

C O U N C I L C O M M U N I C A T I O N

TO: THE CITY COUNCIL
FROM: THE CITY **MANAGER'S** OFFICE

COUNCIL MEETING DATE
October 19, 1938

SUBJECT: APPROVE RETENTION OF ROBERT H. MULLEN, ATTORNEY-AT-LAW, TO REPRESENT THE CITY OF LODI IN NEGOTIATIONS WITH THE SOUTHERN PACIFIC TRANSPORTATION COMPANY REGARDING PROPERTY ACQUISITION.

FREPRED BY: City Manager

AECOMMENDED ACTION: That the City Council authorize the retention of Robert H. Mullen, Esq. to represent the City of Lodi in negotiations with the Southern Pacific Transportation **Compsny** regarding property acquisition.

BACKGROUND INFORMATION: For the past several months there have been a number of discussions between the City Manager and representatives of the Southern Pacific Transportation Company regarding the possibility of the acquisition of certain property in the downtown area currently in the custody of Southern Pacific. The word "custody" is appropriate here because we are not entirely certain what Southern Pacific's rights are concerning this property. Specifically, we are talking about the block-long parcel immediately north and south of the Lodi Arch between the railroad tracks and Sacramento Street and from Elm Street on the north to Oak Street on the south. The prospect of the City acquiring the property surfaced some time ago when Southern Pacific applied to the City for a demolition permit to demolish and remove the train depot. Since that time, the future of the depot has become an item of concern of many people in the community. In addition to the preservation of the depot, the remaining property in the described area could be developed to provide additional parking downtown.

Acquisition of property from railroads can be a most complex undertaking. It is therefore recommended that the City retain the services of Robert H. Mullen, Esq. to assist the City in this effort. Obviously, Mr. Mullen's services will only be necessary should the City Council authorize the acquisition of all or a portion of this property. This acquisition is listed in the Five-Year Capital Improvement Program in the Public Facilities section but the project does not show funding at this time.

Mr. Mullen has, over the years, become a recognized expert in this area of the law. His fee is a \$1,000 retainer with an hourly rate of \$150.

Respectfully submitted,



Thomas A. Peterson
City Manager

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