



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Communications (September 1, 1994 through September 28, 1994)

MEETING DATE: October 5, 1994

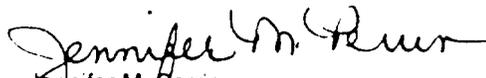
PREPARED BY: City Clerk

RECOMMENDED ACTION: That the City Council set a public hearing for November 2, 1994 to consider appeal from Gilbert and Betty Kampe regarding development requirements at property located at 2024 Edgewood Drive, Lodi.

BACKGROUND INFORMATION: The City of Lodi received a letter from Gilbert and Betty Kampe (see letter attached) in which they requested an appeal before the City Council regarding development requirements at their property located at 2024 Edgewood Drive, Lodi.

It is recommended that the City Council set this matter for public hearing for November 2, 1994.

FUNDING: None required.


Jennifer M. Ferrin
City Clerk

JMP

Attachment

APPROVED _____

THOMAS A. PETERSON
City Manager



recycled paper

Gilbert and Betty Kampe
2925 Rockford Avenue
Stockton, California 95207

RECEIVED

September 6, 1994

SEP 10 1994

CITY OF LODI

City of Lodi
P. O. Box 3006
Lodi, California 95241

Attention: Sharon A. Welch, Associate Civil Engineer

RE: YOUR LETTER OF SEPTEMBER 1, 1994. MR. AND MRS. GILBERT KAMPE
CONSTRUCTION APPLICATION NUMBER 7925, 2024 EDGEWOOD DRIVE,
LODI, CALIFORNIA - MITIGATION FEES AND CONSTRUCTION
REQUIREMENTS

Ms. Welch:

This date we received the above referenced letter via U.S. Mail, to say we were very surprised, appalled and shocked at the assessment of the Mitigation Fees is a gross understatement. Additionally we were surprised at the Construction Fees and Requirements.

FIRST WE WILL ADDRESS THE MITIGATION FEES:

In February of this year prior to the purchase of the property located at 2024 Edgewood Drive, Lodi, California, we were assured by one of the sellers Theodore Hutz that all services, water, sewer, telephone, electric and gas were all on the property and available for connection. The property listing showed all of these items as well as sidewalks, street lights ect. (copy included). Even though we were assured by Mr. Hutz as a condition of the sales contract prior to completing the sales agreement we made inquiry of the City of Lodi. On February 15, 1994 a message was left at the City of Lodi, Dave Comer. Mr. Comer returned the call and at that time we asked him about all of the services, water, sewer, electric and gas, whether these services were on the property available for connection and what if any charges for them would be due. We were directed to Pacific Gas & Electric for information regarding the availability of the gas. Mr. Comer said he would get back to us with the information we requested but it might be a few days. We were called back in three (3) days after a site inspection by the City of Lodi and advised that water, sewer and electric were at the property and available for connection. However, we would have to pay for water meter, the cost for a 1" meter would be Nine Hundred Dollars (\$900.00).

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Mr. Maiciel Fernandez of Pacific Gas & Electric, after site inspection advised us of the gas location. Both of these gentlemen were very helpful. We were also advised by Lodi Unified School District of the School Tax Fee, the amount to be Two Hundred Dollars (\$200.00) per bedroom. When we were advised of the water meter charge we made a request, through our Real Estate Agent for the Sellers to pay this fee. Mr. Theodore Hutz one of the sellers, refused on the grounds that no other homeowner in the Lakewood Area had been required to pay or have a water meter installed. We continued to stand that the charge for the meter should be the responsibility of the sellers as they guaranteed us that all the utilities were on the site and ready for connection. Our real estate agent, Mandy Gerlack called the City of Lodi to verify the water meter charge and was told the cost would be Five Hundred Dollars (\$500.00). Mr. Hutz was adamant in refusing to pay for the meter and suggested that we close and sue him in small claims court. We decided to continue the sale and sue him for the cost of the meter when or if we were required to install one.

Why are these fees being charged now, without the new property owner having any prior knowledge? Section 15.64.040 Payment of Fee, why have none of these conditions been met? Several Owners, no payments made, did any of these Owners have knowledge of these Fees? The Title Search conducted for Hutz and Kampe earlier this year showed no report of any Mitigation Fees, were Fees missed by Chicago Title Company?

Why were we not advised of Mitigation Fees by the City of Lodi when we inquired in February of this year?

Are Fee costs based on the rate due in 1967?

We feel that we made every effort to find out any costs that might be due prior to the purchase of the property located at 2024 Edgewood Drive, Lodi, California. We would not have purchased this property if these facts were known to us as we already had another lot in escrow and were waiting for the completion of the subdivision. Our Budget for Construction did not include these costs and we are not in a position to pay them.

SECOND WE WILL ADDRESS FEES:

How is the Wastewater Connection Fee developed?

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THIRD WE WILL ADDRESS THE CONSTRUCTION REQUIREMENTS:

Why would a new property owner be required to repair a broken sidewalk, broken long before we considered the purchase of this property? Are the sidewalks in Lodi maintained by the property owner? If so this should be a cost to a prior Owner. This sidewalk could have been broken by City Crews working on the utilities, the Utility Company or the Fence Company erecting the fence for the City or anyone driving a heavy vehicle over it.

Is the waste water cleanout the responsibility of the Lodi property Owner? Typically the city provides the waste water cleanout and the Owner is responsible to come in and connect behind the waste water cleanout.

We appeal these Mitigation Fees and ask for your prompt response to questions addressed in this letter.

Sincerely,

Betty Kampe

Betty Kampe

c.c. City of Lodi Building Department
Mid-Cal Constructors
Chicago Title Company
Fortune Realty, T. Hutz

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Sincerely,

Betty Kampe

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c.c. City of Lodi Building Department
Mid-Cal Constructors
Chicago Title Company
Fortune Realty, T. Hutz



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: November 2, 1994

Time: 7:00 p.m.

For information regarding this notice please contact:

Jennifer M. Perrin

City Clerk

Telephone: (209) 333-6702

NOTICE OF PUBLIC HEARING

November 2, 1994

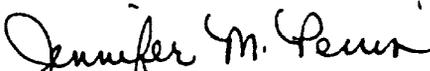
NOTICE IS HEREBY GIVEN that on Wednesday, November 2, 1994 at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing to consider the following matter:

- a) Appeal from Gilbert and Betty Kampe regarding development requirements at property located at 2024 Edgewood Drive, Lodi.

All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:


Jennifer M. Perrin
City Clerk

Dated: October 5, 1994

Approved as to form:


Bobby W. McNatt
City Attorney

DECLARATION OF MAILING

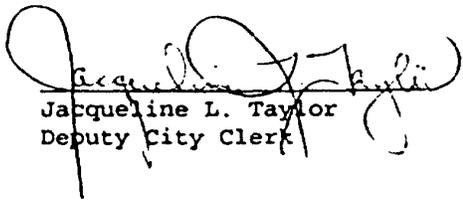
On October 6, 1994 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 6, 1994, at Lodi, California.

Jennifer M. Perrin
City Clerk


Jacqueline L. Taylor
Deputy City Clerk

Gilbert and Betty Kampe
2024 Edgewood Drive
Lodi, CA 95240