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CITY COUNCIL MEETING

February 18, 1981

LETTER RECEIVED
RE THE ANNEXATION
OF BATCH ADDITION

City Clerk Reimche presented a copy of a letter written by C.M. Sullivan of Litts, Mullen et al and addressed to the Local Agency Formation Commission advising that application is hereby made pursuant to Government Code Section 56275 for reconsideration of the action taken by LAFCO in Resolution No. 493, disapproving the Batch reorganization. The letter goes on to say that "we request that the Commission at its next meeting, delay action on this request until some convenient time after the meeting scheduled to explore ways to solve overcrowding in the Lodi Unified School District". The reasons for this application were listed in detail.

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February 17, 1981

Local Agency Formation Commission
of San Joaquin
Courthouse, Room 153
222 E. Weber Avenue
Stockton, California 95202

ATTENTION: Executive Officer,
Gerald F. Scott

Re: Annexation of Batch Addition (LAFCO 27-80)
Application for Amendment of Resolution Pursuant to
Government Code Section 56275

Gentlemen:

Application is hereby made pursuant to Government Code Section 56275 for reconsideration of the action taken by LAFCO in Resolution No. 493, disapproving the Batch reorganization.

We request that the Commission, at its next meeting, delay action on this request until some convenient time after the meeting scheduled to explore ways to solve overcrowding in the Lodi Unified School District. It is my understanding that this meeting will occur on February 23, 1981. The reasons for this application are as follows:

1. The property owner, and his representatives, were not given an opportunity to be fully heard, since the City of Lodi was the lead agency on the annexation proposal. Since the property owner was not permitted to speak in rebuttal, he could not meet the Commission's request that the "need" for annexation be shown.

2. Resolution No. 493, disapproving the Batch reorganization, does not contain findings sufficient, or any findings whatsoever, setting forth the reasons for denial of the annexation request. This is prejudicial to the landowner and could constitute an abuse of discretion.

3. The Commission was understandably concerned with the impact that residential development would have on the Lodi Unified School District. It is unclear from the proceedings

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held on January 16, 1981, if the Lodi Unified School District representatives understood the consequences of annexation of the Batch parcel. Annexation would have no impact whatsoever on the Lodi Unified School District, since the property would not be rezoned. It would enter the City as unclassified holding, which would permit the continued agricultural use of the property. Further, it would not deprive San Joaquin County of "prime agricultural land." The landowner has absolutely no intention of developing the property and would continue to use it for agricultural production. At the time the property is eventually developed, then the City Council of the City of Lodi could set conditions for development in cooperation with the Lodi Unified School District, either at the tentative map stage, or prior to the issuance of the building permits.

4. The property immediately North of the Batch parcel (Kennedy-Taylor Ranch) has already been annexed to the City of Lodi, and the orderly development of this parcel of real property will depend upon the annexation of the Batch parcel.

5. The annexation of the Mills' parcel (20 acres approximately) immediately to the East of the Batch parcel is consistent with good planning, should have been annexed many years ago, and will not remove prime agricultural land from use, nor will it have any impact on the Lodi Unified School District. Annexation of the Mills' property cannot, under any theory of law, constitute inverse condemnation.

It is, therefore, respectfully requested that this application for reconsideration be tabled and that the Commission's final action on this application be postponed for a period of at least 60 to 90 days, so that the problems presently facing the Commission can be, hopefully, resolved. Thereafter, applicant prays that the Commission give notice and set the same for hearing.

Very truly yours,

LETTIS, BELLER, PEROVICH,
SULLIVAN & NEWTON

C. H. SULLIVAN, JR.

CMS:ada

cc: Mr. Robert Batch
Mr. George Barber
Ms. Alice Reimche
Mr. James Schroeder
Mr. Michael McGrew