



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Adopt a Resolution Approving the Agreement with Bernard C. Kooyman, Donna K. Kooyman, Saleem Kahn and Bernard G. Kooyman for Dedication of Right-of-Way on Lodi Avenue and Relocation of Building with Future Street Widening

MEETING DATE: June 16, 1993

PREPARED BY: Public Works Director

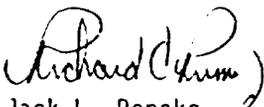
RECOMMENDED ACTION: That the City Council adopt a resolution approving the agreement and direct the City Manager and City Clerk to execute the agreement on behalf of the City.

BACKGROUND INFORMATION: On March 24, 1993, Bernard C. Kooyman, Donna K. Kooyman, Saleem Kahn and Bernard G. Kooyman, owners of the property located at 360 East Lodi Avenue, Lodi, California, filed an application for a building permit for tenant improvements (interior remodeling) of the existing structure on their property. As a condition of the issuance of a building permit for the remodel, the Public Works Department required that a 5-foot right-of-way dedication and corner cutoff dedication be made (Lodi Municipal Code 15.44.060) to comply with minimum right-of-way widths required by the City of Lodi Public Improvement Design Standards and to allow the installation of a handicap ramp. Since the existing structure is located immediately behind the existing back of walk on Lodi Avenue, dedication of an additional 5 feet would place the structure in the public right-of-way.

As has been done for similar situations in the past, an agreement was developed whereby the owner would agree to dedicate the requested right-of-way in exchange for the City's assumption of responsibility for modifying the encroaching structure when Lodi Avenue is widened. The structural modifications would be of like design and construction to those in existence at the time of execution of the agreement. In addition, the City would be responsible for relocated street improvements. The City has no immediate plans to widen Lodi Avenue in this area.

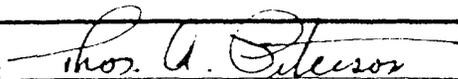
A sketch showing the location of the dedication requested and a copy of the agreement are attached. The owner has executed the grant deed and the agreement.

FUNDING: None required.


Jack L. Ronsko
Public Works Director

Prepared by Sharon A. Welch, Associate Civil Engineer
Attachments
cc: City Attorney

APPROVED: _____



THOMAS A. PETERSON
City Manager



recycled paper

CC-1

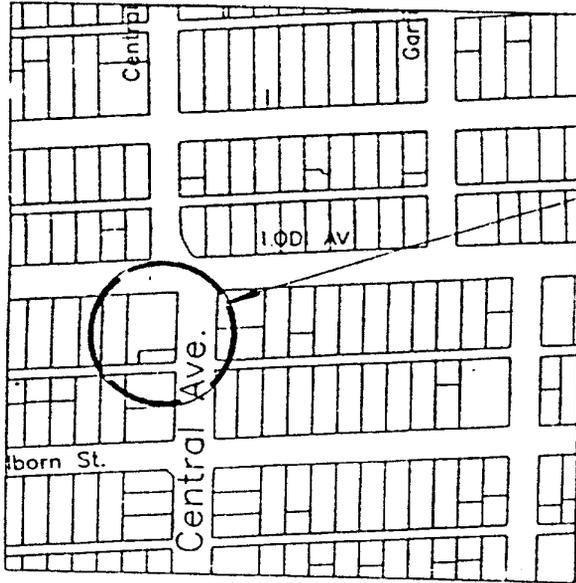


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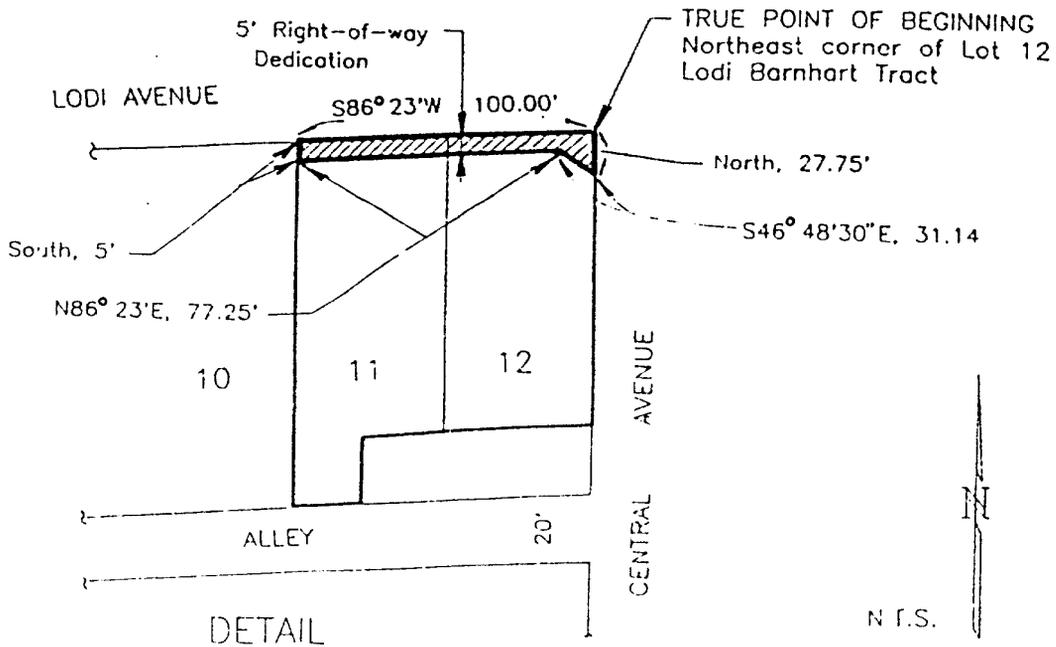
PUBLIC WORKS DEPARTMENT

GRANT DEED

047-193-13
360 East Lodi Avenue



SEE DETAIL



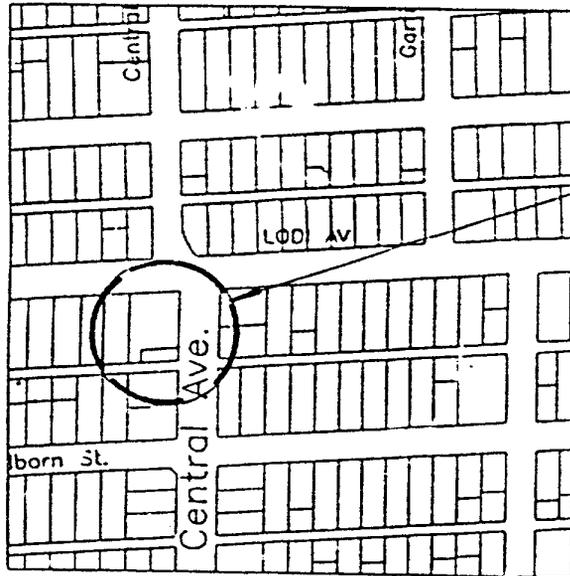


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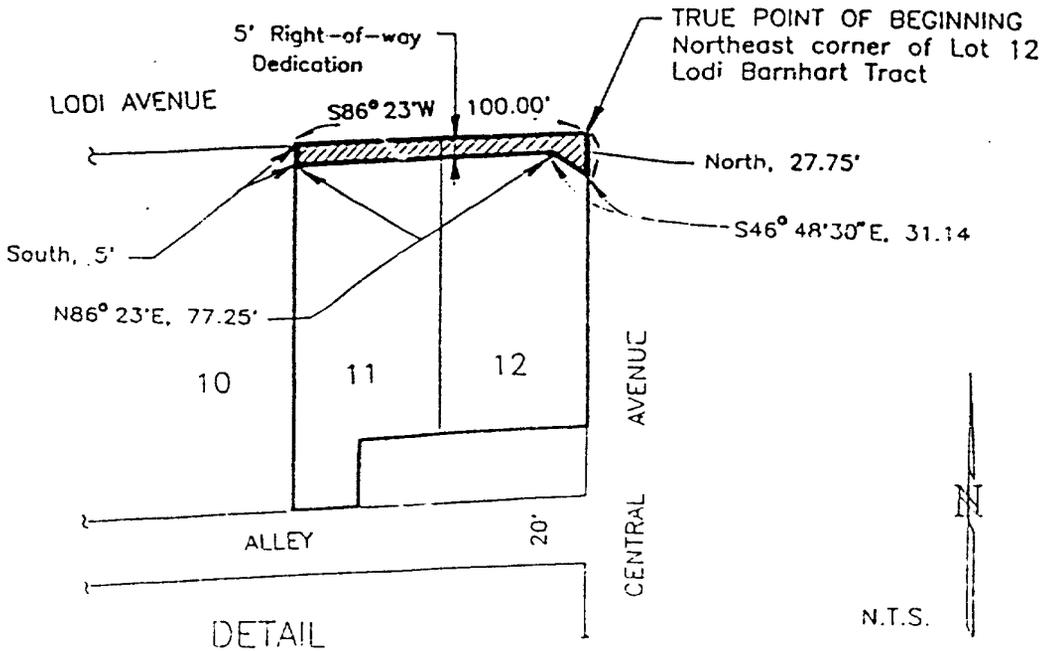
PUBLIC WORKS DEPARTMENT

GRANT DEED

047-193-13
360 East Lodi Avenue



SEE DETAIL



WHEN RECORDED, RETURN TO

City of Lodi 221 W Pine Street
Lodi, CA 95240



AGREEMENT

360 E. Lodi Avenue

THIS AGREEMENT entered into this 18th day of May, 1993, between the CITY OF LODI, hereinafter called "City" and BERNARD C. KOOYMAN, DONNA K. KOOYMAN, SALEEM KAHN AND BERNARD G. KOOYMAN, hereinafter called "Owner".

WITNESSETH

Owner has applied for a building permit for the following described parcel:

Lots 11 and 12 in Block 2 of Lodi Barnhart Tract, according to the Official Map thereof filed in Vol. 3 of Maps, Page 43, San Joaquin County records.
Except therefrom the south 26 feet of Lot 12 and the South 26 feet of the east one-half of Lot 11.

In order to comply with the provisions of Section 15.44.030 et seq., of the Lodi Municipal Codes, it is agreed as follows:

1. Owner is dedicating by separate instrument, at no cost to the City, the necessary land for street widening and to conform to the setback line of Lodi Avenue, as more particularly described on the map attached hereto and incorporated by reference.
2. City, in consideration, agrees that it will, at City's cost, be responsible for the modification of the building presently in the newly-dedicated right-of-way only at such time as the City desires to widen Lodi Avenue. Such modification shall be of like design and construction as exists on the effective date of this agreement and shall not extend to any upgrades, alterations, or modifications to the building done by the owners after that date. In the event that the building is destroyed or demolished prior to the City's widening of Lodi Avenue, the City's duties hereunder to reconstruct a portion of the building within the right-of-way shall cease. City shall also be responsible for the cost of relocating street improvements at such time as Lodi Avenue is widened.
3. This Agreement is binding on the heirs, executors, administrators, and assigns of the parties hereto.
4. Both parties agree that they have herein set forth the whole of their agreement.
5. Both parties agree to the recording of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first hereinabove written.

CITY OF LODI, a Municipal Corporation

OWNERS:

By: _____
Thomas A. Peterson, City Manager

Saleem Khan

Attest: _____
Jennifer M. Perrin, City Clerk

Bernard G. Kooyman

Bernard C. Kooyman

Approved as to form:

Donna K. Kooyman

Bob McNatt, City Attorney

STATE OF CALIFORNIA
COUNTY OF SAN JOAQUIN

On MAY 18, 1993, before me, MARIA ANGELO
SALEEM KHAN-BERNARD G. KOOYMAN-BERNARD C. KOOYMAN-
DONNA K. KOOYMAN

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



(Seal)

WITNESS my hand and official seal

Signature

Maria Angelo

MISC-005 (1-91)

RESOLUTION NO. 93-79

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A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING AN AGREEMENT FOR DEDICATION OF RIGHT-OF-WAY
ON LODI AVENUE AND ASSUMPTION OF RESPONSIBILITY FOR
MODIFICATION OF BUILDING WITH FUTURE STREET WIDENING

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BE IT RESOLVED, that the Lodi City Council hereby approves an Agreement with Bernard C. Kooyman, Donna K. Kooyman, Saleem Kahn and Bernard G. Kooyman, owners of property located at 360 East Lodi Avenue, for dedication of right-of-way on said property for street widening and to conform to the setback line of Lodi Avenue, as more particularly described on map attached hereto; and

BE IT FURTHER RESOLVED, that the Council hereby approves the City's assumption of responsibility for the modification of the building presently in the newly-dedicated right-of-way only at such time as the City desires to widen Lodi Avenue; and

BE IT FURTHER RESOLVED, the City Manager and City Clerk are hereby authorized to execute said agreement on behalf of the City of Lodi.

Dated: June 16, 1993

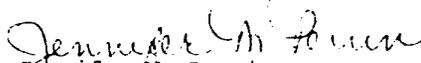
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I hereby certify that Resolution No. 93-79 was passed and adopted by the Lodi City Council in a regular meeting held June 16, 1993 by the following vote:

Ayes: Council Members - Davenport, Mann, Sieglock, Snider,
and Pennino (Mayor)

Noes: Council Members - None

Absent: Council Members - None


Jennifer M. Perrin
City Clerk