



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Reintroduce Ordinance Amending Lodi Municipal Code, Title 16 "Subdivisions", Chapter 12 "Parcel Maps" and Chapter 16 "Final Maps"

MEETING DATE: October 7, 2009

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Reintroduce an ordinance amending Lodi Municipal Code, Title 16 "Subdivisions", Chapter 12 "Parcel Maps" and Chapter 16 "Final Maps." The ordinance is being reintroduced at this time as slight changes have been made to the wording since it was introduced at the last Council meeting.

BACKGROUND INFORMATION: The City Council, at its meeting on December 17, 2008, authorized the City Manager to execute a professional services agreement with Premier Engineering and Land Surveying, Inc., of Turlock, for the planning and implementation of a horizontal control grid for the City.

The purpose of this control grid project is to establish a surveyed horizontal grid of control points as the basis for future recorded maps and plats. The grid will primarily serve the newly annexed areas of the City that are expected to develop in the future. The grid is located throughout the City of Lodi and adjacent areas, with a concentration on the outlying areas where future expansion is expected. This project included the setting of approximately **24** control point monuments of First Order accuracy, which is the highest level of accuracy in surveying for measuring distances.

Premier Engineering and Land Surveying, Inc., has completed the field work on this project, and a Record of Survey map has been filed with the County Surveyor. The introduction of this ordinance (see attached) is necessary to amend the Municipal Code so that future developments will be required to tie all maps and plats into the City's control grid network.

FISCAL IMPACT: There will be a slight increase in cost for maintenance of permanent survey monuments.

FUNDING AVAILABLE: Not applicable.


 F. Wally Sandelin
 Public Works Director

Prepared by Wesley K. Fujitani, Senior Civil Engineer, and Mark Chamberlain, Senior Engineering Technician - Survey
 FWS/WKF/pmf
 Attachment

APPROVED:


 Blair King, City Manager

ORDINANCE NO. _____

AN ORDINANCE OF THE LODI CITY COUNCIL AMENDING
LODI MUNICIPAL CODE TITLE 16 "SUBDIVISIONS" BY
ADDING NEW SECTIONS 16.12.040 AND 16.16.030
"MONUMENTS"

=====

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Lodi Municipal Code Chapter 16.12 – "Parcel Maps" is hereby amended by adding a new Section 16.12.040 "Monuments" to read as follows:

16.12.040 Monuments

Whenever, the City established GPS Network Grid is within a reasonable distance to the parcel map boundary, as determined by the City Engineer, the field survey shall reference at least two control monuments. The control monuments shall be used to establish the basis of bearing and ties to those monuments and shall be shown on the final parcel map.

SECTION 2. Lodi Municipal Code Chapter 16.16 – "Final Maps" is hereby amended by adding a new Section 16.16.030 "Monuments" to read as follows:

16.16.030 Monuments

Whenever, the City established GPS Network Grid is within a reasonable distance to the ~~parcel~~ final map boundary, as determined by the City Engineer, the field survey shall reference at least two control monuments. The control monuments shall be used to establish the basis of bearing and ties to those monuments and shall be shown on the final map.

SECTION 3. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 5. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 6. This ordinance shall be published pursuant to law and shall become effective 30 days from the date of passage and adoption.

Approved this _____ day of _____, 2009

LARRY D. HANSEN
Mayor

ATTEST:

RANDI JOHL
City Clerk

State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. _____ was introduced at a regular meeting of the City Council of the City of Lodi held September 16, 2009, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held _____, 2009, by the following vote:

AYES: COUNCIL MEMBERS -
NOES: COUNCIL MEMBERS -
ABSENT: COUNCIL MEMBERS -
ABSTAIN: COUNCIL MEMBERS -

I further certify that Ordinance No. _____ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

RANDI JOHL
City Clerk

APPROVED TO FORM:

D. STEPHEN SCHWABAUER
City Attorney

ORDINANCE NO. 1824

AN ORDINANCE OF THE LODI CITY COUNCIL AMENDING
LODI MUNICIPAL CODE TITLE 16 – SUBDIVISIONS – BY ADDING
NEW SECTIONS 16.12.040 AND 16.16.030, “MONUMENTS”

=====

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Lodi Municipal Code Chapter 16.12, “Parcel Maps,” is hereby amended by adding a new Section 16.12.040, “Monuments,” to read as follows:

16.12.040 Monuments

Whenever, the City established GPS Network Grid is within a reasonable distance to the parcel map boundary, as determined by the City Engineer, the field survey shall reference at least two control monuments. The control monuments shall be used to establish the basis of bearing and ties to those monuments and shall be shown on the parcel map.

SECTION 2. Lodi Municipal Code Chapter 16.16, “Final Maps,” is hereby amended by adding a new Section 16.16.030, “Monuments,” to read as follows:

16.16.030 Monuments

Whenever, the City established GPS Network Grid is within a reasonable distance to the final map boundary, as determined by the City Engineer, the field survey shall reference at least two control monuments. The control monuments shall be used to establish the basis of bearing and ties to those monuments and shall be shown on the final map.

SECTION 3. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 5. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 6. This ordinance shall be published pursuant to law and shall become effective 30 days from the date of passage and adoption.

Approved this ____ day of October, 2009

LARRY D. HANSEN
Mayor

ATTEST:

RANDI JOHL
City Clerk

State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1824 was introduced at a regular meeting of the City Council of the City of Lodi held October 7, 2009, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held _____, 2009, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. 1824 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

RANDI JOHL
City Clerk

APPROVED TO FORM:

D. STEPHEN SCHWABAUER
City Attorney