approval of public improvement plans.
3. Installation of all public utilities and street improvements within the limits of the map, including installation of conduit from the water meter box to the electric meter location on each lot, per Public Works Department requirements, plus the following "off-site" improvements:
 - Curb, gutter and street paving along Almond Drive, east of Lot 60 (approximately 310 feet).

All public improvements to be installed within one year of final map filing under the terms of an improvement agreement to be approved by the City Council prior to final map filing.

4. Design and installation of public improvements to be in accordance with City master plans.

Note that the developer may be eligible for reimbursement from others for the cost of certain improvements (curb, gutter and street paving on Almond Drive, east of Lot 60). It is the developer's responsibility to request reimbursement and submit the appropriate information per the Lodi Municipal Code §16.40.

5. Dedication of street right-of-way as shown on the tentative map.
6. Dedication of public utility easements as required by the various utility companies and the City of Lodi. A side yard easement may also be required on one of the lots along Stockton Street for a water main. Additional width should be added to one of the lots to accommodate the side yard easement. The minimum easement width is 8 feet, measured from the property line.
7. Submit final map per City and County requirements including the following:
 - Waiver of access rights along:
Stockton Street and Almond Drive.

Recommended Vesting Tentative Map Conditions for Colvin Ranch, 3820 Almond Drive,
Lodi, California, File #92S001
April 13, 1992
Page 2

8. Payment of the following:

- Filing and processing fees and charges for services performed by City forces per the Public Works Fee and Service Charge Schedule;
- Development Impact Mitigation Fees per the Public Works Fee and Service Charge Schedule at the time of map filing (fees for Police, Fire, Parks and Recreation and General City Facilities may be deferred until acceptance of public improvements);
- Wastewater connection fee at building permit issuance;
- Reimbursement fees per existing agreements (approximate):
 - 1) 85W05 \$14.00/LF on Almond Drive
 - 2) 80S02 \$14.36/LF on Almond Drive
 - 3) 78W06 \$5.66/LF on Stockton Street
 - 4) 77S02 \$6.10/LF on Stockton Street

The above fees are subject to periodic adjustment as provided by the implementing ordinance/resolution. The fee charged will be that in effect at the time of final map approval.

9. Obtain the following permits:

- San Joaquin County well/septic abandonment permit;

Finally, the Public Works Department has the following comments about the project that the Planning Commission may wish to consider:

The design and ownership of the fences along Stockton Street and Almond Drive has not been determined. Policies concerning ownership and maintenance of fences along reverse frontage lots are currently being developed by City staff. These policies will be presented to the City Council for action in the very near future. Ownership and maintenance of the proposed fences along Stockton Street and Almond Drive should be required to conform to the policies as adopted by the City Council. Unless otherwise determined by the City Council, the fences will be privately owned and maintained.



Jack H. Ronako
Public Works Director

JLR/SAW/lm

cc: Associate Civil Engineer
Colvin Ranch, Attn: Ron Thomas
Baumbach - Piazza

CITY COUNCIL

JACK A. SIEGLOCK, Mayor
STEPHEN J. MANN
Mayor Pro Tempore
RAY C. DAVENPORT
PHILLIP A. PENNING
JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 334-5634
FAX (209) 334-6795

THOMAS A. PETERSON
City Manager
JENNIFER M. PERRIN
City Clerk
BOB MCNATT
City Attorney

August 10, 1994

*Called: Ron T. 3/11/99
Rich P. 3/11/99*

Mr. Ronald B. Thomas
c/o Colvin Ranch, a California General Partnership
P. O. Box 1598
Lodi, California 95241-1598

**SUBJECT: Colvin Ranch
Almond Drive Street Improvements**

Improvement plans for Almond Drive have been submitted in conjunction with the Lodi Estates subdivision lying north of Almond Drive and opposite the Colvin Ranch project. The Lodi Estates project will include the construction of all required street improvements on the north side of Almond Drive. In order to provide adequate travel lanes, it will also be necessary to widen the south side of Almond Drive four feet. In addition, utility stubs will be installed to service the Colvin Ranch development.

The purpose of this letter is to request that you consider dedicating right-of-way and installing the Almond Drive street improvements for Colvin Ranch in conjunction with the Lodi Estates subdivision. The plans for this work were submitted for first plan check some time ago and have been returned to the engineer, Baumbach & Piazza.

If the street improvements on the south half of Almond Drive are not constructed at this time, the City will pay for the abovementioned widening and utility stubs and prepare a reimbursement agreement to the City for this work (Lodi Municipal Code 18.40). The reimbursement amount will include construction costs plus ten percent for administrative and engineering costs and will be recalculated annually to include an amount attributable to interest using the Engineering News Record 20 Cities Construction Cost Index. The reimbursement will have to be paid at the time of development of the Colvin Ranch subdivision.

Please contact me at (209) 333-6706 to discuss this matter at your earliest convenience.


Richard C. Prima, Jr.
City Engineer

*OFFSITE -
RON THOMAS -
334-5621*

RCP/SAW

cc: Associate Civil Engineer
Baumbach & Piazza