



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Improvement Deferral Agreement Addendum for 532 and 538 Howard Street

MEETING DATE: September 20, 1995

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council approve the Improvement Deferral Agreement Addendum for 532 and 538 Howard Street (formerly 550 Howard Street) and direct the City Manager and City Clerk to execute the Agreement on behalf of the City.

BACKGROUND INFORMATION: The original Improvement Deferral Agreement, executed by developers Tony and Chris White, was approved and recorded in 1991 at the time these two lots developed. Under this Agreement, the developer was allowed to defer the street improvements until such time as the adjacent properties in the future cul-de-sac developed, or upon demand by the City. Only a small portion of the Howard Street right-of-way was acquired with the development (see Exhibit A). The majority of the Howard Street right-of-way and improvements are on adjacent unimproved property. The original Deferral Agreement also required the developer to post a bond to guarantee that the deferred improvements would be installed. Normally a bond is only required if the improvements are to be installed in a very short time. We now know that is not the case on Howard Street.

Because bonds do not run with the land as a recorded Agreement does, a new bond would be required whenever ownership of the property changed. The Deferral Agreement has been amended to eliminate the requirement of a bond and is executed by the developer, as well as the new owners of the lots, Ronald L. and Guadalupe Almer. However, all other terms and conditions of the original Deferral Agreement are in effect, including the City's ability to file suit and collect for all costs if the improvements are not installed when required. This is the usual procedure on Deferral Agreements.

FUNDING: None required.


Jack L. Ronsko
Public Works Director

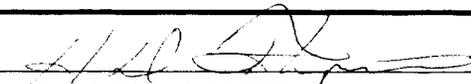
Prepared by Sharon Blaufus, Administrative Assistant

JLR/SB/lm

Attachment

cc: City Attorney
Ronald L. and Guadalupe Almer
Tony White

APPROVED: _____


THOMAS A. PETERSON
City Manager



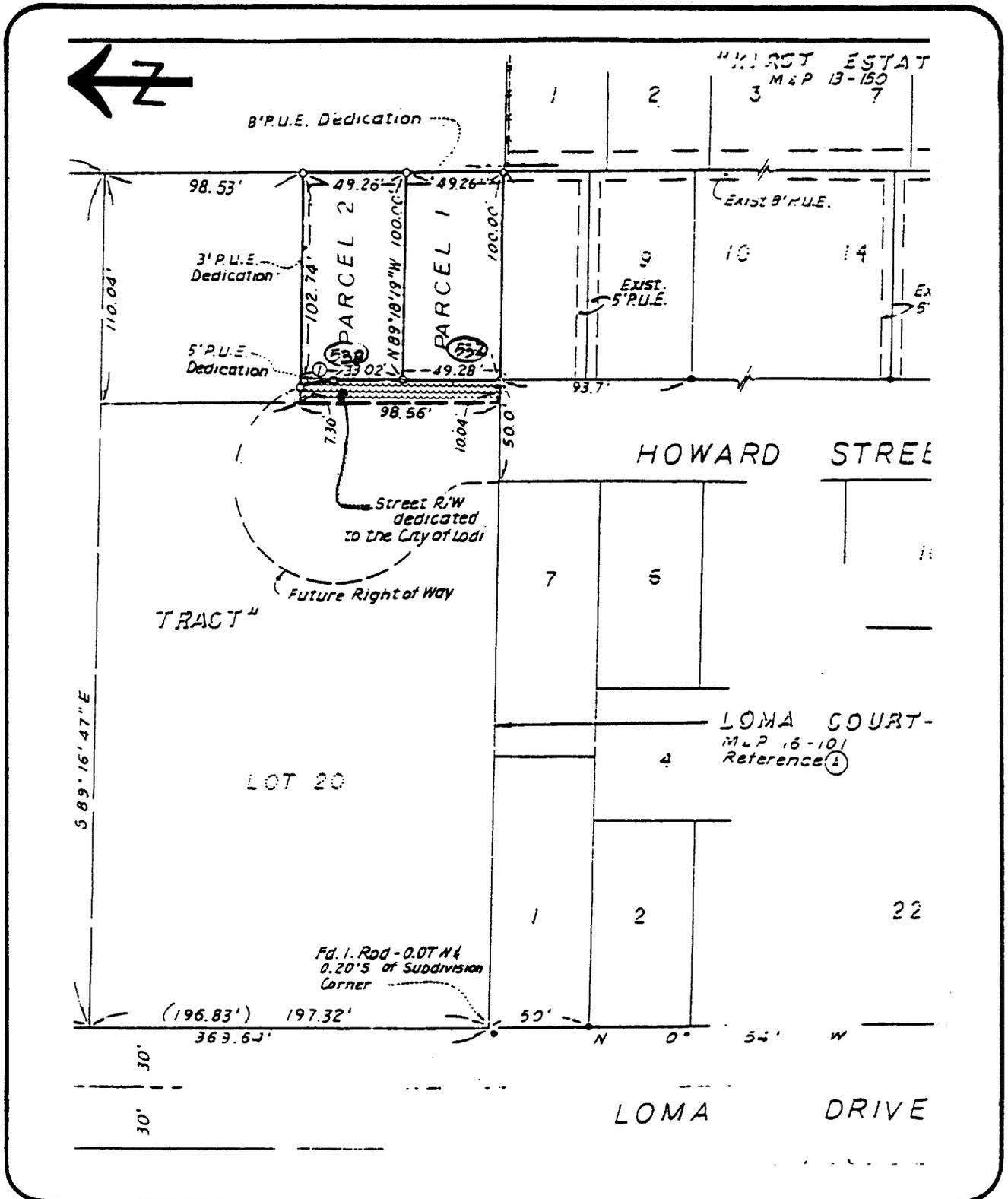
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CITY OF LODI

PUBLIC WORKS DEPARTMENT

EXHIBIT A 532 & 538 Howard Street



CITY COUNCIL

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

CITY OF LODI

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JENNIFER M. PERRIN
City Clerk
City Attorney

September 13, 1995

Ronald L. and Guadalupe Almer
532 Howard Street
Lodi, CA 95242

Mr. Tony White
P. O. Box 1043
Woodbridge, CA 95258

SUBJECT: Improvement Deferral Agreement Addendum for
532 and 538 Howard Street

Enclosed is a copy of background information on an item on the City Council agenda of Wednesday, September 20, 1995, 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 Blaufus, Administrative Assistant, at (209) 333-6706.


Jack L. Ronsko
Public Works Director

JLR/im

Enclosure

cc: City Clerk