



**CITY OF LODI
COUNCIL COMMUNICATION**

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AGENDA TITLE: Ordinance No. 1824 Entitled, "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'"

MEETING DATE: October 21, 2009

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1824.

BACKGROUND INFORMATION: Ordinance No. 1824 entitled, "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,'" was reintroduced at the regular City Council meeting of October 21, 2009.

ADOPTION: With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov'f Code § 36934.**

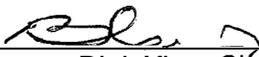
Ordinances take effect 30 days after their final passage. **Cal. Gov'f Code § 36937.**
This ordinance has been approved as to form by the City Attorney.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Randi Johl
City Clerk

RJ/jmr
Attachment

APPROVED: 

Blair King, City Manager

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

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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.

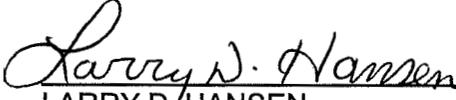
SECTION 3. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide 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 21st 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 October 21, 2009, by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Johnson, Katzakian, Mounce,
and Mayor Hansen
NOES: COUNCIL MEMBERS – None
ABSENT: COUNCIL MEMBERS – None
ABSTAIN: COUNCIL MEMBERS – None

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