



# CITY OF LODI

## COUNCIL COMMUNICATION

AGENDA TITLE: Mokelumne River Access and Lodi Lake Park Patrol Staffing

MEETING DATE: September 4, 1991

PREPARED BY: Parks and Recreation Director

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RECOMMENDED ACTION: None required. Information ONLY.

BACKGROUND INFORMATION: I would refer to (Exhibit A), Council Meeting of July 6, 1988. At that meeting, in addition to general discussion about the lake and river, the Council took action to allow access to the Mokelumne River by all "non-powered" crafts. Currently, we are allowing non-power crafts use of the ramp and access to the Mokelumne River through a side area next to our boat gate. All other boats follow the boat use schedule included herein for day use of the Lake. (Exhibit B).

Regarding park patrol staffing at Lodi Lake Park, I bring your attention to (Exhibit C), Mr. Essin's memo to me dated August 26, 1991. This memo will explain our current staffing of rangers at Lodi Lake and whatever shortages and/or concerns that might exist. Also included with this material is a Park Ranger Schedule good through October, 1991. This memo was generated in response to Mr. Frank Alegre's correspondence of August 1, 1991, and the Council's inquiry as to staffing at the Lake at the Council Meeting of August 21, 1991.

Please be advised.

Ron Williamson  
Parks and Recreation Director

RW:srb

Attachments

APPROVED: \_\_\_\_\_

THOMAS A. PETERSON  
City Manager



Continued July 6, 1988

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One last thought in a less hostile tone. I and, I am sure, any of the people who regularly canoe or kayak on the river would welcome the opportunity to take any of you on a wonderful evening of gliding along the river as the beaver become active and the cottonwood trees rustle in the cool breeze to help you understand what has been taken from us if the current policy on boating continues.

Sincerely,

s/Patrick Coulston  
1431 Lake Street  
Lodi, CA 95242  
369-6245"

Mr. Coulston was in the audience and addressed the City Council regarding the matter. A lengthy discussion followed with question being directed to staff and to Mr. Coulston.

Council Member Hinchman moved that this matter be referred to the City Attorney and to the Parks and Recreation Department for review and recommendation, asking that it be brought back to the City Council at its Regular Meeting of August 3, 1988. The motion was seconded by Mayor Pro Tempore Snider; however, failed to pass by the following vote:

Ayes : Council Members - Hinchman

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Pinkerton (Mayor)

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Additional discussion followed.

Mayor Pro Tempore Snider then moved that it was never the intent of the City Council not to allow non-powered crafts access to the river. The motion also directed that the Parks and Recreation Department monitor the accessing of non-powered crafts to the river from the Lodi Lake area, for problems. The motion was seconded by Council Member Hinchman and passed by the following vote:

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#### REGULAR CALENDAR

AGENDA ITEM TO  
CONSIDER RESOLUTION  
PROHIBITING THROUGH  
TRUCK TRAVEL ON  
TURNER ROAD CONTINUED  
TC REGULAR CITY  
COUNCIL MEETING  
OF JULY 20, 1988

in an area zoned R-C-P, Residential-Commercial Professional. The Planning Commission would like the applicant to return with additional information on when the temporary office will be replaced with a permanent facility.

- b. The request of Joseph Canepa for a Use Permit to operate a billiard and pool iounge at 400 East Kettleman Lane in an area zoned C-2, General Commercial.

ELECTION OF OFFICERS

The following Planning Commission Officers were elected to serve during the 1988-89 term:

Planning Commission Chairman	Craig Rasmussen
Planning Commission Vice Chairman	Larry Mindt

COMMUNICATIONS  
(CITY CLERK)

CLAIMS

CC-4(c)

On motion of Council Member Hinchman, Olson second, the City Council denied the following claims and referred them back to the City's Contract Administrator, ADJUSTCO:

- a) Starla Hertel, DOL 3/13/88  
b) Andrew Enzi, DOL 2/22/88

✓ ACCESS OF NON-POWERED  
BOATS TO THE MOKELUMNE  
RIVER

CC-16  
CC-27(c)  
CC-40

City Clerk Reimche presented the following letter which had been received from Patrick Coulston, 1431 Lake Street, Lodi, regarding access of non-power boats to the Mokeiumne River from Lodi Lake:

"To the members of the Lodi City Council:

Recently, a new set of regulations have been adopted by the City relating to boat access to the Mokelumne River from Lodi Lake and Park. These regulations have ad the unfortunate, unwarranted, and I hope unintended effect of preventing the legal use of the Mokelumne River as it flows through Lodi for such wholesome and innocuous activities as canoeing, rowing, and flat-water kayaking, except by those few fortunate citizens able to own property adjacent to the river. The primary purpose of this letter is to request that the you include in the agenda of the next City Council meeting (July 7, 1988), time to consider a revision of the implementation of these new regulations. In addition, I would like to use this letter as an opportunity to provide for your consideration, prior to the upcoming City Council meeting, my views on the existing regulatory situation and how it came about.

"You may not launch your canoe into the River from the Park or launch in the Lake and paddle into the river, because if you are run over by a powerboat the city may be held liable". These words (approximately), recently spoken to me by a well meaning arid competent member of the City's Parks and Recreation staff, still ring irritatingly in ears. This is apparently the "bottom line" regarding the City's policy of not allowing non-power craft access to

river from Lodi Lake Park, a conclusion I arrived at after several lengthy phone calls to various members of the City's Parks and Recreation staff. What twisting path has led to this ironic policy? Please read on for my interpretation.

Continued July 6, 1988

Sometime last year the city commissioned a study by a park design consultant to provide a plan for the future of Lodi Lake Park. Among his many recommendations were that the City do what it can to prevent the use of power boats on the Mokelumne River adjacent to the Park because: 1) it was causing severe bank erosion, contributing to loss of soils and trees along the banks. 2) high speed power boating (joy riding or water skiing) is fundamentally dangerous because of the narrowness of the river and the presence of snags and shoals, and 3) power boating (at least by large and powerful boats) is inconsistent with the desired future plans for the wilderness area, which is to emphasize its wildlife habitat and nature study potential.

Cue to jurisdictional constraints the City is unable to regulate boating on the river, so logically, it did what it could to discourage these inappropriate activities, which was to place booms and fences between the River and Lake and restrict power boating on the Lake to specific times and days. I believe these actions have had much of their desired effect as it is my observation that there is considerably less power boating on the river this year. So, what's the problem?

The problem, to use a tired cliché, is that the baby has been thrown out with the bathwater. The "baby" in this case is the legitimate use of the river by people like myself, some of which you will have the opportunity to console at the next council meeting, who appreciate the values of the Park, actively support its protection, and enjoy very much experiencing its beauty by canoeing or kayaking. Activities, which like hiking do nothing to damage the Park or disturb the use of the Park by other citizens. Through, to my mind, some narrow bureaucratic thinking, the City staff has decided that the only important consideration involved here is the limiting to zero of the City's liability by "protecting" me from the few power boaters left on the river.

Please examine this last conclusion from my perspective. The very few power boats now encountered on the river usually operated (sometimes responsibly and sometimes not) by teenage members of families living along the river are preventing me from engaging in a wholesome family activity consistent with the natural surrounding afforded by the River. In actual fact on any given evening I am in effect not able to use the river because of maybe one teenage kid who wants to kneeboard or jet-ski. I hope you will understand how hard it is to swallow that because I will never be able to afford a \$300,00 house on the river, I will never again be able to take my family canoeing on the river which flows only a few blocks from our home.

Please be clear on this. I am not asking that anyone else be kicked off the river. In fact, given the economic and political clout of those living along the river, I doubt that the county could ever adopt restrictions on power boating. Rather, I ask only that my ability to use the river be restored. If the City would only get beyond this overly paranoid concern about liability we could begin working on the other, relatively minor concerns about where canoes could launch on the river or get past the new gates.

test the City think there is no downside risk to continuing its current policy on boating, I think they should seriously consider whose use of the Park they should encourage. It seems to me the City ought to do as little as possible to discourage the use of the Park by the people who care about it most and wish to use it in appropriate

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EXHIBIT B

**City of Lodi  
Lodi Lake Park**

**Boating Schedule  
and  
Rules and Regulations**



*Lodi Parks and  
Recreation Department*

**125 North Stockton Street  
Lodi, California 95240**

**333-6742**

**CITY OF LODI  
PARKS AND RECREATION DEPARTMENT**

**BOATING SCHEDULE**

**MONDAY - WEDNESDAY - FRIDAY**

Power boats - 8:00 a.m. to 11:30 a.m. and 6:00 p.m. to dusk.

Power boats will not be allowed on the lake while the City's boat rental concession is in operation.

(Northern California Power Boat Association races Sunday, 10:00 a.m. to 4:00 p.m., 6/29-30).

**TUESDAY - THURSDAY - SATURDAY**

Non-power boats - 8:00 a.m. to dusk (canoes, kayaks).

**BOAT RENTALS** - 12:00 Noon to 6:00 p.m. daily.

**BOAT RENTAL FEES**

2-Man Pedal Boats	\$2 per ½ hour
4-Man Pedal Boats	\$3 per ½ hour
Kayaks	\$1.50 per ½ hour
Fun Kayaks	\$2 per ½ hour
Paddle Boards	\$1 per ½ hour
Aqua-cycles	\$4.75 per ½ hour

**BOAT LAUNCH FEE** - \$4 per boat

Lodi Lake Park and the boat launch close at dusk.

**IN CASE OF EMERGENCY OR NEED FOR ASSISTANCE, PLEASE CONTACT THE PARK PATROL VEHICLE IN THE PARK OR THE FRONT GATE ADMISSIONS ATTENDANT.**

Rev. 6/12/91

**LODI LAKE PARK BOATING REGULATIONS**

1. All California Boating Laws will be enforced unless local boating regulations supersede same herein.
2. All boaters **must** adhere to the City of Lodi/Lodi Lake Park day/time/craft schedule.
3. All boats must be launched at launch area only.
4. Jet skis, wet-bikes, or motor-powered surfboards are **allowed** on the lake on designated days.
5. No swimming, inner-tubes, or air mattresses **allowed** on the lake except in **designated** swimming areas.
6. Boat docking only at boat dock area.
7. Only three (3) power boats/motorized craft at one time on lake. V-drives, in-board jets, and in-board drives **are** not allowed.
8. No boats **are** allowed in the beach area.
9. No boating is **allowed** after dark.
10. Life jackets must be **worn** by **minors** (under 18 years of age). Individuals 18 years of age or older must have Coast Guard approved flotation devices in the boat or craft.
11. All power boats must operate in a counter-clockwise direction.
12. Park Rangers/Boat House Attendants will be monitoring all boating activities and **shall** be under the Parks and Recreation Department's authority and direction for control and safety of the Lodi Lake area.

**Lodi Parks and Recreation Department**  
**125 N. Stockton Street**  
**Lodi, California 95240**  
**Parks 369-1251 Recreation 333-6742**

**MEMORANDUM**

**To:** Ron Williamson, Director Parks and Recreation  
**From:** Scott Essin, Parks Superintendent *SE*  
**Date:** August 26, 1991  
**Subject:** Frank C. Alegre Letter of August 1, 1991

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Mr. Alegre addresses several issues regarding the Lodi Lake Nature area as follows:

Condition of the levies - As you know, we recently toured the Nature Area and I pointed out to the City Council the need to protect the levies. It is as Mr. Alegre states. Trees are falling in the river and the bank needs some treatment whether it be rip rap or other to prevent further erosion.

Patrolling of the Nature Area - With us trying to cover 25 parks and 275 acres of land, we're doing what we reasonably can with the staff we have and have been allocated. I'd like to see one ranger at Lake and one patrolling other parks during prime time uses. We have provided as much daytime patrol as I would consider reasonable. However, after 11:00 P.M., we do not have the manpower to patrol Lodi Lake or any other park. As you will remember, we requested additional rangers this year and Council was unable to fund these positions because of our current financial condition. (See attached budget requests for additional park rangers plus the park patrol schedule for June through October 1991).

Our request to the County to establish a San Joaquin County Regional Park on Highway 99 - Since the river is currently the responsibility of the County Sheriff for patrol purposes, the additional park would have provided a good reason for the County to patrol the river on a more frequent basis.

Illegal campfire issue - I spoke to Lloyd Gums on the illegal campfire issue and he informs me he did respond to find a small hibachi going in the Nature Area. The ranger asked the people to move their picnic into the main park area.

I will be contacting Duke Foster to see if there are funds available for protecting the levy in the Nature Area. This is a major problem. Should a major storm happen, we could lose our levee at Pig's Lake.

Subject: Memo to Ron Williamson - Page 2

Subject: ~~Frank~~; Alegre Letter of August 1, 1991

An issue not addressed by Frank Alegre's letter has to do with our current radio system used by the rangers. Attached is a memo sent to me by Marilyn Field which describes her absolute frustration with our current radio system and our park rangers. She is unable to get through to them when she needs them. Based on this memo and my own problems on contacting the rangers at times, I included a budget quest for new radios that would solve the rangers' problems and also problems we are experiencing in the Parks Division. Because of our budget situation, the entire request was thrown out and no funds were allocated to solve our inability to contact park rangers. (See attached letter and budget request.)

There seems to be a continued demand by the public for park ranger services. The Nature Area is adjacent to private residences who expect services beyond what we can provide. The Nature Area Advisory Committee has recommended fencing in the Nature Area in order to provide security and to allow us to close the park during certain hours. This option is one provided for in the Lodi Lake Master Plan; however, we currently do not have the funds to install such a fence.

Another option would be to organize volunteer groups to walk the lake area with radios only. This program has been proposed but is dependent upon hiring the interpretive ranger requested in this year's budget. This solution assumes that radios could be provided to the volunteers who would walk the Nature Area and other parks. Depending upon the extent of the program and number of radios required, we would again be looking at additional funds to purchase these radios. Each radio costs approximately \$2,000.00 apiece-

SE:rb  
Attachments

Lodi Par' and Recreation Department  
 Parks Ranger Schedule  
 June through October 3.991

EXHIBIT C

Pg. 3 of 3

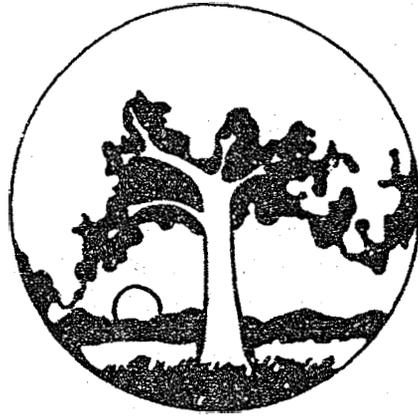
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
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B- Barbara  
 L- Lloyd  
 R- Roger

Rev. 6/19/91

**City of Lodi  
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4 September 1991

Lodi City Council:

I have several comments regarding public access to the Mokelumne River-that I would like you to consider in your deliberations on this important topic. The Mokelumne River is, by far, our City's most significant public, natural scenic and recreational resource. As such, matters relating to the River's conservation and use are among the most important under the purview of the Council. I emphasize the word "public" to point out that the river does not belong to the citizens that live along it, and that the city simply must take into account the desires and rights of the 48,000 citizens living south of Turner Road when making decisions about the River.

Previous decisions by the City Council, some of them made quietly and perhaps illegally, have led to the situation where public access to the River has become severely restricted. To my knowlege, through a combination of the abandonment of public owned easements along the river and very restrictive regulations in Lodi Lake Park, it is now essentially against the law for a citizen of Lodi who does not own property along the River to even wade in its waters.

For those, like myself and many of my friends and family, who enjoy canoeing and kayaking on the river there is a tenuous access point at Lodi Lake Park's boat ramp. I say tenuous because of two personal experiences. The first of these occurred, I think, about 3 years ago when a Lodi Lake Park ranger told me as I entered the Park that I could not paddle from the Lake to the River. This was apparently a misunderstanding that was cleared up when I called the City. An even more disturbing event occurred last summer. On this occasion I launched my canoe at the

Lodi Lake **Park** boat **ramp** to take **my** 10 year-old son **and** a friend of his fishing. As **we** were fishing from our boat along the tule beds downstream from the Park the manager **or** owner of a **trailer** park belligerently, but very sincerely, informed us that we were "trespassing on private property" and demanded to know where we had launched. when I told him he said "I have an agreement with the city that they will not allow people in **boats** to leave the Lake." After **some** strenuous debate and my refusal to leave he took down **my** "CF" numbers and called the police. **We** went about our **buisness** **and** were not contacted by the police, but the encounter left **me** wondering whether, in the cities eyes, **i** was allowed to access the River **as** I had. Although I am disturbed by the City's generally atrocious record in providing public access to the River, I would feel much better if the City would affirm that non-motorized craft **can** be launched at Lodi **Lake** Lake Park and taken from there **into** the River.

I think the City Council's approach on dealing **with** public access to the river, **has** created a monster. The monster I am referring to are the few privleged citizens living on the River **who** have, in recent newspaper interviews, made statements like "...if they want access to the river **they** should **buy** it..." and "...greater public access **should** not be allowed because I would be exposed to more crime...". These statements are patently absurd **and** the City Council should, on **behalf** of **the** 93% of Lodi citizens **whose** access to the River is being illegally restricted, denounce these statements and begin the job of providing public access that **is** consistant with public safety and conservation of the River. Given the City's **past** actions it is not surprising that the **few** citizens **who** now have essentually exclusive private use of **what. is**, in fact, public property would feel violated by talk of expanded access. Although the City **is** **right** to consider their concerns, more weight than has previously been given must be given in the future to the broader **public** interest **and** the law. I **was** very happy to **see** the City Attorney recently

acknowledge that the City is, by law, supposed to provide public access in association with development. In a conversation I had with him a few years ago he disagreed with me about this and was making statements like "... we can't tell developers what to do with their property..".

To the riparian landowner who says I should pay for access, I say - YESS!! I should, and am willing, to pay entrance fees, some other user fee, or part of my taxes to support the maintenance and patrol of a public access point. To the riparian landowner that says that their security or peace would be violated by additional access, I say their concerns should be addressed in planning the access but they have no more right to prevent me from using the River than I have to prevent them from driving down the street in front of my house.

I am going to conclude this letter by saying that I do not pretend to know exactly how the City Council should address the subject of public access to the River. It is a complicated subject and deserves careful consideration. Perhaps the following would be a reasonable approach:

- 1) Affirm the right of public access to the river from Lodi Lake Park.
- 2) Take steps to maintain and recover whatever public access options the City has let slip away in recent residential developments. By this I do not mean that immediate access should be provided at these points but rather that the options be maintained until an overall access plan has been devised.
- 3) Create a representative citizen's committee committed to the establishment of reasonable public access consistent with reasonable concerns about public

safety and conservation of the River.

- 4) Implement the recommendations of the aforementioned committee.

sincerely,



Patrick Coulston  
1431 Lake St.  
Lodi, CA 95242  
(209) 369-6245

cc: Robert McNatt  
Ron Williamson

M E M O R A N D U M

=====

**TO :** The Honorable Mayor and  
Members of the City Council

**FROM :** City Attorney

**DATE :** September 4, 1991

**SUBJ :** Mokelumne River Access Through Rivergate

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The topic of public access along the Mokelumne River has been discussed at length recently and the Council has previously been advised of some of the circumstances surrounding the City's relinquishment of access through the Rivergate Subdivision. Some of my original suspicions were confirmed by further search of City's records.

Attached are copies of the map for the Rivergate Subdivision, a memo from City Attorney Ron Stein dated March 19, 1980, and minutes of the City Council meeting of April 2, 1980. These indicate the public access was originally a condition on the subdivision map dated January 1980 (and possibly earlier maps). The 20-foot wide easement extended from Rivergate Drive through tot 72 and along the riverbank.

The easement abandonment was sought not because of lack of public use (as I originally believed) but because it was not deemed necessary. On April 2, 1980, the City Council made findings that access via Lodi Lake Park and through the Scenic Overlook, (site of the former City landfill), was adequate and so removed the Rivergate map condition requiring access.

Respectfully submitted,

  
\_\_\_\_\_  
Bob McNatt  
City Attorney

BMN :br

Attachments

CCCOM308/TXTA.07A

April 15, 1988 continued

Mayor Pro Tempore Katnich then moved for introduction of Ordinance No. 1196 - adopting the "Uniform Fire Code", 1979 Edition. The motion was seconded by Councilman Pinkerton and carried by unanimous vote.

ORD. NO. 1136,  
1197, 1198, 1199,  
1200, 1201  
INTRODUCTION

Mayor Pro Tempore Katnich then moved for introduction of Ordinance No. 1197 - adopting the "Uniform Building Code", 1979 Edition with the aforementioned amendment whereby the City Council is designated to sit as a Board of Appeals. The motion was seconded by Councilman Pinkerton and carried by unanimous vote.

Mayor Pro Tempore Katnich then moved for introduction of Ordinance No. 1198 - adopting the "Uniform Plumbing Code", 1979 Edition. The motion was seconded by Councilman Pinkerton and carried by unanimous vote.

Mayor Pro Tempore Katnich moved for introduction of Ordinance No. 1199 - adopting the "Uniform Mechanical Code", 1979 Edition. The motion was seconded by Councilman Pinkerton and carried by unanimous vote.

Mayor Pro Tempore Katnich moved for introduction of Ordinance No. 1200 - adopting the "Uniform Housing Code", 1979 Edition. The motion was seconded by Councilman Pinkerton and carried by unanimous vote.

Mayor Pro Tempore Katnich moved for introduction of Ordinance No. 1201 - adopting the "Uniform Code for the Abatement of Dangerous Buildings", 1979 Edition. The motion was seconded by Councilman Pinkerton and carried by unanimous vote.

HOLLY DRIVE  
STREET LIGHTING  
DISTRICT ASSESS-  
MENT

Notice thereof having been mailed to the property owners and also published and posted in accordance with law, affidavits of which are on file in the office of the City Clerk, Mayor Katzakian called for the public hearing on the assessment for the Holly Drive Street Lighting District.

CONFIRMED

RES. NO. 80-53

The matter was introduced by City Manager Glaves and City Clerk Reimche and both the City Manager and City Clerk responded to questions regarding the subject as were posed by the City Council.

There were no persons in the audience wishing to address the Council on the matter, and the public portion of the hearing was closed.

Following discussion, on motion of Mayor Pro Tempore Katnich, Hughes seconded, Council adopted Resolution No. 80-53 confirming the assessment on the Holly Drive Street Lighting District. The motion carried by unanimous vote.

MOKELUMNE

ACCESS

Notice thereof having been published in accordance with law and affidavit of publication being on file in the office of the City Clerk, Mayor Katzakian called for the Public Hearing to consider the appeal of George Zofcin of John C. Cope Company Properties incorporated of a condition specified in the approval of the Tentative Map of Rivergate - 14.86 acre, 69 unit, zero lot lint? single-family development proposed for the north side of West Turner Road, east and west of Rivergate Drive in an area zoned P-D (5), Planned Development District No. 5; naely,

April 2, 1980 continued

"That public access **be** provided to the Mokelumne River along the west and north sides of Lot 72, Rivergate as was originally required in the approval of the Rivergate Mokelumne Subdivision".

The matter was introduced by Community Development Director Schroeder who presented a diagram of the subject area for Council's perusal.

Speaking on behalf of the appeal were:

a. Mr. George Zofcin of John C. Cope Company Properties, Inc., 555 West Benjamin Holt Drive, Suite 316, Stockton, California.

b. Mr. John Kindseth, speaking on behalf of the Rivergate Homeowners Association.

Mr. Robert Murphy, 746 Palm Avenue, Lodi asked if the subject area was contiguous to the City's Scenic Overlook area. Community Development Director Schroeder responded that it was no.

There being no other persons in the audience wishing to speak on the matter, the public portion of the hearing was closed.

APPEAL RE  
PROVISION THAT  
PUBLIC ACCESS BE  
PROVIDED ALONG  
AREA OF RIVERSATE  
SUBDIVISION

APPROVED

Following Council discussion, with questions being posed to Staff, on motion of Councilman Pinkerton, Council approved the appeal of George Zofcin of John C. Cope Company Properties, Inc. of a condition specified in the approval of the Tentative Map of Rivergate - a 111.86 acre, 69 unit, zero lot-line single-family development proposed for the north side of West Turner Road, east and west of Rivergate Drive in an area zoned P-D (5) that public access be provided to the Mokelumne River along the west and north sides of Lot 72, Rivergate, as was originally required in the approval of the Rivergate Mokelumne Subdivision with the following findings:

"Pursuant to Government Code Section 66478.6, the City Council of the City of Lodi determined that adequate public access to the Mokelumne River exists at Lodi Lake Park and therefore removed the requirement for such public access in the Rivergate Subdivision"

The heretofore stated findings will appear on both the Tentative and Subdivision Maps of Rivergate Subdivision.

The motion was seconded by Councilman Hughes and carried by the following vote:

Ayes: Councilmen - Hughes, Katnich, Pinkerton,  
and Katzakian  
Noes: Councilmen - McCarty  
Absent: Councilmen - None

Notice thereof having been published in accordance with law and affidavit of publication being on file in the office of the City Clerk, Mayor Katzakian called for the Public Hearing to consider the appeal of Mr. Vernon Ekstrom regarding the following conditions set forth in the approval for a Tentative Parcel Map to divide the existing 1.69 acre Lot at 490 East Kettleman Lane, Lodi into three parcels:

**MEMORANDUM**

**To:** Henry A. Graves, City Manager  
James B. Schroeder, Community Development  
Director

**From:** Ronald M. Stein, City Attorney

**RE:** Public Access to Public Resources and  
Surplus Unimproved Land

**Date:** March 19, 1980

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Recently, the question came up regarding the sale of the Scenic Overlook property as well as the access to the River within the Rivergate Subdivision (Cope properties project).

Attached hereto for your review are two recent California Statutes regarding public access to public resources and surplus unimproved land sales.

Article 3.5 - Public Access to Public Resources Code provides that the Legislature, when approving a tentative or final map ~~where~~ there is property adjacent to a public waterway, must, in order to approve a map, make a finding that there is access to the public waterway. Said access must be shown on the tentative and final map.

The legislative body can find that there is reasonable access available within a reasonable distance from the subdivision and, therefore, that the dedication on the map need not be made. However, said finding must be set forth on the face of the tentative or final map.

As to the issue of the sale of surplus property, Article 8 at Section 54220 et seq. has been added to the Government Code to require that prior to the sale of surplus property (I would assume Scenic Overlook would fall within this category), the City must offer the land for park and recreation purposes, and also to any housing authority within which the land is situated (I don't believe San Joaquin County Housing Authority would be involved here). Said offering would be to permit the use of the land for parks, recreation or for housing for low or moderate income persons. I would assume that we would then receive

Public Access - Surplus Land  
Page Two - March 19, 1980

a letter back from both agencies or one agency saying that they do not need the land for those purposes and we would keep same on file before offering said land to the public for sale.

In the case of the sale of Scenic Overlook, since said property will eventually be subdivided, I would assume that either a parcel map or a tentative map would have to be filed and the Legislature would have to make some determination at that time as to whether there was a public access or whether there was other public access nearby. It has been suggested by the Community Development Department that perhaps we can get Sanguinetti and Arnaiz to dedicate a public access at the other end of the property in return for the access at Scenic Overlook.

Upon review of the attached Sections, please call upon me to discuss same.

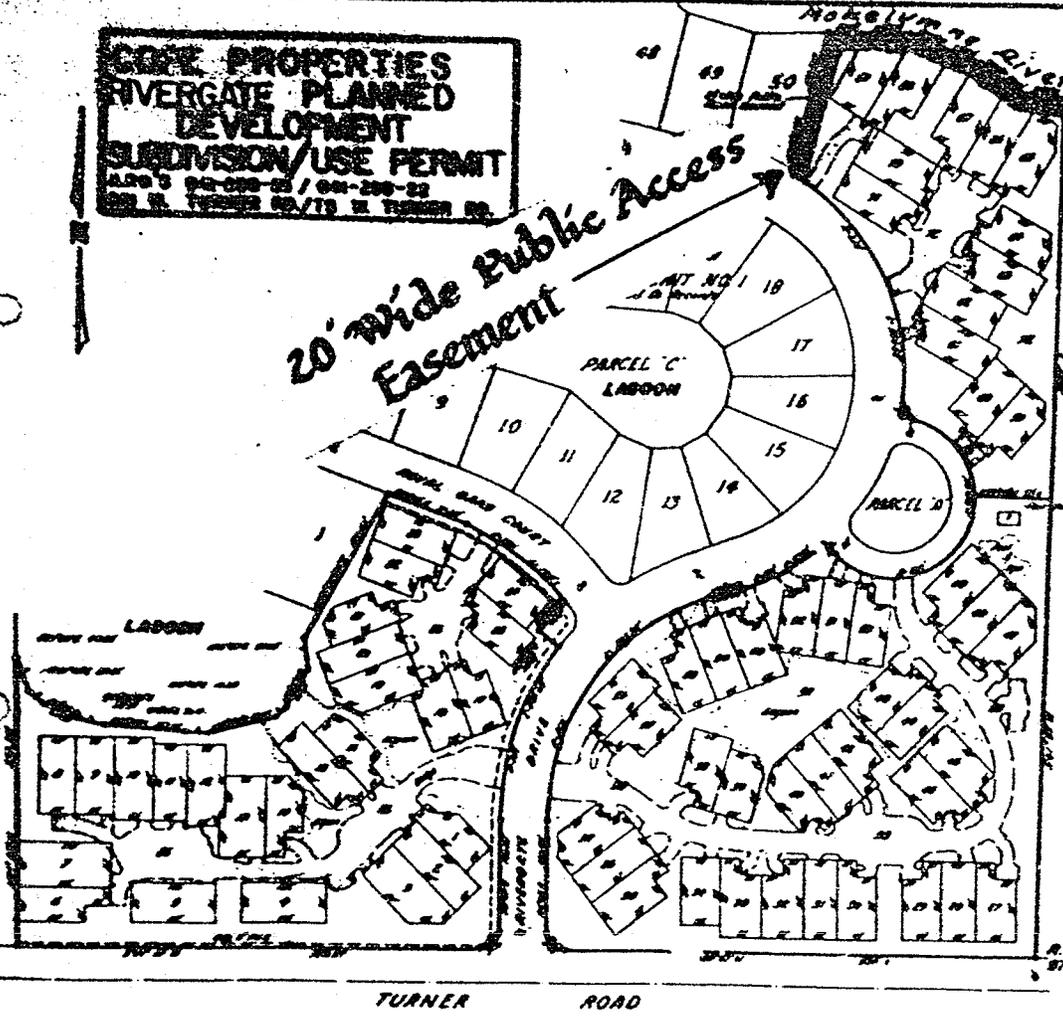
  
RONALD M. STEIN  
CITY ATTORNEY

RMS:vc

attachments

**COFE PROPERTIES  
RIVERGATE PLANNED  
DEVELOPMENT  
SUBDIVISION/USE PERMIT**  
ALSO'S 04-020-22 / 04-220-22  
DR. S. TURNER 04/19 IN TURNER 02

**20' Wide Public Access  
Easement**



Special Use: Cofe Properties  
200 N. Turnpike Blvd. Suite 200  
Hollywood, CA 90028  
Phone: 323-467-1000

- Notes:**
1. Utility Service To Be Provided By:
    - 1. Electrical Service - City of Los Angeles
    - 2. Water Service - City of Los Angeles
    - 3. Sewer Service - City of Los Angeles
    - 4. Gas Service - Pacific Gas & Electric
    - 5. Cable Service - AT&T
    - 6. Telephone Service - Pacific Telephone
  2. Easements shall be provided as required by the various utility companies.
  3. The subdivision includes 180 lots, more or less.
  4. The subdivision will be developed as a Planned Unit Development.
  5. Lots 19, 20 and 21 are reserved and shall not be subdivided.
  6. The subdivision is shown as a Planned Unit Development.

Map as a Subdivision Map \_\_\_\_\_, 1982  
Date: \_\_\_\_\_  
Planning Director - City of Los Angeles

**TENTATIVE MAP**

TRACT NO. 1077  
DIVISION OF SAN JOAQUIN COUNTY

**RIVERGATE**

BEING A PORTION OF THE S.W. 1/4 OF SEC. 17, T. 10 N., R. 10 W., S. 10000  
CITY OF LOS ANGELES, COUNTY OF SAN JOAQUIN, CALIFORNIA

R. M. REBERNER & ASSOCIATES CIVIL ENGINEERS  
STOCKTON, CALIFORNIA JANUARY 1982

TURNER ROAD

NOTICE OF PUBLIC

NOTICE OF PUBLIC HEARING BY THE CITY COUNCIL OF THE CITY OF LODI TO CONSIDER THE APPEAL OF GEORGE ZOF CIN OF JOHN C. COPE COMPANY PROPERTY INCORPORATED OF A CONDITION SPECIFIED IN THE APPROVAL OF THE TENTATIVE MAP OF RIVERGATE A 14.86 ACRE, 69 UNIT, ZERO LOT LINE SINGLE FAMILY DEVELOPMENT PROPOSED FOR THE NORTH SIDE OF WEST TURNER ROAD, EAST AND WEST OF RIVERGATE DRIVE IN AN AREA ZONED P-D (5), PLANNED DEVELOPMENT DISTRICT NO. 5

NOTICE IS HEREBY GIVEN that on Tuesday, April 15, 1980, at the hour of 8:00 p.m. or as soon thereafter as the matter may be heard, the Lodi City Council will conduct a public hearing in the Council Chambers, City Hall, 221 West Pine Street, Lodi, California to consider the appeal of George Zofcin of John C. Cope Company Property Incorporated of a condition specified in the approval of the Tentative Map of Rivergate a 14.86 acre, 69-unit, zero lot line, single-family development proposed for the north side of West Turner Road, east and west of Rivergate Drive in an area zoned P-D (5), Planned Development District No. 5. as follows:

That public access be provided to the Mokelumne River along the west and north sides of Lot 72, Rivergate a6 was originally required in the approval of the Rivergate Mokelumne Sub-division.

Information regarding this item may be obtained in the office of the Community Development Director at 221 W. Pine Street, Lodi, California. All interested persons are invited to present their views either for or against the above proposal. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein and oral statements may be made at said hearing.

Date: April 2, 1980  
By Order of the City Council

ALICE M. HE