



# CITY OF LODI

## COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing to Consider Adopting a Resolution/Order to Vacate Pleasant Avenue, from Elm Street North to the Alley

MEETING DATE: October 3, 2001

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt a resolution order abandoning Pleasant Avenue, from Elm Street north to the alley.

BACKGROUND INFORMATION: At its meeting of September 5, 2001, the City Council adopted a resolution of intention to vacate a 170-foot length of Pleasant Avenue, from Elm Street to the alley north of Elm Street, and referred the matter to the Planning Commission. This abandonment is requested to accommodate the construction of the new Police building, as shown on Exhibit A, and would be from the north right-of-way line of Elm Street to the south right-of-way line of the alley north of Elm Street. Construction is anticipated to proceed in April 2002. Existing underground utilities (a 10-inch water main and a 4-inch low-pressure gas main) and City electrical poles and overhead services will be relocated.

The Planning Commission will discuss this request for abandonment at its regularly scheduled meeting of September 26, 2001, which is after the deadline for the October 3, 2001 Council meeting packet. Therefore, the Planning Commission's recommendation will be presented at the Council meeting.

Pacific Bell and AT&T Broadband have approved the street abandonment without conditions. The City of Lodi Electric Utility Department, Water/Wastewater Division, and PG&E have approved the abandonment on the condition existing utilities, as described above, be relocated. The Electric Utility Department is also requesting a 5-foot public utility easement with an 11.5-foot overhead easement be maintained along the north line of the street abandonment.

All property owners within a 300-foot radius of this portion of Pleasant Avenue have been advised of the City's intention to abandon it.

FUNDING: Not applicable.

Richard C. Prima, Jr.  
Public Works Director

Prepared by Jeannie Matsumoto, Senior Engineering Technician

RCP/JHM/lm

Attachment

cc: Randy Hays, City Attorney  
Gary Wiman, Construction Project Manager  
Affected Property Owners

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

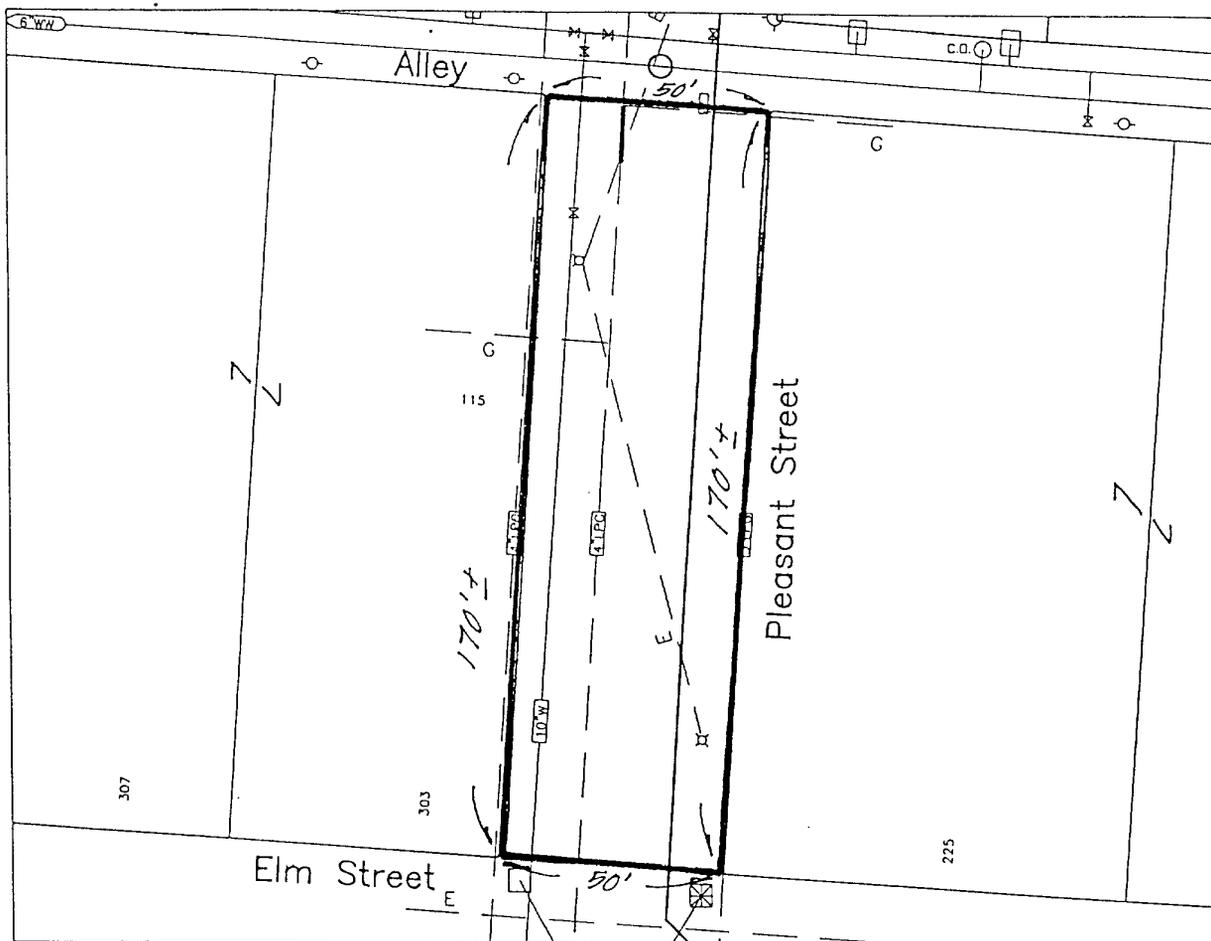
H. Dixon Flynn -- City Manager



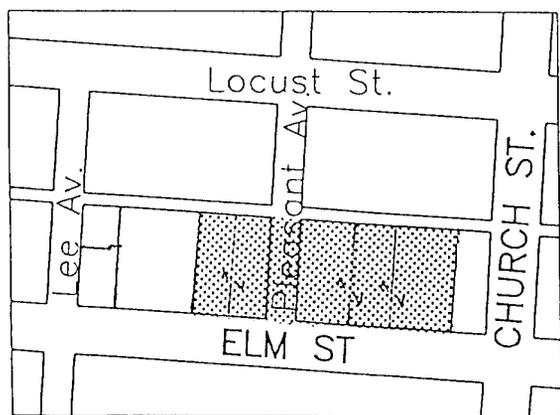
# CITY OF LODI

PUBLIC WORKS DEPARTMENT

## PLEASANT AVE. ABANDONMENT



SCALE: 1" = 40'



SCALE: 1" = 300'

PLEASE RECORD AND RETURN TO:  
Susan J. Blackston, City Clerk  
P.O. Box 3006  
Lodi, CA 95241-1910

RESOLUTION NO. 2001-230

A RESOLUTION OF THE LODI CITY COUNCIL VACATING  
PLEASANT AVENUE, FROM ELM STREET NORTH  
TO THE ALLEY

=====

WHEREAS, this City Council acting in accordance with provisions of Part III of Division 9 of the Streets and Highways Code of this State, did on the 5th day of September, 2001, pass and adopt Resolution of Intention No. 2001-213 therein declaring the intention of said City Council to vacate that portion of Pleasant Avenue, from Elm Street north to the alley, Lodi, California, County of San Joaquin, State of California, reserving, however, and excepting from the vacation, a permanent 5-foot public utility easement with an 11.5-foot overhead easement be maintained along the north line of the street abandonment, and right therein to construct, maintain, repair, and operate lines for public utilities, both publicly and privately owned, in, over, and across said street, and more particularly described as follows, to wit:

Pleasant Avenue, from Elm Street north to the alley

WHEREAS, said notice of said intended vacation was regularly given by publication and by posting, both in time, form, and manner as required by law as is evidence by affidavits on file and on record in the office of the City Clerk of the City of Lodi; and

WHEREAS, in accordance with the provisions stated herein and also contained in the posted notices of the adoption of said resolution, notice was given that a public hearing would be held before the City Council in the City Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, California, beginning at 7:00 p.m. on Wednesday, October 3, 2001, where and when any person interested in or objecting to said vacation could appear and be heard in relation thereto; and

WHEREAS, at that time and place, a public hearing was held and conducted and testimony received for and against the vacation contemplated; and

WHEREAS, at the October 3, 2001 City Council meeting, from the evidence submitted, the City Council of the City of Lodi did determine that said portion of Pleasant Avenue, from Elm Street north to the alley, is unnecessary for present or future public use and did so find and declare; and

WHEREAS, the Planning Commission did find that the subject vacation was consistent with the General Plan of the City of Lodi.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the findings and under the authority of Section 8323 of the Streets and Highways Code of the State of California, that there is hereby abandoned that Pleasant Avenue, from Elm Street north to the alley, Lodi, California, and more particularly described as follows:

Pleasant Avenue, from Elm Street north to the alley, Lodi, California, as shown on Exhibit A attached hereto.

Reserving, however, and excepting from the vacation, a permanent 5-foot public utility easement with an 11.5-foot overhead easement be maintained along the north line of the street abandonment, and right therein to construct, maintain, repair, and operate lines for public utilities, both publicly and privately owned, in, over, and across said street.

Reference is hereby made to a map or plan on file in the office of the City Clerk of the City of Lodi for the particulars as to the proposed vacation.

Dated: October 3, 2001

=====

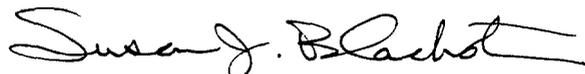
I hereby certify that Resolution No. 2001-230 was passed and adopted by the City Council of the City of Lodi in a regular meeting held October 3, 2001, by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Howard, Pennino and Mayor  
Nakanishi

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – Land

ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON  
City Clerk

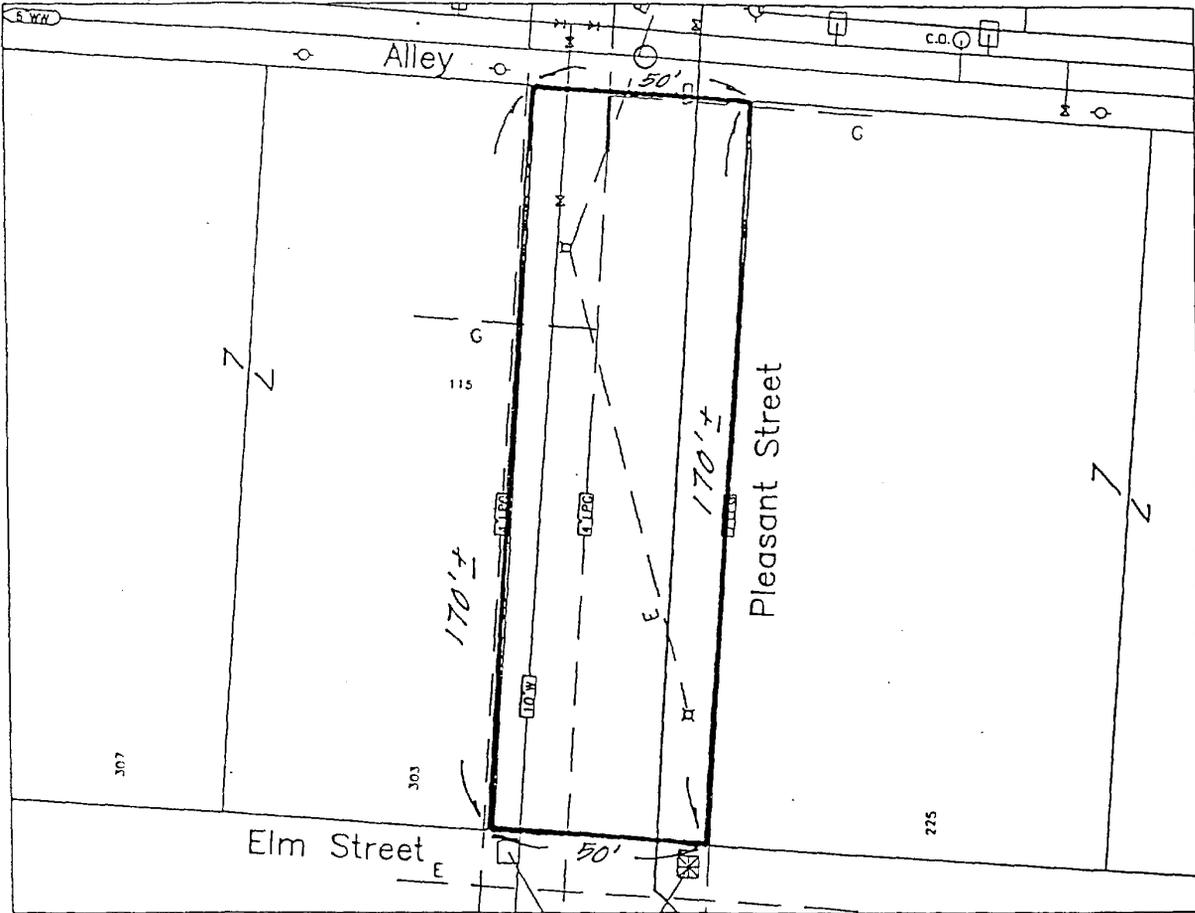
# EXHIBIT A



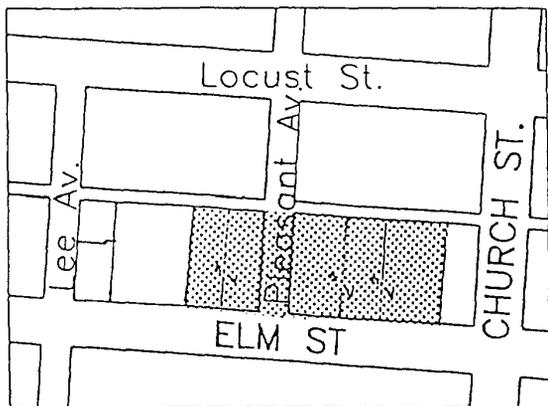
## CITY OF LODI

PUBLIC WORKS DEPARTMENT

### PLEASANT AVE. ABANDONMENT



SCALE: 1" = 40'



SCALE: 1" = 300'

10/3 P/W



**Please immediately confirm receipt  
of this fax by calling 333-6702**

CITY OF LODI  
P. O. BOX 3006  
LODI, CALIFORNIA 95241-1910

**ADVERTISING INSTRUCTIONS**

**SUBJECT: SET PUBLIC HEARING FOR OCTOBER 3, 2001  
TO CONSIDER RESOLUTION OF INTENTION TO ABANDON PLEASANT  
AVENUE FROM ELM STREET TO THE ALLEY NORTH OF ELM STREET TO  
ACCOMMODATE THE CONSTRUCTION OF THE POLICE BUILDING**

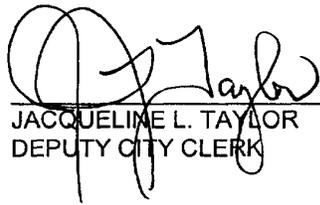
**PUBLISH DATE(s): SATURDAY, SEPTEMBER 8, 2001  
SATURDAY, SEPTEMBER 22, 2001**

**TEAR SHEETS WANTED: Three (3) please**

**SEND AFFIDAVIT AND BILL TO: SUSAN BLACKSTON, CITY CLERK  
City of Lodi  
P.O. Box 3006  
Lodi, CA 95241-1910**

**DATED: SEPTEMBER 6, 2001**

**ORDERED BY:**

  
\_\_\_\_\_  
JACQUELINE L. TAYLOR  
DEPUTY CITY CLERK

\_\_\_\_\_  
JENNIFER M. PERRIN  
DEPUTY CITY CLERK

**Verify Appearance of this Legal in the Newspaper - Copy to File**

*Hand delivered to LNS 9/6/01 @ 11:00 A.M.*  
Faxed to the Sentinel at 369-1084 at \_\_\_\_\_(time) on \_\_\_\_\_(date) \_\_\_\_\_(pages)  
Sharon \_\_\_\_\_ Phoned to confirm receipt of all pages at \_\_\_\_\_(time) *J* Jac \_\_\_\_\_ Jen (initials)



## DECLARATION OF POSTING

On Thursday, September 7, 2001 in the City of Lodi, San Joaquin County, California, a copy of Notice of Public Hearing of the City Council of the City of Lodi to consider Resolution Of Intention To Abandon Pleasant Avenue From Elm Street To The Alley North Of Elm Street To Accommodate The Construction Of The Police Building (attached hereto, marked Exhibit "A") was posted at the following four locations:

Lodi Public Library  
Lodi City Clerk's Office  
Lodi City Hall Lobby  
Lodi Carnegie Forum

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

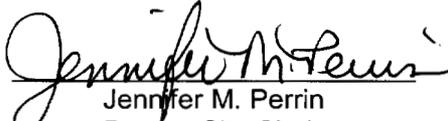
Executed on September 7, 2001, at Lodi, California.

ORDERED BY:

**SUSAN J. BLACKSTON**  
**CITY CLERK**

---

Jacqueline L. Taylor  
Deputy City Clerk

  
Jennifer M. Perrin  
Deputy City Clerk

**NOTICE OF PUBLIC HEARING**

**EXHIBIT A**

RESOLUTION NO. 2001-213

A RESOLUTION OF THE LODI CITY COUNCIL DECLARING ITS INTENTION TO ABANDON PLEASANT AVENUE, FROM ELM STREET NORTH TO THE ALLEY, REFERRING THE MATTER TO THE PLANNING COMMISSION, AND FIXING A DATE, TIME, AND PLACE FOR A PUBLIC HEARING WHEN AND WHERE ALL PERSONS INTERESTED IN OR OBJECTING TO THE PROPOSED ABANDONMENT MAY BE HEARD

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

It is the intention of the City Council of the City of Lodi, acting in accordance with the provisions of Section 8300 et seq. of the Streets and Highways Code of the State of California, to abandon 170-foot length of Pleasant Avenue, from Elm Street to the alley north of Elm Street, as shown on Exhibit A attached hereto and thereby made a part hereof.

Reference is hereby made to a map or plan on file in the office of the City Clerk of the City of Lodi for the particulars as to the proposed abandonment.

BE IT FURTHER RESOLVED that this City Council does hereby fix Wednesday, October 3, 2001, at the hour of 7:00 p.m., in the City Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, California, as the time and place when and where all persons interested in or objecting to this proposed abandonment may appear before this City Council and be heard.

BE IT FURTHER RESOLVED that the Public Works Director shall cause to be posted notices of abandonment conspicuously along the line of the portion of street hereinabove described and proposed to be abandoned in the manner, form, and for the length of time set forth in Section 8323 of the Streets and Highways Code of the State of California.

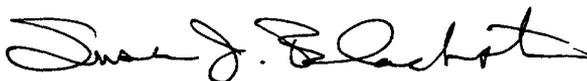
BE IT FURTHER RESOLVED that copies of this resolution shall be published for at least two successive weeks prior to October 3, 2001 in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi, County of San Joaquin.

Dated: September 5, 2001

=====

I hereby certify that Resolution No. 2001-213 was passed and adopted by the City Council of the City of Lodi in a regular meeting held September 5, 2001, by the following vote:

- AYES: COUNCIL MEMBERS – Hitchcock, Howard, Land, Pennino and Mayor Nakanishi
- NOES: COUNCIL MEMBERS – None
- ABSENT: COUNCIL MEMBERS – None
- ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON  
City Clerk

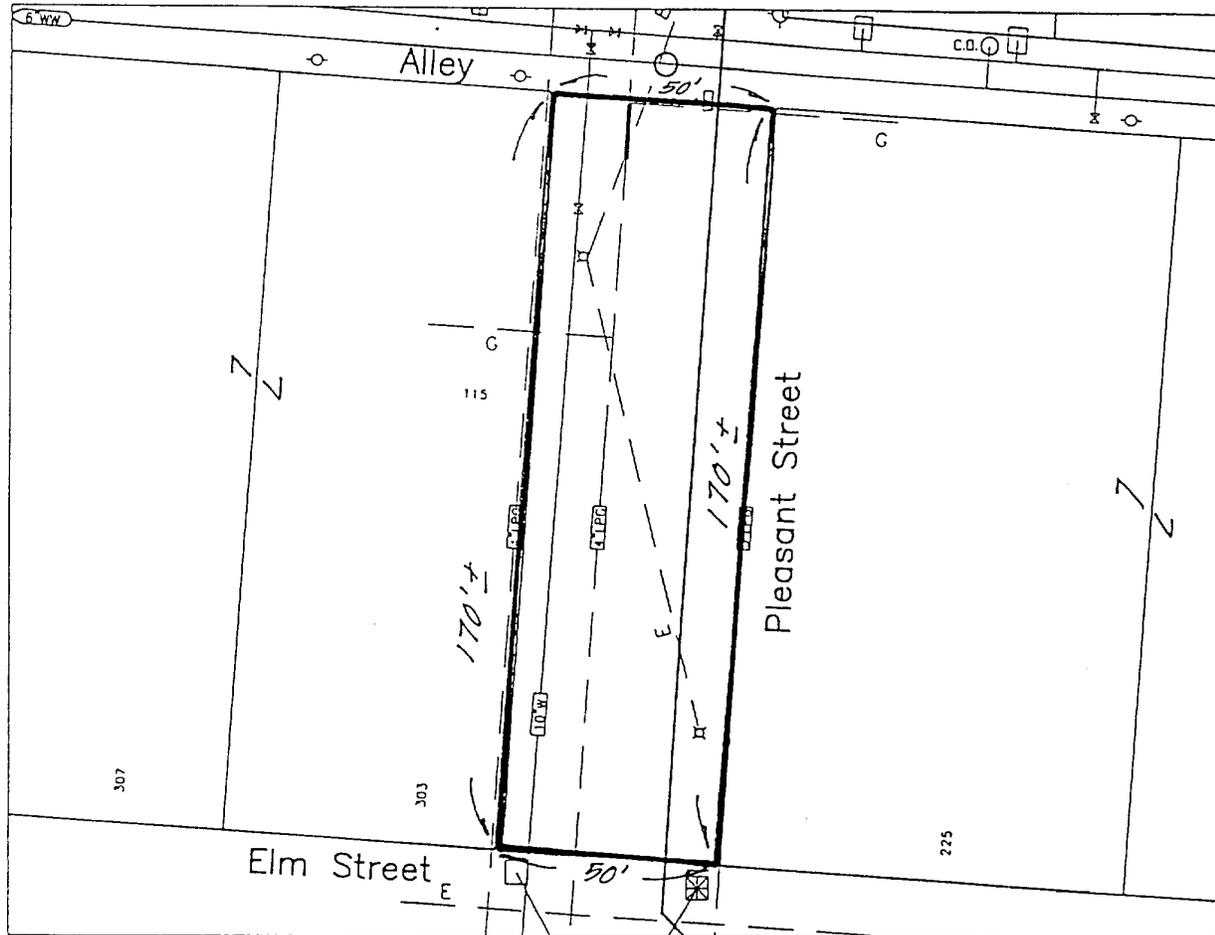
EXHIBIT A



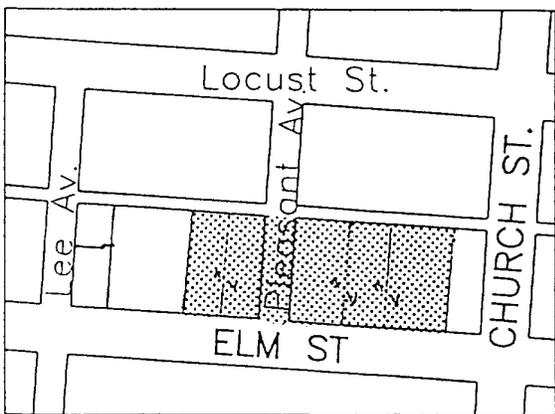
CITY OF LODI

PUBLIC WORKS DEPARTMENT

PLEASANT AVE.  
ABANDONMENT



SCALE: 1" = 40'



SCALE: 1" = 300'

**NOTICE OF PUBLIC HEARING  
RESOLUTION NO. 2001-213**

**A RESOLUTION OF THE LODI CITY COUNCIL DECLARING ITS INTENTION TO ABANDON PLEASANT AVENUE, FROM ELM STREET NORTH TO THE ALLEY, REFERRING THE MATTER TO THE PLANNING COMMISSION, AND FIXING A DATE, TIME, AND PLACE FOR A PUBLIC HEARING WHEN AND WHERE ALL PERSONS INTERESTED IN OR OBJECTING TO THE PROPOSED ABANDONMENT MAY BE HEARD**

BE IT RESOLVED by the City Council of the City of Lodi as follows:  
It is the intention of the City Council of the City of Lodi, acting in accordance with the provisions of Section 8300 et seq. of the Streets and Highways Code of the State of California, to abandon 170-foot length of Pleasant Avenue, from Elm Street to the alley north of Elm Street, as shown on Exhibit A attached hereto and thereby made a part hereof.

Reference is hereby made to a map or plan on file in the office of the City Clerk of the City of Lodi for the particulars as to the proposed abandonment.

BE IT FURTHER RESOLVED that this City Council does hereby fix Wednesday, October 3, 2001, at the hour of 7:00 p.m., in the City Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, California, as the time and place when and where all persons interested in or objecting to this proposed abandonment may appear before this City Council and be heard.

BE IT FURTHER RESOLVED that the Public Works Director shall cause to be posted notices of abandonment conspicuously along the line of the portion of street hereinabove described and proposed to be abandoned in the manner, form, and for the length of time set forth in Section 8323 of the Streets and Highways Code of the State of California.

BE IT FURTHER RESOLVED that copies of this resolution shall be published for at least two successive weeks prior to October 3, 2001 in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi, County of San Joaquin.

Dated: September 5, 2001

I hereby certify that Resolution No. 2001-213 was passed and adopted by the City Council of the City of Lodi in a regular meeting held September 5, 2001, by the following vote:

AYES: COUNCIL MEMBERS - Hitchcock, Howard, Land, Pennino and Mayor Nakanishi

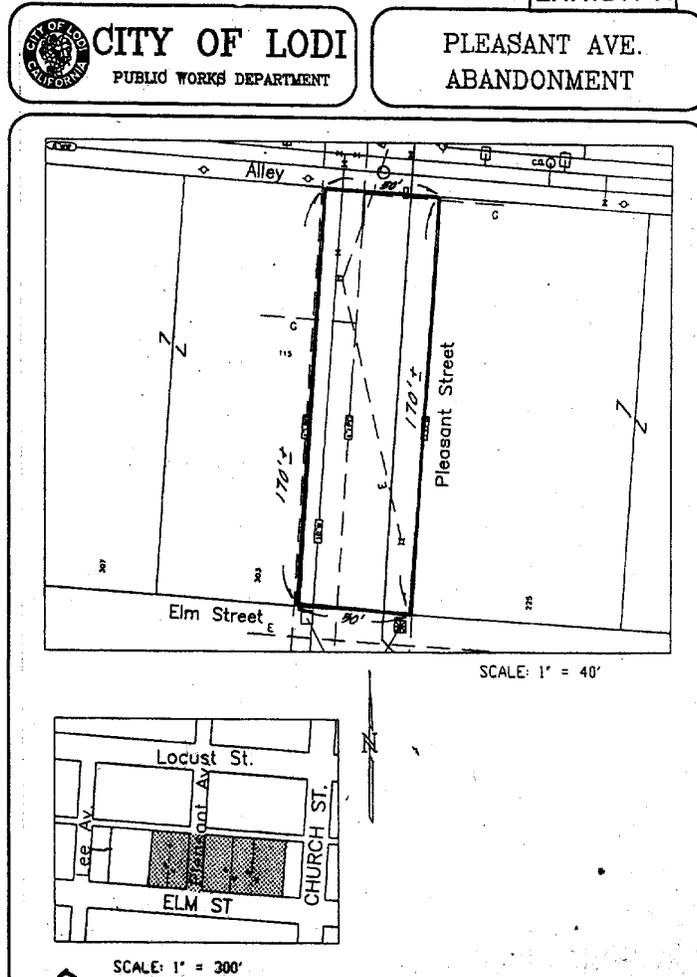
NOES: COUNCIL MEMBERS - None

ABSENT: COUNCIL MEMBERS - None

ABSTAIN: COUNCIL MEMBERS - None

SUSAN J. BLACKSTONE  
City Clerk

**EXHIBIT A**



April 8, 22, September 22



## DECLARATION OF MAILING

### SET PUBLIC HEARING FOR OCTOBER 3, 2001 TO CONSIDER RESOLUTION OF INTENTION TO ABANDON PLEASANT AVENUE FROM ELM STREET TO THE ALLEY NORTH OF ELM STREET TO ACCOMMODATE THE CONSTRUCTION OF THE POLICE BUILDING

On September 7, 2001 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 and Map 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 September 7, 2001, at Lodi, California.

ORDERED BY:

**SUSAN BLACKSTON  
CITY CLERK, CITY OF LODI**

ORDERED BY:

\_\_\_\_\_  
JACQUELINE L. TAYLOR  
DEPUTY CITY CLERK

  
JENNIFER M. PERRIN  
DEPUTY CITY CLERK

CITY COUNCIL

ALAN S. NAKANISHI, Mayor  
PHILLIP A. PENNINO  
Mayor Pro Tempore  
SUSAN HITCHCOCK  
EMILY HOWARD  
KEITH LAND

# CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 333-6702  
FAX (209) 333-6807

H. DIXON FLYNN  
City Manager

SUSAN BLACKSTON  
City Clerk

RANDALL A. HAYS  
City Attorney

September 7, 2001

**EXHIBIT A**

TO: Interested Parties

**VACATION: TO ABANDON PLEASANT AVENUE, FROM ELM STREET  
NORTH TO THE ALLEY**

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This is to inform you that the City Council at its regular meeting on September 5, 2001 adopted a Resolution of Intention to abandon Pleasant Avenue, from Elm Street north to the alley and set a public hearing for October 3, 2001.

Enclosed, for your information, is a certified copy of the resolution along with a map of the area to be abandoned.

In addition, this matter has been referred to the Planning Commission and will be heard at its regular meeting of September 26, 2001. Please contact the Community Development Department at (209) 333-6711 if you have any questions.

Should you have questions regarding the abandonment, please contact Public Works Director Richard Prima at (209) 333-6706.



Susan J. Blackston  
City Clerk

SJB/jmp

Enclosure

cc: Public Works Director  
Community Development Director

**NOTICE OF PUBLIC HEARING**

RESOLUTION NO. 2001-213

A RESOLUTION OF THE LODI CITY COUNCIL DECLARING ITS INTENTION TO ABANDON PLEASANT AVENUE, FROM ELM STREET NORTH TO THE ALLEY, REFERRING THE MATTER TO THE PLANNING COMMISSION, AND FIXING A DATE, TIME, AND PLACE FOR A PUBLIC HEARING WHEN AND WHERE ALL PERSONS INTERESTED IN OR OBJECTING TO THE PROPOSED ABANDONMENT MAY BE HEARD

=====

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

It is the intention of the City Council of the City of Lodi, acting in accordance with the provisions of Section 8300 et seq. of the Streets and Highways Code of the State of California, to abandon 170-foot length of Pleasant Avenue, from Elm Street to the alley north of Elm Street, as shown on Exhibit A attached hereto and thereby made a part hereof.

Reference is hereby made to a map or plan on file in the office of the City Clerk of the City of Lodi for the particulars as to the proposed abandonment.

BE IT FURTHER RESOLVED that this City Council does hereby fix Wednesday, October 3, 2001, at the hour of 7:00 p.m., in the City Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, California, as the time and place when and where all persons interested in or objecting to this proposed abandonment may appear before this City Council and be heard.

BE IT FURTHER RESOLVED that the Public Works Director shall cause to be posted notices of abandonment conspicuously along the line of the portion of street hereinabove described and proposed to be abandoned in the manner, form, and for the length of time set forth in Section 8323 of the Streets and Highways Code of the State of California.

BE IT FURTHER RESOLVED that copies of this resolution shall be published for at least two successive weeks prior to October 3, 2001 in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi, County of San Joaquin.

Dated: September 5, 2001

=====

I hereby certify that Resolution No. 2001-213 was passed and adopted by the City Council of the City of Lodi in a regular meeting held September 5, 2001, by the following vote:

- AYES: COUNCIL MEMBERS – Hitchcock, Howard, Land, Pennino and Mayor Nakanishi
- NOES: COUNCIL MEMBERS – None
- ABSENT: COUNCIL MEMBERS – None
- ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON  
City Clerk



**EXHIBIT B**

**VACATION / ABANDONMENT  
MAILING LIST**

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**RESOLUTION OF INTENTION (Setting Public Hearing)**

Certified copy w/cover letter to:

PG&E  
12 W. Pine Street  
Lodi, CA 95240

AT&T  
6343 Tam O'Shanter Drive  
Stockton, CA 95210

Pacific Bell  
44 W. Yokuts Avenue  
Stockton, CA 95207

Central Valley Waste Services  
P.O. Box 241001  
Lodi, CA 95241-9501

Chief Deputy County Surveyor  
Attn: Joe Bussalacci  
1810 E. Hazelton Avenue  
Stockton, CA 95205

Certified copies to:

Jeannie Matsumoto, Public Works

Wes Fujitani, Public Works

Community Development Department

Police Department

Fire Department

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**RESOLUTION OF VACATION (After Public Hearing)**

Certified copy w/cover letter:

PG&E

AT&T

Pacific Bell

Central Valley Waste Services

Chief Deputy County Surveyor

Jeannie Matsumoto, Public Works

Wes Fujitani, Public Works

Community Development Department

Police Department

Fire Department

**PLEASANT AVE. ABANDONMENT (ELM ST. NORTH TO ALLEY)  
PUBLIC HEARING MAILING LIST (300 FT. RADIUS)**

<b>APN</b>	<b>SITUS</b>	<b>OWNER</b>	<b>OWNER ADDRESS</b>
03727014	302 W LOCUST ST	COTTRELL, STEVEN & AMANDA	125 N PLEASANT AVE LODI CA 95240
03727016	303 W ELM ST	LODI, CITY OF	CALL BOX 3006 LODI CA 95241
03727018	315 W ELM ST	SAN JOAQUIN, COUNTY OF	222 E WEBER ST STOCKTON CA 95202
03727038	310 W ELM ST	LODI, CITY OF	
04302201	220 W LOCUST ST	PINNELL, BETTY ANN TR	806 BEL AIR CT LODI CA95240
04302202	120 N PLEASANT AV	AMIN, BOBBY B	120 N PLEASANT AVE LODI CA 95240
04302208	207 W ELM ST	LODI, CITY OF	CALL BOX 3006 LODI CA 95241
04302209	211 W ELM ST	LODI CITY OF	CITY HALL LODI CA 95240
04302210	217 W ELM ST	LODI, CITY OF	CALL BOX 3006 LODI CA 95241
04302211	225 W ELM ST	LODI CITY OF	PO BOX 3006 LODI CA9 5241
04303109	210 W ELM ST	LODI, CITY OF	
03727030	322 W ELM ST	1ST CHURCH OF CHRIST SCIENTIST	322 W ELM ST LODI CA 95240
03727011	114 S LEE AV	SAINT JOHNS EPISCOPAL CHURCH	PO BOX 297 LODI CA 95241
03727012	310 W LOCUST ST	PROTESTANT EPISCOPAL BISHOP	PO BOX 297 LODI CA 95241
03727013	306 W LOCUST ST	BURKE, SUSAN ELAINE ETAL	11260 GOLFVIEW RD LODI CA 95240
03727015	125 N PLEASANT AVE	COTTRELL, STEVEN & AMANDA	125 N PLEASANT AVE LODI CA 95240
03727017	307 W ELM ST	DEAN, JAMES E & CAROL A TR	16 N CRESCENT AVE LODI CA 95240
03727040	108 N LEE AVE	BAUMBACH, GLEN I & C A TR ETAL	323 W ELM ST LODI CA 95240
03727041	321 W ELM ST	BAUMBACH, GLEN I & CA TR ETAL	323 W ELM ST LODI CA 95240
04302203	116 N PLEASANT AVE	VEERKAMP, BARBARA A	6393 EMBARCADERO DR STOCKTON CA 95219
04302206	109 N CHURCH ST	MEHLHAFF, FREDRICK P	2141 W LODI AVE LODI CA 95242
04302207	101 N CHURCH ST	DEJONG, ORVILLE & KAREN ETAL	16040 N TECKLENBERG RD LODI CA 95240
04302212	125 N CHURCH ST	DELTA PACIFIC ENTERPRISES	PO BOX 1360 LODI CA 95241

STEVEN & AMANDA COTTRELL  
125 N PLEASANT AVE  
LODI CA 95240

SAN JOAQUIN CO  
222 E WEBER ST  
STOCKTON CA 95202

BETTY ANN PINNELL TR  
806 BEL AIR CT  
LODI CA 95240

BOBBY B AMIN  
120 N PLEASANT AVE  
LODI CA 95240

1ST CHURCH OF CHRIST SCIENTIST  
322 W ELM ST  
LODI CA 95240

ST JOHN'S EPISCOPAL CHURCH  
P O BOX 297  
LODI CA 95241

PROTESTANT EPISCOPAL BISHOP  
P O BOX 297  
LODI CA 95241

SUSAN ELAINE BURKE ET AL  
11260 GOLFVIEW RD  
LODI CA 95240

JAMES E & CAROL A DEAN TR  
16 N CRESCENT AVE  
LODI CA 95240

ENI & C A BAUMBACH TR ET AL  
3 W ELM ST  
LODI CA 95240

BARBARA A VEERKAMP  
6393 EMBARCADERO DR  
STOCKTON CA 95219

FREDRICK P MEHLHAFF  
2141 W LODI AVE  
LODI CA 95242

ORVILLE & KAREN DEJONG ET AL  
6040 N TECKLENBERG RD  
LODI CA 95240

DELTA PACIFIC ENTERPRISES  
P O BOX 1360  
LODI CA 95241

G-2  
SEP 21 2001

SEP 26 2001

- CC
- CM
- CA
- CD
- EUD
- FIN
- FD
- HR
- IS
- LIB
- PR
- PD
- PW
- COM

LAW OFFICES OF CITY ATTORNEY'S OFFICE  
**STEVEN J. COTTRELL**  
 A PROFESSIONAL LAW CORPORATION  
 125 NORTH PLEASANT AVENUE  
 LODI, CALIFORNIA 95240  
 (209) 369-8212  
 FAX (209) 369-5068

*Randy*

*AA*

September 21, 2001

*VIA FACSIMILE & FIRST CLASS MAIL*

City of Lodi  
 City Hall  
 P. O. Box 3006  
 Lodi, CA 95241-1910

Attention: H. Dixon Flynn, City Manager  
 Public Works Director  
 Community Development Center

Re: Resolution No. 2001-213  
 Intent to Abandon Pleasant Avenue From Elm Street North to Alley

Gentlemen:

This letter is in response to the letter my office received on September 8, 2001, in reference to the above-captioned matter. As you may or may not be aware, my law office is located at 125 North Pleasant Avenue, which is the office immediately north of the alley on the west side of Pleasant Avenue. My office has been located at this address since 1989.

Pleasant Avenue is a narrow street that runs in a north and south direction from Elm Street to Locust Street. Therefore, the access for my clients to drive to my office is to turn onto Pleasant Avenue from Elm Street. With the City's intent to abandon the 170 length of Pleasant Avenue from Elm Street north to the alley, it will in effect eliminate access for my clients to drive to my office. Because Pleasant Avenue is one way north, the only access that will be available to my office will be the alleyway entrance from either Church Street or possibly Lee Street.

The location of my office was chosen for many reasons, such as easy accessibility from Elm Street and close proximity to the court and downtown. Simply put, the closure of Pleasant Avenue from Elm Street north to the alley will in fact make it extremely difficult for clients to have access to my office. Some of my clients are elderly, and access by use of an alleyway is not practicable.

City of Lodi  
City Hall  
September 21, 2001  
Page 2 of 2

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To be quite candid, I read the paper and I am well aware that the City intends to proceed with their plan to develop the new police station and other related buildings. I am realistic enough to realize that, as a landowner directly impacted by the City's action, even though I object to the abandonment of that property, the City will proceed to abandon the property anyway and move forward with the development of the governmental buildings. Because of the City's action, problems are created for my office which need to be resolved. At one time, I had a conversation with the assistant city manager who was a guest speaker at my noontime Kiwanis meeting. When I explained the problem to her, her response was that the City could make Pleasant Avenue from the alleyway north a two way street. There was no discussion as to whether or not the two way street would expand past Locust to Lockeford Street.

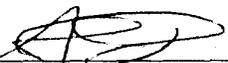
I would like to discuss with the City the available options for Pleasant Avenue north from the alley to Locust Street. The options available as I analyze the situation are as follows:

- (1) Make Pleasant Avenue two way traffic with no street side parking;
- (2) Make Pleasant Avenue two way traffic with street side parking on one side only; or
- (3) Make Pleasant Avenue one way in a southerly direction from Locust to the alley with street side parking on both sides of the street.

Lastly, in my opinion, the closing of Pleasant Avenue from Elm Street north to the alley, could have a severe economic impact on the value of my property, depending on how the City resolves the traffic and parking issues. It would be totally unreasonable for the City to do nothing with Pleasant Avenue, which would in effect limit access to my office by way of an alley. I have brought this matter to your attention so that the City is aware of this obvious problem which will need to be addressed and resolved in an amicable and fair way.

If any members of the City staff or council have any questions, please feel free to contact me at the phone number and address indicated above. Thank you for your time and consideration in reading my concerns herein.

Very truly yours,

  
\_\_\_\_\_  
STEVEN J. COTTRELL

kb

CITY COUNCIL

ALAN S. NAKANISHI, Mayor  
PHILLIP A. PENNINO  
Mayor Pro Tempore  
SUSAN HITCHCOCK  
EMILY HOWARD  
KEITH LAND

# CITY OF LODI

## PUBLIC WORKS DEPARTMENT

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 333-6706  
FAX (209) 333-6710  
EMAIL [pwdept@lodi.gov](mailto:pwdept@lodi.gov)  
<http://www.lodi.gov>

H. DIXON FLYNN  
City Manager  
SUSAN J. BLACKSTON  
City Clerk  
RANDALL A. HAYS  
City Attorney  
RICHARD C. PRIMA, JR.  
Public Works Director

September 26, 2001

Affected Property Owners

**SUBJECT:** Public Hearing to Consider Adopting a Resolution/Order to Vacate Pleasant Avenue, from Elm Street North to the Alley

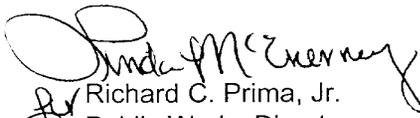
Enclosed is a copy of background information on an item on the City Council agenda of Wednesday, October 3, 2001. The meeting will be held at 7 p.m. in the City Council Chamber, Carnegie Forum, 305 West Pine Street.

The Council will conduct a public hearing on this item. You are welcome to attend and speak 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 City Hall, 221 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 Susan Blackston, City Clerk, at 333-6702.

If you have any questions about the item itself, please call Jeannie Matsumoto at 333-6800, ext. 2661.

  
Richard C. Prima, Jr.  
Public Works Director

RCP/lm

Enclosure

cc: City Clerk 

NCSETPHPLEASANTAVEELMN2ALLEY

STEVEN & AMANDA COTTRELL  
125 N PLEASANT AVE  
LODI CA 95240

SAN JOAQUIN CO  
222 E WEBER ST  
STOCKTON CA 95202

BETTY ANN PINNELL TR  
806 BEL AIR CT  
LODI CA 95240

BOBBY B AMIN  
120 N PLEASANT AVE  
LODI CA 95240

1ST CHURCH OF CHRIST SCIENTIST  
322 W ELM ST  
LODI CA 95240

ST JOHN'S EPISCOPAL CHURCH  
P O BOX 297  
LODI CA 95241

PROTESTANT EPISCOPAL BISHOP  
P O BOX 297  
LODI CA 95241

SUSAN ELAINE BURKE ET AL  
11260 GOLFVIEW RD  
LODI CA 95240

JAMES E & CAROL A DEAN TR  
16 N CRESCENT AVE  
LODI CA 95240

JENI & C A BAUMBACH TR ET AL  
3 W ELM ST  
LODI CA 95240

BARBARA A VEERKAMP  
6393 EMBARCADERO DR  
STOCKTON CA 95219

FREDRICK P MEHLHAFF  
2141 W LODI AVE  
LODI CA 95242

ORVILLE & KAREN DEJONG ET AL  
16040 N TECKLENBERG RD  
LODI CA 95240

DELTA PACIFIC ENTERPRISES  
P O BOX 1360  
LODI CA 95241



## DECLARATION OF MAILING

### RESOLUTION VACATING PLEASANT AVENUE, FROM ELM STREET NORTH TO THE ALLEY

On October 4, 2001 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 Resolution vacating Pleasant Avenue, from Elm Street north to the alley, 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 4, 2001, at Lodi, California.

ORDERED BY:

**SUSAN BLACKSTON  
CITY CLERK, CITY OF LODI**

ORDERED BY:

\_\_\_\_\_  
JACQUELINE L. TAYLOR  
DEPUTY CITY CLERK

  
\_\_\_\_\_  
JENNIFER M. PERRIN  
DEPUTY CITY CLERK

CITY COUNCIL

ALAN S. NAKANISHI, Mayor  
PHILLIP A. PENNINO  
Mayor Pro Tempore  
SUSAN HITCHCOCK  
EMILY HOWARD  
KEITH LAND

# CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 333-6702  
FAX (209) 333-6807

H. DIXON FLYNN  
City Manager

SUSAN BLACKSTON  
City Clerk

RANDALL A. HAYS  
City Attorney

**EXHIBIT A**

October 4, 2001

TO: Interested Parties

**VACATION: TO VACATE PLEASANT AVENUE, FROM ELM STREET NORTH  
TO THE ALLEY**

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This is to inform you that the City Council at its regular meeting on October 3, 2001 considered the above matter and declared the area vacated and abandoned.

Enclosed, for your information, is a certified copy of the resolution along with a map of the abandoned area.

Should you have questions regarding the abandonment, please contact Public Works Director Richard Prima at (209) 333-6706.



Susan J. Blackston  
City Clerk

SJB/jmp

Enclosure

cc: Public Works Director

PLEASE RECORD AND RETURN TO:  
Susan J. Blackston, City Clerk  
P.O. Box 3006  
Lodi, CA 95241-1910

RESOLUTION NO. 2001-230

A RESOLUTION OF THE LODI CITY COUNCIL VACATING  
PLEASANT AVENUE, FROM ELM STREET NORTH  
TO THE ALLEY

=====

WHEREAS, this City Council acting in accordance with provisions of Part III of Division 9 of the Streets and Highways Code of this State, did on the 5th day of September, 2001, pass and adopt Resolution of Intention No. 2001-213 therein declaring the intention of said City Council to vacate that portion of Pleasant Avenue, from Elm Street north to the alley, Lodi, California, County of San Joaquin, State of California, reserving, however, and excepting from the vacation, a permanent 5-foot public utility easement with an 11.5-foot overhead easement be maintained along the north line of the street abandonment, and right therein to construct, maintain, repair, and operate lines for public utilities, both publicly and privately owned, in, over, and across said street, and more particularly described as follows, to wit:

Pleasant Avenue, from Elm Street north to the alley

WHEREAS, said notice of said intended vacation was regularly given by publication and by posting, both in time, form, and manner as required by law as is evidence by affidavits on file and on record in the office of the City Clerk of the City of Lodi; and

WHEREAS, in accordance with the provisions stated herein and also contained in the posted notices of the adoption of said resolution, notice was given that a public hearing would be held before the City Council in the City Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, California, beginning at 7:00 p.m. on Wednesday, October 3, 2001, where and when any person interested in or objecting to said vacation could appear and be heard in relation thereto; and

WHEREAS, at that time and place, a public hearing was held and conducted and testimony received for and against the vacation contemplated; and

WHEREAS, at the October 3, 2001 City Council meeting, from the evidence submitted, the City Council of the City of Lodi did determine that said portion of Pleasant Avenue, from Elm Street north to the alley, is unnecessary for present or future public use and did so find and declare; and

WHEREAS, the Planning Commission did find that the subject vacation was consistent with the General Plan of the City of Lodi.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the findings and under the authority of Section 8323 of the Streets and Highways Code of the State of California, that there is hereby abandoned that Pleasant Avenue, from Elm Street north to the alley, Lodi, California, and more particularly described as follows:

Pleasant Avenue, from Elm Street north to the alley, Lodi, California, as shown on Exhibit A attached hereto.

Reserving, however, and excepting from the vacation, a permanent 5-foot public utility easement with an 11.5-foot overhead easement be maintained along the north line of the street abandonment, and right therein to construct, maintain, repair, and operate lines for public utilities, both publicly and privately owned, in, over, and across said street.

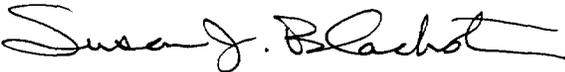
Reference is hereby made to a map or plan on file in the office of the City Clerk of the City of Lodi for the particulars as to the proposed vacation.

Dated: October 3, 2001

=====

I hereby certify that Resolution No. 2001-230 was passed and adopted by the City Council of the City of Lodi in a regular meeting held October 3, 2001, by the following vote:

- AYES: COUNCIL MEMBERS – Hitchcock, Howard, Pennino and Mayor Nakanishi
- NOES: COUNCIL MEMBERS – None
- ABSENT: COUNCIL MEMBERS – Land
- ABSTAIN: COUNCIL MEMBERS – None

  
 SUSAN J. BLACKSTON  
 City Clerk

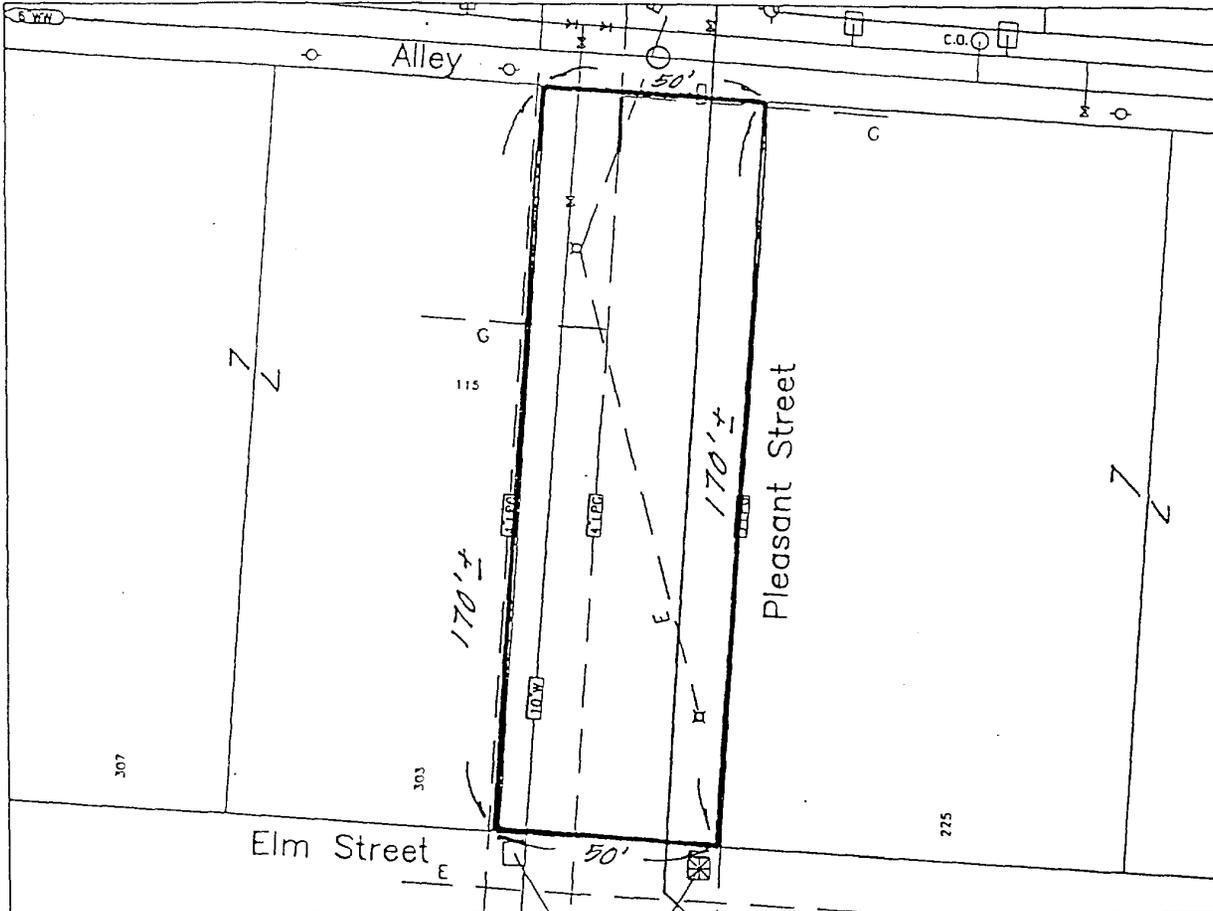
# EXHIBIT A



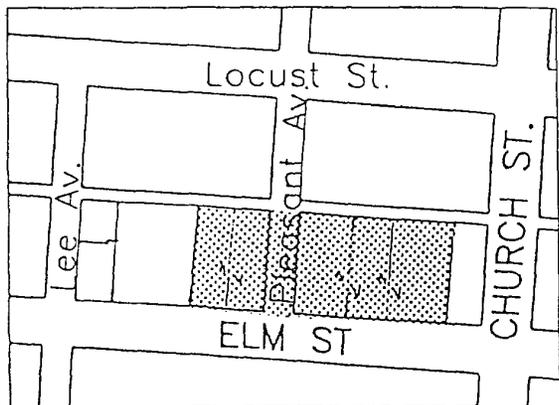
## CITY OF LODI

PUBLIC WORKS DEPARTMENT

## PLEASANT AVE. ABANDONMENT



SCALE: 1" = 40'



SCALE: 1" = 300'

**EXHIBIT B**

**VACATION / ABANDONMENT  
MAILING LIST**

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**RESOLUTION OF INTENTION (Setting Public Hearing)**

Certified copy w/cover letter to:

PG&E  
12 W. Pine Street  
Lodi, CA 95240

AT&T  
6343 Tam O'Shanter Drive  
Stockton, CA 95210

Pacific Bell  
44 W. Yokuts Avenue  
Stockton, CA 95207

Central Valley Waste Services  
P.O. Box 241001  
Lodi, CA 95241-9501

Chief Deputy County Surveyor  
Attn: Joe Bussalacci  
1810 E. Hazelton Avenue  
Stockton, CA 95205

Certified copies to:

Jeannie Matsumoto, Public Works

Wes Fujitani, Public Works

Community Development Department

Police Department

Fire Department

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**RESOLUTION OF VACATION (After Public Hearing)**

Certified copy w/cover letter:

PG&E

AT&T

Pacific Bell

Central Valley Waste Services

Chief Deputy County Surveyor

Jeannie Matsumoto, Public Works

Wes Fujitani, Public Works

Community Development Department

Police Department

Fire Department

**PLEASANT AVE. ABANDONMENT (ELM ST. NORTH TO ALLEY)  
PUBLIC HEARING MAILING LIST (300 FT. RADIUS)**

<b>APN</b>	<b>SITUS</b>	<b>OWNER</b>	<b>OWNER ADDRESS</b>
03727014	302 W LOCUST ST	COTTRELL, STEVEN & AMANDA	125 N PLEASANT AVE LODI CA 95240
03727016	303 W ELM ST	LODI, CITY OF	CALL BOX 3006 LODI CA 95241
03727018	315 W ELM ST	SAN JOAQUIN, COUNTY OF	222 E WEBER ST STOCKTON CA 95202
03727038	310 W ELM ST	LODI, CITY OF	
04302201	220 W LOCUST ST	PINNELL, BETTY ANN TR	806 BEL AIR CT LODI CA95240
04302202	120 N PLEASANT AV	AMIN, BOBBY B	120 N PLEASANT AVE LODI CA 95240
04302208	207 W ELM ST	LODI, CITY OF	CALL BOX 3006 LODI CA 95241
04302209	211 W ELM ST	LODI CITY OF	CITY HALL LODI CA 95240
04302210	217 W ELM ST	LODI, CITY OF	CALL BOX 3006 LODI CA 95241
04302211	225 W ELM ST	LODI CITY OF	PO BOX 3006 LODI CA9 5241
04303109	210 W ELM ST	LODI, CITY OF	
03727030	322 W ELM ST	1ST CHURCH OF CHRIST SCIENTIST	322 W ELM ST LODI CA 95240
03727011	114 S LEE AV	SAINT JOHNS EPISCOPAL CHURCH	PO BOX 297 LODI CA 95241
03727012	310 W LOCUST ST	PROTESTANT EPISCOPAL BISHOP	PO BOX 297 LODI CA 95241
03727013	306 W LOCUST ST	BURKE, SUSAN ELAINE ETAL	11260 GOLFVIEW RD LODI CA 95240
03727015	125 N PLEASANT AVE	COTTRELL, STEVEN & AMANDA	125 N PLEASANT AVE LODI CA 95240
03727017	307 W ELM ST	DEAN, JAMES E & CAROL A TR	16 N CRESCENT AVE LODI CA 95240
03727040	108 N LEE AVE	BAUMBACH, GLEN I & C A TR ETAL	323 W ELM ST LODI CA 95240
03727041	321 W ELM ST	BAUMBACH, GLEN I & CA TR ETAL	323 W ELM ST LODI CA 95240
04302203	116 N PLEASANT AVE	VEERKAMP, BARBARA A	6393 EMBARCADERO DR STOCKTON CA 95219
04302206	109 N CHURCH ST	MEHLHAFF, FREDRICK P	2141 W LODI AVE LODI CA 95242
04302207	101 N CHURCH ST	DEJONG, ORVILLE & KAREN ETAL	16040 N TECKLENBERG RD LODI CA 95240
04302212	125 N CHURCH ST	DELTA PACIFIC ENTERPRISES	PO BOX 1360 LODI CA 95241

STEVEN & AMANDA COTTRELL  
125 N PLEASANT AVE  
LODI CA 95240

SAN JOAQUIN CO  
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