



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Adopt Resolution to Approve the Improvement Agreement for the Public Improvements of 620 South Cherokee Lane (APN 047-450-36) and Appropriate Funds for Applicable Reimbursements (\$85,000)

MEETING DATE: April 7, 2004

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt a resolution to approve the Improvement Agreement for the Public Improvements of 620 South Cherokee Lane (APN 047-450-36), direct the City Manager and City Clerk to execute the improvement agreement on behalf of the City, and appropriate funds for applicable reimbursements.

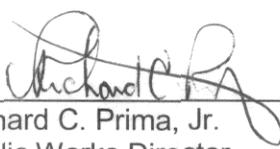
BACKGROUND INFORMATION: The Rancho San Miguel Market is currently under construction at 620 South Cherokee Lane, the former Tokay Bowl site (Exhibit A). Installation of public improvements, including a traffic signal at the Cherokee Lane/Tokay Street intersection and associated improvements along the Cherokee Lane frontage of the site, is required as a condition of building permit issuance for the market.

The developer, Progenitor Holding Company III, LLC, has furnished the City with the improvement plans, necessary agreements, guarantees, insurance certificates, and fees for the proposed improvements.

Under the current Development Impact Mitigation Fee Program, the developer is entitled to reimbursement by the City for fifty percent (50%) of the traffic signal installation costs. Based on contract information submitted by the developer, the total improvement costs related to the traffic signal installation are \$168,682. Reimbursement will be made in conformance with LMC 16.40 Reimbursements for Construction when the improvements are complete and accepted by the City. Staff requests that funds be appropriated to cover the reimbursement.

FUNDING: IMF – Local Streets \$85,000.00

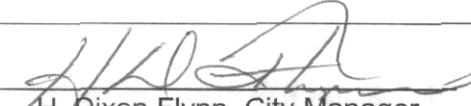

Vicky McAthie, Finance Director


Richard C. Prima, Jr.
Public Works Director

Prepared by Sharon A. Welch, Senior Civil Engineer
RCP/SAW/pmf
Attachments

cc: Senior Civil Engineer Fujitani
Y & C Transportation Consultants, Inc.

Atlas Properties
Dillon & Murphy

APPROVED: 
H. Dixon Flynn, City Manager

When Recorded, Please Return to:
Lodi City Clerk
P.O. Box 3006
Lodi, CA 95241-1910

RESOLUTION NO. 2004-57

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING THE
IMPROVEMENT AGREEMENT FOR THE PUBLIC IMPROVEMENTS OF
620 SOUTH CHEROKEE LANE (APN 047-450-36) AND FURTHER
AUTHORIZING THE CITY MANAGER TO EXECUTE THE IMPROVEMENT
AGREEMENT ON BEHALF OF THE CITY OF LODI, AND FURTHER
APPROPRIATING FUNDS FOR THE APPLICABLE REIMBURSEMENT

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WHEREAS, the Rancho San Miguel Market is currently under construction at 620 South Cherokee Lane by developer Progenitor Holding Company III, LLC, as shown on Exhibit A attached; and

WHEREAS, as a condition of the building permit for the market, installation of public improvements, including a traffic signal at the Cherokee Lane/Tokay Street intersection and associated improvements along the Cherokee Lane frontage of the site was required; and

WHEREAS, the developer is entitled to reimbursement by the City for fifty percent (50%) of the traffic signal installation costs in conformance with Lodi Municipal Code §16.40, "Reimbursement for Construction," upon completion of the improvements and accepted by the City; and

WHEREAS, staff therefore recommends that the City Council take the following actions with regard to the Rancho San Miguel Market project:

1. Approve the Improvement Agreement for the Public Improvements of 620 South Cherokee Lane (APN 047-450-36) and direct the City Manager and City Clerk to execute the Improvement Agreement on behalf of the City of Lodi; and
2. Appropriate \$85,000 from the IMF - Local Street fund for the required reimbursement to the developer.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi hereby finds as follows:

1. Approve the Improvement Agreement for the Public Improvements of 620 South Cherokee Lane (APN 047-450-36) and direct the City Manager and City Clerk to execute the Improvement Agreement on behalf of the City of Lodi; and
2. Appropriate \$85,000 from the IMF - Local Street fund for the required reimbursement to the developer.

Dated: April 7, 2004

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I hereby certify that Resolution No. 2004-57 was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 7, 2004, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hitchcock, Howard, Land, and Mayor Hansen

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON
City Clerk

CITY COUNCIL

LARRY D. HANSEN, Mayor
JOHN BECKMAN
Mayor Pro Tempore
SUSAN HITCHCOCK
EMILY HOWARD
KEITH LAND

CITY OF LODI
PUBLIC WORKS DEPARTMENT

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H. DIXON FLYNN
City Manager
SUSAN J. BLACKSTON
City Clerk
D. STEVEN SCHWABAUER
Interim City Attorney
RICHARD C. PRIMA, JR.
Public Works Director

April 1, 2004

Atlas Properties
2800 W. March Lane, Ste. 250
Stockton, CA 95219

Dillon & Murphy
1820 W. Kettleman Lane, Ste. E
Lodi, CA 95240

Y&C Transportation Consultants, Inc.
1851 Heritage Lane, Ste. 265
Sacramento, CA 95815

SUBJECT: Adopt Resolution to Approve the Improvement Agreement for the Public Improvements of 620 South Cherokee Lane (APN 047-450-36) and Appropriate Funds for Applicable Reimbursements (\$85,000)

Enclosed is a copy of background information on an item on the City Council agenda of Wednesday, April 7, 2004. The meeting will be held at 7 p.m. 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 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 (209) 333-6702.

If you have any questions about the item itself, please call Sharon Welch, Senior Civil Engineer, at (209) 333-6800, extension 2659.



for: Richard C. Prima, Jr.
Public Works Director

RCP/pmf

Enclosure

cc: City Clerk