

379  
ANAGNOS  
RIGHT-OF-WAY  
TURNER/CLUFF

Agenda item "1" - "Anagnos right-of-way Turner/Cluff" was introduced by Staff. Mr. Leo Anagnos, 506 Kensington Way, Lodi, addressed the Council regarding the matter.

Following a lengthy Council discussion, with questions being directed to Staff and to Mr. Anagnos and his brother Spiro Anagnos, Council, on motion of Councilman Hughes, Pinkerton second, directed that the City move with all possible haste to get a response from the Appraiser to the Anagnos proposal, and that an attempt be made to work out this arrangement with the Anagnos family and get the voluntary right of entry. If this is not forthcoming and there continues to be a stalemate, the City Council will get back involved in the matter. The motion carried by the following vote:

Ayes: Councilmen - Hughes, McCarty,  
Murphy, and  
Pinkerton

Noes: Councilmen - Katnich

Absent: Councilmen - None



# CITY OF LODI

## COUNCIL COMMUNICATION

TO: City Council  
FROM: City Manager  
DATE: March 12, 1981  
SUBJECT: Anagnos Easements Required for Turner Road Storm Drain

**RECOMMENDED ACTION:** That the City Council adopt the Resolution of Necessity which is required to start the condemnation proceedings so the City can, if necessary, obtain a right of entry to allow storm drain construction on Turner Road to proceed.

**BACKGROUND INFORMATION:** At the City Council meeting of February 4, 1981, the City Council awarded the Turner Road Storm Drain to Westco Construction Co. The contractor cannot start work until the City has obtained the necessary easements (shown on Exhibit A) from the Anagnos family, or until the City obtains a right of entry. The right of entry can be obtained upon the initiation of the recommended condemnation action by the City Council, or by the agreement of the Anagnos family.

At the end of last year, the City received an appraisal for the necessary permanent and construction easements required for the construction of the Cluff Avenue & Turner Road Storm Drain (EDA Storm Drain). The City has been negotiating with the Anagnos family based on the appraisal and appraisal revision received from the City appraiser. The Anagnos family felt they were unable to accept the City's final offer and have not felt it was in their best interest to allow the City a right of entry in order that the project could proceed.

On February 17, 1981, Mrs. Panagiota Anagnos, owner of the northerly of the two Anagnos' parcels, was sent the attached letter (Exhibit B) from the City Attorney indicating the City's intention with respect to the Resolution of Necessity. This letter gave Mrs. Anagnos 15 days to file a notice with the City that she requested to be heard. A request for hearing was not received.

Early this month, the Willow Oaks Development made a proposal to the City staff which they felt would help in resolving the negotiations with the Anagnos family. The City then met with the Anagnos family and representatives from the Willow Oaks and Sanitary City Developments. The attached memo of March 6 (Exhibit C) recaps this meeting. A summary of the Willow Oaks proposal is as follows and is tied to the attached Exhibit "D":

Willow Oaks will install as part of the proposed Assessment District, and at no cost to the Anagnos family, the paving and the curb and gutter

APPROVED:

HENRY A. GLAVES, City Manager

FILE NO.

as shown in blue on the attached Exhibit "D". This will provide full street improvements on Turner Road from Beckman Road to the westerly side of the Snell's property. These improvements will be made if the following conditions are met:

1. The Anagnos family dedicates all the necessary street rights of way, permanent utility easements and construction easements on Turner Road and Cluff Avenue fronting their existing properties; and
2. Sanitary City and Frank Alegre agree to share in the cost of the curb and gutter installation on Turner Road, fronting the Anagnos' property opposite the Snell and Jerome properties. The City Council has already required Willow Oaks, Sanitary City and Alegre to share in the cost of a 28' roadway (shown in red) in this area. However, the original roadway requirement did not include curb and gutter; and
3. The City of Lodi would front the cost of curb and gutter and approximately 8' of paving fronting the Anagnos property on Cluff Avenue (shown in brown). This work is estimated to cost approximately \$23,000 if done as part of the Assessment District construction and would be in addition to the appraised value of the easement. It is proposed that the money fronted by the City would be paid back to the City at the time of the development of the Anagnos parcels.

At this meeting, the Anagnos family was informed that the City would be proceeding with the condemnation action, in case the matter could not be resolved. It should again be pointed out that this condemnation action allows the City to obtain the necessary rights of entry through a court procedure which will enable our contractor to begin construction. The negotiations can and will continue.

With respect to the Willow Oaks proposal, there appears to be no reason for the City to spend or front \$23,000 of City funds in order to obtain an easement which can be obtained through negotiations or condemnation. If the City proceeds with condemnation, the City of Lodi is obligated to pay the fair market value for the easements in question. There would be no objection to the Willow Oaks offer if it excluded the involvement of the City of Lodi.

If the City Council gives any consideration to fronting money for street improvements, they should review carefully the implications and the precedent setting aspects of their action.

It is felt that the City has an obligation to the Anagnos family to pay the fair market value for the easements in question. The City, however, should have no objection to the Anagnos family entering into a private agreement between themselves and the Willow Oaks Development.

The City of Lodi has a major obligation to obtain the required easements or the rights of entry in order that Westco Construction Co. can start construction of the project awarded to them over a month ago.

City Council  
March 12, 1981  
Page 3

It is understood that representatives of the Willow Oak Development will be at the Council meeting in order to explain their proposal in more detail and to answer any questions the Council may have.



Jack L. Ronsko  
Public Works Director

Attachments

JLR/eeh