CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing to Consider Resolution/Order to Vacate Neuharth Drive and the South 300 Feet of Ackerman Drive

MEETING DATE: November 5, 2003

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council, after reviewing the finding by the Planning Commission and the public comments from the subject public hearing, adopt a resolution approving the proposed abandonment pursuant to certain conditions and authorize the City Manager to execute agreements required to implement this abandonment. The area of the street to be abandoned is depicted on Exhibit A.

BACKGROUND INFORMATION: This street rights of way abandonment has been requested by the owner of 30 Neuharth Drive and 1841 Ackerman Drive to facilitate integration of food manufacturing operations into a single industrial compound.

The owner is aware that certain public facilities (i.e., street improvements, storm drain inlets, fire hydrants, etc.) will revert to private ownership, and the owner has agreed to assume all maintenance responsibility. Numerous utility main lines exist in the street, and the entire right of way would be retained as a public utility easement. The owner is aware that dedication of right of way and construction of a new cul-de-sac is required to establish required truck circulation on Ackerman Drive, and the intersection of Neuharth Drive at Stockton Street will be converted to a driveway. Please see Exhibit A. These requirements are conditions of the abandonment and will need to be accomplished prior to filing the final abandonment. Maintenance responsibilities would be described in an agreement between the City and the property owner.

The owner has agreed to dedicate all required new public utility easements and relocate any utilities at his expense.

While our design standards would not normally permit a cul-de-sac in an industrial area, they are allowed with Planning Commission and City Council approval. Staff notes that Maxwell Street, which serves the north end of this area, was originally built as a cul-de-sac. One other (Mounce Street) currently exists in the City.

The owner has paid the required fees to process this abandonment. Affected utilities are being notified of this proposed abandonment, and their approval will be required prior to the final action.

The Planning Commission, at the October 22, 2003 meeting, reviewed the proposal to vacate this right of way and adopted Resolution P.C. 03-39 recommending City Council approval of the request. A copy of the resolution is attached.

Richard C. Prima, Jr.
Public Works Director

Prepared by F. Wally Sandelin, City Engineer
RCP/FWS/pmf
Attachments
cc: City Attorney
Alan Vallow, Electric Utility Director
Fran Forkas, Water/Wastewater Superintendent
George Bradley, Street Superintendent
Terry Knutsen, Cottage Bakery, Inc.

APPROVED: _____
for Dixon Flynn -- City Manager

CITY OF LODI

PUBLIC WORKS DEPARTMENT

EXHIBIT A
PROPOSED STREET ABANDONMENT

1" = 300'

M:\OPEN\EXHIBITS\03X050.dwg, 10/27/2003 03:11:59 PM, kgaither

RESOLUTION NO. P.C 03-39

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI RECOMMENDING CITY COUNCIL APPROVAL OF A REQUEST TO VACATE NUEHARTH DRIVE AND THE SOUTH 300 FEET OF ACKERMAN DRIVE.

WHEREAS, the Planning Commission of the City of Lodi has heretofore considered the request for street vacation pursuant to the City Code and the Streets and Highway Code.

WHEREAS, Cottage Bakery, property owners of 30-60 Neuharth Drive and 1841-1901 Ackerman Drive have requested the street to be vacated;

WHEREAS, the proposed vacation will not be detrimental to the City circulation system; and

WHEREAS, the proposed vacation is in keeping with the principles of the General Plan.

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi as follows:

The Planning Commission hereby recommends to the City Council that Neuharth Drive and the south 300 feet of Ackerman Drive be vacated.

Date: October 22, 2003

I hereby certify that Resolution No. 03-39 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on October 22, 2003 by the following vote:

YES:	Commissioners:	Aguirre, Haugan, Heinitz, Moran, Phillips, White, and Chairman Mattheis
NOES:	Commissioners:	
ABSENT:	Commissioners:	
ABSTAIN:	Commissioners:	

ATTEST: _____
Secretary, Planning Commission

CITY OF LODI

Item No. G-3

COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing to Consider Resolution/Order to Vacate Neuharth Drive and the South 300 Feet of Ackerman Drive **(Supplemental Information)**

MEETING DATE: November 5, 2003

PREPARED BY: Public Works Director

The staff report on the proposed road abandonment describes some understandings and requirements associated with approval of the abandonment. To clarify and memorialize these, staff has prepared the following "Conditions of Approval" for the Council to consider in determining their action on this matter. These conditions would need to be met by the applicant as part of the abandonment process at the appropriate time.

Conditions of Approval

1. Prepare public improvement plans for a new industrial cul de sac at the south end of Ackerman Drive and conversion of the Neuharth Drive street entrance to a private driveway, all per City Standards.

2. Execute Public Improvement Agreement with the City, provide surety and insurance for the improvements and pay all applicable fees prior to the start of construction of public improvements.

3. Execute maintenance and operations agreement with the City including provisions for:
   - separation of private facilities from public utilities to the approval of the Public Works Director;
   - fencing and operation of Ackerman Drive cul-de-sac access for backup/emergency use only;
   - location and operation of Stockton Street/Neuharth Drive private entrance to prevent queuing of vehicles onto Stockton Street.

4. Merge existing parcels into a single parcel, retain all necessary public utility easements, and provide new public utility easements as required by all public utilities.

Some other questions raised about this proposal have focused on the legal basis for the abandonment and value of the land. The California Streets and Highways Code is the basis for road abandonment and applicable sections of the Code are shown below. (Much of the code deals with the notice and hearing process, or with State highways trails and other agencies and has been omitted)

> 8310. This part shall be liberally construed in order to effectuate its purposes.
>
> 8312. Except as provided in Section 8315, a city legislative body may vacate, pursuant to this part, all or part of a street, highway, or public service easement within the city and a board of supervisors may vacate all or part of a street, highway, or public service easement within the county but outside a city.

APPROVED: _____
H. Dixon Flynn -- City Manager

8316. One or more streets, highways, and public service easements, whether or not contiguous, may be included and vacated in the same proceeding.

8324. (a) At the hearing, the legislative body shall hear the evidence offered by persons interested.

(b) If the legislative body finds, from all the evidence submitted, that the street, highway, or public service easement described in the notice of hearing or petition is unnecessary for present or prospective public use, the legislative body may adopt a resolution vacating the street, highway, or public service easement. The resolution of vacation may provide that the vacation occurs only after conditions required by the legislative body have been satisfied and may instruct the clerk that the resolution of vacation not be recorded until the conditions have been satisfied.

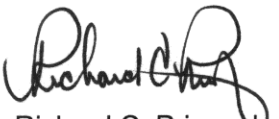
8351. Except as otherwise provided in Chapter 5 (commencing with Section 8340) or in this chapter, upon the vacation of a street, highway, or public service easement:

(a) If the public entity owns only an easement for the street, highway, or public service purpose, title to the property previously subject to the easement is thereafter free from the easement for use for street, highway, or public service purposes, but not from any easement for vehicular or nonvehicular trail use that the public entity has previously granted to any other state or local public agency. If the easement is abandoned by resolution of the state or local public agency that was granted an easement for vehicular or nonvehicular trail use, the title to the property previously subject to the vehicular or nonvehicular easement is thereafter clear of the easement.

(b) If the public entity owns the title, the legislative body may dispose of the property as provided in this chapter.

The key is the public hearing in section 8324 (b) in which the Council would have to find that the street is "…unnecessary for present or prospective public use." This is not the same as "convenient" and gives the City Council some latitude in this matter.

Since these streets were dedicated for public use as part of an industrial subdivision, the City did not acquire fee title to this land. Thus section 8351 (b) does not apply. The property reverts back to the adjacent property owner.



Richard C. Prima, Jr.
Public Works Director

Prepared by Richard Prima, Public Works Director

RCP/pmf

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

NOT TO BE RECORDED UNTIL
CONDITIONS OF ABANDONMENT
HAVE BEEN COMPLETED.

RESOLUTION NO. 2003-207

A RESOLUTION OF THE LODI CITY COUNCIL
VACATING NEUHARTH DRIVE AND THE SOUTH 300 FEET
OF ACKERMAN DRIVE, AND FURTHER AUTHORIZING THE
CITY MANAGER TO EXECUTE AGREEMENTS REQUIRED TO
IMPLEMENT THIS ABANDONMENT

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 15th day of October, 2003, pass and adopt Resolution of Intention No. 2003-194 therein declaring the intention of said City Council to vacate and abandon the 60-foot public street rights of way of Neuharth Drive and the south 300 feet of Ackerman Drive, a portion of "Maxwell" Industrial Park," Lodi, California, County of San Joaquin, State of California, reserving, however, and excepting from the vacation, a permanent and right therein to construct, maintain, repair, and operate lines for public utilities, in, over, and across said vacated public street rights of way and more particularly described as follows, to wit:

> The 60-foot public street rights of way of Neuharth Drive and the south 300 feet of Ackerman Drive, a portion of "Maxwell" Industrial Park," Lodi, California, County of San Joaquin, State of California, as shown on Exhibit A attached.

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, November 5, 2003, 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 November 5, 2003, City Council meeting, from the evidence submitted, the City Council of the City of Lodi did determine that the 60-foot public street rights of way of Neuharth Drive and the south 300 feet of Ackerman Drive, a portion of "Maxwell" Industrial Park," Lodi, California, County of San Joaquin, State of California, will be 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 the vacation of the 60-foot public street rights of way of Neuharth Drive and the south 300 feet of Ackerman Drive, a portion of "Maxwell" Industrial Park," Lodi, California, County of San Joaquin, State of California, shall be abandoned upon completion and acceptance by the City of the following requirements and conditions of approval:

1. Prepare public improvement plans for a new industrial cul de sac at the south end of Ackerman Drive and conversion of the Neuharth Drive street entrance to a private driveway, all per City standards.

2. Execute Public Improvement Agreement with the City, provide surety and insurance for the improvements, and pay all applicable fees prior to the start of construction of public improvements.

3. Execute maintenance and operations agreement with the City including provisions for:

- separation of private facilities from public utilities with the approval of the Public Works Director;
- fencing and operation of Ackerman Drive cul-de-sac access for backup/emergency use only; and
- location and operation of Stockton Street/Neuharth Drive private entrance to prevent queuing of vehicles onto Stockton Street.

4. Merge existing parcels into a single parcel, retain all necessary public utility easements, and provide new public utility easements as required by all public utilities.

5. That the City Council hereby authorizes the City Manager to execute agreements to implement this abandonment; and

6. Owner shall dedicate right of way and construct new cul de sac to establish required truck circulation on Ackerman Drive prior to the final recording of this Resolution approving the vacation/abandonment; and

7. The intersection of Neuharth Drive at Stockton Street will be converted to a driveway prior to the final recording of this Resolution approving the vacation/abandonment; and

8. Reserving, and excepting from the vacation, a permanent and right therein to construct, maintain, repair, and operate lines for public utilities, in, over, and across the entire right of way, and no buildings or structures shall be constructed nor shall anything be planted within the easement which would interfere with the use or operation of public utilities in the easement; and

9. The City Council approval of this Resolution will become null and void if all requirements and conditions of approval are not met.

10. Filing of this Resolution to Vacate in the office of the County Recorder will not take place until all requirements and conditions of approval are met.

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: November 5, 2003

I hereby certify that Resolution No. 2003-207 was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 5, 2003, by the following vote:

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

NOES: COUNCIL MEMBERS – Mayor Hitchcock

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

SUSAN J. BLACKSTON
City Clerk

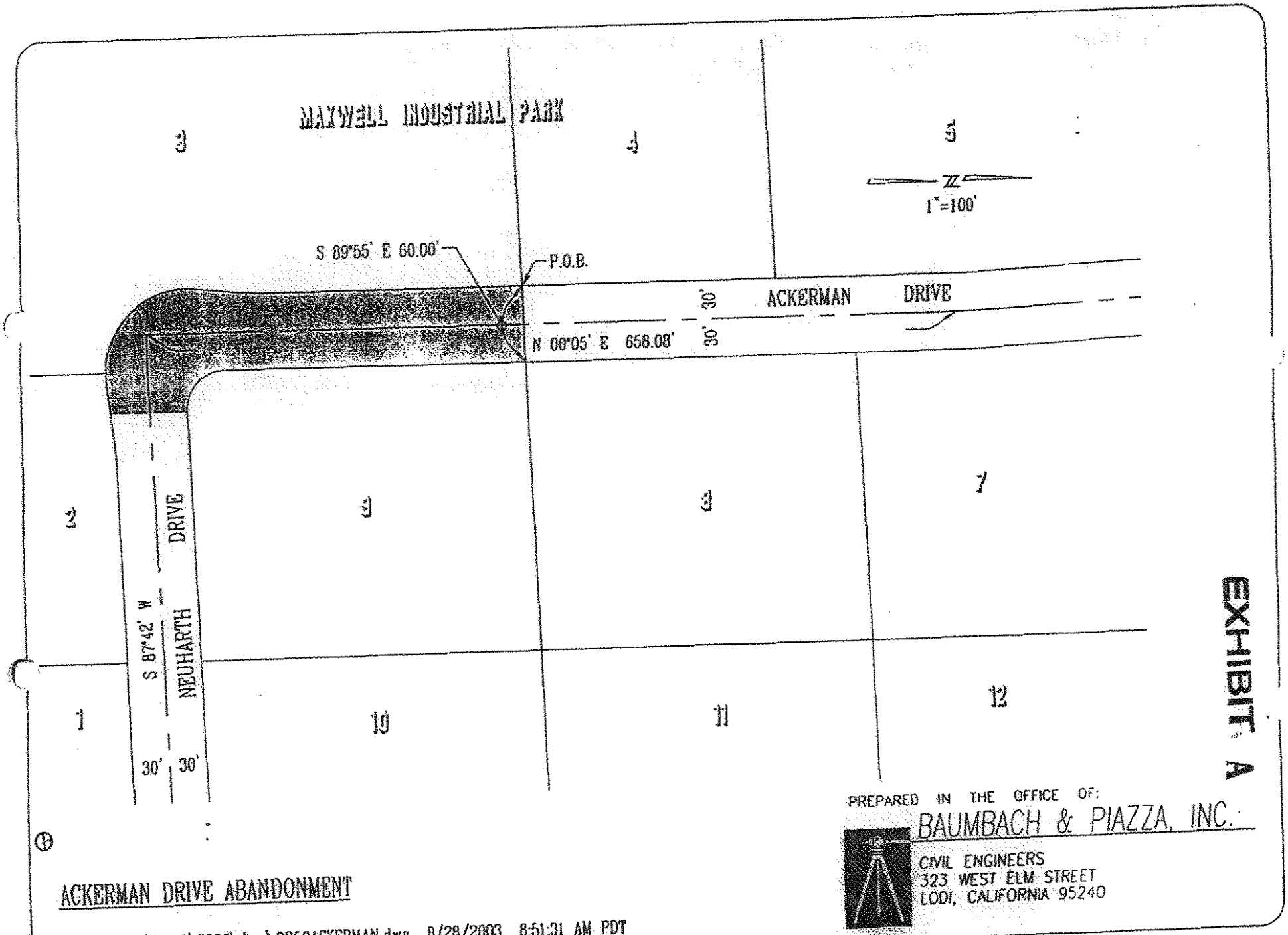


EXHIBIT A

PREPARED IN THE OFFICE OF:

BAUMBACH & PIAZZA, INC.

CIVIL ENGINEERS
323 WEST ELM STREET
LODI, CALIFORNIA 95240

ACKERMAN DRIVE ABANDONMENT

S:\PROJECTS\2003\0356\dwg\0356ACKERMAN.dwg 8/28/2003 8:51:31 AM PDT

EXHIBIT A

NEUHARTH DRIVE ABANDONMENT

PREPARED IN THE OFFICE OF:

BAUMBACH & PIAZZA, INC.

CIVIL ENGINEERS
323 WEST ELM STREET
LODI, CALIFORNIA 95240

S:\PROJECTS\2003\0356\dwg\0356NEUHARTH.dwg 8/28/2003 8:52:02 AM PDT

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: **RESOLUTION OF INTENTION TO VACATE NEUHARTH DRIVE AND THE SOUTH 300 FEET OF ACKERMAN DRIVE, A PORTION OF MAXWELL INDUSTRIAL PARK**

LEGAL AD

PUBLISH DATE: **SATURDAY, OCTOBER 18, 2003**
SATURDAY, OCTOBER 25, 2003

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: THURSDAY, OCTOBER 16, 2003

ORDERED BY:

PATRICIA OCHOA
ADMINISTRATIVE CLERK

JACQUELINE L. TAYLOR
DEPUTY CITY CLERK

Jennifer M. Perrin
JENNIFER M. PERRIN
DEPUTY CITY CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

Please → and send proof prior to publication

LNS Faxed to the Sentinel at 369-1084 at 10:50 (time) on 10/16/03 (date) 3 (pages)
Phoned to confirm receipt of all pages at _____ (time) ___Jac ___Tricia ___Jen (initials)

forms\advins.doc

DECLARATION OF POSTING

PUBLIC HEARING NOTICE
RESOLUTION OF INTENTION TO VACATE NEUHARTH DRIVE AND THE SOUTH 300 FEET OF ACKERMAN DRIVE

On Thursday, October 16, 2003, in the City of Lodi, San Joaquin County, California, a copy of Public Hearing notice – Resolution of Intention to Vacate Neuharth Drive and the south 300 feet of Ackerman Drive (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 October 16, 2003, at Lodi, California.

ORDERED BY:

SUSAN J. BLACKSTON
CITY CLERK

Jacqueline L. Taylor
Deputy City Clerk

Patricia Ochoa
Administrative Clerk

Jennifer M. Perrin
Deputy City Clerk

NOTICE OF PUBLIC HEARING
RESOLUTION NO. 2003-194

EXHIBIT A

A RESOLUTION OF THE LODI CITY COUNCIL DECLARING ITS INTENTION TO VACATE NEUHARTH DRIVE AND THE SOUTH 300 FEET OF ACKERMAN DRIVE, A PORTION OF "MAXWELL INDUSTRIAL PARK," REFERRING THE MATTER TO THE PLANNING COMMISSION, AND FURTHER SETTING A PUBLIC HEARING

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 vacate and abandon the 60-foot street rights of way of Neuharth Drive and the south 300 feet of Ackerman Drive of "Maxwell Industrial Park" as recorded on April 19, 1979, in Book of Maps and Plats, Volume 24, Page 47, San Joaquin County Records, and as shown on Exhibit A attached hereto and thereby made a part hereof; and

Pursuant to the requirements of Government Code Section 27288.1, the name of the owner of the title or interest in 40 Neuharth Drive and 1841 Ackerman Drive, as it appeared at the time and in the document creating the interest, right, or encumbrance is as follows:

TERRY R. KNUTSON AND ROSE KNUTSON, AS CO-TRUSTEES OF THE KNUTSON 2000 FAMILY TRUST

BE IT FURTHER RESOLVED that this matter shall be referred to the Planning Commission for approval; and

BE IT FURTHER RESOLVED that this City Council does hereby fix Wednesday, November 5, 2003, 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 vacation may appear before this City Council and be heard; and

BE IT FURTHER RESOLVED that the Public Works Director shall cause to be posted notices of easement vacation conspicuously along the line of the easement hereinabove described and proposed to be vacated 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; and

BE IT FURTHER RESOLVED that copies of this resolution shall be published for at least two successive weeks prior to November 5, 2003, in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, County of San Joaquin.

Dated: October 15, 2003

I hereby certify that Resolution No. 2003-194 was passed and adopted by the City Council of the City of Lodi in a regular meeting held October 15, 2003, by the following vote:

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

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

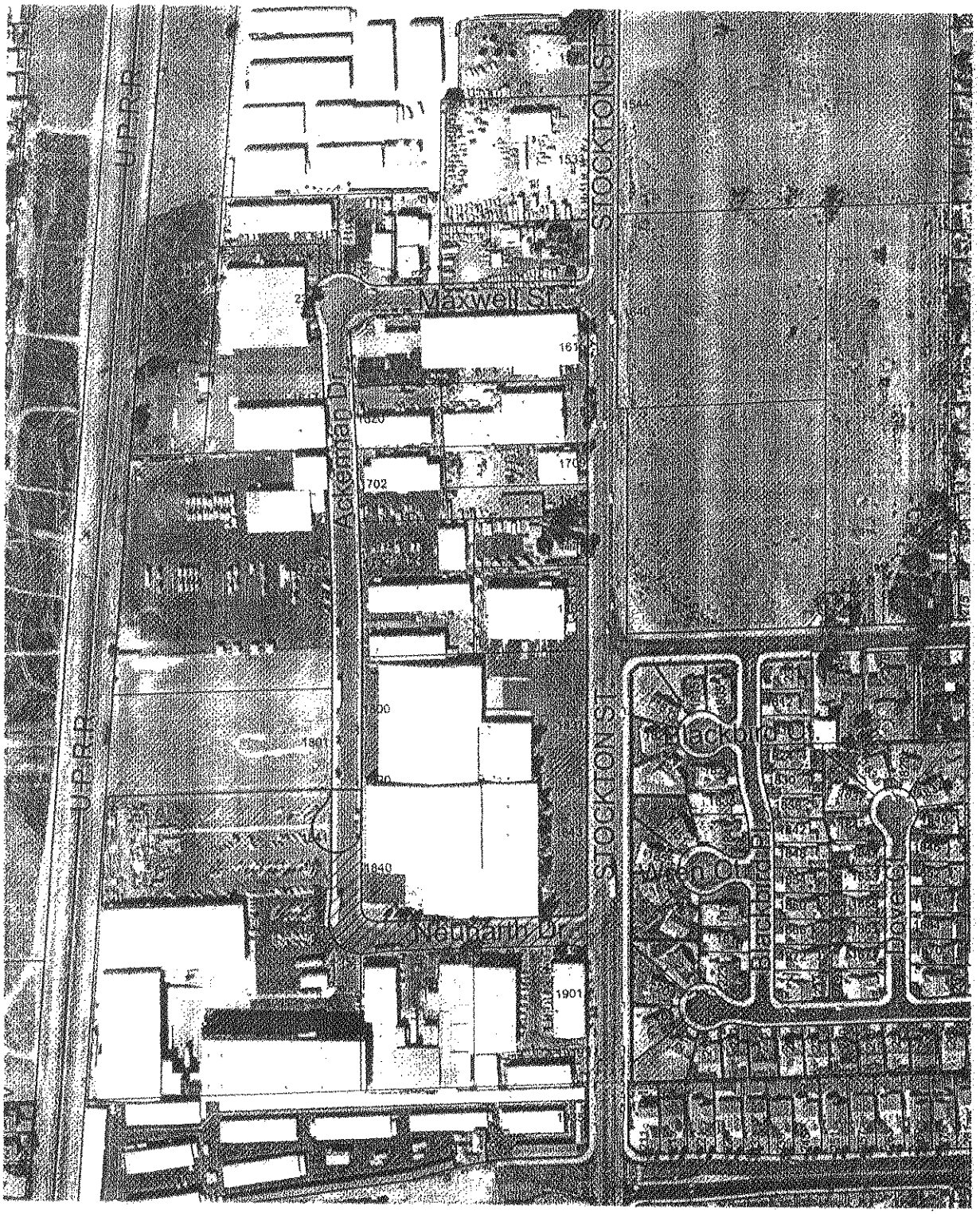
ABSTAIN: COUNCIL MEMBERS – None

SUSAN J. BLACKSTON
City Clerk

CITY OF LODI

PUBLIC WORKS DEPARTMENT

EXHIBIT A
PROPOSED STREET ABANDONMENT



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1" = 300'

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MEMORANDUM
Office of the Lodi City Clerk

TO: Public Works Director

FROM: Susan J. Blackston
City Clerk

DATE: October 16, 2003

SUBJECT: RESOLUTION OF INTENTION TO VACATE NEUHARTH DRIVE AND THE SOUTH 300 FEET OF ACKERMAN DRIVE

Please be advised that the City Council, at its meeting of October 15, 2003, adopted the attached resolution declaring its intention to vacate Neuharth Drive and the south 300 feet of Ackerman Drive and set the matter for public hearing on November 5, 2003.

Pursuant to law, the Public Works Department is required to post at least three copies of the subject resolution and map in the area to be abandoned at least 15 days prior to the Public Hearing. Upon completion of the posting, please forward a copy of the Affidavit of Posting to me for our records.

Please contact me should you have any questions.

SJB/JMP

Attachment

MEMORANDUM
Office of the Lodi City Clerk

TO: Community Development Director

FROM: Susan J. Blackston
City Clerk

DATE: October 16, 2003

SUBJECT: A RESOLUTION OF THE LODI CITY COUNCIL DECLARING ITS INTENTION TO VACATE NEUHARTH DRIVE AND THE SOUTH 300 FEET OF ACKERMAN DRIVE

Please be advised that the Lodi City Council, at its regular meeting of October 15, 2003, adopted a resolution declaring its intention to vacate Neuharth Drive and the south 300 feet of Ackerman Drive (attached).

Further, the City Council referred the matter to the Planning Commission for its recommendation and set the matter for a Public Hearing before the Lodi City Council on November 5, 2003.

SJB/JMP

Attachment

cc w/o enc: Public Works Department

DECLARATION OF MAILING

PUBLIC HEARING NOTICE
RESOLUTION OF INTENTION TO VACATE NEUHARTH DRIVE AND THE SOUTH 300 FEET OF ACKERMAN DRIVE

On October 16, 2003, 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 Public Hearing notice – Resolution of Intention to Vacate Neuharth Drive and the south 300 feet of Ackerman Drive, 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 16, 2003, 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

PATRICIA OCHOA
ADMINISTRATIVE CLERK

CITY COUNCIL

SUSAN HITCHCOCK, Mayor
EMILY HOWARD
Mayor Pro Tempore
JOHN BECKMAN
LARRY D. HANSEN
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
cityclrk@lodi.gov

H. DIXON FLYNN
City Manager

SUSAN BLACKSTON
City Clerk

RANDALL A. HAYS
City Attorney

EXHIBIT A

October 16, 2003

TO: Interested Parties

VACATION: TO VACATE NEUHARTH DRIVE AND THE SOUTH 300 FEET OF ACKERMAN DRIVE

This is to inform you that the City Council, at its regular meeting on October 15, 2003, adopted a Resolution of Intention to vacate Neuharth Drive and the south 300 feet of Ackerman Drive and set a public hearing for November 5, 2003.

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 October 22, 2003. 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. 2003-194

A RESOLUTION OF THE LODI CITY COUNCIL DECLARING ITS INTENTION TO VACATE NEUHARTH DRIVE AND THE SOUTH 300 FEET OF ACKERMAN DRIVE, A PORTION OF "MAXWELL INDUSTRIAL PARK," REFERRING THE MATTER TO THE PLANNING COMMISSION, AND FURTHER SETTING A PUBLIC HEARING

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 vacate and abandon the 60-foot street rights of way of Neuharth Drive and the south 300 feet of Ackerman Drive of "Maxwell Industrial Park" as recorded on April 19, 1979, in Book of Maps and Plats, Volume 24, Page 47, San Joaquin County Records, and as shown on Exhibit A attached hereto and thereby made a part hereof; and

Pursuant to the requirements of Government Code Section 27288.1, the name of the owner of the title or interest in 40 Neuharth Drive and 1841 Ackerman Drive, as it appeared at the time and in the document creating the interest, right, or encumbrance is as follows:

TERRY R. KNUTSON AND ROSE KNUTSON, AS CO-TRUSTEES OF THE KNUTSON 2000 FAMILY TRUST

BE IT FURTHER RESOLVED that this matter shall be referred to the Planning Commission for approval; and

BE IT FURTHER RESOLVED that this City Council does hereby fix Wednesday, November 5, 2003, 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 vacation may appear before this City Council and be heard; and

BE IT FURTHER RESOLVED that the Public Works Director shall cause to be posted notices of easement vacation conspicuously along the line of the easement hereinabove described and proposed to be vacated 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; and

BE IT FURTHER RESOLVED that copies of this resolution shall be published for at least two successive weeks prior to November 5, 2003, in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, County of San Joaquin.

Dated: October 15, 2003

I hereby certify that Resolution No. 2003-194 was passed and adopted by the City Council of the City of Lodi in a regular meeting held October 15, 2003, by the following vote:

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

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

SUSAN J. BLACKSTON
City Clerk

The foregoing document is certified to be a correct copy of the original on file in the City Clerk's Office.

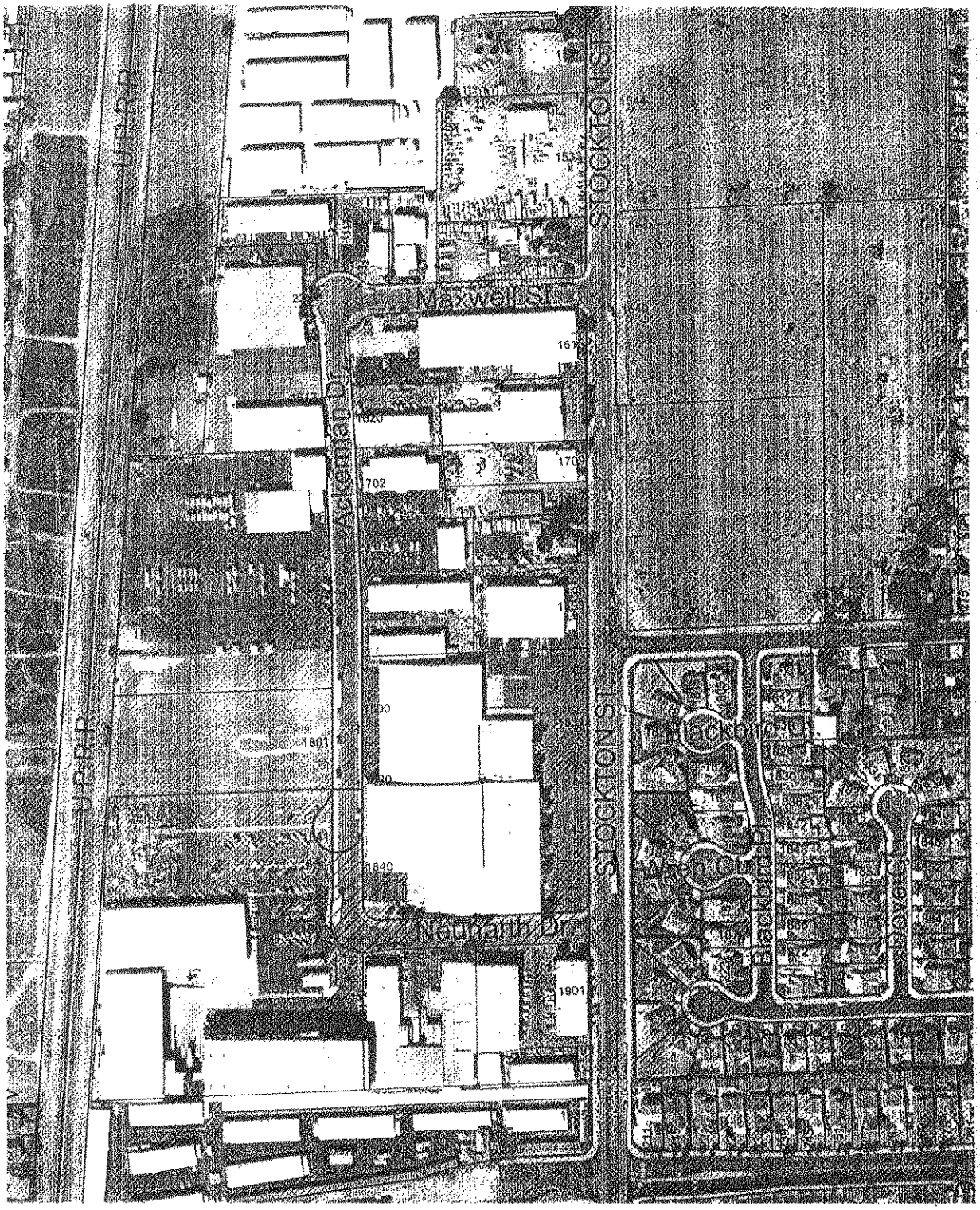
Jennifer M. Perrin
Deputy City Clerk, City of Lodi

By:_____
Dated:

CITY OF LODI

PUBLIC WORKS DEPARTMENT

EXHIBIT A
PROPOSED STREET ABANDONMENT



1" = 300'

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EXHIBIT B

VACATION / ABANDONMENT
MAILING LIST

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

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

ALLENDER DONNA L
1855 WREN CT
LODI CA 95240

AWNALLAH ALI
211 E CENTURY BLVD
LODI CA 95240

BACON MELTON L & KATHERINE
11191 CALABASH AVE
FONTANA CA 92336

BALL DOUGLAS W
2661 PARADISE DR
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LEEDY FOSTER
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LODI CA 95241

LIU ALLEN H
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VACAVILLE CA 95687

LODI HUTCHINS STREET ASSOC
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OCCUPANT
1831 S STOCKTON ST
LODI CA 95240

OCCUPANT
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LODI CA 95240

OCCUPANT
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LODI CA 95240

OCCUPANT
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LODI CA 95240

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1851 WREN CT
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OCCUPANT
1860 WREN CT
LODI CA 95240

OCCUPANT
209 MEADOWLARK WY
LODI CA 95240

DECLARATION OF MAILING

LETTER AND RESOLUTION REGARDING THE VACATION OF NEUHARTH DRIVE AND THE SOUTH 300 FEET OF ACKERMAN DRIVE

On November 12, 2003, 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 letter and resolution regarding the vacation of Neuharth Drive and the south 300 feet of Ackerman Drive, 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 November 12, 2003, 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

PATRICIA OCHOA
ADMINISTRATIVE CLERK

CITY COUNCIL

SUSAN HITCHCOCK, Mayor
EMILY HOWARD
Mayor Pro Tempore
JOHN BECKMAN
LARRY D. HANSEN
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
cityclrk@lodi.gov

H. DIXON FLYNN
City Manager

SUSAN BLACKSTON
City Clerk

RANDALL A. HAYS
City Attorney

EXHIBIT A

November 12, 2003

TO: Interested Parties

VACATION: TO VACATE NEUHARTH DRIVE AND THE SOUTH 300 FEET OF ACKERMAN DRIVE

This is to inform you that the City Council at its regular meeting on November 5, 2003, considered the above matter and voted to adopt a resolution vacating Neuharth Drive and the south 300 feet of Ackerman Drive subject to certain requirements and conditions of approval.

Enclosed for your information is a certified copy of the resolution along with Exhibit A, maps of the Ackerman Drive and Neuharth Drive abandonments.

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

NOT TO BE RECORDED UNTIL
CONDITIONS OF ABANDONMENT
HAVE BEEN COMPLETED.

RESOLUTION NO. 2003-207

A RESOLUTION OF THE LODI CITY COUNCIL
VACATING NEUHARTH DRIVE AND THE SOUTH 300 FEET
OF ACKERMAN DRIVE, AND FURTHER AUTHORIZING THE
CITY MANAGER TO EXECUTE AGREEMENTS REQUIRED TO
IMPLEMENT THIS ABANDONMENT

==========

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 15th day of October, 2003, pass and adopt Resolution of Intention No. 2003-194 therein declaring the intention of said City Council to vacate and abandon the 60-foot public street rights of way of Neuharth Drive and the south 300 feet of Ackerman Drive, a portion of "Maxwell" Industrial Park," Lodi, California, County of San Joaquin, State of California, reserving, however, and excepting from the vacation, a permanent and right therein to construct, maintain, repair, and operate lines for public utilities, in, over, and across said vacated public street rights of way and more particularly described as follows, to wit:

> The 60-foot public street rights of way of Neuharth Drive and the south 300 feet of Ackerman Drive, a portion of "Maxwell" Industrial Park," Lodi, California, County of San Joaquin, State of California, as shown on Exhibit A attached.

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, November 5, 2003, 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 November 5, 2003, City Council meeting, from the evidence submitted, the City Council of the City of Lodi did determine that the 60-foot public street rights of way of Neuharth Drive and the south 300 feet of Ackerman Drive, a portion of "Maxwell" Industrial Park," Lodi, California, County of San Joaquin, State of California, will be 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 the vacation of the 60-foot public street rights of way of Neuharth Drive and the south 300 feet of Ackerman Drive, a portion of "Maxwell" Industrial Park," Lodi, California, County of San Joaquin, State of California, shall be abandoned upon completion and acceptance by the City of the following requirements and conditions of approval:

1. Prepare public improvement plans for a new industrial cul de sac at the south end of Ackerman Drive and conversion of the Neuharth Drive street entrance to a private driveway, all per City standards.

2. Execute Public Improvement Agreement with the City, provide surety and insurance for the improvements, and pay all applicable fees prior to the start of construction of public improvements.

3. Execute maintenance and operations agreement with the City including provisions for:

- separation of private facilities from public utilities with the approval of the Public Works Director;
- fencing and operation of Ackerman Drive cul-de-sac access for backup/emergency use only; and
- location and operation of Stockton Street/Neuharth Drive private entrance to prevent queuing of vehicles onto Stockton Street.

4. Merge existing parcels into a single parcel, retain all necessary public utility easements, and provide new public utility easements as required by all public utilities.

5. That the City Council hereby authorizes the City Manager to execute agreements to implement this abandonment; and

6. Owner shall dedicate right of way and construct new cul de sac to establish required truck circulation on Ackerman Drive prior to the final recording of this Resolution approving the vacation/abandonment; and

7. The intersection of Neuharth Drive at Stockton Street will be converted to a driveway prior to the final recording of this Resolution approving the vacation/abandonment; and

8. Reserving, and excepting from the vacation, a permanent and right therein to construct, maintain, repair, and operate lines for public utilities, in, over, and across the entire right of way, and no buildings or structures shall be constructed nor shall anything be planted within the easement which would interfere with the use or operation of public utilities in the easement; and

9. The City Council approval of this Resolution will become null and void if all requirements and conditions of approval are not met.

10. Filing of this Resolution to Vacate in the office of the County Recorder will not take place until all requirements and conditions of approval are met.

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: November 5, 2003

==========

I hereby certify that Resolution No. 2003-207 was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 5, 2003, by the following vote:

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

NOES: COUNCIL MEMBERS – Mayor Hitchcock

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

SUSAN J. BLACKSTON
City Clerk

The foregoing document is certified to be a correct copy of the original on file in the City Clerk's Office.

Jennifer M. Perrin
Deputy City Clerk, City of Lodi

By: _____
Dated: 10/11/03

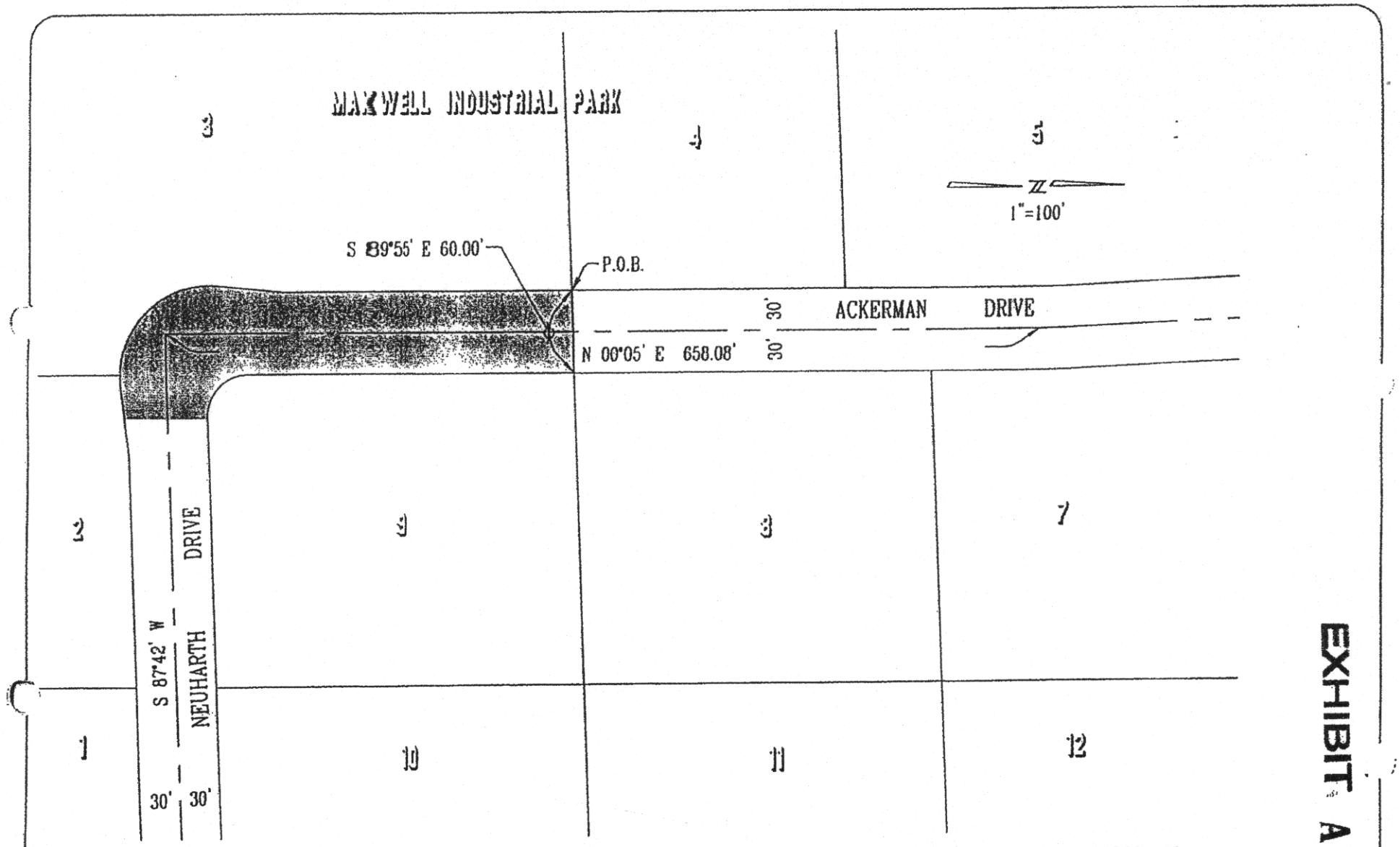

EXHIBIT A

ACKERMAN DRIVE ABANDONMENT

S:\PROJECTS\2003\0356\dwg\0356ACKERMAN.dwg 8/28/2003 8:51:31 AM PDT

PREPARED IN THE OFFICE OF:
BAUMBACH & PIAZZA, INC.
CIVIL ENGINEERS
323 WEST ELM STREET
LODI, CALIFORNIA 95240

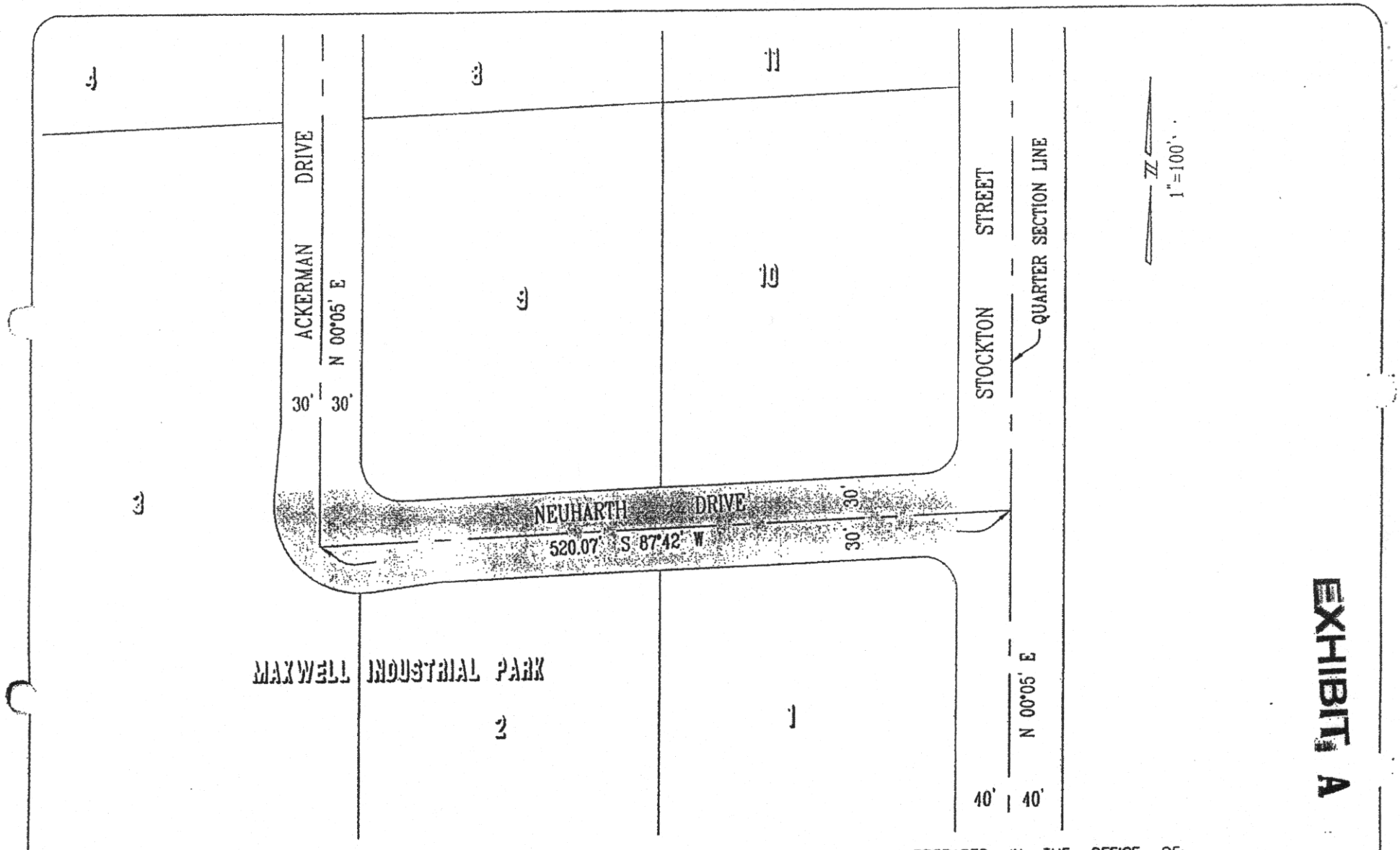

EXHIBIT A

PREPARED IN THE OFFICE OF:

BAUMBACH & PIAZZA, INC.

CIVIL ENGINEERS
323 WEST ELM STREET
LODI, CALIFORNIA 95240

NEUHARTH DRIVE ABANDONMENT

S:\PROJECTS\2003\0356\dwg\0356NEUHARTH.dwg 8/28/2003 8:52:02 AM PDT

EXHIBIT B

VACATION / ABANDONMENT
MAILING LIST

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

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

EXHIBIT B

ALLENDER DONNA L
1855 WREN CT
LODI CA 95240

AWNALLAH ALI
211 E CENTURY BLVD
LODI CA 95240

BACON MELTON L & KATHERINE
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OCCUPANT
1860 WREN CT
LODI CA 95240

OCCUPANT
209 MEADOWLARK WY
LODI CA 95240

CEN-CAL
FIRE SYSTEMS, INC
CA LIC NO 488547 NV LIC NO 35006
•Commercial •Industrial •Residential
•Design •Installation •Service

1615 S. STOCKTON ST. LODI, CA. 95240
P.O. BOX 1284 LODI, CA. 95241-1284
OFFICE: (209) 334-9119 FAX: (209) 334-2923
EMAIL: sprk@cen-calfire.com

G-3

RECEIVED
2003 OCT 31 AM 10:28
CITY CLERK
CITY OF LODI

October 30, 2003

City of Lodi
Attn: Mayor Hitchcock and Council Members
City Hall
221 West Pine Street
Lodi, CA. 95241-1910

RE: Request to vacate Neuharth Drive and the South 300 feet of Ackerman Drive

Dear Mayor Hitchcock and Council Members,

We are writing this letter voicing our concerns to the request of Terry Knutson to vacate Neuharth Drive and the south 300 feet of Ackerman Drive. We will be unable to be at the November 5th public hearing. We are not opposed to this action by the City of Lodi but we feel there are issues that also need to be addressed as a part of this request.

We currently own the property located at 1615 So. Stockton Street (this property sits on the corner of Stockton and Maxwell streets) and the building located at 43 Maxwell Street. We have worked at, leased and owned these properties since 1980. We have the following concerns and requests regarding this issue.

First the City of Lodi needs to reduce the speed limit on South Stockton Street to 35 MPH. There has been a tremendous amount of residential building in this area not to mention the addition of the new grade school over the past few years. The activity at Salas Park with youth sports has continued to grow. There is also a street light at the intersection of Stockton Street and Harney Lane, which has allowed Stockton Street to become an alternate to the traffic mess on Kettleman Lane. There are a lot of businesses that have been in this area for a long time which are also growing. These are all good things for the City of Lodi, but the speed limit on South Stockton Street needs to be reduced. This action needs no study and would cost nothing more than to replace signs.

Second the City of Lodi needs to place a stop sign at the intersection of South Stockton and Maxwell Streets. There are several businesses located Ackerman Drive and Maxwell Streets. These businesses need the proper means of access and egress. The intersection has a lot of traffic during the course of the day including big trucks. The businesses should not have to deal with the constant threat to customers and employees having to dash across the intersection or having to wait forever while a big truck tries to turn on to Stockton Street. Please put the stop sign in.

We welcome the growth Mr. Knutson needs to properly expand his business and support it. We are asking the City of Lodi to complement this request with the addition of the reduced speed limit on South Stockton and the addition of the stop sign at the intersection of South Stockton and Maxwell Streets.

Very Truly Yours,

Byron Weisz

Wayne Weisz

Blue Sheet

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

Jennifer Perrin

From: ron markle [rmarkle1@softcom.net]

Sent: Sunday, November 02, 2003 4:36 PM

To: Susan Blackston; Susan Hitchcock; Emily Howard; Keith Land; John Beckman; Larry Hansen

Subject: Comments for Public Hearing on November 5, 2003

Comments for Public Hearing on November 5, 2003 regarding ATo Vacate Neuharth Drive and the South 300 Feet of Ackerman Drive"

My name is Ron Markle. I reside at 1739 Edgewood Drive. I oppose the Council's proposed use of the Streets and Highways Codes to close Neuharth Drive to public use.

Section 8300 et. seq. of the Streets and Highways Codes provides the authority and the manner for the Council to vacate a street after finding from all evidence that the street is unnecessary for present or prospective public use. The law discusses vacating a street when it has been superseded by relocation, when a street has become impassable, when a street is no longer being used for the purpose it was dedicated, etc.

The Council is not proposing that an unused street should be abandoned. Instead, the Council is considering using the vacation law to close a public street being used for the purpose it was dedicated and built, and thus create a dead end street at the inconvenience of the public, and other business, all in order to provide an economic incentive to a business.

Is this a precedence for the Council or have previous abandonment been under similar circumstances?

1. The public street that has been in significant use for 30 years. The street is used for the purpose for which it was dedicated, designed, and constructed. Over 2000 vehicles currently enter or exit the Neuharth Drive intersection daily. Approximately 10% are trucks.

2. Abandonment of the public street right-of-way as proposed would make Ackerman a Adead end@ street and change Ackerman from a street that currently meets city design standards to one that no longer meets standards and would not be allowed without specific Council approval.

3. Abandonment of the public street right-of-way as proposed will make the traffic at Maxwell Street and Stockton Street worse. The Planning Commission expressed concerns about the number of cars and trucks that would be exiting from Maxwell Street onto Stockton Street, but felt that the traffic issues will be bad whether Neuharth Drive is closed off or not. Closing off Neuharth Drive will not improve the traffic situation but will definitely make it worse.

I believe most of the businesses along Maxwell Street and Ackerman Drive prefer the public street be left open as it has been for 30 years and not be closed. Kishida Trucking will probably be the most impacted because their drivers primarily use Neuharth Drive to enter and exit.

While I believe the abandonment is not justified, incase the Council does decide the benefits to the petitioner outweigh the negative impacts to the public's use of their street, please consider the following conditions.

1. Require funds be set aside for future installation of a traffic light at Maxwell and Stockton when the City undertakes work on Stockton Street.

While the City is not planning on demanding compensation for conveying the 12 acres of commercial property, I believe requiring funding for a traffic light at Maxwell and Stockton is a reasonable condition. City staff's rational for not getting compensation is that the City did not pay for the property 30 years ago and does not consider itself the Aowner@. The developer paid for the land and dedicated it to the City for the public street-right-of-way. The City has had the control, possession, and maintenance for 30 years. If the abandonment is approved, it is the City that must convey by deed its interest in the public street. If the City is not the owner, who is? Whether the owner or not, the vacation law seems to allow for the Council to impose any reasonable condition, require compensation, or otherwise, before conveying the property.

2. Restrict Cottage Bakery's use of a gate exiting onto Ackerman Drive.

If the abandonment is approved, Cottage Bakery intends to install a gate along Ackerman Drive. Allowing trucks going to Cottage Bakery to enter at Neuharth Drive and exit the gate onto Ackerman Drive would only make the traffic at Maxwell and Stockton worse. One's Aintent@ to enter and exit at Neuharth Drive is difficult to enforce without a recorded restriction.

3. Require the abandoned public right-of-way be conveyed back to the City (at the City's option) if Cottage Bakery were to close or move.

At the October 22, 2003 Planning Commission hearing it was asked if Cottage Bakery were to close or move from Lodi, would the land revert back to the City? Staff responded that once the property is gifted to Cottage Bakery, it is theirs to do with as they please except for the requirement that the entire right-way must be retained as a public utility easement.

During the Council's October 1, 2003 meeting, three of the Council Members disclosed having met separately with Cottage Bakery and one Council Member disclosed that Cottage Bakery had mentioned the possibility of leaving Lodi. It would be ironic if the Council abandons the public street, gifts the land to Cottage Bakery, and then Cottage Bakery were to close or move and the City needed the street back. Since the entire right-of-way is to be retained as a public utility easement, requiring that the land be conveyed back to the City should the business close or move is a reasonable condition for conveying the property.

G-3

LODI TENT & AWNING COMPANY, Inc.

1617 ACKERMAN DRIVE LODI, CALIFORNIA 95240
Telephone: (209) 368-5567 Fax: (209) 368-3216
State Contractor's License: #250215

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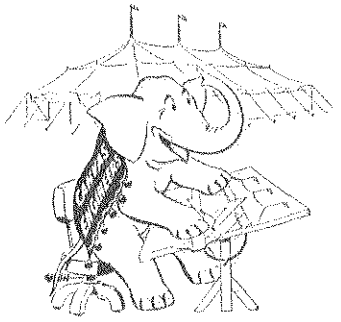
2003 NOV -3 PM 1:57
CITY CLERK
CITY OF LODI



Nov. 3, 2003

Susan Blackson, City Clerk
221 West Pine Street
P.O. Box 3006
Lodi, Ca. 95241-1910

Telephone: (209) 333-6702
FAX 333-6807
cityclrk@lodi.gov

Re: Proposal to VACATE NEUHARTH DRIVE AND THE SOUTH 300 FEET OF ACKERMAN DRIVE, scheduled for discussion on Nov. 5, 2003.

Our company, as well as (most) of the owners and tenants of the MAXWELL and ACKERMAN STREET businesses, have deep concerns about the closure of NEUHARTH at STOCKTON STREET making ACKERMAN a cul-de-sac.

Maxwell and Neuharth are the ONLY WAYS to enter or exit Ackerman.

Mounce Street, as discussed in your recent minutes, is not a cul-de-sac connecting to another busy street. It is a modified cul-de-sac! It has other avenues to enter or exit in case of emergency. It should not be compared to our situation when you consider the volume of cars, delivery trucks, or people using the Maxwell/Ackerman/Neuharth streets.

1. The corner of Maxwell and Stockton Street presents an ever-increasing potential traffic situation. The speed on Stockton Street is 40 mph. It is almost impossible, at times, to safely turn left. And now, a new residential subdivision is almost ready to open, adding even more traffic. If the train track at Harney Lane is temporarily closed, the traffic WEST BOUND from the freeway must turn on Stockton Street, north to Kettleman. Heavy traffic already enters from Almond Drive. Heavy South bound traffic comes from cars crossing Kettleman, turning right at Kettleman/Stockton Street, or emerging into the flow of traffice from parking spaces on the West side of Stockton Street. If you close NEUHARTH, (most) strongly agree a signal light should be a "condition of approval".

2. We have switch tracks directly behind our property. There are concerns as to a safe and speedy evacuation plan in the event any cars carrying toxic chemicals derail. (Cars have already derailed since we owned this property.) You would be limiting this whole business area to ONLY 1 exit if you close NEUHARTH.

3. In case of any accident or chemical spill at the Maxwell/Stockton Street intersection, or in case of any fire in the businesses by this intersection, there could be street closure for a long period of time. Our businesses would have no Fire Protection, Police Protection, or Medical Emergency Service for our employees.

We also could not meet our contracted dates for installation or removal of equipment. This would be "Breach of Contract". Most companies here are Service Oriented Companies, rather than Manufacturing. They need to be able to get to work, get their deliveries, get to their job sites, and get home.

Our own company, Lodi Tent & Awning, has to meet specific dates for Service and Equipment Rentals on at least 95% of our contracts. These job sites are out of town. After our equipment is installed, some events have 50 to 100 vendors waiting to set up their wares in our tents. These events work on a very tight schedule. The event cannot start on time if we cannot meet our installation dates. The events cannot be rescheduled.

We moved to this location in 1982 because it had 2 streets to enter and exit. By closing Neuharth you will make it harder for the existing businesses to do business and you will make these properties less desireable for future resale or rental.

4. We have been assured by Cottage Bakery's representative, Phil Penino, that all customers, employees, and delivery trucks will have to enter/exit their plant using Stockton Street. There will be an emergency gate, at the Ackerman cul-de-sac, for Fire and Police protection. It will be locked at all times. Question! What guarantees do we have that this entry will not be changed to allow delivery trucks and employees access at a later date if you find there is unexpected congestion on Stockton Street due to the heavy truck traffic into Cottage Bakery's plant?

As you see, we have a problem with this proposed street closure. We hope Cottage bakery will find a more satisfactory solution to their safety/security problem than closing NEUHARTH at STOCKTON STREET.

We hope the City Council will "consider our businesses as VALUABLE to the City's future and that you will not put our employees at risk or interfere with our rights to do business" by closing NEUHARTH.

Please give this careful consideration.

Respectfully submitted,

Paul Welk Sandra Welk

Paul Welk/Sandra Welk
LODI TENT & AWNING CO., INC., tenant, and property owner.

Blue sheet

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

LODI TENT & AWNING COMPANY, Inc.

1617 ACKERMAN DRIVE LODI, CALIFORNIA 95240
Telephone: (209) 368-5567 Fax: (209) 368-3216
State Contractor's License: #250215

Oct. 30, 2003

Our Company, LODI TENT, is STRONGLY opposed to the closing of NEUHARTH at STOCKTON STREET. This closure will only allow 1 ENTRANCE/EXIT for the Employers, Employees, Delivery Persons, Customers, Fire Trucks, Ambulances & Police Protection. Those businesses which depend on daily deliveries to meet their customers' dead-lines will be effected if anything closed the Stockton/Maxwell intersection...be it vehicle accident, chemical spill, or Safety Vehicles serving our area. We will be LOCKED IN or LOCKED OUT!

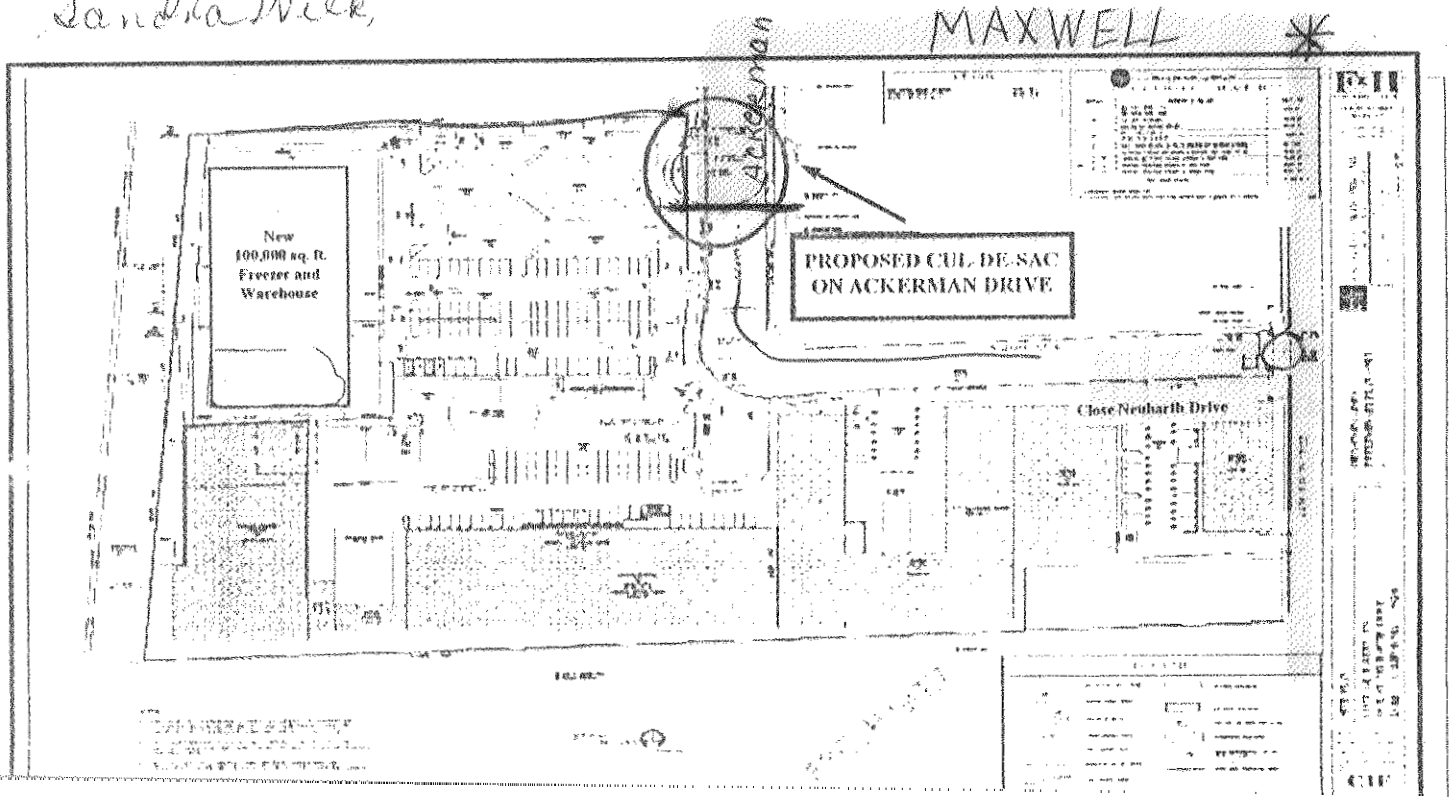
Our business works on daily contracts and will be unable to meet these contracted installation/removal dates if the intersection is closed at Maxwell and Stockton St. As it is now, we have a choice, Maxwell or Neuharth. This would be a major interference to most businesses.

We ask you to join us in presenting our opinion to the City Council at the Nov. 5, 2003, 7:00 P.M. meeting, by signing the enclosed form.

If any of you can also go to the meeting to represent your business, it would be most helpful.

Thank you,

Sandra Week



Oct. 30, 2003

The following business and employees of these businesses STRONGLY oppose the proposed closing of NEUHARTH at STOCKTON STREET. This will land lock our entrance/exit to get to work, to get home, or to take our work vehicles out to complete our contracted/scheduled work <u>if there is closure for any reason</u> at the <u>only</u> entrance of MAXWELL AND STOCKTON STREET.

*MAXWELL and ACKERMAN business will be virtually Shut down.

	Business: 100%		Employees
1.	Lodi Tent & Awning		Sandra Welk
	Lodi Tent & Awning		Betty Donovan
	Lodi Tent & Awning		[illegible]
	Lodi tent & Awning		Marvin Schatz
	Lodi Tent & Awning		Kevin Welk
	Lodi Tent & Awning		Brian Welk
	Lodi Tent & Awning		David Welk
	16 17 Ackerman, Lodi, Ca.		
2.	Lodi Battery		
	1730 Ackerman, Lodi CA		
3.	Canyon Boats	1730	Ackerman Dr. Kevin [illegible]
	Canyon Boats	1730	Ackerman Dr Isabel [illegible]
	CANYON BOATS	1730	Ackerman DR Jenny [illegible]
4.	Lodi Water Conditioning	1730	Ackerman Dr Cory [illegible]
5.	Heritage Crafted Interiors	1730	Ackerman Dr. #1 [illegible]
6.	[illegible]	1702	ACKERMAN Dr #1 [illegible]
	CENTRAL CAL AUTO ELECTRIC		

Oct. 30, 2003

The following business and employees of these businesses STRONGLY oppose the proposed closing of NEUHARTH at STOCKTON STREET. This will land lock our entrance/exit to get to work, to get home, or to take our work vehicles out to complete our contracted/scheduled work if there is closure for any reason at the only entrance of MAXWELL AND STOCKTON STREET.

*MAXWELL and ACKERMAN business will be virtually Shut down.

	Business:	Employees
1.	GARY'S SIGNS	

Oct. 30, 2003

The following business and employees of these businesses STRONGLY oppose the proposed closing of NEUHARTH at STOCKTON STREET. This will land lock our entrance/exit to get to work, to get home, or to take our work vehicles out to complete our contracted/scheduled work if there is closure for any reason at the only entrance of MAXWELL AND STOCKTON STREET.

*MAXWELL and ACKERMAN business will be virtually Shut down.

Business: 1744 Ackerman Dr. Employees

Space Business Forms & Imaging, Inc.

Gilbert J Vanoun

Carrie Smith

[illegible]

Judy S Edwards

Geri King

Maria Leonard

George Gonzales

[illegible]

[illegible]

Tom Stubbs

Richard S. Matney

[illegible]

Andrea Chambers

[illegible]

NEW ENGLAND WOOD WORKING Rocco Mercadante

1702 Ackerman Dr.

CALIFORNIA auto & Boat upholstery Fidel Perez

1702 Ackerman Dr #7

G & S SERVICE CENTER BY: Gary Rouppet

Oct. 30, 2003

The following business and employees of these businesses STRONGLY oppose the proposed closing of NEUHARTH at STOCKTON STREET. This will land lock our entrance/exit to get to work, to get home, or to take our work vehicles out to complete our contracted/scheduled work if there is closure for any reason at the only entrance of MAXWELL AND STOCKTON STREET.

*MAXWELL and ACKERMAN business will be virtually Shut down.

Business:	Employees
2. OWNER FOSTER LEEDY	Felix Leedy
MAXWELL Complex 1st West Unit.	

Oct. 30, 2003

The following business and employees of these businesses STRONGLY oppose the proposed closing of NEUHARTH at STOCKTON STREET. This will land lock our entrance/exit to get to work, to get home, or to take our work vehicles out to complete our contracted/scheduled work <u>if there is closure for any reason</u> at the <u>only</u> entrance of MAXWELL AND STOCKTON STREET.

*MAXWELL and ACKERMAN business will be virtually Shut down.

Business: [illegible] Employees

[illegible]

1725 Ackerman DR. Lodi, Ca

KEITH LAND, COUNCIL MEMBER, was elected to the Lodi City Co and has previously served as Mayor and Mayor Pro Tempore of the City. H the U.S. Air Force in 1969 and received an honorable discharge in 1973. an Associate of Arts degree from Delta College in 1975 and graduated fr 1977. Mr. Land owned and operated Land Insurance Services for 25 years Land serves as Chairman of the San Joaquin County Parks and Commission, Vice Chair of the San Joaquin County Housing Authority, Member for the Local Area Formation Commission, and the Northern Cali Agency. Mr. Land is currently employed as the Community Developmer Farmers and Merchants Bank and also serves as the President for Lodi Ho

CITY COUNCIL MEETINGS

Scheduled meetings of the Lodi City Council are shown below. Unless otherwise announced, all meetings are Carnegie Forum, 305 West Pine Street, Lodi. [Current/Past Agendas ..] [Minutes]

1. **Informal Informational Meetings (Shirtsleeve Sessions)**
   Tuesday mornings at 7:00 a.m.

2. **Regular City Council Meetings**
   First and third Wednesday of each month at 7:00 p.m.

NOTE: The 7:00 p.m. regular meetings are shown on AT&T cable TV. Reruns of the telecast can be seen on Fric at 3:00 p.m. on Channel 26.

The City Council may also hold special meetings or adjourned meetings. By law, an agenda must be prepar Council meeting and posted in a place where it can be viewed by the public at least 72 hours in advance of the m hours in the case of a special meeting).

HOW TO CONTACT THE CITY COUNCIL

All correspondence may be mailed directly to:

Lodi City Council
c/o City Clerk's Office
P.O. Box 3006
Lodi, CA 95241-1910
Phone number: (209) 333-6702
Fax number: (209) 333-6807

Voice Mail
Dial (209) 333-6800
+ extension:

Susan Hitchcock	2969
Emily Howard	2913
John Beckman	9281
Larry Hansen	9280
Keith Land	2938

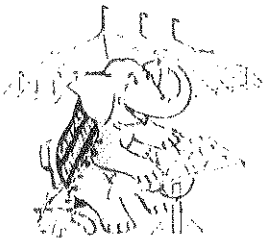
To e-mail INDIVIDUAL Council Members:

- Susan Hitchcock, Mayor
- Emily Howard, Mayor Pro Tempore
- John Beckman
- Larry Hansen

G-03
Supplemental Info.

LODI TENT & AWNING COMPANY, Inc.

1617 ACKERMAN DRIVE LODI, CALIFORNIA 95240
Telephone: (209) 368-5567 Fax: (209) 368-3216
State Contractor's License: #250215



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City Clerk
City of Lodi

FACSIMILE TRANSMITTAL

DATE: Nov. 4, 2003

PAGES SENT:
(Including cover sheet)

FROM: Sandra Welk/Paul Welk

ATTN: Susan Blackston, City Clerk. FAX: 333-6807
PHONE: 333-6702

COMPANY: City of Lodi, City Council

SUBJECT: Nov. 5, 2003, meeting to consider the proposal to vacate NEUHARTH at STOCKTON STREET and 300 FEET OF ACKERMAN DRIVE, turning ACKERMAN into a cul-de-sac.

Please add the enclosed signatures in opposition to this project.

NO RESPONSE IS NECESSARY _____.

PLEASE RESPOND AS SOON AS POSSIBLE. _____.

Thank you,

Sandra Welk

Refaxed, as machine indicated error in transmission. Sorry if it duplicates 1 set just Faxed. Thank you.

Attn: Susan Blackston, City Clerk, FAX: 333-6807 update, Nov. 4, 2003.

Oct. 30, 2003

The following business and employees of these businesses STRONGLY oppose the proposed closing of NEUHARTH at STOCKTON STREET. This will land lock our entrance/exit to get to work, to get home, or to take our work vehicles out to complete our contracted/scheduled work if there is closure for any reason at the only entrance of MAXWELL AND STOCKTON STREET.

*MAXWELL and ACKERMAN business will be virtually Shut down.

Business:	Employees
1702 Ackerman Dr. Lodi	Randy Valensin, Lynne Valensin
1730 Ackerman Dr Lodi	Randy Valensin, Lynne Valensin

(Randy Valensin)

Owners of a multi-unit complex. Their tenants have already turned in their signatures with our coversheet yesterday, Nov. 3, 2003.

Please add this to the list of Property owners and employees that are in opposition to the Neuharth Street closure.

Submitted by Sandra Welk, Lodi Tent & Awning Co., Inc.

Sandra Welk

Attn: Susan Blackston, City Clerk: FAX: 333-6702 Nov. 4, 2003.

Oct. 30, 2003

The following business and employees of these businesses STRONGLY oppose the proposed closing of NEUHARTH at STOCKTON STREET. This will land lock our entrance/exit to get to work, to get home, or to take our work vehicles out to complete our contracted/scheduled work if there is closure for any reason at the only entrance of MAXWELL AND STOCKTON STREET. *MAXWELL and ACKERMAN business will be virtually Shut down.

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City of Lodi

Business:	Employees
Medi-Van	33 Maxwell Street:
(Transportation to and from Hospital and Dr's Offices.)	

Please add this to the list of Property Owners and Tenants/employees concered about this closure, which is to be discussed at the Nov. 5, 2003 City Council Meeting. Please forward to all City Council members, and interested city staff.

Thank you.

G-03
Supplemental Information

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LODI CITY COUNCIL

COMMUNICATION

Request to Vacate Neuharth and the South 300 Feet of Ackerman Drive

Cottage Bakery

P.O. BOX 1720 • LODI, CALIFORNIA 95241-1720 • PHONE (209) 333-8044 • FAX 333-7428

November 1, 2003

STAFF COPY

Honorable Mayor Susan Hitchcock
City of Lodi
221 W. Pine Street
Lodi, CA 95240

Dear Mayor Hitchcock:

On November 5th, you and your fellow Council members will hold the Public Hearing for our application requesting the closure of Neuharth Drive and a portion of Ackerman Drive. We ask for your support and approval to allow Cottage Bakery to close Neuharth and a portion of Ackerman

Our reason for this request is that we must comply with the federal and state efforts to prepare for, and respond to the threat of bioterrorism and other public health emergencies. The 107th Congress enacted ***"The Public Health Security and Bioterrorism Response Act of 2002."*** The Act addresses national, state, and local preparedness response, planning, and security issues. For Cottage Bakery, (a food manufacture) we are required to increase the security at our plant.

Cottage Bakery currently has multiple separate entrances into our facility. With the installation of a gate at the entrance to Neuharth Drive from Stockton Street, we will be able to effectively secure one entrance (security guard, gates/arms and cameras) as opposed to guarding multiple entrances that would increase vulnerability and inevitably lead to security failure.

Why would terrorists attack Cottage Bakery? We have a very large national distribution network providing over 300 million individual products per year and therefore have the capability of becoming an efficient vehicle of contamination to vast amounts of innocent consumers. As mandated by the Federal Government, it is our responsibility as a Food Manufacture to comply with the established stringent food security requirements in an effort to protect our nation's consumers.

RECEIVED
NOV 0 3 2003
City Clerk
City of Lodi

By closing Neuharth Drive and installing a cul-de-sac on Ackerman Drive, we will be able to ensure security and safety as well as provide benefits to our neighbors, some of which are:

- **Security** – The presence of our proposed security can have an equal effect for our neighbors. Vandals, thieves and terrorists are deterred by the presence of a notable security force and will typically seek targets far from the location of the secured facility.
- **Reduced Traffic on Ackerman** - All employees & visitors to Cottage Bakery will be required to stop at the front office to check in and then proceed through the security gate off Stockton Street to enter the Plant area. Access will be from Stockton Street Gate only, not from Ackerman Drive.
- **Reduced Truck Parking** - Without a through street, independent truck operators may no longer park in front of business along Ackerman Drive. These trucks have drawn vandals that have caused damage to the trucks and surrounding properties.
- **Safety** - Currently, our bakery vehicles are frequently crossing the street to go from one part of the plant to another. By gating this area, our neighbors, employees, and customers will be safer by not being impacted by our operations.

During the past three months our staff has met with our neighbors, Council members, and city staff to communicate the importance of our request. Attached to this letter is the following information:

1. Food Security Preventive Measures Guidance.
2. Letter To Property Owners
3. Communication Flyer
4. Property Owned By Cottage Bakery
5. Layout For Proposed Cul-De-Sac
6. Property/Business Comments and Support
7. Council Communication
8. Planning Commission
9. Notice Of Public Hearing
10. Letter From Jack In The Box

Mayor Hitchcock, we ask for your support and approval to allow Cottage Bakery to close Neuharth and a portion of Ackerman Drive. Should you have any questions, please give me a call at 365-5440 or Phil Pennino at 327-3787.

Sincerely,

Terry Knutson

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2	LETTER TO PROPERTY OWNERS	
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4	PROPERTY OWNED BY COTTAGE BAKERY	
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Key Areas

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- Management - Page 3
- Human Relations - Page 4
- Facility - Page 6

U. S. Department of Health and Human Services
U. S. Food and Drug Administration
Center for Food Safety and Applied Nutrition
March 21, 2003

Guidance for Industry

Food Producers, Processors, and Transporters: Food Security Preventive Measures Guidance

This guidance represents the Agency's current thinking on the kinds of measures that food establishments may take to minimize the risk that food under their control will be subject to tampering or other malicious, criminal, or terrorist actions. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public.

Purpose and Scope:

This guidance is designed as an aid to operators of food establishments (firms that produce, process, store, repack, relabel, distribute, or transport food or food ingredients). This is a very diverse set of establishments, which includes both very large and very small entities.

This guidance identifies the kinds of preventive measures operators of food establishments may take to minimize the risk that food under their control will be subject to tampering or other malicious, criminal, or terrorist actions. It is relevant to all sectors of the food system, including farms, aquaculture facilities, fishing vessels, producers, transportation operations, processing facilities, packing facilities, and warehouses. It is not intended as guidance for retail food stores or food service establishments.

Operators of food establishments are encouraged to review their current procedures and controls in light of the potential for tampering or other malicious, criminal, or terrorist actions and make appropriate improvements. FDA recommends that the review include consideration of the role that unit and distribution packaging might have in a food security program. This guidance is designed to focus operator's attention sequentially on each segment of the farm-to-table system that is within their control, to minimize the risk of tampering or other malicious, criminal, or terrorist action at each segment. To be successful, implementing enhanced preventive measures requires the commitment of management and staff. Accordingly, FDA recommends that both management and staff participate in the development and review of such measures.

Limitations:

Not all of the guidance contained in this document may be appropriate or practical for every food establishment, particularly smaller facilities and distributors. FDA recommends that operators review the guidance in each section that relates to a component of their operation, and assess which preventive measures are suitable. Example approaches are provided for many of the preventive measures listed in this document. These examples should not be regarded as minimum standards. Nor should the examples provided be considered an inclusive list of all potential approaches to achieving the goal of the preventive

measure. FDA recommends that operators consider the goal of the preventive measure, assess whether the goal is relevant to their operation, and, if it is, design an approach that is both efficient and effective to accomplish the goal under their conditions of operation.

Structure:

This guidance is divided into five sections that relate to individual components of a food establishment operation: management; human element - staff; human element - public; facility; and operations.

Related Guidance:

FDA has published a companion guidance document on food security entitled, "Importers and filers: Food security preventive measures guidance" to cover the farm-to-table spectrum of food production. This document is available at: http://www.access.gpo.gov/su_docs/aces/aces140.html.

Additional Resources:*

A process called Operational Risk Management (ORM) may help prioritize the preventive measures that are most likely to have the greatest impact on reducing the risk of tampering or other malicious, criminal, or terrorist actions against food. Information on ORM is available in the Federal Aviation Administration (FAA) System Safety Handbook, U.S. Department of Transportation, FAA, December 30, 2000, Chapter 15, Operational Risk Management. The handbook is available at: http://www.asy.faa.gov/Risk/SSHandbook/Chap15_1200.PDF.

The U.S. Department of Transportation, Research and Special Programs Administration has published an advisory notice of voluntary measures to enhance the security of hazardous materials shipments. It is available at http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002_register&docid=02-3636-filed.pdf. The notice provides guidance to shippers and carriers on personnel, facility and en route security issues.

The U.S. Postal Service has prepared guidance for identifying and handling suspicious mail. It is available at: http://www.usps.com/news/2001/press/mailsecurity/postcard.htm.

The Federal Anti-Tampering Act (18 USC 1365) makes it a federal crime to tamper with or taint a consumer product, or to attempt, threaten or conspire to tamper with or taint a consumer product, or make a false statement about having tampered with or tainted a consumer product. Conviction can lead to penalties of up to $100,000 in fines and up to life imprisonment. The Act is available at: http://www.fda.gov/opacom/laws/fedatact.htm.

The National Infrastructure Protection Center (NIPC) serves as the federal government's focal point for threat assessment, warning, investigation, and response for threats or attacks against U.S. critical infrastructure. The NIPC has identified the food system as one of the eight critical infrastructures, and has established a public-private partnership with the food industry, called the Food Industry Information and Analysis Center (Food Industry ISAC). The NIPC provides the Food Industry ISAC with access, information and analysis, enabling the food industry to report, identify, and reduce its vulnerabilities to malicious attacks, and to recover from such attacks as quickly as possible. In particular, the NIPC identifies credible threats and crafts specific warning messages to the food industry. Further information is available at http://www.nipc.gov/ and http://www.foodisac.org/.

Finally, some trade associations have developed food security guidance that is appropriately focused for that specific industry. For example, the International Dairy Food Association has developed a food security guidance document as an aid to the dairy industry.

FDA encourages other trade associations to evaluate the preventive measures contained in this FDA guidance document and adapt them to their specific products and operations and to supplement this guidance with additional preventive measures when appropriate. FDA welcomes dialogue on the content of sector specific guidance with appropriate trade associations.

Food Establishment Operations:

Management

FDA recommends that food establishment operators consider:

- Preparing for the possibility of tampering or other malicious, criminal, or terrorist actions

  - assigning responsibility for security to knowledgeable individual(s)
  - conducting an initial assessment of food security procedures and operations, which we recommend be kept confidential
  - having a security management strategy to prepare for and respond to tampering and other malicious, criminal, or terrorist actions, both threats and actual events, including identifying, segregating and securing affected product
  - planning for emergency evacuation, including preventing security breaches during evacuation
  - maintaining any floor or flow plan in a secure, off-site location
  - becoming familiar with the emergency response system in the community
  - making management aware of 24-hour contact information for local, state, and federal police/fire/rescue/health/homeland security agencies
  - making staff aware of who in management they should alert about potential security problems (24-hour contacts)
  - promoting food security awareness to encourage all staff to be alert to any signs of tampering or other malicious, criminal, or terrorist actions or areas that may be vulnerable to such actions, and reporting any findings to identified management (for example, providing training, instituting a system of rewards, building security into job performance standards)
  - having an internal communication system to inform and update staff about relevant security issues
  - having a strategy for communicating with the public (for example, identifying a media spokesperson, preparing generic press statements and background information, and coordinating press statements with appropriate authorities)

Supervision

- providing an appropriate level of supervision to all staff, including cleaning and maintenance staff, contract workers, data entry and computer support staff, and especially, new staff
- conducting routine security checks of the premises, including automated manufacturing lines, utilities and critical computer data systems (at a frequency appropriate to the operation) for signs of tampering or malicious, criminal, or terrorist actions or areas that may be vulnerable to such actions

Recall strategy

- identifying the person responsible, and a backup person
- providing for proper handling and disposition of recalled product
- identifying customer contacts, addresses and phone numbers

Investigation of suspicious activity

- investigating threats or information about signs of tampering or other malicious, criminal, or terrorist actions
- alerting appropriate law enforcement and public health authorities about any threats of or suspected tampering or other malicious, criminal, or terrorist actions

Evaluation program

- evaluating the lessons learned from past tampering or other malicious, criminal, or terrorist actions and threats
- reviewing and verifying, at least annually, the effectiveness of the security management program (for example, using knowledgeable in-house or third party staff to conduct tampering or other malicious, criminal, or terrorist action exercises and mock recalls and to challenge computer security systems), revising the program accordingly, and keeping this information confidential
- performing random food security inspections of all appropriate areas of the facility (including receiving and warehousing, where applicable) using knowledgeable in-house or third party staff, and keeping this information confidential
- verifying that security contractors are doing an appropriate job, when applicable

Human element - staff

Under Federal law, food establishment operators are required to verify the employment eligibility of all new hires, in accordance with the requirements of the Immigration and Nationality Act, by completing the INS Employment Eligibility Verification Form (INS Form I-9). Completion of Form I-9 for new hires is required by 8 USC 1324a and nondiscrimination provisions governing the verification process are set forth at 8 USC 1324b.

FDA recommends that food establishment operators consider:

Screening (pre-hiring, at hiring, post-hiring)

- examining the background of all staff (including seasonal, temporary, contract, and volunteer staff, whether hired directly or through a recruitment firm) as appropriate to their position, considering candidates' access to sensitive areas of the facility and the degree to which they will be supervised and other relevant factors (for example, obtaining and verifying work references, addresses, and phone numbers, participating in one of the pilot programs managed by the Immigration and Naturalization Service and the Social Security Administration [These programs provide electronic confirmation of employment eligibility for newly hired employees. For more information call the INS SAVE Program toll free at 1-888-464-4218, fax a request for information to (202) 514-9981, or write to US/INS, SAVE Program, 425 I Street, NW,

ULLICO-4th Floor, Washington, DC 20536. These pilot programs may not be available in all states], having a criminal background check performed by local law enforcement or by a contract service provider [Remember to first consult any state or local laws that may apply to the performance of such checks])

Note: screening procedures should be applied equally to all staff, regardless of race, national origin, religion, and citizenship or immigration status.

Daily work assignments

- knowing who is and who should be on premises, and where they should be located, for each shift
- keeping information updated

Identification

- establishing a system of positive identification and recognition that is appropriate to the nature of the workforce (for example, issuing uniforms, name tags, or photo identification badges with individual control numbers, color coded by area of authorized access), when appropriate
- collecting the uniforms, name tag, or identification badge when a staff member is no longer associated with the establishment

Restricted access

- identifying staff that require unlimited access to all areas of the facility
- reassessing levels of access for all staff periodically
- limiting access so staff enter only those areas necessary for their job functions and only during appropriate work hours (for example, using key cards or keyed or cipher locks for entry to sensitive areas, color coded uniforms [remember to consult any relevant federal, state or local fire or occupational safety codes before making any changes])
- changing combinations, rekeying locks and/or collecting the retired key card when a staff member who is in possession of these is no longer associated with the establishment, and additionally as needed to maintain security

Personal items

- restricting the type of personal items allowed in establishment
- allowing in the establishment only those personal use medicines that are necessary for the health of staff and ensuring that these personal use medicines are properly labeled and stored away from food handling or storage areas
- preventing staff from bringing personal items (for example, lunch containers, purses) into food handling or storage areas
- providing for regular inspection of contents of staff lockers (for example, providing metal mesh lockers, company issued locks), bags, packages, and vehicles when on company property (Remember to first consult any federal, state, or local laws that may relate to such inspections)

Training in food security procedures

- incorporating food security awareness, including information on how to prevent, detect, and

respond to tampering or other malicious, criminal, or terrorist actions or threats, into training programs for staff, including seasonal, temporary, contract, and volunteer staff
- providing periodic reminders of the importance of security procedures (for example, scheduling meetings, providing brochures or payroll stuffers)
- encouraging staff support (for example, involving staff in food security planning and the food security awareness program, demonstrating the importance of security procedures to the staff)

Unusual behavior

- watching for unusual or suspicious behavior by staff (for example, staff who, without an identifiable purpose, stay unusually late after the end of their shift, arrive unusually early, access files/information/areas of the facility outside of the areas of their responsibility; remove documents from the facility; ask questions on sensitive subjects; bring cameras to work)

Staff health

- being alert for atypical staff health conditions that staff may voluntarily report and absences that could be an early indicator of tampering or other malicious, criminal, or terrorist actions (for example, an unusual number of staff who work in the same part of the facility reporting similar symptoms within a short time frame), and reporting such conditions to local health authorities

Human element -- public

FDA recommends that food establishment operators consider:

Visitors (for example, contractors, supplier representatives, delivery drivers, customers, couriers, pest control representatives, third-party auditors, regulators, reporters, tours)

- inspecting incoming and outgoing vehicles, packages and briefcases for suspicious, inappropriate or unusual items or activity, to the extent practical
- restricting entry to the establishment (for example, checking visitors in and out at security or reception, requiring proof of identity, issuing visitors badges that are collected upon departure, accompanying visitors)
- ensuring that there is a valid reason for the visit before providing access to the facility - beware of unsolicited visitors
- verifying the identity of unknown visitors
- restricting access to food handling and storage areas (for example, accompanying visitors, unless they are otherwise specifically authorized)
- restricting access to locker room

Facility

FDA recommends that food establishment operators consider:

Physical security

- protecting perimeter access with fencing or other deterrent, when appropriate
- securing doors (including freight loading doors, when not in use and not being monitored, and emergency exits), windows, roof openings/hatches, vent openings, ventilation systems, utility

rooms, ice manufacturing and storage rooms, loft areas, trailer bodies, tanker trucks, railcars, and bulk storage tanks for liquids, solids, and compressed gases, to the extent possible (for example, using locks, "jimmy plates," seals, alarms, intrusion detection sensors, guards, monitored video surveillance [remember to consult any relevant federal, state or local fire or occupational safety codes before making any changes])

- using metal or metal-clad exterior doors to the extent possible when the facility is not in operation, except where visibility from public thoroughfares is an intended deterrent (remember to consult any relevant federal, state or local fire or occupational safety codes before making any changes)
- minimizing the number of entrances to restricted areas (remember to consult any relevant federal, state or local fire or occupational safety codes before making any changes)
- securing bulk unloading equipment (for example, augers, pipes, conveyor belts, and hoses) when not in use and inspecting the equipment before use
- accounting for all keys to establishment (for example, assigning responsibility for issuing, tracking, and retrieving keys)
- monitoring the security of the premises using appropriate methods (for example, using security patrols [uniformed and/or plain-clothed], video surveillance)
- minimizing, to the extent practical, places that can be used to temporarily hide intentional contaminants (for example, minimizing nooks and crannies, false ceilings)
- providing adequate interior and exterior lighting, including emergency lighting, where appropriate, to facilitate detection of suspicious or unusual activities
- implementing a system of controlling vehicles authorized to park on the premises (for example, using placards, decals, key cards, keyed or cipher locks, issuing passes for specific areas and times to visitors' vehicles)
- keeping parking areas separated from entrances to food storage and processing areas and utilities, where practical

Laboratory safety

- restricting access to the laboratory (for example, using key cards or keyed or cipher locks [remember to consult any relevant federal, state or local fire or occupational safety codes before making any changes])
- restricting laboratory materials to the laboratory, except as needed for sampling or other appropriate activities
- restricting access (for example, using locks, seals, alarms, key cards, keyed or cipher locks) to sensitive materials (for example, reagents and bacterial, drug, and toxin positive controls)
- assigning responsibility for integrity of positive controls to a qualified individual
- knowing what reagents and positive controls should be on the premises and keeping track of them
- investigating missing reagents or positive controls or other irregularities outside a normal range of variability immediately, and alerting appropriate law enforcement and public health authorities about unresolved problems, when appropriate
- disposing of unneeded reagents and positive controls in a manner that minimizes the risk that they can be used as a contaminant

Storage and use of poisonous and toxic chemicals (for example, cleaning and sanitizing agents, pesticides)

- limiting poisonous and toxic chemicals in the establishment to those that are required for the

operation and maintenance of the facility and those that are being held for sale
- storing poisonous and toxic chemicals as far away from food handling and storage areas as practical
- limiting access to and securing storage areas for poisonous and toxic chemicals that are not being held for sale (for example, using keyed or cipher locks, key cards, seals, alarms, intrusion detection sensors, guards, monitored video surveillance [remember to consult any relevant federal, state or local fire codes that may apply before making any changes])
- ensuring that poisonous and toxic chemicals are properly labeled
- using pesticides in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (for example, maintaining rodent bait that is in use in covered, tamper-resistant bait stations)
- knowing what poisonous and toxic chemicals should be on the premises and keeping track of them
- investigating missing stock or other irregularities outside a normal range of variation and alerting appropriate law enforcement and public health authorities about unresolved problems, when appropriate

Operations

FDA *recommends* that food establishment operators consider:

Incoming materials and contract operations:

- using only known, appropriately licensed or permitted (where applicable) contract manufacturing and packaging operators and sources for all incoming materials, including ingredients, compressed gas, packaging, labels, and materials for research and development
- taking reasonable steps to ensure that suppliers, contract operators and transporters practice appropriate food security measures (for example, auditing, where practical, for compliance with food security measures that are contained in purchase and shipping contracts or letters of credit, or using a vendor approval program)
- authenticating labeling and packaging configuration and product coding/expiration dating systems (where applicable) for incoming materials in advance of receipt of shipment, especially for new products
- requesting locked and/or sealed vehicles/containers/railcars, and, if sealed, obtaining the seal number from the supplier and verifying upon receipt, making arrangements to maintain the chain of custody when a seal is broken for inspection by a governmental agency or as a result of multiple deliveries
- requesting that the transporter have the capability to verify the location of the load at any time, when practical
- establishing delivery schedules, not accepting unexplained, unscheduled deliveries or drivers, and investigating delayed or missed shipments
- supervising off-loading of incoming materials, including off hour deliveries
- reconciling the product and amount received with the product and amount ordered and the product and amount listed on the invoice and shipping documents, taking into account any sampling performed prior to receipt
- investigating shipping documents with suspicious alterations
- inspecting incoming materials, including ingredients, compressed gas, packaging, labels, product returns, and materials for research and development, for signs of tampering, contamination or damage (for example, abnormal powders, liquids, stains, or odors, evidence of resealing, compromised tamper-evident packaging) or "counterfeiting" (for example,

inappropriate or mismatched product identity, labeling, product lot coding or specifications, absence of tamper-evident packaging when the label contains a tamper-evident notice), when appropriate
- evaluating the utility of testing incoming ingredients, compressed gas, packaging, labels, product returns, and materials for research and development for detecting tampering or other malicious, criminal, or terrorist action
- rejecting suspect food
- alerting appropriate law enforcement and public health authorities about evidence of tampering, "counterfeiting" or other malicious, criminal, or terrorist action

Storage

- having a system for receiving, storing, and handling distressed, damaged, returned, and rework products that minimizes their potential for being compromised or to compromise the security of other products (for example, destroying products that are unfit for human or animal consumption, products with illegible codes, products of questionable origin, and products returned by consumers to retail stores)
- keeping track of incoming materials and materials in use, including ingredients, compressed gas, packaging, labels, salvage products, rework products, and product returns
- investigating missing or extra stock or other irregularities outside a normal range of variability and reporting unresolved problems to appropriate law enforcement and public health authorities, when appropriate
- storing product labels in a secure location and destroying outdated or discarded product labels
- minimizing reuse of containers, shipping packages, cartons, etc., where practical

Security of water and utilities

- limiting, to the extent practical, access to controls for airflow, water, electricity, and refrigeration
- securing non-municipal water wells, hydrants, storage, and handling facilities
- ensuring that water systems and trucks are equipped with backflow prevention
- chlorinating water systems and monitoring chlorination equipment, where practical, and especially for non-municipal water systems
- testing non-municipal sources for potability regularly, as well as randomly, and being alert to changes in the profile of the results
- staying attentive to the potential for media alerts about public water provider problems, when applicable
- identifying alternate sources of potable water for use during emergency situations where normal water systems have been compromised (for example, trucking from an approved source, treating on-site or maintaining on-site storage)

Finished products

- ensuring that public storage warehousing and shipping operations (vehicles and vessels) practice appropriate security measures (for example, auditing, where practical, for compliance with food security measures that are contained in contracts or letters of guarantee)
- performing random inspection of storage facilities, vehicles, and vessels
- evaluating the utility of finished product testing for detecting tampering or other malicious, criminal, or terrorist actions

- requesting locked and/or sealed vehicles/containers/railcars and providing the seal number to the consignee
- requesting that the transporter have the capability to verify the location of the load at any time
- establishing scheduled pickups, and not accepting unexplained, unscheduled pickups
- keeping track of finished products
- investigating missing or extra stock or other irregularities outside a normal range of variation and alerting appropriate law enforcement and public health authorities about unresolved problems, when appropriate
- advising sales staff to be on the lookout for counterfeit products and to alert management if any problems are detected

Mail/packages

- implementing procedures to ensure the security of incoming mail and packages (for example, locating the mailroom away from food processing and storage areas, securing mailroom, visual or x-ray mail/package screening, following U.S. Postal Service guidance)

Access to computer systems

- restricting access to computer process control systems and critical data systems to those with appropriate clearance (for example, using passwords, firewalls)
- eliminating computer access when a staff member is no longer associated with the establishment
- establishing a system of traceability of computer transactions
- reviewing the adequacy of virus protection systems and procedures for backing up critical computer based data systems
- validating the computer security system

Emergency Point of Contact:

U.S. Food and Drug Administration
5600 Fishers Lane
Rockville, MD 20857
301-443-1240

If a food establishment operator suspects that any of his/her products that are regulated by the FDA have been subject to tampering, "counterfeiting," or other malicious, criminal, or terrorist action, FDA recommends that he/she notify the FDA 24-hour emergency number at 301-443-1240 or call their local FDA District Office. FDA District Office telephone numbers are listed at: http://www.fda.gov/ora/inspect_ref/iom/iomoradir.html. FDA recommends that the operator also notify appropriate law enforcement and public health authorities.

*Reference to these documents is provided for informational purposes only. These documents are not incorporated by reference into this guidance and should not be considered to be FDA guidance.

Cottage Bakery

P.O. BOX 1720 • LODI, CALIFORNIA 95241-1720 • PHONE (209) 333-8044 • FAX 333-7428

September 12, 2003

«Owner_Name»
«Mail_Address»
«City_»

Mailed Letter

Re: «Property_Address»

Dear «Owner_Name»,

I am writing this letter with regards to a recent application that Cottage Bakery has sent to the City of Lodi; we have requested the closure of Neuharth Drive and a portion of Ackerman Drive (see attached information sheet). During the next two months the City Staff will review our request eventually submitting this to the City Council for approval.

Our reason for this request is that we must comply with the federal and state efforts to prepare for, and respond to the threat of bioterrorism and other public health emergencies. The 107th Congress enacted ***"The Public Health Security and Bioterrorism Response Act of 2002."*** The Act addresses national, state, and local preparedness response, planning, and security issues. For Cottage Bakery, (a food manufacture) we are required to increase the security at our plant.

Cottage Bakery currently has multiple separate entrances into our facility. With the installation of a gate at the entrance to Neuharth Drive from Stockton Street, we will be able to effectively secure one entrance (security guard, gates/arms and cameras) as opposed to guarding multiple entrances that would increase vulnerability and inevitably lead to security failure.

Why would terrorists attack Cottage Bakery? We have a very large national distribution network providing over 300 million individual products per year and therefore have the capability of becoming an efficient vehicle of contamination to vast amounts of innocent consumers. As mandated by the Federal Government, it is our responsibility as a Food Manufacture to comply with the established stringent food security requirements in an effort to protect our nation's consumers.

By closing Neuharth Drive and installing a cul-de-sac on Ackerman Drive, we will be able to ensure security and safety as well as provide benefits to our neighbors, some of which are:

- **Security** – The presence of our proposed security can have an equal effect for our neighbors. Vandals, thieves and terrorists are deterred by the presence of a notable security force and will typically seek targets far from the location of the secured facility.
- **Reduced Traffic on Ackerman** - All employees & visitors to Cottage Bakery will be required to stop at the front office to check in and then proceed through the security gate off Stockton Street to enter the Plant area. Access will be from Stockton Street Gate only, not from Ackerman Drive.
- **Reduced Truck Parking** - Without a through street, independent truck operators may no longer park in front of your business. These trucks have drawn vandals that have caused damage to the trucks and surrounding properties.
- **Safety** - Currently, our bakery vehicles are frequently crossing the street to go from one part of the plant to another. By gating this area, your employees and customers will be safer by not being impacted by our operations.

Should you have any questions, please give me a call at (209) 365-5440 or call Phil Pennino at (209) 327-3787.

Sincerely,

Terry Knutson

Owner Name	Mail Address	City	Property Address	Tax ID
Paul & Sandra Welk	15880 N. Curry Ave.	Lodi, CA 95240	1617 S. Ackerman Drive	062-050-05
Randy Grant Valensin	12686 N. Curry Ave.	Lodi, CA 95240	1702 S. Ackerman Drive	062-190-02
George Kashida	1725 S. Ackerman Drive	Lodi, CA 95240	1725 S. Ackerman Drive	062-190-01
Randy Grant Valensin	12686 N. Curry Ave.	Lodi, CA 95240	1730 S. Ackerman Drive	062-190-03
Vanover Trust	1536 Valencia Ave.	Stockton, CA 95209	1744 S. Ackerman	062-190-05
George Kashida	1725 S. Ackerman Drive	Lodi, CA 95240	1801 S. Ackerman Drive	062-190-06
Robert Schimke	1900 W. Lodi Ave.	Lodi, CA 95242	33 Maxwell Street	062-050-02
Wayne & Michelle Weisz	P.O. Box 1284	Lodi, CA 95242	43 Maxwell Street	062-050-01
Douglass Gamblin	3444 E. Jahant Road	Acampo, CA 95220	23 E. Maxwell Street	062-050-04
Foster Leedy	P.O. Box 1271	Lodi, CA 95241	27 E. Maxwell Street	062-050-03

Cottage Bakery

COTTAGE BAKERY PLANT EXPANSION

Recently Cottage Bakery purchased the Wallace Building. By purchasing this building we will be able to consolidate the Office, Test Lab, and Human Resources departments into one location. Every individual coming to Cottage Bakery will be required to check with our new front office prior to entering the plant.

In addition Cottage Bakery will expand by constructing a new 100,000 square foot building to hold two new product lines. This new building will be located on the northwest portion of our property. F&H Construction has been hired to build the plant with completion scheduled to be in early Summer of 2004.

In addition to the Wallace building, the new expansion, a cul-de-sac will be installed at the south end of Ackerman Drive. A security gate along with a 24 hour security guard will enhance the safety of the plant

Timeline

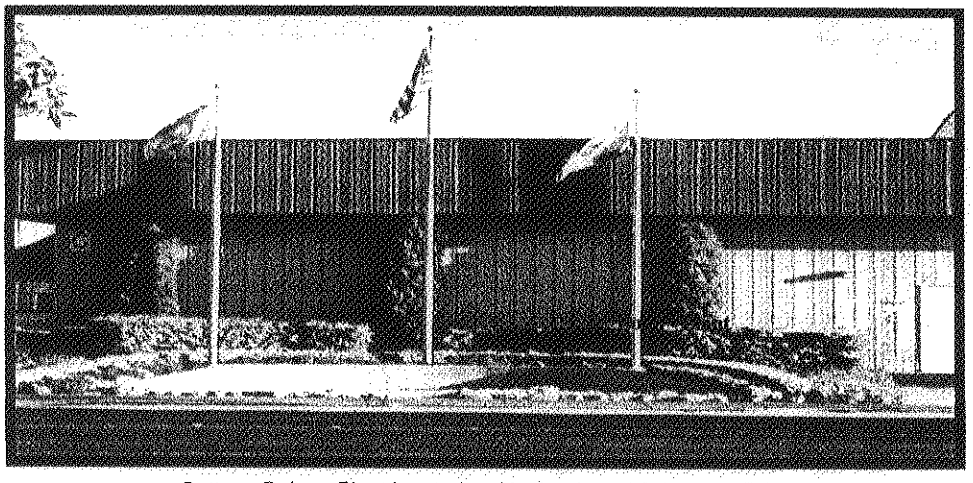
- September, Cottage Bakery submitted an application requesting the City of Lodi to close Neuharth and Ackerman Drive at the south end.
- The City of Lodi will process the application
- October, the Planning Commission will hold a Public Hearing to address the request by Cottage Bakery to close the street.
- November, after approval from the Planning Commission, the Lodi City Council will hold a public hearing prior to approving.
- Once approved by the City Council, Cottage Bakery will construct a cul-de-sac closing Ackerman Drive at the south end.

HOMELAND SECURITY

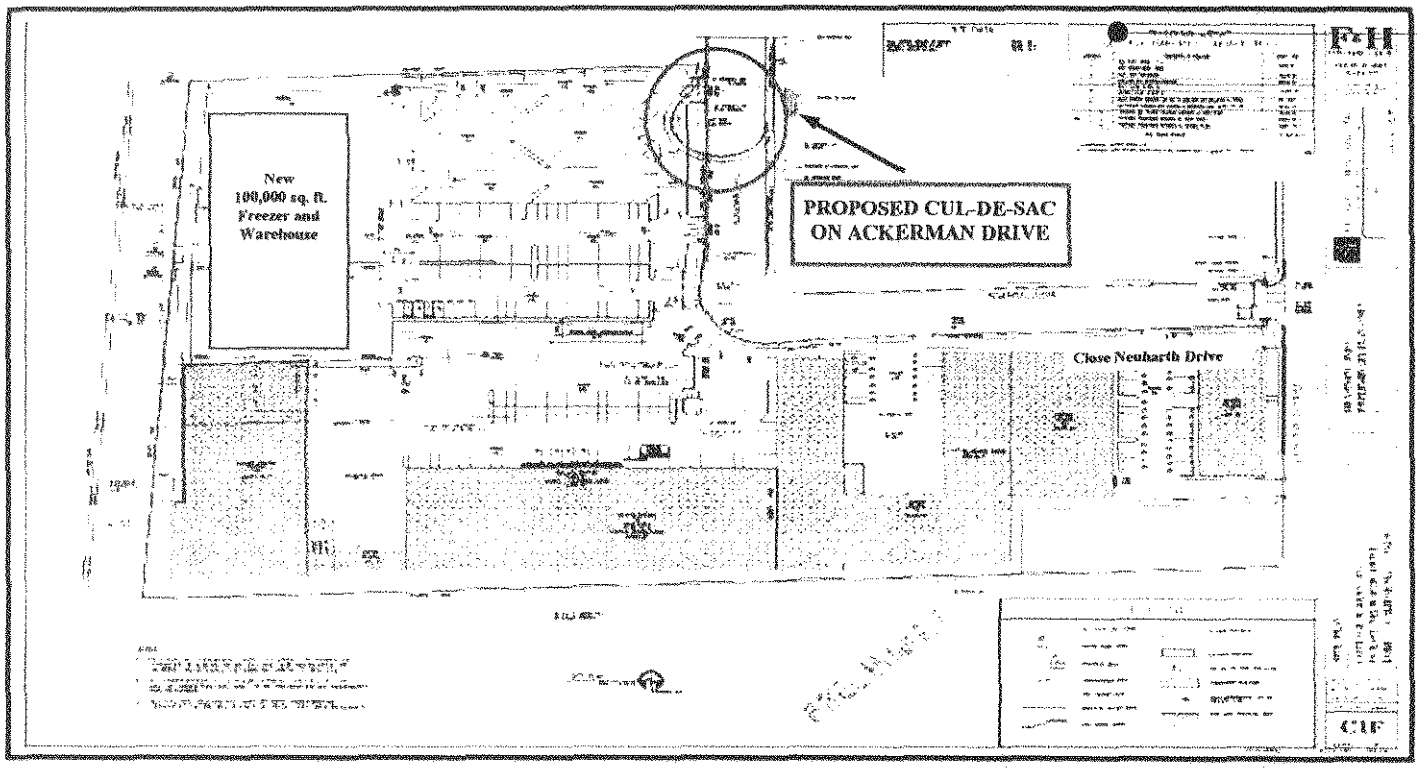
Since the horrific attacks of September 11, 2001, the threat of terrorism against United States citizens has increased significantly. In an effort to further enhance federal and state efforts to prepare for and respond to the threat of bioterrorism and other public health emergencies, the 107th Congress enacted ***"The Public Health Security and Bioterrorism Response Act of 2002"*** (H.R. 3448). The Act addresses national, state, and local preparedness response planning, and security issues.

Specifically, Cottage Bakery Inc., doing business as a food manufacture is required to address issues from the Public Health Security and Bioterrorism Response Act of 2002. ***One important security requirement for Cottage Bakery will be to acquire a portion of Ackerman Drive from the City of Lodi and install a cul-de-sac at the south end of the street.*** Above is a tentative timeline for receiving approval from the City of Lodi.

Why would terrorists attack Cottage Bakery? We have a very large national distribution network providing over 300 million individual products per year and therefore have the capability of becoming an efficient vehicle of contamination to vast amounts of innocent consumers. As mandated by the Federal Government, it is our responsibility as a Food Manufacture to comply with the established stringent food security requirements in an effort to protect our nations consumers.



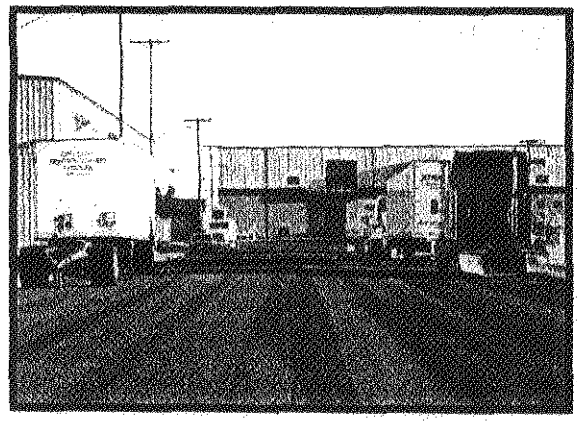
Cottage Bakery Plant located on Neuharth and Ackerman Drive



BENEFITS TO PROPERTY OWNERS ALONG ACKERMAN DRIVE

By closing the street and installing a cul-de-sac on Ackerman Drive, Property Owners will have many benefits

- **Security** – The presence of our proposed security can have an equal effect for our neighbors. Vandals, thieves and terrorists are deterred by the presence of a notable security force and will typically seek targets far from the location of the secured facility.
- **Reduced Traffic on Ackerman** - All employees & visitors to Cottage Bakery will be required to stop at the front office to check in and then proceed through the security gate off Stockton Street to enter the Plant area. Access will be from Stockton Street Gate only, not from Ackerman Drive.
- **Reduced Truck Parking** - Without a through street, independent truck operators may no longer park in front of your business. These trucks have drawn vandals that have caused damage to the trucks and surrounding properties.
- **Safety** - Currently, our bakery vehicles are frequently crossing the street to go from one part of the plant to another. By gating this area, your employees and customers will be safer by not being impacted by our operations.



No, these are not trucks waiting to do business with Cottage Bakery, these trucks are parked here overnight

YES, I SUPPORT YOUR SAFETY PLAN

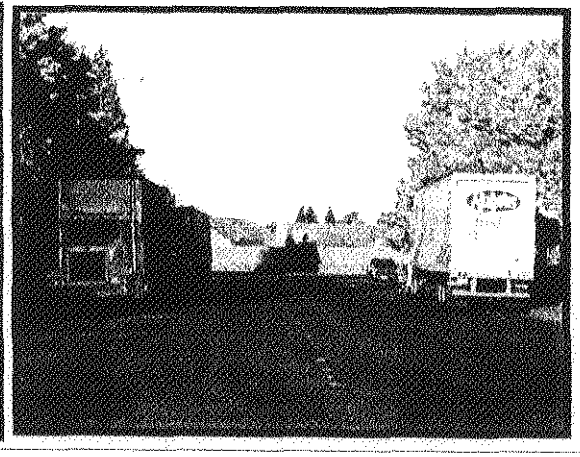
Name: _____

Company: _____

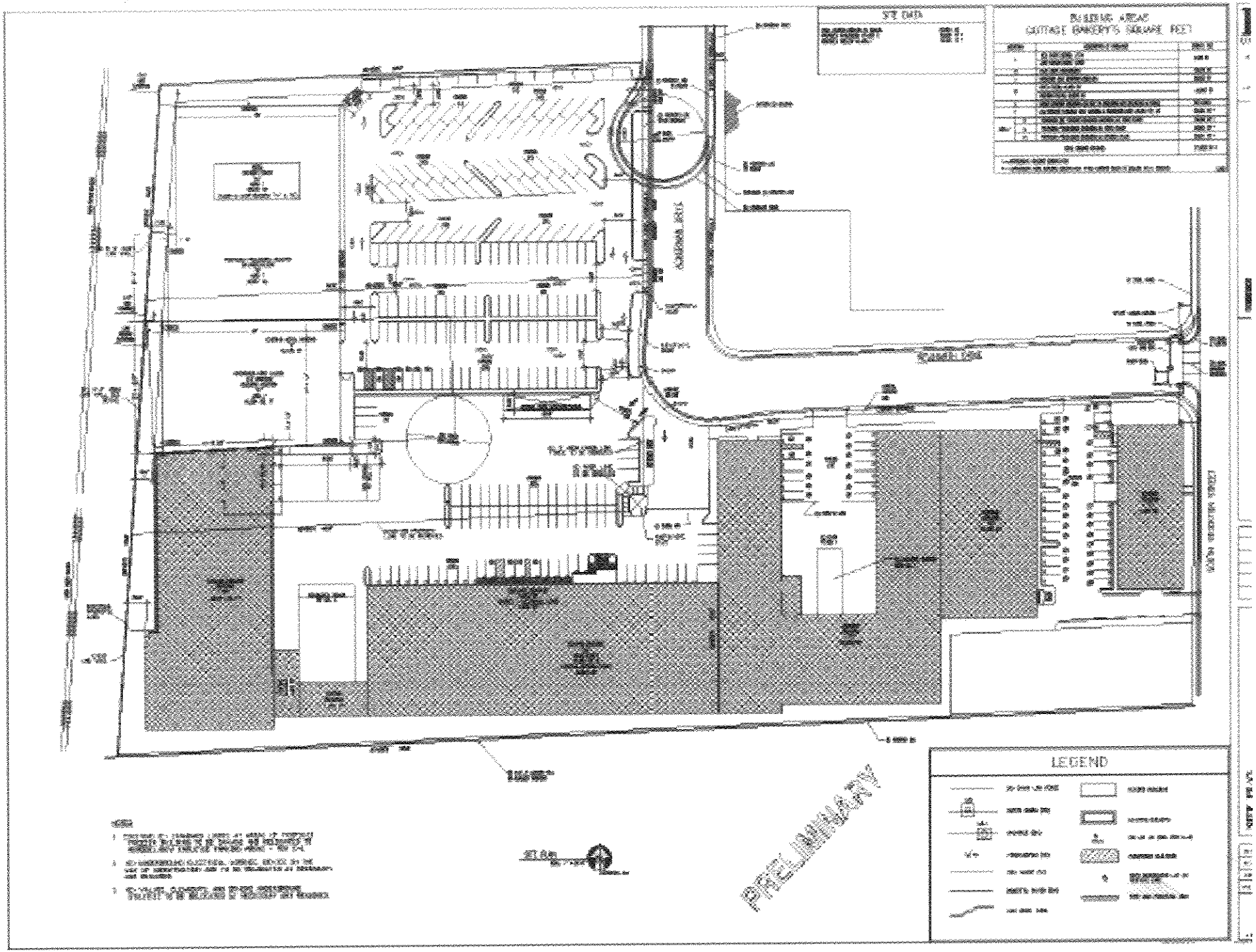
Address: _____

Phone Number: _____ Fax Number: _____

If you have any questions, please give me a call at 365-5440



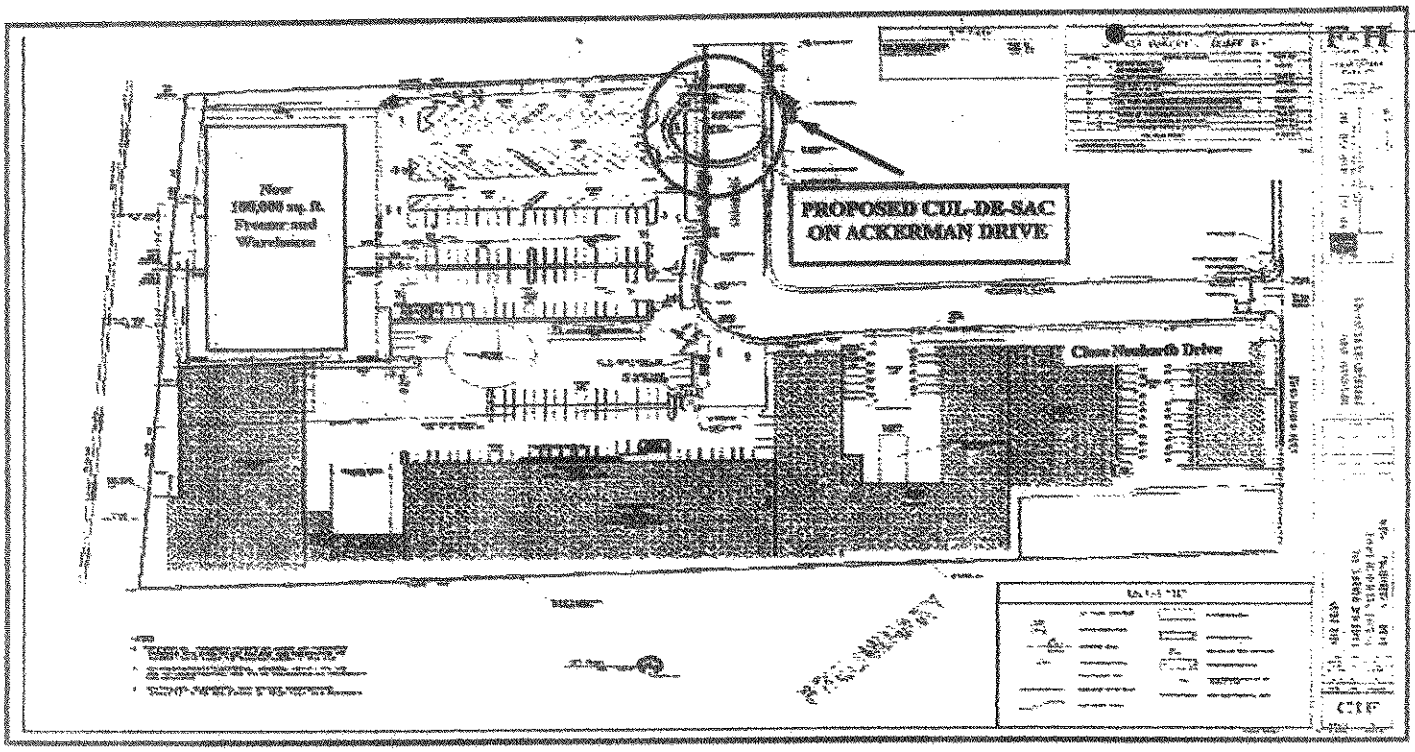
Property Owned By Cottage Bakery
Sacramento S
U.P.R.R.
U.P.I
Ackerman Dr.
Neuharth Dr.
Maxwell St.
STOCKTON ST.
STOCKT
Wren Ct.
Blackbird Ct.
Blackbird Pl.
Dove Ct.
Songbird Pl.
Fawnhaven Wy.


LEGEND

Property Owned By Cottage Bakery
Property Owners Who Signed Support Cards
U.P.R.R.
Ackerman Dr.
Maxwell St.
Neuhardth Dr.
STOCKTON ST.
Wren Ct.
Blackbird Pl.
Blackbird St.
Dove Ct.
Songbird Pl.
Fawnhaven Wy.

Below are comments from Neighbors in September

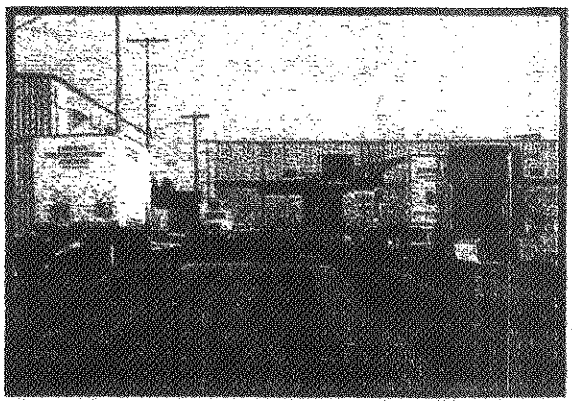
Address	Company	Owner Manager	Supports	Neutral	Opposed	Comments
1617 Ackerman	Paul Welk				Opposed	The Welks do not like the closing of the street. Their primary concern is the traffic from Maxwell onto Stockton Street. They like two ways to exit their property.
1620 Ackerman	Gary Signs		Supports			He was OK with the Cul-de Sac - Separate issue is the Maxwell and Stockton Street Issue
1702 Ackerman	Central Cal Auto Electric	Fouta Chao	Supports			He was OK with the Cul-de Sac
1702 Ackerman #4	Neuvert Tile					No one answered
1702 Ackerman #5	Crew #777					No one answered
1702 Ackerman #7	California Upholstery	Fidel Perez	Supports			He was OK with the Cul-de Sac
1725 & 1801Ackerman Drive	George Kashida			Don't Know		George was luke warm on closing the street. He was concerned with employees parking on Ackerman and wanted to make sure that did not happen. Another issue was the turning radius for the cul-de-sac making sure it ws big enough to turn dual truck units. He doesn't like the parking of trucks on Ackerman. Will his trucks be able to make right hand turn from Maxwell onto Stockton Street. He may still try and oppose the cul de sac.
1730 Ackerman	Lodi Battery	Bill & Pat Taylor	Supports			Talked to John Paulk. He will give the information to the Owners of the Businesses.
1730 Ackerman #1	Heritage Interior					No one answered
1730 Ackerman #2						Leased by Tokay Print
1730 Ackerman #3	Progentor					No one answered
1744 Ackerman	Tokay Print	Gilbert VanOver	Supports with Concerns			Not much concern for the cu-de-sac being installed at the current location, but DOES have a concern if the cul-del-sac was moved north by his property. He also has a concern if there was a staging area on Ackerman Drive, north of the proposed gate.
23 Maxwell	Doug Gamblin	Alpha Enterprise	Supports			He is ok with cul-de-sac. His concern is with Maxwell and Stockton Street
27 Maxwell #2	Geomatrix Precision Machining	Yolanda Ethier	Supports			She was Supportive of the cul-de-sac.
27 Maxwell #3	Energy Doctor	Gary Heedrick				Gary was not in, but gave the brochure and information to employee
27 Maxwell #4	Owner	Foster Leedy	Supports			He is supportive of cul-de-sac. His concern is with Maxwell and Stockton Street
33 Maxwell	Medi - Van	Perry Schimke	Supports			He supports the Cul-de-sac and signed paper
43 Maxwell	Telephone Company					No one answered



BENEFITS TO PROPERTY OWNERS ALONG ACKERMAN DRIVE

By closing the street and installing a cul-de-sac on Ackerman Drive, Property Owners will have many benefits

- **Security** – The presence of our proposed security can have an equal effect for our neighbors. Vandals, thieves and terrorists are deterred by the presence of a notable security force and will typically seek targets far from the location of the secured facility.
- **Reduced Traffic on Ackermann** - All employees & visitors to Cottage Bakery will be required to stop at the front office to check in and then proceed through the security gate off Stockton Street to enter the Plant area. Access will be from Stockton Street Gate only, not from Ackermann Drive.
- **Reduced Truck Parking** - Without a through street, independent truck operators may no longer park in front of your business. These trucks have drawn vandals that have caused damage to the trucks and surrounding properties.
- **Safety** - Currently, our bakery vehicles are frequently crossing the street to go from one part of the plant to another. By gating this area, your employees and customers will be safer by not being impacted by our operations.



No, these are not trucks waiting to do business with Cottage Bakery, these trucks are parked here overnight

YES, I SUPPORT YOUR SAFETY PLAN

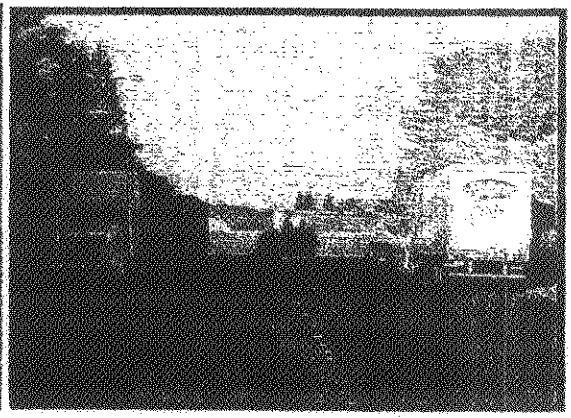
Name: Perry Sakimoto

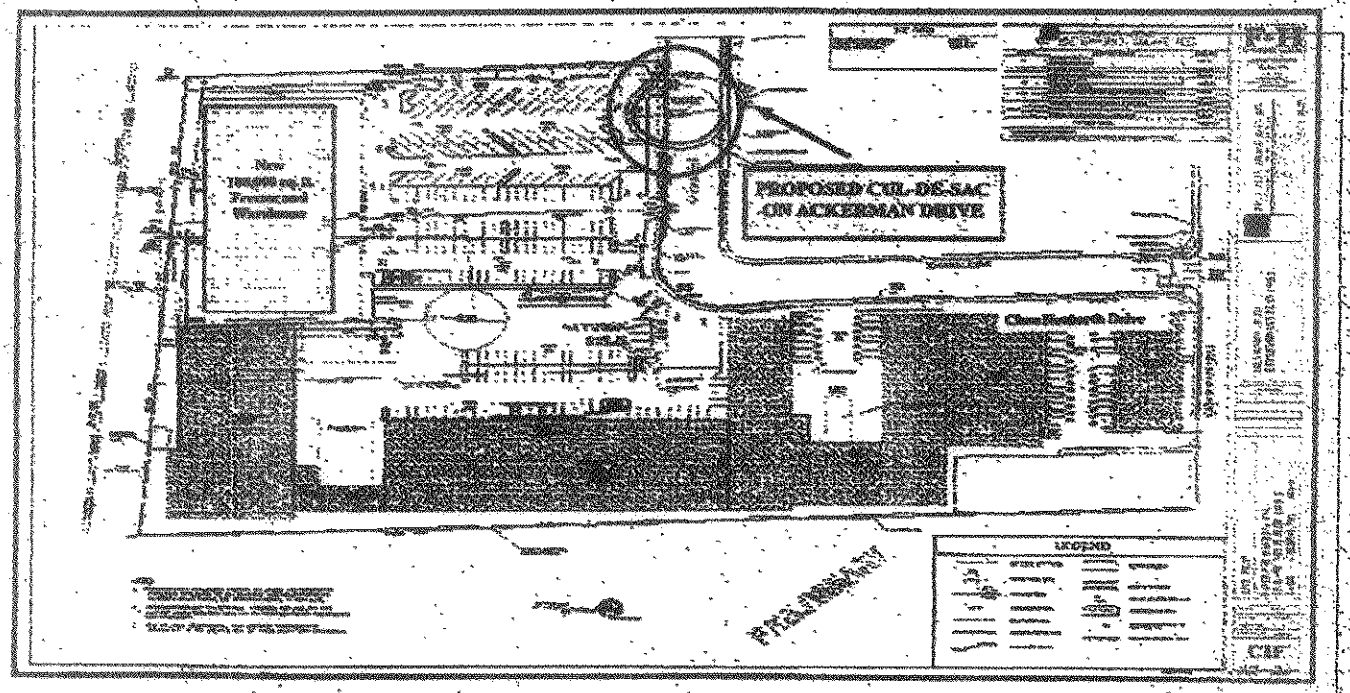
Company: MEDI-VAN

Address: 35 Maxwell

Phone Number: 209 339-1044 Fax Number: (209) 369-0520

If you have any questions, please give me a call at 366-5440





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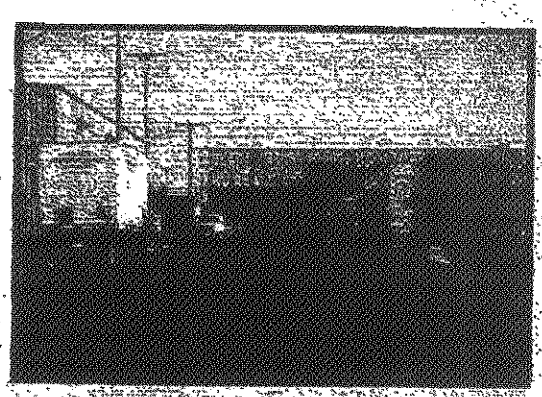


No, these are not trucks waiting to do business with Cottage Bakery, these trucks are parked here overnight

YES, I SUPPORT YOUR SAFETY PLAN

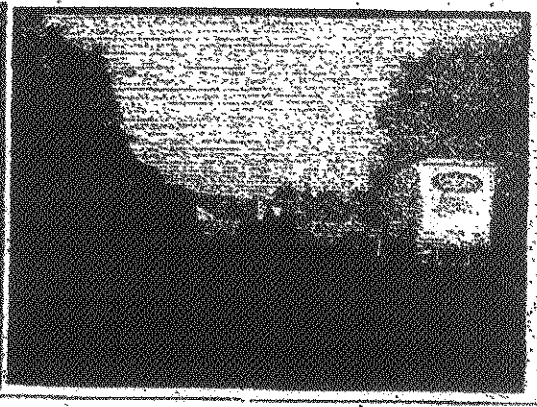
Name: DOUG + ROSEMARY GAMBLIN

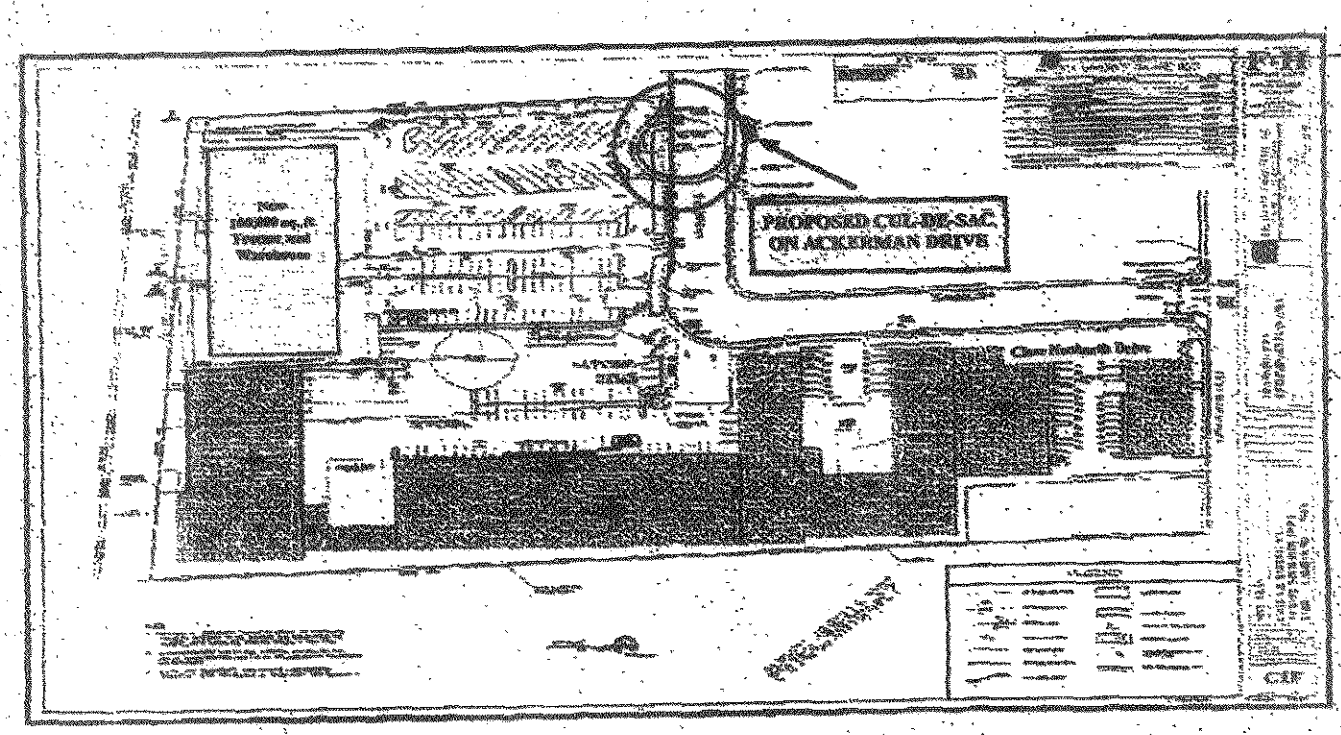
Company: ALPHA ENTERPRISE

Address: 23 MAXWELL ST.

Phone Number: 209-334-2464 Fax Number: 334-4718

If you have any questions, please give me a call at 365-5440.





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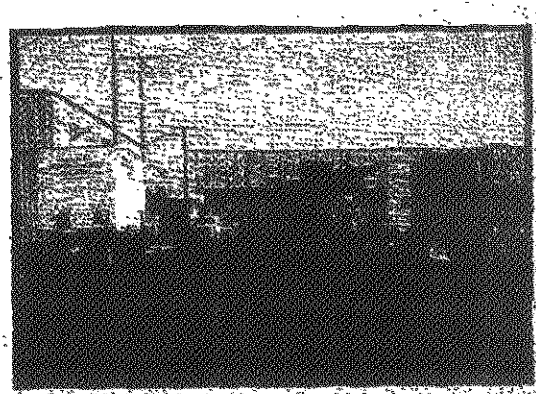


No, these are not trucks waiting to do business with Cottage Bakery, these trucks are parked here overnight.

YES, I SUPPORT YOUR SAFETY PLAN

Name: FOSTER L. LEEDY

Company: OWNER

Address: 27 MAXWELL ST

Phone Number: 368-9088 Fax Number: _____

If you have any questions please give me a call at 365-5410

EXIT ONLY TO STOCKTON ST

CEN-CAL
FIRE SYSTEMS, INC
CA LIC NO 488547 NV LIC NO 35006
•Commercial •Industrial •Residential
•Design •Installation •Service

1615 S. STOCKTON ST. LODI, CA. 95240
P.O. BOX 1284 LODI, CA. 95241-1284
OFFICE: (209) 334-9119 FAX: (209) 334-2923
EMAIL: sprk@cen-calfire.com

G-3

RECEIVED
2003 OCT 31 AM 10:28
CITY CLERK
CITY OF LODI

October 30, 2003

City of Lodi
Attn: Mayor Hitchcock and Council Members
City Hall
221 West Pine Street
Lodi, CA. 95241-1910

RE: Request to vacate Neuharth Drive and the South 300 feet of Ackerman Drive

Dear Mayor Hitchcock and Council Members,

We are writing this letter voicing our concerns to the request of Terry Knutson to vacate Neuharth Drive and the south 300 feet of Ackerman Drive. We will be unable to be at the November 5th public hearing. We are not opposed to this action by the City of Lodi but we feel there are issues that also need to be addressed as a part of this request.

We currently own the property located at 1615 So. Stockton Street (this property sits on the corner of Stockton and Maxwell streets) and the building located at 43 Maxwell Street. We have worked at, leased and owned these properties since 1980. We have the following concerns and requests regarding this issue.

First the City of Lodi needs to reduce the speed limit on South Stockton Street to 35 MPH. There has been a tremendous amount of residential building in this area not to mention the addition of the new grade school over the past few years. The activity at Salas Park with youth sports has continued to grow. There is also a street light at the intersection of Stockton Street and Harney Lane, which has allowed Stockton Street to become an alternate to the traffic mess on Kettleman Lane. There are a lot of businesses that have been in this area for a long time which are also growing. These are all good things for the City of Lodi, but the speed limit on South Stockton Street needs to be reduced. This action needs no study and would cost nothing more than to replace signs.

Second the City of Lodi needs to place a stop sign at the intersection of South Stockton and Maxwell Streets. There are several businesses located Ackerman Drive and Maxwell Streets. These businesses need the proper means of access and egress. The intersection has a lot of traffic during the course of the day including big trucks. The businesses should not have to deal with the constant threat to customers and employees having to dash across the intersection or having to wait forever while a big truck tries to turn on to Stockton Street. Please put the stop sign in.

We welcome the growth Mr. Knutson needs to properly expand his business and support it. We are asking the City of Lodi to complement this request with the addition of the reduced speed limit on South Stockton and the addition of the stop sign at the intersection of South Stockton and Maxwell Streets.

Very Truly Yours,

Byron Weisz

Wayne Weisz

Blue Sheet

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

CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing to Consider Resolution/Order to Vacate Neuharth Drive and the South 300 Feet of Ackerman Drive

MEETING DATE: November 5, 2003

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council, after reviewing the finding by the Planning Commission and the public comments from the subject public hearing, adopt a resolution approving the proposed abandonment pursuant to certain conditions and authorize the City Manager to execute agreements required to implement this abandonment. The area of the street to be abandoned is depicted on Exhibit A.

BACKGROUND INFORMATION: This street rights of way abandonment has been requested by the owner of 30 Neuharth Drive and 1841 Ackerman Drive to facilitate integration of food manufacturing operations into a single industrial compound.

The owner is aware that certain public facilities (i.e., street improvements, storm drain inlets, fire hydrants, etc.) will revert to private ownership, and the owner has agreed to assume all maintenance responsibility. Numerous utility main lines exist in the street, and the entire right of way would be retained as a public utility easement. The owner is aware that dedication of right of way and construction of a new cul-de-sac is required to establish required truck circulation on Ackerman Drive, and the intersection of Neuharth Drive at Stockton Street will be converted to a driveway. Please see Exhibit A. These requirements are conditions of the abandonment and will need to be accomplished prior to filing the final abandonment. Maintenance responsibilities would be described in an agreement between the City and the property owner.

The owner has agreed to dedicate all required new public utility easements and relocate any utilities at his expense.

While our design standards would not normally permit a cul-de-sac in an industrial area, they are allowed with Planning Commission and City Council approval. Staff notes that Maxwell Street, which serves the north end of this area, was originally built as a cul-de-sac. One other (Mounce Street) currently exists in the City.

The owner has paid the required fees to process this abandonment. Affected utilities are being notified of this proposed abandonment, and their approval will be required prior to the final action.

The Planning Commission, at the October 22, 2003 meeting, reviewed the proposal to vacate this right of way and adopted Resolution P.C. 03-39 recommending City Council approval of the request. A copy of the resolution is attached.

Richard C. Prima, Jr.
Public Works Director

Prepared by F. Wally Sandelin, City Engineer
RCP/FWS/pmf
Attachments
cc: City Attorney
Alan Vallow, Electric Utility Director
Fran Forkas, Water/Wastewater Superintendent
George Bradley, Street Superintendent
Terry Knutsen, Cottage Bakery, Inc.

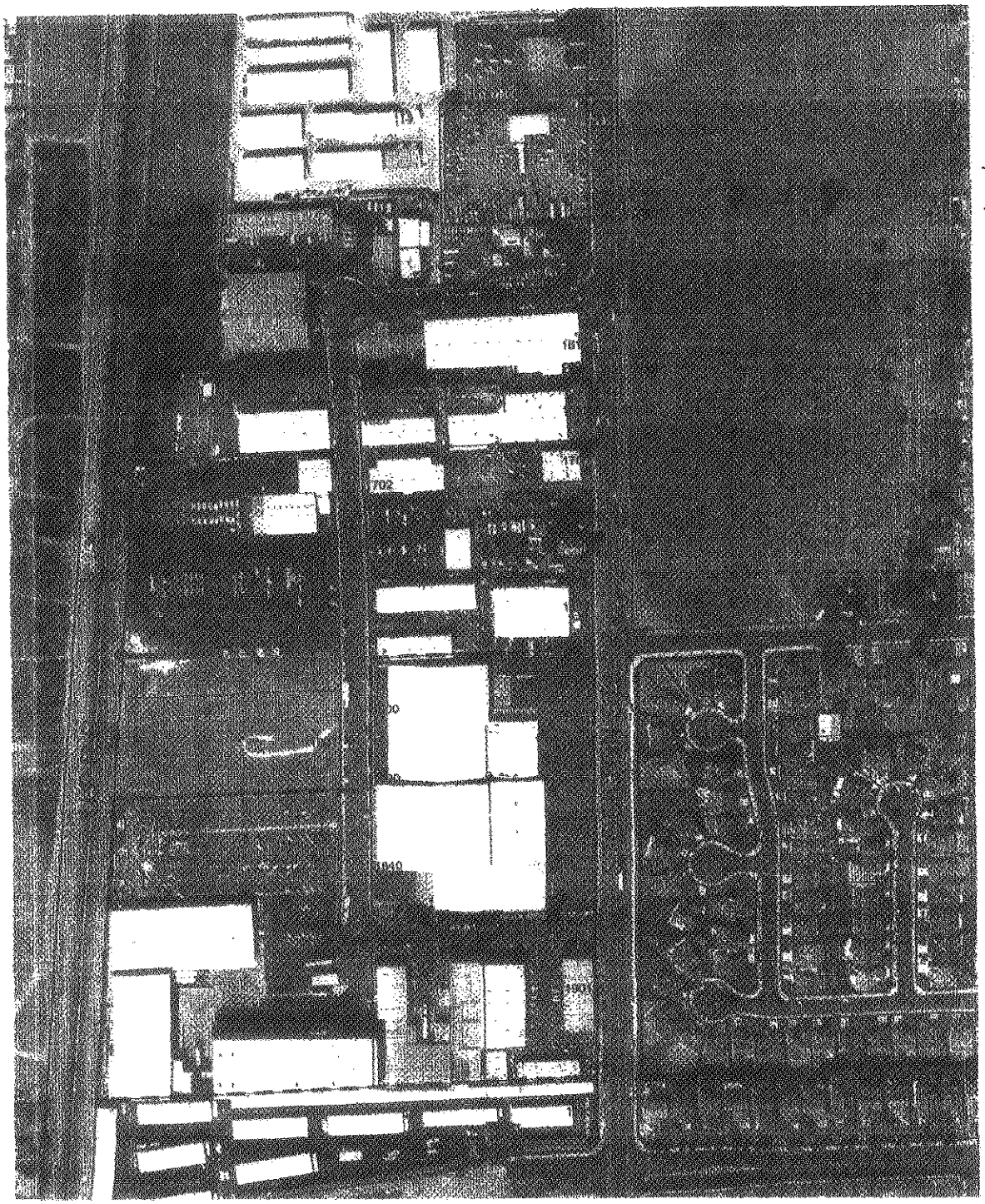
APPROVED: _____
Lyn Dixon Flynn -- City Manager

CPHAbandon_MaxwellIndustrialPark.doc 10/28/03

CITY OF LODI

PUBLIC WORKS DEPARTMENT

EXHIBIT A
PROPOSED STREET ABANDONMENT



N

1" = 300'

M:\OPEN\EXHIBITS\03X050.dwg, 10/27/2003 03:11:59 PM, kgalther

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

NOT TO BE RECORDED UNTIL
CONDITIONS OF ABANDONMENT
HAVE BEEN COMPLETED.

RESOLUTION NO. 2003-____

A RESOLUTION OF THE LODI CITY COUNCIL VACATING NEUHARTH DRIVE AND THE SOUTH 300 FEET OF ACKERMAN DRIVE, AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS REQUIRED TO IMPLEMENT THIS ABANDONMENT

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 15th day of October, 2003, pass and adopt Resolution of Intention No. 2003-194 therein declaring the intention of said City Council to vacate and abandon the 60-foot Public Street Rights of Way of Neuharth Drive and the south 300 feet of Ackerman Drive, a portion of "Maxwell" Industrial Park", Lodi, California, County of San Joaquin, State of California, reserving, however, and excepting from the vacation, a permanent and right therein to construct, maintain, repair, and operate lines for public utilities, in, over, and across said vacated public street rights of way and more particularly described as follows, to wit:

> The 60-foot Public Street Rights of Way of Neuharth Drive and the south 300 feet of Ackerman Drive, a portion of "Maxwell" Industrial Park", Lodi, California, County of San Joaquin, State of California, as shown on Exhibit A attached.

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, November 5, 2003, 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 November 5, 2003, City Council meeting, from the evidence submitted, the City Council of the City of Lodi did determine that the 60-foot Public Street Rights of Way of Neuharth Drive and the south 300 feet of Ackerman Drive, a portion of "Maxwell" Industrial Park", Lodi, California, County of San Joaquin, State of California, will be 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 the vacation of the 60-foot Public Street Rights of Way of Neuharth Drive and the south 300 feet of Ackerman Drive, a portion of "Maxwell" Industrial Park", Lodi, California, County of San Joaquin, State of California, shall be abandoned upon completion and acceptance by the City of the following requirements as shown on Exhibit A attached :

1) That the City Council hereby authorizes the City Manager to execute agreements to implement this abandonment; and

2) Owner shall dedicate right of way and construct new cul-de-sac to establish required truck circulation on Ackerman Drive prior to the final recording of this Resolution approving the vacation/abandonment; and

3) The intersection of Neuharth Drive at Stockton Street will be converted to a driveway prior to the final recording of this Resolution approving the vacation/abandonment; and

4) Reserving, and excepting from the vacation, a permanent and right therein to construct, maintain, repair, and operate lines for public utilities, in, over, and across the entire right of way, and no buildings or structures shall be constructed nor shall anything be planted within the easement which would interfere with the use or operation of public utilities in the easement; and

5) The City Council approval of this Resolution will become null and void if all requirements are not met.

6) Filing of this Resolution to Vacate in the office of the County Recorder will not take place until all requirements are met.

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: November 5, 2003

I hereby certify that Resolution No. 2003-____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 5, 2003, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk

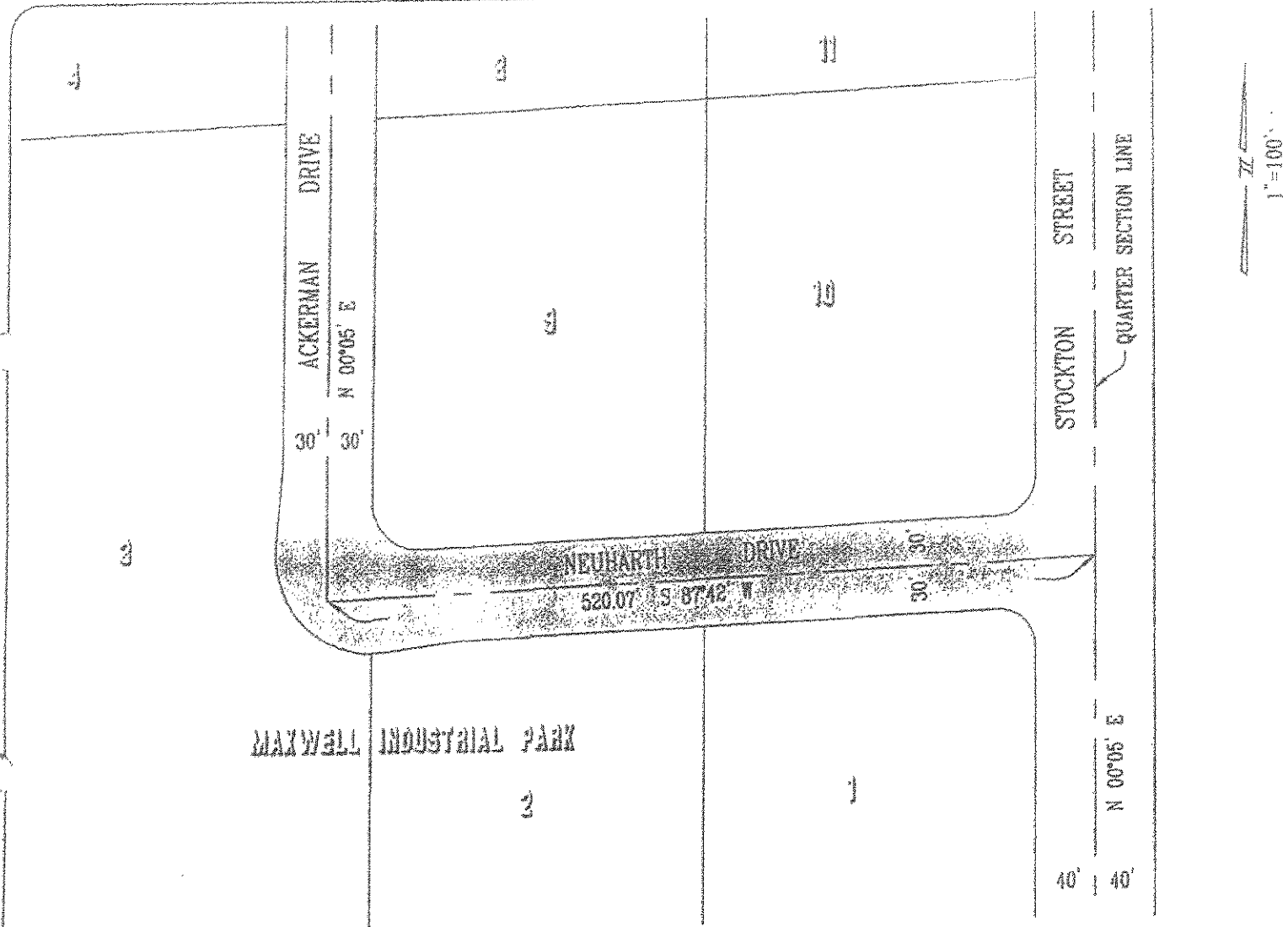


EXHIBIT A

PREPARED IN THE OFFICE OF:

BAUMBACH & PIAZZA, INC.

CIVIL ENGINEERS
323 WEST ELM STREET
LODI, CALIFORNIA 95240

NEUHARTH DRIVE ABANDONMENT

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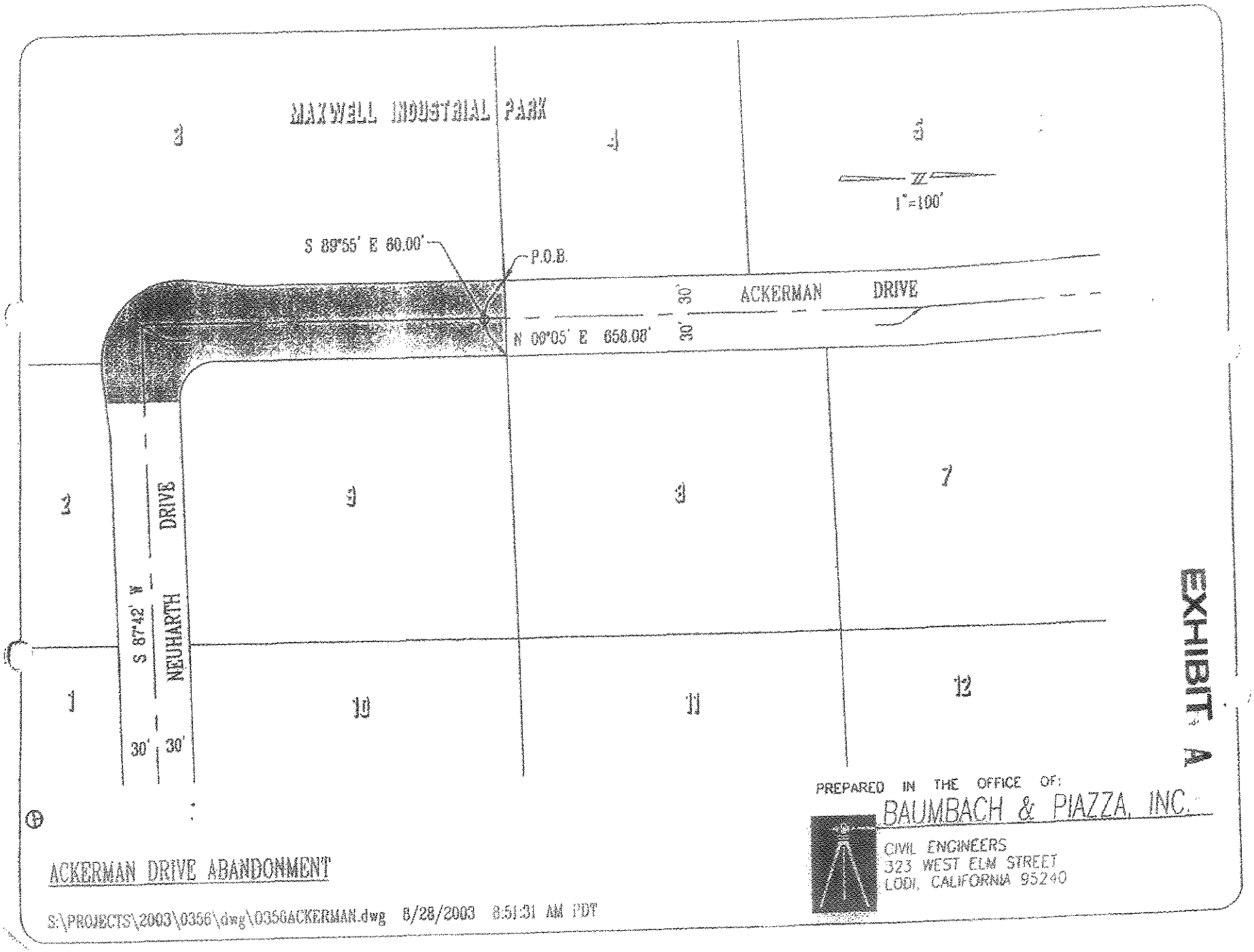


EXHIBIT A

PREPARED IN THE OFFICE OF:

BAUMBACH & PIAZZA, INC.

CIVIL ENGINEERS
323 WEST ELM STREET
LODI, CALIFORNIA 95240

ACKERMAN DRIVE ABANDONMENT

S:\PROJECTS\2003\0356\dwg\0356ACKERMAN.dwg 8/28/2003 8:51:31 AM PDT

DECLARATION OF POSTING

PUBLIC HEARING NOTICE
RESOLUTION OF INTENTION TO VACATE NEUHARTH DRIVE AND THE SOUTH 300 FEET OF ACKERMAN DRIVE

On Thursday, October 16, 2003, in the City of Lodi, San Joaquin County, California, a copy of Public Hearing notice – Resolution of Intention to Vacate Neuharth Drive and the south 300 feet of Ackerman Drive (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 October 16, 2003, at Lodi, California.

ORDERED BY:

SUSAN J. BLACKSTON
CITY CLERK

Jacqueline L. Taylor
Deputy City Clerk

Patricia Ochoa
Administrative Clerk

Jennifer M. Perrin
Deputy City Clerk

forms\decpost.doc

NOTICE OF PUBLIC HEARING
RESOLUTION NO. 2003-194

EXHIBIT A

A RESOLUTION OF THE LODI CITY COUNCIL DECLARING ITS INTENTION TO VACATE NEUHARTH DRIVE AND THE SOUTH 300 FEET OF ACKERMAN DRIVE, A PORTION OF "MAXWELL INDUSTRIAL PARK," REFERRING THE MATTER TO THE PLANNING COMMISSION, AND FURTHER SETTING A PUBLIC HEARING

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 vacate and abandon the 60-foot street rights of way of Neuharth Drive and the south 300 feet of Ackerman Drive of "Maxwell Industrial Park" as recorded on April 19, 1979, in Book of Maps and Plats, Volume 24, Page 47, San Joaquin County Records, and as shown on Exhibit A attached hereto and thereby made a part hereof; and

Pursuant to the requirements of Government Code Section 27288.1, the name of the owner of the title or interest in 40 Neuharth Drive and 1841 Ackerman Drive, as it appeared at the time and in the document creating the interest, right, or encumbrance is as follows:

TERRY R. KNUTSON AND ROSE KNUTSON, AS CO-TRUSTEES
OF THE KNUTSON 2000 FAMILY TRUST

BE IT FURTHER RESOLVED that this matter shall be referred to the Planning Commission for approval; and

BE IT FURTHER RESOLVED that this City Council does hereby fix Wednesday, November 5, 2003, 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 vacation may appear before this City Council and be heard; and

BE IT FURTHER RESOLVED that the Public Works Director shall cause to be posted notices of easement vacation conspicuously along the line of the easement hereinabove described and proposed to be vacated 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; and

BE IT FURTHER RESOLVED that copies of this resolution shall be published for at least two successive weeks prior to November 5, 2003, in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, County of San Joaquin.

Dated: October 15, 2003

I hereby certify that Resolution No. 2003-194 was passed and adopted by the City Council of the City of Lodi in a regular meeting held October 15, 2003, by the following vote:

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

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

SUSAN J. BLACKSTON
City Clerk

MEMORANDUM
Office of the Lodi City Clerk

TO: Public Works Director

FROM: Susan J. Blackston
City Clerk

DATE: October 16, 2003

SUBJECT: RESOLUTION OF INTENTION TO VACATE NEUHARTH DRIVE AND THE SOUTH 300 FEET OF ACKERMAN DRIVE

Please be advised that the City Council, at its meeting of October 15, 2003, adopted the attached resolution declaring its intention to vacate Neuharth Drive and the south 300 feet of Ackerman Drive and set the matter for public hearing on November 5, 2003.

Pursuant to law, the Public Works Department is required to post at least three copies of the subject resolution and map in the area to be abandoned at least 15 days prior to the Public Hearing. Upon completion of the posting, please forward a copy of the Affidavit of Posting to me for our records.

Please contact me should you have any questions.

SJB/JMP

Attachment

MEMORANDUM
Office of the Lodi City Clerk

TO: Community Development Director

FROM: Susan J. Blackston
City Clerk

DATE: October 16, 2003

SUBJECT: A RESOLUTION OF THE LODI CITY COUNCIL DECLARING ITS INTENTION TO VACATE NEUHARTH DRIVE AND THE SOUTH 300 FEET OF ACKERMAN DRIVE

Please be advised that the Lodi City Council, at its regular meeting of October 15, 2003, adopted a resolution declaring its intention to vacate Neuharth Drive and the south 300 feet of Ackerman Drive (attached).

Further, the City Council referred the matter to the Planning Commission for its recommendation and set the matter for a Public Hearing before the Lodi City Council on November 5, 2003.

SJB/JMP

Attachment

cc w/o enc: Public Works Department

DECLARATION OF MAILING

PUBLIC HEARING NOTICE
RESOLUTION OF INTENTION TO VACATE NEUHARTH DRIVE AND THE SOUTH 300 FEET OF ACKERMAN DRIVE

On October 16, 2003, 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 Public Hearing notice – Resolution of Intention to Vacate Neuharth Drive and the south 300 feet of Ackerman Drive, 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 16, 2003, 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

PATRICIA OCHOA
ADMINISTRATIVE CLERK

CITY COUNCIL
SUSAN HITCHCOCK, Mayor
MILY HOWARD
Mayor Pro Tempore
JOHN BECKMAN
LARRY D. HANSEN
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
cityclrk@lodi.gov

H. DIXON FLYNN
City Manager
SUSAN BLACKSTON
City Clerk
RANDALL A. HAYS
City Attorney

EXHIBIT A

October 16, 2003

TO: Interested Parties

VACATION: TO VACATE NEUHARTH DRIVE AND THE SOUTH 300 FEET OF ACKERMAN DRIVE

This is to inform you that the City Council, at its regular meeting on October 15, 2003, adopted a Resolution of Intention to vacate Neuharth Drive and the south 300 feet of Ackerman Drive and set a public hearing for November 5, 2003.

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 October 22, 2003. 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

EXHIBIT B

VACATION / ABANDONMENT
MAILING LIST

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

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

LLENDER DONNA L
WREN CT
CA 95240

AWNALLAH ALI
211 E CENTURY BLVD
LODI CA 95240

BACON MELTON L & KATHERINE
11191 CALABASH AVE
FONTANA CA 92336

BALL DOUGLAS W
2661 PARADISE DR
LODI CA 95242

BEADLES ROBERT D & NICOLE G
220 MEADOWLARK WAY
LODI CA 95240

BISHOP MARION P ETAL
128 ADOBE CT
LODI CA 95240

CALDERON DAVID L & ROSIE I
1815 BLACKBIRD CT
LODI CA 95240

CAMPER GLENN E & JANIS B
1919 S STOCKTON ST
LODI CA 95240

CHAVEZ DAVID & TERESA
1818 S SACRAMENTO ST
LODI CA 95240

CRYSTAL ENTERPRISES LP
PO BOX 1259
WOODBRIDGE CA 95258

DEMPEWOLF MICHAEL & DOROTHY
227 E CENTURY BLVD
LODI CA 95240

DIAB FAROUK & SAHIRA
10608 OAKWILDE AVE
STOCKTON CA 95212

DUNCAN PATRICIA L
643 PERLEGOS WAY
LODI CA 95240

FLORES DONATO & M D C
1938 ANDERSON AVE
LODI CA 95240

GAMBLIN K DOUGLAS & R V TR
3444 E JAHANT RD
ACAMPO CA 95220

LIP IV LTD PTP
S20 S CHEROKEE SUITE A
LODI CA 95240

GILL SANTOKH K
2232 STARLING WAY
LODI CA 95240

GRIFFIN MARY LOU TR
780 CORONADO LN
FOSTER CITY CA 94404

GUTIERREZ MARGARITA
1830 S SACRAMENTO ST
LODI CA 95240

HAAS JOHN & KATHLEEN
210 MEADOWLARK WAY
LODI CA 95240

HIDALGO DAVID & HORTENCIA
216 MEADOWLARK WAY
LODI CA 95240

HOBSON MARK C & LEIGH G
1864 WREN CT
LODI CA 95240

HOOVER CLIFFORD & L M
1824 S SACRAMENTO ST
LODI CA 95240

JORDAN CLAUDIA K
1923 ANDERSON AVE
LODI CA 95240

KAFELE MALIK HAKEEM
5398 COUNTRY VIEW DR
RICHMOND CA 94803

KISHIDA GEORGE JR ETAL
1725 ACKERMAN DR
LODI CA 95240

KLARICH JOHN R & MARY L
1812 S SACRAMENTO ST
LODI CA 95240

KLOPSTEIN DANA J
1819 BLACKBIRD CT
LODI CA 95240

KNUTSON TERRY R & ROSE TR
PO BOX 1720
LODI CA 95241

LEEDY FOSTER
PO BOX 1271
LODI CA 95241

ALLEN H
ORANGE DR
AVILLE CA 95687

LODI HUTCHINS STREET ASSOC
1420 S MILLS AVE #M
LODI CA 95242

MARKLE RONNIE G & PATRICIA
513 CONNIE ST
LODI CA 95240

MAXWELL PROPERTIES
20632 VERCELLI WAY
PORTER RANCH CA 91326

MCCELLON TAMMY
8 SCHLENKER DR
LODI CA 95240

MOITOSO MANUEL & REBECCA
202 MEADOWLARK WAY
LODI CA 95240

MONROE ROGER C & VICTORIA
221 E CENTURY BLVD
LODI CA 95242

PAGOLA JEAN P
1823 BLACKBIRD CT
LODI CA 95240

PASSMORE JOSHUA E & AMBER
1828 BLACKBIRD CT
LODI CA 95240

PAUKERT LARRY R TR
1841 BLACKBIRD PL
LODI CA 95240

POUTRE PAUL & RHONDA
1835 BLACKBIRD PL
LODI CA 95240

REEVES VICTOR M
1871 BLACKBIRD PL
LODI CA 95240

ROMERO RICHARD & SUSIE
2037 SQUIRE WAY
LODI CA 95240

ROUPPET GARY E
1581 S STOCKTON ST
LODI CA 95240

RYAN ROBERT D & CHERIE A
1883 BLACKBIRD PL
LODI CA 95242

SANTOYO GUSTAVO & LAURA A
1805 BLACKBIRD CT
LODI CA 95242

SCHAMBER CHRISTOPHER B
2 SCHLENKER DR
LODI CA 95240

SCHIMKE ROBERT C TR ETAL
1900 W LODI AVE
LODI CA 95242

SEVERSON CLARENCE C & L
2050 TIENDA DR
LODI CA 95242

SPRAKE ROBERT G & ANNA L
217 MEADOWLARK WAY
LODI CA 95240

STANDART DANIEL M ETAL
1829 BLACKBIRD PL
LODI CA 95240

STEPHENS ANDREW & MARGARET
2328 WINTERGREEN CT
LODI CA 95242

TONKS JEFFREY M & CATHY M
4908 SIR EDWARDS CT
FAIR OAKS CA 95628

UNION PACIFIC RAILROAD CO
1416 DODGE ST ROOM 830
OMAHA NE 68179

VALENSIN RANDY & LYNNE
79-750 RANCHO LA QUINTA DR
LA QUINTA CA 92253

VANOVER GILBERT JAY TR ETAL
1536 VALENCIA AVE
STOCKTON CA 95209

VILLASENOR OSCAR ETAL
539 BURLINGTON DR
TRACY CA 95376

WEISZ BYRON L TR ETAL
1615 S STOCKTON ST
LODI CA 95240

WEISZ WAYNE & MICHELLE
2700 WATT AVE RM 2305
SACRAMENTO CA 95821

WELK PAUL JAMES & SANDRA K
15880 N CURRY AVE
LODI CA 95240

OCCUPANT
'2 S ANDERSON AVE
OI CA 95240

OCCUPANT
1922 S ANDERSON AVE
LODI CA 95240

OCCUPANT
1730 S ACKERMAN DR
LODI CA 95240

OCCUPANT
43 MAXWELL ST
LODI CA 95240

OCCUPANT
1744 N ACKERMAN DR
LODI CA 95240

OCCUPANT
23 E MAXWELL ST
LODI CA 95240

OCCUPANT
1702 S ACKERMAN DR
LODI CA 95240

OCCUPANT
1841 S ACKERMAN DR
LODI CA 95240

OCCUPANT
40 NEUHARTH DR
LODI CA 95240

OCCUPANT
120 ADOBE CT
LODI CA 95240

OCCUPANT
1936 S ANDERSON AVE
LODI CA 95240

OCCUPANT
1875 BLACKBIRD
LODI CA 95240

OCCUPANT
1717 S STOCKTON ST
LODI CA 95240

OCCUPANT
1709 S STOCKTON ST
LODI CA 95240

OCCUPANT
33 MAXWELL ST
LODI CA 95240

OCCUPANT
1617 S ACKERMAN DR
LODI CA 95240

OCCUPANT
1797 S STOCKTON ST
LODI CA 95240

OCCUPANT
1803 S STOCKTON ST
LODI CA 95240

OCCUPANT
1935 S STOCKTON ST
LODI CA 95240

OCCUPANT
126 ADOBE CT
LODI CA 95240

OCCUPANT
1930 S ANDERSON AVE
LODI CA 95240

OCCUPANT
1625 S STOCKTON ST
LODI CA 95240

OCCUPANT
1918 S CHURCH ST
LODI CA 95240

OCCUPANT
215 E ALMOND DR
LODI CA 95240

OCCUPANT
27 E MAXWELL ST
LODI CA 95240

OCCUPANT
1620 AMERICAN DR
LODI CA 95240

OCCUPANT
1801 S ACKERMAN DR
LODI CA 95240

OCCUPANT
1831 S STOCKTON ST
LODI CA 95240

OCCUPANT
123 ADOBE CT
LODI CA 95240

OCCUPANT
2033 SQUIRE WY
LODI CA 95240

OCCUPANT
E CENTURY BLVD
DI CA 95240

OCCUPANT
209 MEADOWLARK WY
LODI CA 95240

OCCUPANT
1851 WREN CT
LODI CA 95240

OCCUPANT
1860 WREN CT
LODI CA 95240

MEMORANDUM, City of Lodi, Community Development Department

To: Planning Commission

From: Community Development Director

Date: October 22, 2003

Subject: Intention to vacate Neuharth Drive and the south 300 feet of Ackerman Drive.

As required by the State Government Code, the Planning Commission is required to review and recommend to the City Council anytime a vacation (abandonment) of right-of-way is requested. In this case, Neuharth Drive and the south 300 feet of Ackerman Drive have been requested to be vacated for street purposes. The alignment will be retained for easement purposes for underground and overhead utilities. The street right-of-way abandonment has been requested by the owner of 30 Neuharth Drive and 1841 Ackerman Drive (Cottage Bakery) to facilitate integration of food manufacturing operations into a single industrial compound. A cul-de-sac would be constructed on Ackerman Drive to maintain vehicle circulation on Ackerman Drive north of this proposal.

Staff recommends that the Planning Commission recommend approval of the requested vacation as described in the attached Resolution.

Respectfully submitted,

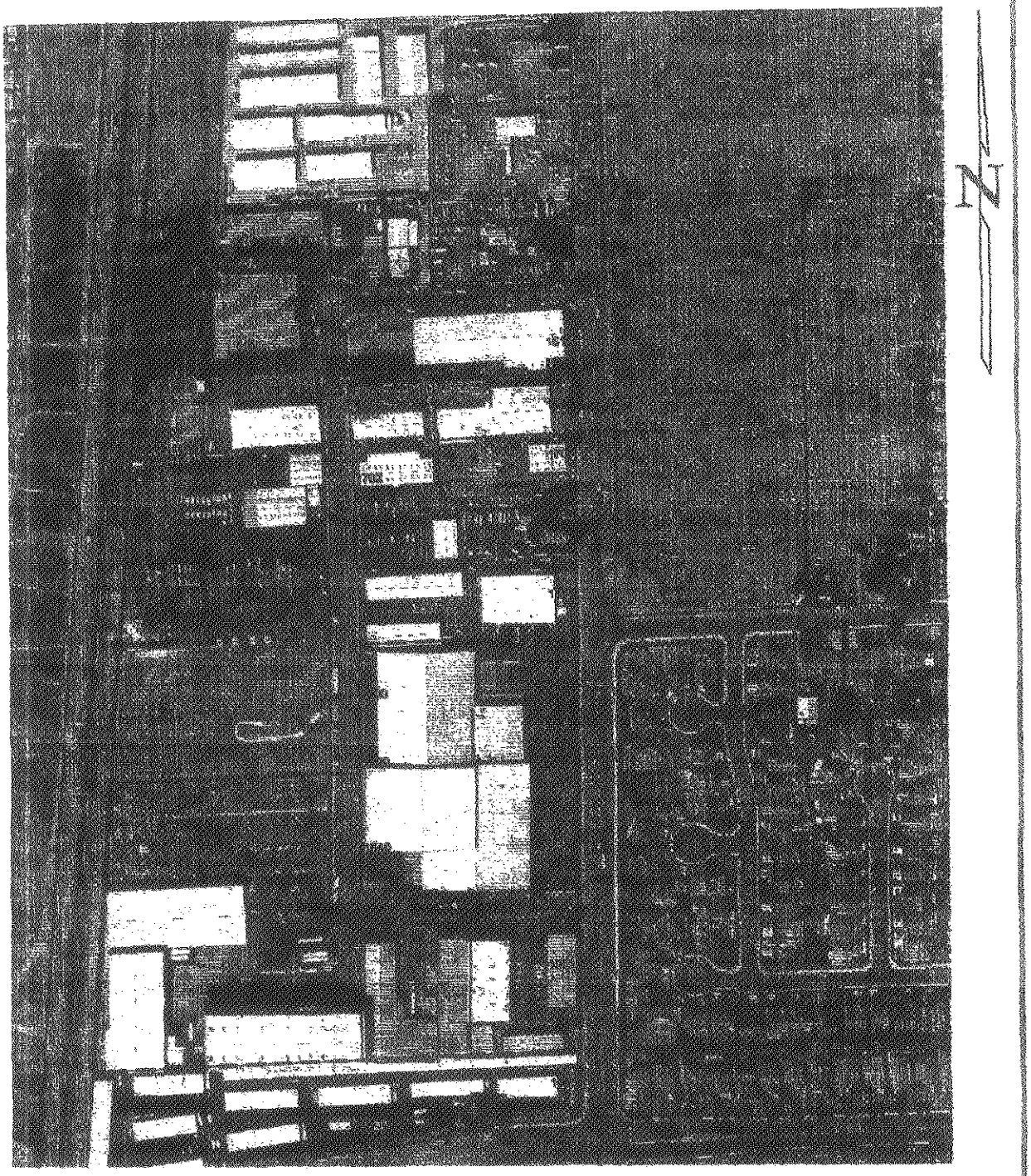
Konradt Bartlam
Community Development Director

Attachments

CITY OF LODI

PUBLIC WORKS DEPARTMENT

EXHIBIT A
PROPOSED STREET ABANDONMENT



N

1" = 300'

RESOLUTION NO. P.C 03-39

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI RECOMMENDING CITY COUNCIL APPROVAL OF A REQUEST TO VACATE NUEHARTH DRIVE AND THE SOUTH 300 FEET OF ACKERMAN DRIVE.

WHEREAS, the Planning Commission of the City of Lodi has heretofore considered the request for street vacation pursuant to the City Code and the Streets and Highway Code.

WHEREAS, Cottage Bakery, property owners of 30-60 Neuharth Drive and 1841-1901 Ackerman Drive have requested the street to be vacated;

WHEREAS, the proposed vacation will not be detrimental to the City circulation system; and

WHEREAS, the proposed vacation is in keeping with the principles of the General Plan.

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi as follows:

The Planning Commission hereby recommends to the City Council that Neuharth Drive and the south 300 feet of Ackerman Drive be vacated.

Date: October 22, 2003

I hereby certify that Resolution No. 03-39 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on October 22, 2003 by the following vote:

YES:	Commissioners:	Aguirre, Haugan, Heinitz, Moran, Phillips, White, and Chairman Mattheis
NOES:	Commissioners:	
ABSENT:	Commissioners:	
ABSTAIN:	Commissioners:	

ATTEST: _____
Secretary, Planning Commission

NOTICE OF PUBLIC HEARING
LODI NEWSENTINEL
OCTOBER 18th & 25th, 2003

NOTICE OF PUBLIC HEARING
RESOLUTION NO. 2003-194
A RESOLUTION OF THE LODI CITY COUNCIL DECLARING ITS INTENTION TO VACATE NEUHARTH DRIVE AND THE SOUTH 300 FEET OF ACKERMAN DRIVE, A PORTION OF "MAXWELL INDUSTRIAL PARK," REFERRING THE MATTER TO THE PLANNING COMMISSION, AND FURTHER SETTING A PUBLIC HEARING

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 vacate and abandon the 60-foot street rights of way of Neuharth Drive and the south 300 feet of Ackerman Drive of "Maxwell Industrial Park" as recorded on April 19, 1979, in Book of Maps and Plats, Volume 24, Page 47, San Joaquin County Records, and as shown on Exhibit A attached hereto and thereby made a part hereof; and

Pursuant to the requirements of Government Code Section 27288.1, the name of the owner of the title or interest in 40 Neuharth Drive and 1841 Ackerman Drive, as it appeared at the time and in the document creating the interest, right, or encumbrance is as follows:

TERRY R. KNUTSON AND ROSE KNUTSON, AS CO-TRUSTEES OF THE KNUTSON 2000 FAMILY TRUST

BE IT FURTHER RESOLVED that this matter shall be referred to the Planning Commission for approval; and

BE IT FUTHER RESOLVED that this City Council does hereby fix Wednesday, November 5, 2003, 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 vacation may appear before this City Council and be heard; and

BE IT FURTHER RESOLVED that the Public Works Director shall cause to be posted notices of easement vacation conspicuously along the line of the easement hereinabove described and proposed to be vacated 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; and

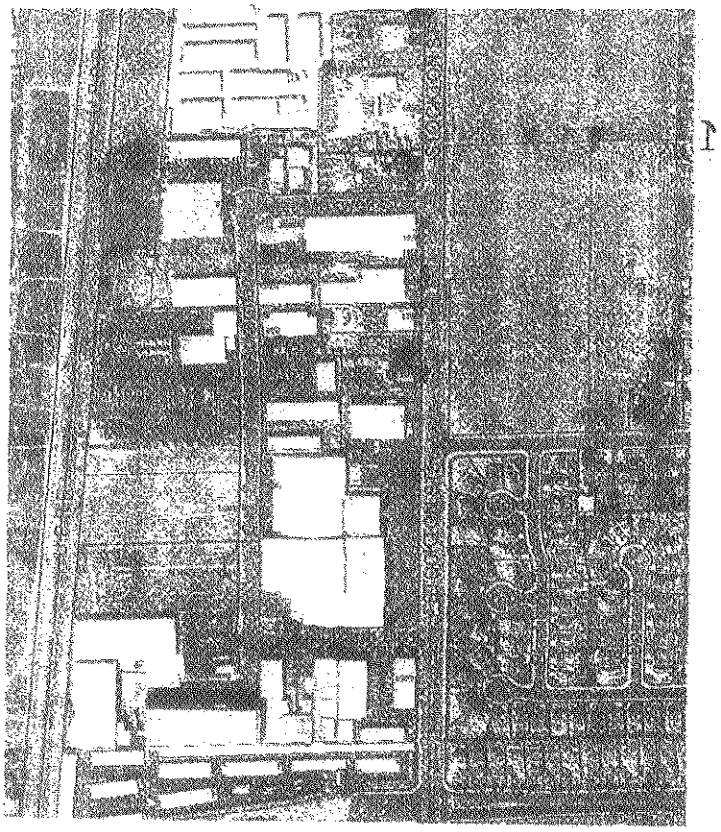
BE IT RESOLVED that copies of this resolution shall be published for at least two successive weeks prior to November 5, 2003, in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, County of San Joaquin.

Dated: October 15, 2003

I hereby certify that Resolution No. 2003-194 was passed and adopted by the City Council of the City of Lodi in a regular meeting held October 15, 2003, by the following vote:

AYES: COUNCIL MEMBERS — Beckman, Hansen, Howard, Land, and Mayor Hitchcock
NOES: COUNCIL MEMBERS — None
ABSENT: COUNCIL MEMBERS — None
ABSTAIN: COUNCIL MEMBERS — None

s: SUSAN J. BLACKSTON
City Clerk



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: **RESOLUTION OF INTENTION TO VACATE NEUHARTH DRIVE AND THE SOUTH 300 FEET OF ACKERMAN DRIVE, A PORTION OF MAXWELL INDUSTRIAL PARK**

LEGAL AD

PUBLISH DATE: **SATURDAY, OCTOBER 18, 2003**
SATURDAY, OCTOBER 25, 2003

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: THURSDAY, OCTOBER 16, 2003

ORDERED BY:

PATRICIA OCHOA
ADMINISTRATIVE CLERK

JACQUELINE L. TAYLOR
DEPUTY CITY CLERK

JENNIFER M. PERRIN
DEPUTY CITY CLERK

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

Please → ↳ and send proof prior to publication

LNS Faxed to the Sentinel at 369-1084 at 10:50 (time) on 10/16/03 (date) 3 (pages)
Phoned to confirm receipt of all pages at _____ (time) Jac Trola Jen (initials)

forms\advins.doc

October 23, 2003

Kevin Van Dewark
Cottage Bakery Incorporated
40 E. Neuharth Drive
Lodi, CA 95240

Dear Kevin,

Thank you for your time during Jack in the Box's Quality Assurance audit of Cottage Bakery, in Lodi, California, on October 16, 2003. Also, thank you for forwarding Cottage Bakery's food safety and quality documents to my attention.

The purpose of the audit was to assess the condition of the facility and the adequacy of the food safety systems at Cottage Bakery. A few issues were noted during the audit that must be addressed before Cottage Bakery can be approved to supply ciabitta bread for Jack in the Box test market. The deficiencies noted during the audit are listed below.

Ingredient Storage and Transportation

- Minor ingredients are stored in a warehouse across the street from the production facility. Jack in the Box requires ingredients to be transported in sealed, covered transportation.
  - Provide specifics on how the minor ingredients for the ciabatta bread will be sent over to production facility from the new warehouse?

Finishing Department

- The doors in the finishing department were not completely sealed.
  - Ensure that all the doors in the facility are tight and sound.
- Flies were observed in the finishing department.
  - The source of the flies must be determined and eliminated.
  - Provide information on how the fly infestation has been rectified.

Break Room

- A hole was observed in the wall of the small break room.
  - The hole must be repaired.
- Candy and cookies containing peanuts were observed in the vending machine.
  - It is suggested that peanut based items be removed from the vending machine. This will help ensure that employees do not accidentally introduce peanut allergens into products being manufactured at the plant.
- The warm water (110° F – 120° F) was not available at the hand washing station.
  - Ensure warm water is available at all hand washing stations.

Misc.

- A bio-security program is currently being designed and put into place.
  - Provide a summary of the current bio-security program and the proposed bio-security program.
  - Include a timeline for the implementation of the updated program.
- Throughout the ingredient warehouse and production areas many doors were not completely sealed to be tight and sound.
  - Please visually inspect all doors throughout the facility and ensure corrections are made to ensure the doors are all tight and sound.
- Provide a summary of what allergens (except wheat) will be manufactured on the new bread lines.
  - Include how these allergens will be segregated.

Please provide written and pictorial verification that the above issues have been addressed by November 6, 2003. Please include any new written policies, procedures, or documentation requested.

If you have any questions, please call me at (858) 571-2587.

Sincerely,

Karen J. Singley
Product Manager
Quality Assurance

Cc: Dave Allen
Mark Andersen
Alan Cline
Roxanne Stone
Elizabeth Witt
Jeff Babikian - Cottage Bakery Inc.

RECEIVED
NOV - 5 2003
City Clerk
City of Lodi

FAX: Attn: Susan blackston, City Clerk. 333-6807

G-03
Supplemental Info.

Oct. 30, 2003(Presented to business owners).

The following business and employees of these businesses STRONGLY oppose the proposed closing of NEUHARTH at STOCKTON STREET. This will land lock our entrance/exit to get to work, to get home, or to take our work vehicles out to complete our contracted/scheduled work if there is closure for any reason at the only entrance of MAXWELL AND STOCKTON STREET *MAXWELL and ACKERMAN business will be virtually Shut down.

Business: Energy Doctor, Inc Employees 2
27 Maxwell St #3 Discussed & Agree

Gary Heedrik (Gary Heedrik)
President

Please add this to the list of people who agree there should be no closure to Neuharth. Gary wants to know he has to streets to get to and from work. City Council Meeting on Nov. 5, 2003.

ENERGY DOCTOR, INC.
GARY HEEDERIK
Residential Energy Consultant
PHONE: (209) 369-3916
FAX: (209) 369-4962
PAGER: (209) 339-5899
P.O. Box 9378
Stockton, CA 95208-0378
garyh@energydr.com
SCL # 736702

HOUSE CALLS BY THE ENERGY DOCTOR

FREE IN HOME CONSULTATIONS

Nov. 5, 2003. 8:30 a.m. FAXED. by Sandra Welk

Blue Sheet

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

filed 11-5-03
Item G-3

In an effort to obtain personal safety, food safety and security, I am in support of Cottage Bakery's Neuharth Dr. and Ackerman street closure proposal

11/5/2003

	Marcela Sanchez
	Cristina Calvillo
	Sao Thao
Cheryl McClain	Maria B. Lamas
	Surinder Kaur Bhatti
	Mee x yang
	Rosa Ramirez Diaz
	Angela Segovia
	Adelina Lopez
	Mario Garcia
	Kong Lor
	Julio Melendez
	Bernardino Trujillo
	Jared Meinecke
Carlos Perez	
Aurelia Millan	

In an effort to obtain personal safety, food safety and security, I am in support of Cottage Bakery's Neuharth Dr. and Ackerman street closure proposal

11/5/2003

Maria Velara	Jose Luis Zorate
Martha Calderón	[illegible]
Alberto Guardarrama	Carlos Ramirez
ERic mendoZA AVILA	Arturo Ambriz
Teresa Gonzàlez U.	José Raúl Rosa.
Maria Lòpez	[illegible]
[illegible]	[illegible]
Sheedo Bili	[illegible]
Sergio R V.	[illegible]
[illegible]	Rosa M. Navarrete.
[illegible]	Luis Alvarez Jr.
Sofia Santoyo	Salvador VARGAS JR.
Zulida Ali	Gabriel Santoyo. m
Aristea Balaños	Fue Thuo
Gabriel Tavar SR	Sofia S. Rangel
Jeronimo Santoyo	JUANA SALGADO
Samuel Gutierrez	Maria Bertha Mejia
Hector G. Leon	Maria Ramirez
[illegible]	Yolanda Hernandez
[illegible]	IBMA Santoyo
[illegible]	Ramona Benegas

In an effort to obtain personal safety, food safety and security, I am in support of Cottage Bakery's Neuharth Dr. and Ackerman street closure proposal

11/5/2003

Carlos Arroyo

[illegible]

Erendira Cruz

[illegible]

John DeVinerott

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

SHERMUHAMMAD

In an effort to obtain personal safety, food safety and security, I am in support of Cottage Bakery's Neuharth Dr. and Ackerman street closure proposal

11/5/2003

CITY COUNCIL

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

October 30, 2003

Mr. Terry Knutsen
Cottage Bakery, Inc.
1562 Edgewood Drive
Lodi, CA 95242

SUBJECT: Public Hearing to Consider Resolution/order to Vacate Neuharth Drive and the South 300 Feet of Ackerman Drive

Enclosed is a copy of background information on an item on the City Council agenda of Wednesday, November 5, 2003. 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 Wally Sandelin, City Engineer, at 333-6709.

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

RCP/pmf
Enclosure
cc: City Clerk

NCPHABANDON_MAXWELLINDUSTRIALPARK.DOC