



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Adopt Resolution Approving Improvement Agreement for Public Improvements of Harney Lane Canal Crossing and Appropriate Funds for Applicable Reimbursements (\$832,000)

MEETING DATE: November 17, 2004

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt a resolution authorizing the following actions:

1. Approve the Improvement Agreement for the Harney Lane Canal Crossing Improvements, and direct the City Manager and City Clerk to execute the improvement agreement on behalf of the City.
2. Appropriate funds for applicable reimbursements.

BACKGROUND INFORMATION: The project consists of widening the Woodbridge Irrigation District (WID) canal crossing at Harney Lane located east of the Century Meadows One, Unit 3 development and west of Ham Lane, as shown on Exhibit A.

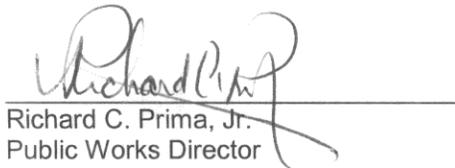
The widening of the canal crossing is required as a condition of approval for the adjacent Century Meadows One, Unit 3 residential development. Under the terms of the improvement agreement for that project approved by Council on November 3, 2004, the developer, K & W Development, LLC, is required to enter into a separate improvement agreement with the City covering the installation of improvements to widen the Woodbridge Irrigation District (WID) canal crossing at Harney Lane and extend a 10-inch public water main across the WID canal. Completion of the WID canal crossing and water main improvements is required prior to acceptance of the subdivision improvements.

The work in the WID right-of-way must be done during the winter when the canal is not in use. The Harney Lane WID canal crossing and associated water main extension are included in the Streets and Water Facilities categories of the Development Impact Mitigation Fee Program. Typically, the developer constructs the improvements included in the Program and is reimbursed through impact fee credits. Due to the cost and timing of this project, the developer has requested reimbursement for construction of the canal crossing improvements prior to the subdivision fee payments. Staff feels that this is a reasonable request.

The developer has furnished the City with the improvement plans, improvement agreement, guarantees, insurance certificates, and fees for the proposed canal crossing project. The improvement agreement is based on a standard subdivision improvement agreement and provides for the City to reimburse the developer as the work is accomplished. The developer has prepared the plans for the project and obtained bids. The requested appropriation (\$832,000) covers the reimbursable portion of the bid amount, engineering design and improvement plans, construction staking, geotechnical services and contingencies. Reimbursements will be made on a monthly basis, based on actual expenses.

FUNDING:	IMF – Local Street Facilities	(MBC004)	\$ 810,000
	IMF – Water Facilities	(MWSX006)	\$ 22,000


James R. Krueger, Finance Director


Richard C. Prima, Jr.
Public Works Director

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

cc: Senior Civil Engineer Fujitani
K & W Development, LLC

Senior Civil Engineer Welch
Baumbach & Piazza

APPROVED: 
Janet S. Keeter, Interim City Manager

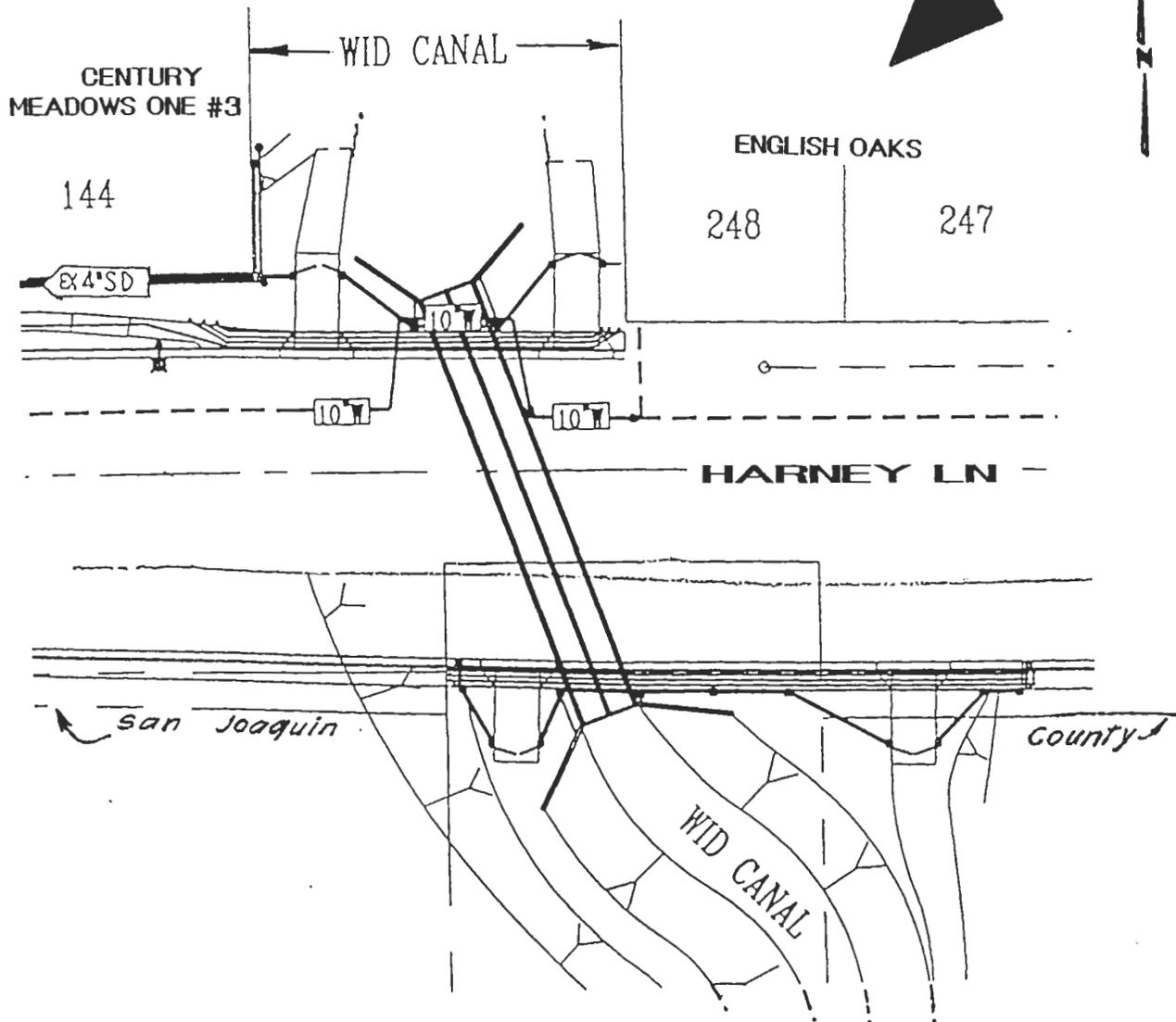
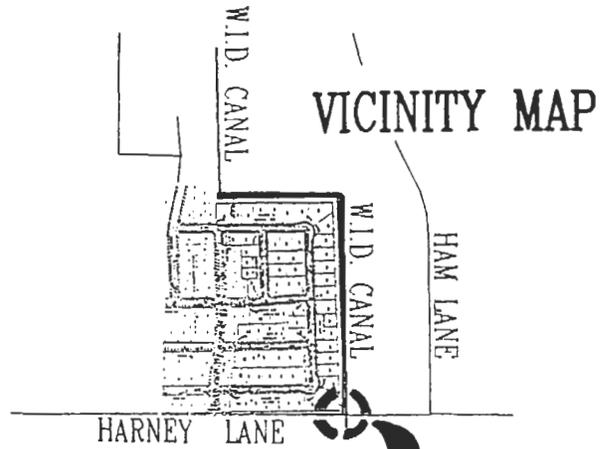


CITY OF LODI

PUBLIC WORKS DEPARTMENT

EXHIBIT A

HARNEY LANE CANAL CROSSING



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

RESOLUTION NO. 2004-256

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING THE
IMPROVEMENT AGREEMENT FOR THE PUBLIC IMPROVEMENTS OF
HARNEY LANE CANAL CROSSING, AND FURTHER AUTHORIZING THE
CITY MANAGER TO EXECUTE THE IMPROVEMENT AGREEMENT ON
BEHALF OF THE CITY OF LODI, AND FURTHER APPROPRIATING FUNDS
FOR THE APPLICABLE REIMBURSEMENT

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WHEREAS, this project consists of widening the Woodbridge Irrigation District (WID) canal crossing at Harney Lane located east of the Century Meadows One, Unit 3 development, and west of Ham Lane, as shown on Exhibit A attached; and

WHEREAS, the widening of the canal crossing is required as a condition of approval for the adjacent Century Meadows One, Unit 3 residential development. Under the terms of the Improvement Agreement for that project approved by Council on November 3, 2004, the developer, K & W Development, LLC, is required to enter into a separate Improvement Agreement with the City covering the installation of improvements to widen the WID canal crossing at Harney Lane and extend a ten-inch public water main across the WID canal. Completion of the WID canal crossing and water main improvements is required prior to acceptance of the subdivision improvements; and

WHEREAS, the work in the WID right-of-way must be done during the winter when the canal is not in use. The Harney Lane WID canal crossing and associated water main extension are included in the Streets and Water Facilities categories of the Development Impact Mitigation Fee Program; and

WHEREAS, typically, the developer constructs the improvements included in the Program and is reimbursed through impact fee credits. Due to the cost and timing of this project, the developer has requested reimbursement for construction of the canal crossing improvements prior to the subdivision fee payments, and staff feels that this is a reasonable request; and

WHEREAS, the developer has furnished the City with the improvement plans, Improvement Agreement, guarantees, insurance certificates, and fees for the proposed canal crossing project; and

WHEREAS, the Improvement Agreement is based on a standard subdivision Improvement Agreement and provides for the City to reimburse the developer as the work is accomplished. The developer has prepared the plans for the project and obtained bids. The requested appropriation (\$832,000) covers the reimbursable portion of the bid amount, engineering design and improvement plans, construction staking, geotechnical services, and contingencies. Reimbursements will be made on a monthly basis, based on actual expenses; and

WHEREAS, staff therefore recommends that the City Council take the following actions with regard to the Public Improvements of Harney Lane Canal Crossing project:

1. Approve the Improvement Agreement for the Public Improvements of Harney Lane Canal Crossing and direct the City Manager and City Clerk to execute the Improvement Agreement on behalf of the City of Lodi; and
2. Appropriate \$832,000 from the following funds for the applicable reimbursements to the developer:

IMF – Local Street Facilities	(MBC004)	\$810,000
IMF – Water Facilities	(MWSX006)	\$ 22,000

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

1. Approves the Improvement Agreement for the Public Improvements of Harney Lane Canal Crossing and directs the City Manager and City Clerk to execute the Improvement Agreement on behalf of the City of Lodi; and
2. Appropriates \$832,000 from the following funds for the applicable reimbursements to the developer:

IMF – Local Street Facilities	(MBC004)	\$810,000
IMF – Water Facilities	(MWSX006)	\$ 22,000

Dated: November 17, 2004

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I hereby certify that Resolution No. 2004-256 was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 17, 2004, by the following vote:

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

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

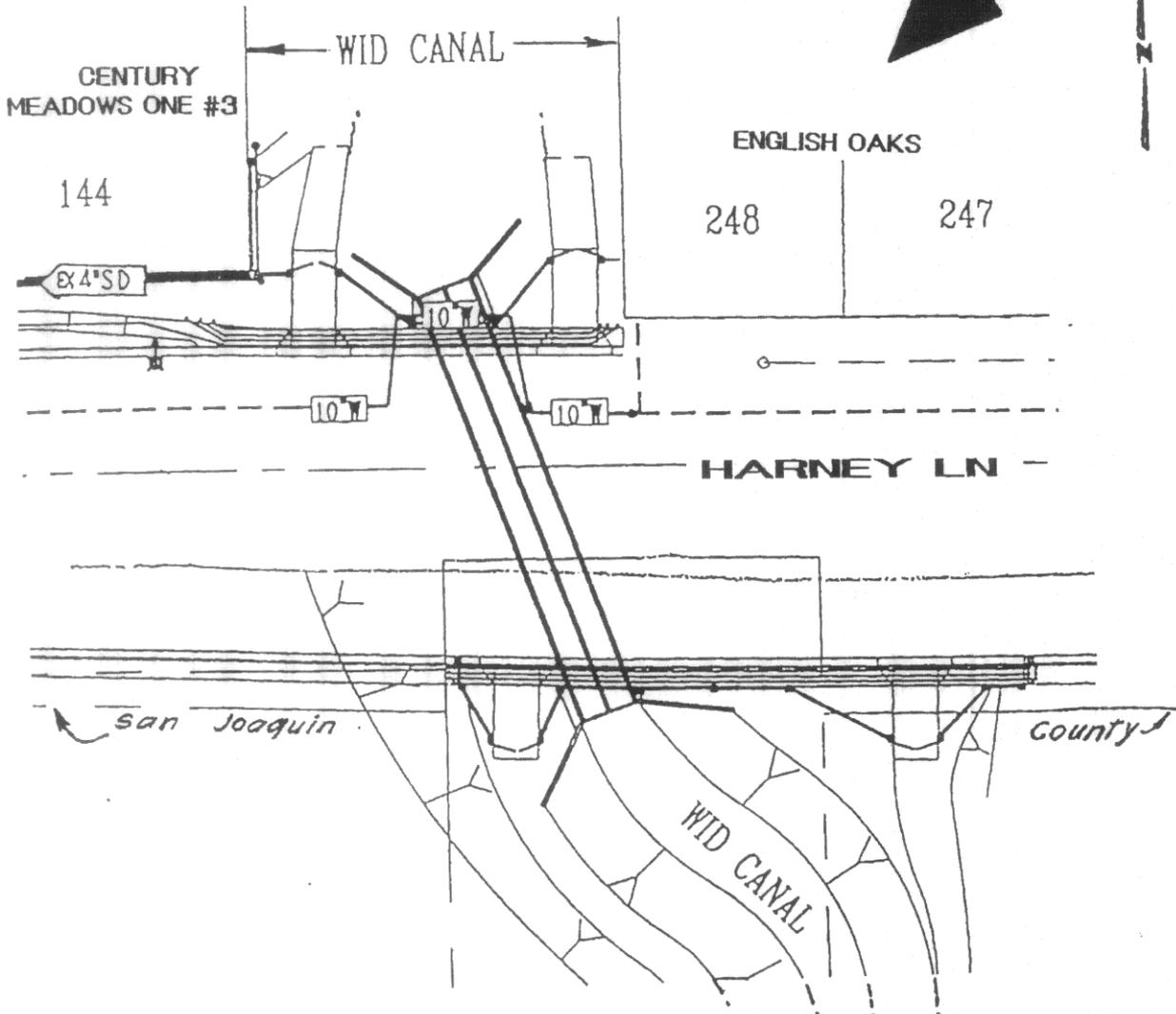
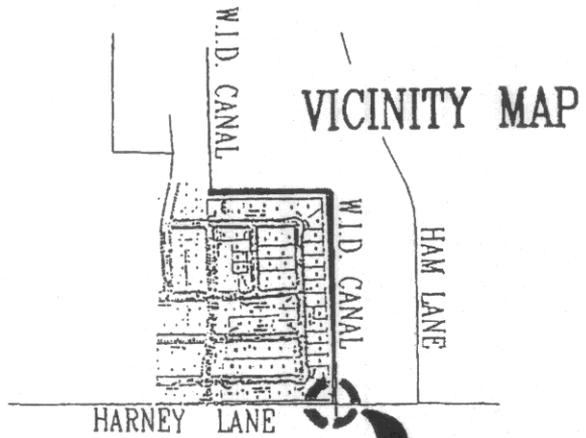
ABSTAIN: COUNCIL MEMBERS – None


SUSAN J. BLACKSTON
City Clerk



CITY OF LODI
PUBLIC WORKS DEPARTMENT

EXHIBIT A
HARNEY LANE CANAL CROSSING



CITY COUNCIL

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

CITY OF LODI

PUBLIC WORKS DEPARTMENT

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P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6706
FAX (209) 333-6710
EMAIL pwdept@lodi.gov
<http://www.lodi.gov>

JANET S. KEETER
Interim City Manager
SUSAN J. BLACKSTON
City Clerk
D. STEVEN SCHWABAUER
City Attorney
RICHARD C. PRIMA, JR.
Public Works Director

November 11, 2004

K & W Development, LLC
816 W. Lodi Avenue
Lodi, CA 95240

Baumbach & Piazza
323 W. Elm Street
Lodi, CA 95240

SUBJECT: Adopt Resolution Approving Improvement Agreement for Public Improvements of Harney Lane Canal Crossing and Appropriate Funds for Applicable Reimbursements (\$832,000)

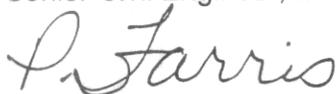
Enclosed is a copy of background information on an item on the City Council agenda of Wednesday, November 17, 2004. The meeting will be held at 7 p.m. in the City Council Chamber, Carnegie Forum, 305 West Pine Street.

This item is on the consent calendar and is usually not discussed unless a Council Member requests discussion. The public is given an opportunity to address items on the consent calendar at the appropriate time.

If you wish to write to the City Council, please address your letter to City Council, City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the mail. Or, you may hand-deliver the letter to City Hall, 221 West Pine Street.

If you wish to address the Council at the Council Meeting, be sure to fill out a speaker's card (available at the Carnegie Forum immediately prior to the start of the meeting) and give it to the City Clerk. If you have any questions about communicating with the Council, please contact Susan Blackston, City Clerk, at 333-6702.

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



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

RCP/pmf

Enclosure

cc: City Clerk