



CITY OF LODI COUNCIL COMMUNICATION

M

AGENDA TITLE: Adopt Resolution of Vacation to Abandon 10-foot Public Utility Easement at 416 South Sacramento Street

MEETING DATE: June 1, 2005

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt a Resolution of Vacation abandoning a 10-foot public utility easement located at 416 South Sacramento Street.

BACKGROUND INFORMATION: A 10-foot public utility easement was dedicated by deed on February 10, 1977, in Book 4225 of Official Records, Page 947, San Joaquin County Records, adjacent to the common lot line between Lot 15 and Lot 16 shown on the map entitled "Larson's Addition to Lodi". The location of the existing easement is shown on Exhibit A. Due to subsequent parcel splits which changed the property line locations, the 10-foot easement is no longer adjacent to a property line. In addition, the current property owners have a parcel map in process and the location of the existing easement will impede the development of one of the proposed parcels. The property owners have requested abandonment of the existing 10-foot easement to allow development of the new parcel and will dedicate a new public utility easement along a proposed property line in conformance with City requirements.

The City of Lodi Electrical, Water/Wastewater and Street Divisions, SBC Pacific Bell, PG&E and Comcast have been contacted, and no utilities or other facilities were found to exist within the 10-foot easement. All agencies contacted have approved the abandonment without further comment or conditions.

Under Section 8333 of the Streets and Highways Code, a local agency may summarily vacate an easement if "the easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation". The Public Works Department recommends that the City Council adopt a Resolution of Vacation abandoning the 10-foot public utility easement without referral to the Planning Commission or the normal posting, publishing and public hearing.

FISCAL IMPACT: None.

FUNDING AVAILABLE: Not applicable.

Richard C. Prima, Jr.
Public Works Director

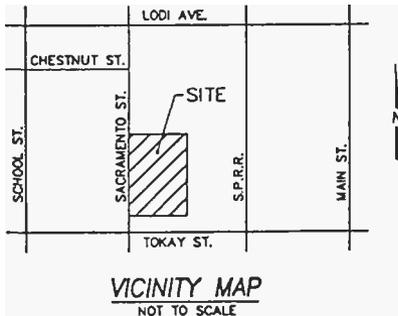
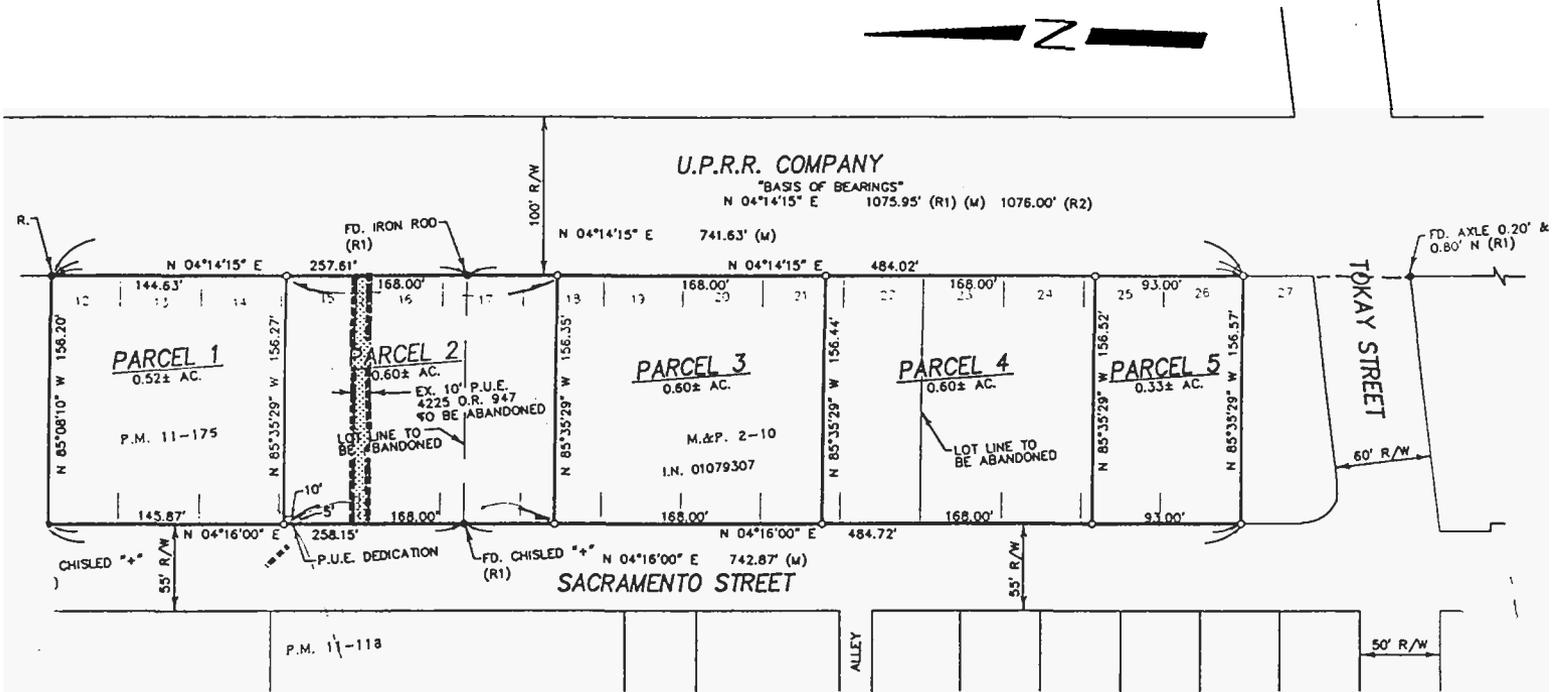
Prepared by Jeannie Matsumoto, Senior Engineering Technician
RCP/JHM/pmf
Attachment
cc: Dillon & Murphy Engineering

APPROVED: Blair King, City Manager



CITY OF LODI
PUBLIC WORKS DEPARTMENT

EXHIBIT A



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

RESOLUTION NO. 2005-106

A RESOLUTION OF THE LODI CITY COUNCIL
SUMMARILY VACATING AND ABANDONING A
TEN-FOOT PUBLIC UTILITY EASEMENT AT
416 SOUTH SACRAMENTO STREET

WHEREAS, a ten-foot public utility easement at 416 South Sacramento Street, shown on Exhibit A attached hereto and incorporated herein, was dedicated by deed on February 10, 1977, Book 4225 of Official Records, Page 947, San Joaquin County Records, adjacent to the common lot line between Lot 15 and Lot 16 shown on the map entitled "Larson's Addition to Lodi"; and

WHEREAS, due to subsequent parcel splits, which changed the property line locations, the ten-foot easement is no longer adjacent to a property line. The current property owners have a parcel map in process and the location of the existing easement will impede the development of one of the proposed parcels; and

WHEREAS, the current property owners are requesting abandonment of the existing ten-foot easement to allow development of the new parcel and will dedicate a new public utility easement along a proposed property line in conformance with City requirements; and

WHEREAS, pursuant to California Streets and Highways Code Section 8333, an easement may be summarily vacated if it has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation; and

WHEREAS, no public utilities or other facilities were found to exist within the ten-foot easement desired to be vacated.

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

1. The above recitals are true and correct.
2. The proposed vacation of the easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation, and, in accordance with California Government Code Section 65402(a), the City Council of the City of Lodi hereby provides that Government Code Section 65402(a) does not apply to this vacation.
3. That a ten-foot Public Utility Easement at 416 South Sacramento Street, shown on Exhibit A attached hereto and incorporated herein, is hereby summarily vacated as of the date of recordation of this Resolution and from and after that date no longer constitutes a public utility easement.

4. The vacation is made pursuant to Chapter 4, Part 3, of the Streets and Highways Code of the State of California.
5. The property owners will dedicate a new public utility easement along a proposed property line in conformance with City requirements; and
6. The City Clerk is hereby authorized and instructed to record this Resolution pursuant to Streets and Highways Code Section 8336 without referral to the Planning Commission or the normal posting, publishing, and public hearing.

Dated: June 1, 2005

I hereby certify that Resolution No. 2005-106 was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 1, 2005, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Johnson, Mounce,
and Mayor Beckman

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

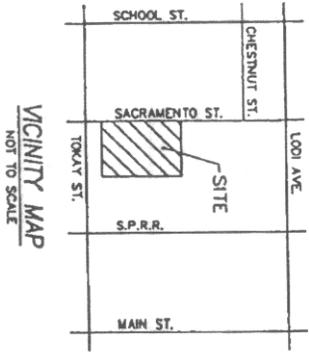
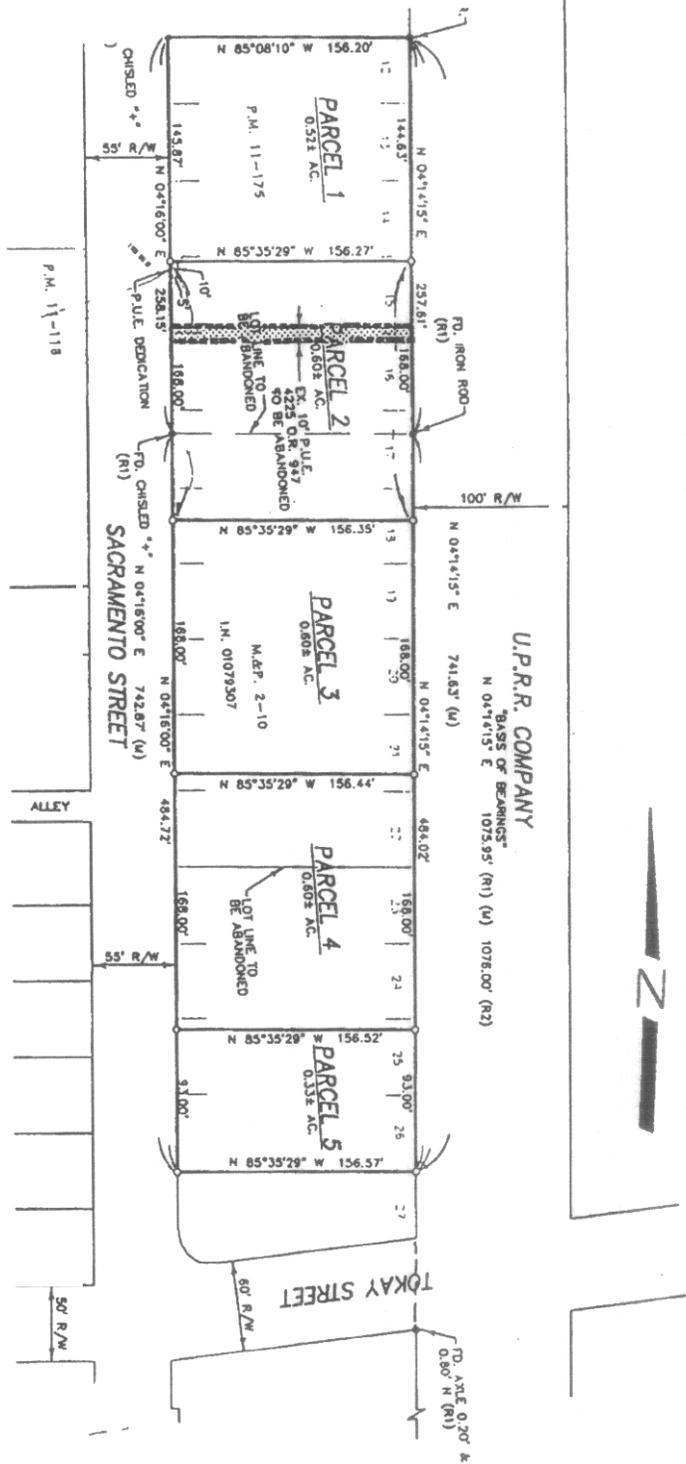
ABSTAIN: COUNCIL MEMBERS – None


SUSAN J. BLACKSTON
City Clerk



CITY OF LODI PUBLIC WORKS DEPARTMENT

EXHIBIT A



CITY COUNCIL

JOHN BECKMAN, Mayor
SUSAN HITCHCOCK
Mayor Pro Tempore
LARRY D. HANSEN
BOB JOHNSON
JOANNE L. MOUNCE

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>

BLAIR KING
City Manager
SUSAN J. BLACKSTON
City Clerk
O. STEVEN SCHWABAUER
City Attorney
RICHARD C. PRIMA, JR.
Public Works Director

May 27, 2005

Dillon & Murphy Engineering
P.O. Box 2180
Lodi, CA 95241-2180

SUBJECT: Adopt Resolution of Vacation to Abandon 10-Foot Public Utility Easement
at 416 South Sacramento Street

Enclosed is a copy of background information on an item on the City Council agenda of Wednesday, June 1, 2005. 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 Jeannie Matsumoto, Senior Engineering Technician, at 333-6800, extension 2661.



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

RCP/pmf

Enclosure

cc: City Clerk



DECLARATION OF MAILING

TRANSMITTAL LETTER AND RESOLUTION SUMMARILY VACATING AND ABANDONING A TEN-FOOT PUBLIC UTILITY EASEMENT AT 416 SOUTH SACRAMENTO STREET

On June 2, 2005, 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 transmittal letter and resolution summarily vacating and abandoning a ten-foot public utility easement at 416 S. Sacramento Street, 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 June 2, 2005, 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

KARI J. CHADWICK
ADMINISTRATIVE CLERK

CITY COUNCIL
JOHN BECKMAN, Mayor
SUSAN HITCHCOCK,
Mayor Pro Tempore
LARRY D. HANSEN
BOB JOHNSON
JOANNE MOUNCE

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

EXHIBIT A

BLAIR KING, City Manager
SUSAN J. BLACKSTON
City Clerk
D. STEPHEN SCHWABAUER
City Attorney

June 2.2005

TO: Interested Parties

**VACATION: TO SUMMARILY VACATE AND ABANDON A TEN-FOOT PUBLIC
UTILITY EASEMENT AT 416 SOUTH SACRAMENTO STREET**

This is to inform you that the City Council, at its regular meeting on June 1, 2005, considered the above matter and declared the area summarily vacated and abandoned.

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

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



Susan J. Blackston

City Clerk

SJB/jmp

Enclosure

cc: Public Works **Department**

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

RESOLUTION NO. 2005-106

A RESOLUTION OF THE LODI CITY COUNCIL
SUMMARILY VACATING AND ABANDONING A
TEN-FOOT PUBLIC UTILITY EASEMENT AT
416 SOUTH SACRAMENTO STREET

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WHEREAS, due to subsequent parcel splits, which changed the property line locations, the ten-foot easement is no longer adjacent to a property line. The current property owners have a parcel map in process and the location of the existing easement will impede the development of one of the proposed parcels: and

WHEREAS, the current property owners are requesting abandonment of the existing ten-foot easement to allow development of the new parcel and will dedicate a new public utility easement along a proposed property line in conformance with City requirements: and

WHEREAS, pursuant to California Streets and Highways Code Section 8333, an easement may be summarily vacated if it has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation; and

WHEREAS, no public utilities or other facilities were found to exist within the ten-foot easement desired to be vacated.

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

1. The above recitals are true and correct.
2. The proposed vacation of the easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation, and, in accordance with California Government Code Section 65402(a), the City Council of the City of Lodi hereby provides that Government Code Section 65402(a) does not apply to this vacation.
3. That a ten-foot Public Utility Easement at 416 South Sacramento Street, shown on Exhibit A attached hereto and incorporated herein, is hereby summarily vacated as of the date of recordation of this Resolution and from and after that date no longer constitutes a public utility easement.

4. The vacation is made pursuant to Chapter 4, Part 3, of the Streets and Highways Code of the State of California.
5. The property owners will dedicate a new public utility easement along a proposed property line in conformance with City requirements; and
6. The City Clerk *is* hereby authorized and instructed to record this Resolution pursuant to Streets and Highways Code Section 8336 without referral to the Planning Commission or the normal posting, publishing, and public hearing.

Dated: June 1, 2005

I hereby certify that Resolution No. 2005-106 was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 1, 2005, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Johnson, Mounce,
and Mayor Beckman

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON
City Clerk

**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
6505 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

DECLARATION OF POSTING

On June 9, 2005, in the City of Lodi, San Joaquin County, California, I, Mark Chamberlain, Senior Engineering Technician *of* the City *of* Lodi, served a copy of the attached notice by posting a copy upon the premises at 416 South Sacramento Street, Lodi, California.

I declare under penalty *of* perjury that the foregoing is true and correct.
Executed on June 9, 2005, at Lodi, California.


Signature

CITY COUNCIL

JOHN BECKMAN, Mayor
SUSAN HITCHCOCK,
Mayor Pro Tempore
LARRY D. HANSEN
BOB JOHNSON
JOANNE MOUNCE

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City Attorney

June 2, 2005

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SJB/jmp

Enclosure

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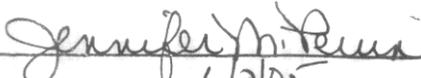
ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None


SUSAN J. BLACKSTON
City Clerk

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

Jennifer M. Perrin
Deputy City Clerk, City of Lodi

By: 
Dated: 6/2/05

