

P. 398-399

0245a

CITY COUNCIL MEETING

APRIL 6, 1983

Public Works Director Ronsko presented the following information along with a diagram regarding the Ray/Campbell alley:

RAY/CAMPBELL
ALLEY RIGHT-OF-
WAY AGREEMENT
DISAPPROVED

Sometime ago, the City Council directed the City Attorney "to acquire property in the area", reaffirming an earlier decision to clear the title to the alley shown on Exhibits presented to Council.

Both the Public Works personnel and the City Attorney have spent considerable time with Mr. Campbell in an attempt to resolve the problem without going to court. In the interim, the City has acquired a quitclaim deed from the successors to the Hutchins Estate granting any rights they might have to the City for that parcel highlighted in an Exhibit presented for Councils' perusal. During the last discussion with Mr. Campbell, he presented the City with a new proposal which is covered in the attached agreement. Under this proposal he would quitclaim to the City that portion of his land highlighted in green and he is asking the City to quitclaim to him that portion of the parcel we acquired from the Hutchins Estate that lies outside the occupied alley (approximately 3+ x 90') and, in addition, he is asking the City quitclaim the parcel that we acquired from the Hutchins Estate that is part of the ultimate street right-of-way (3' x 10').

At the present time, there is a 40' setback line on Hutchins Street affirmed by the Council during their hearings on the widening of Hutchins Street. Mr. Campbell contends that should he or anyone else apply for a building permit, dedication of 10 feet along Hutchins Street would be a requirement of the City, including the 3' x 10' parcel.

The present value of the parcel (35 sq.ft.) is estimated to be between \$75 and \$150.

The Public Works Department's position is we should not abandon any portion of future right-of-way which we may have to buy back at a later date. The City Attorney, however, feels it is worth bringing this back to the Council since future costs to the City of purchasing the parcel would offset not having to go to court at this time. It is assumed that if we went to court, none of the allowances we have given Mr. Campbell under the agreement related to parking and zoning computations would be required.

A lengthy discussion followed with questions being directed to Staff and to the City Attorney. On motion of Council Member Pinkerton, Murphy second, Council disapproved the proposed Right-of-Way Agreement with Mr. and Mrs. Don Campbell pertaining to the subject Ray/Campbell Alley.

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CITY OF LODI
PUBLIC WORKS DEPARTMENT

COUNCIL COMMUNICATION

TO: City Council
FROM: City Manager
DATE: April 1, 1983
SUBJECT: Ray/Campbell Alley

RECOMMENDED ACTION: That the City Council review the attached agreement with Mr. and Mrs. Campbell and take appropriate action.

BACKGROUND INFORMATION: Sometime ago, the City Council directed the City Attorney "to proceed to acquire property in the area", reaffirming an earlier decision to clear the title to the alley shown on Exhibit 1 of this memo and Exhibit A of the agreement.

Both the Public Works personnel and the City Attorney have spent considerable time with Mr. Campbell in an attempt to resolve the problem without going to court. In the interim, the City has acquired a quitclaim deed from the successors to the Hutchins Estate granting any rights they might have to the City for that parcel highlighted in yellow on Exhibit 1. During the last discussion with Mr. Campbell, he presented the City with a new proposal which is covered in the attached agreement. Under this proposal (refer to Exhibit 1), he would quitclaim to the City that portion of his land highlighted in green and he is asking the City to quitclaim to him that portion of the parcel we acquired from the Hutchins Estate that lies outside the occupied alley (approximately 3+ x 90', dotted and yellow), and, in addition, he is asking the City quitclaim the parcel, crosshatched and in yellow, that we acquired from the Hutchins Estate that is part of the ultimate street right-of-way (3'+ x 10').

At the present time, there is a 40' setback line on Hutchins Street affirmed by the Council during their hearings on the widening of Hutchins Street. Mr. Campbell contends that should he or anyone else apply for a building permit, dedication of 10 feet along Hutchins Street would be a requirement of the City, including the 3' x 10' parcel.

The present value of the parcel (35 sq. ft.) is estimated to be between \$75 and \$150.

The Public Works Department's position is we should not abandon any portion of future right-of-way which we may have to buy back at a later date. The City Attorney, however, feels it is worth bringing this back to the Council since future costs to the City of purchasing the crosshatched parcel would offset not having to go to court at this time. It is assumed that if we went to court, none of the allowances we have given Mr. Campbell under the agreement related to parking and zoning computations would be required.

APPROVED:

HENRY A. GLAVES, City Manager

FILE NO.

City Council
April 1
Page 2

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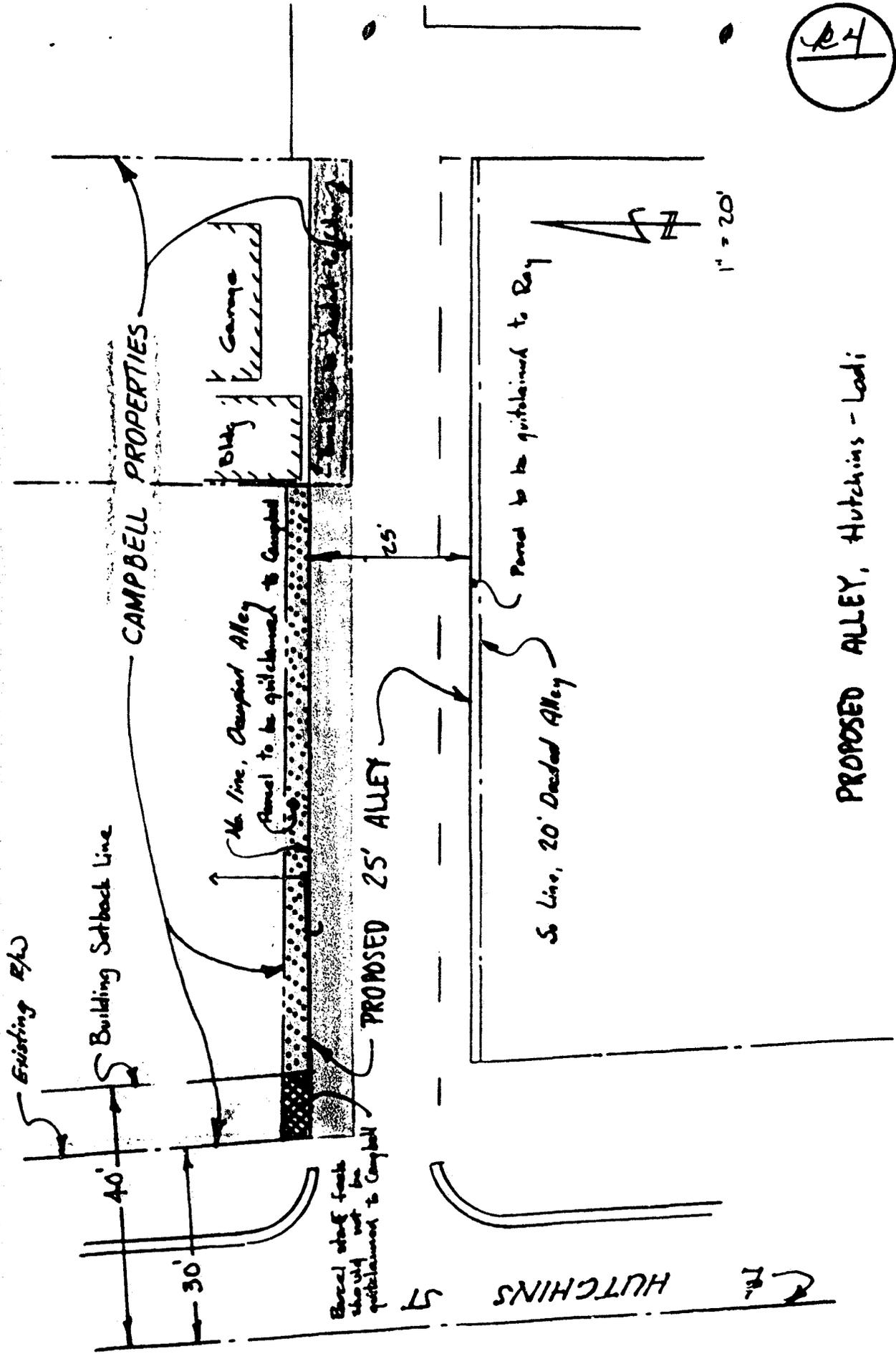
Mr. Campbell has been informed this will be discussed by the Council and has been sent a copy of this memorandum.



Jack L. Ronsko
Public Works Director

Attachments

JLR/GER/dmw

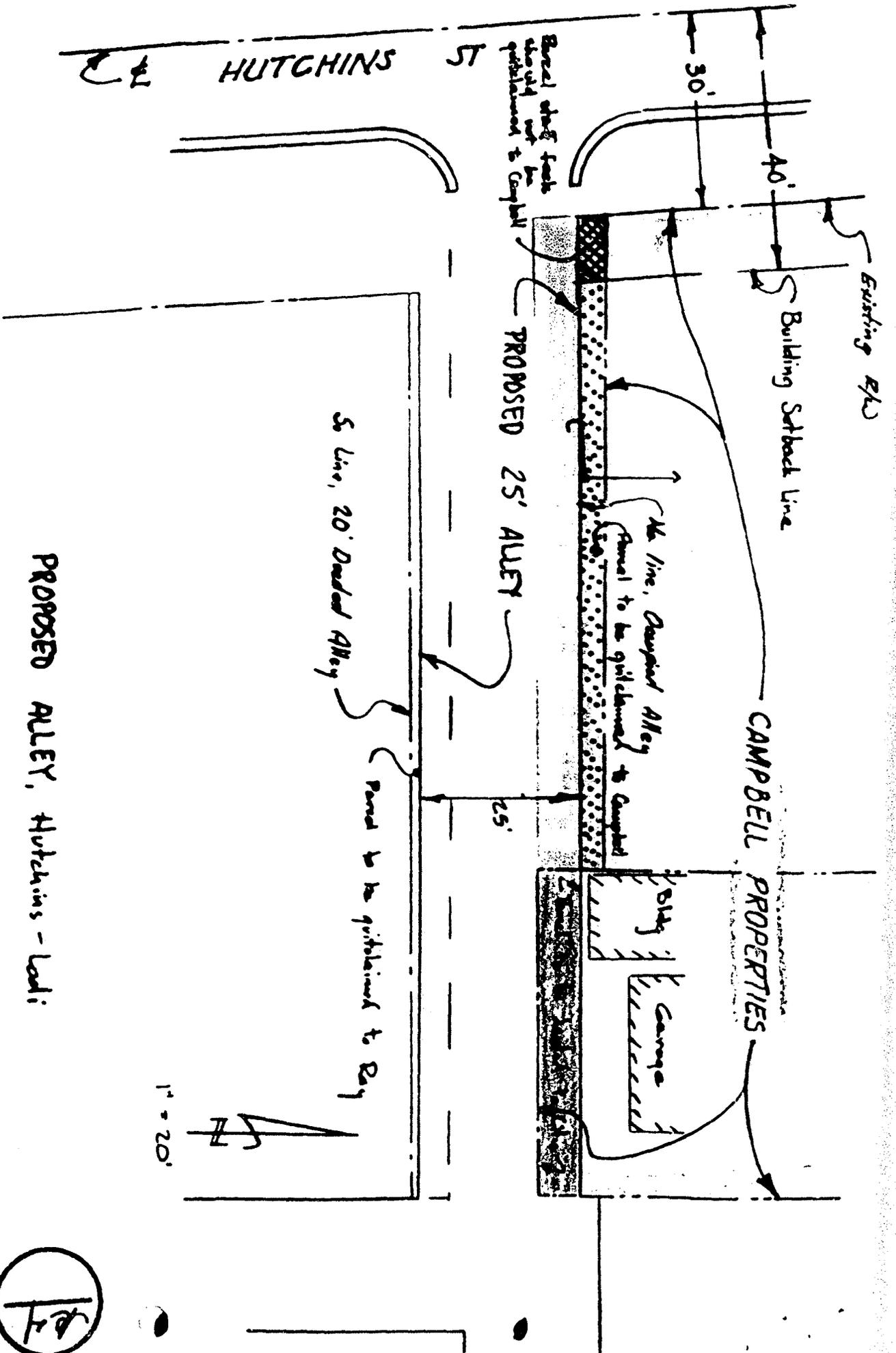


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PROPOSED ALLEY, HUTCHINS - LODI

EXHIBIT 1
COUNCIL COMMUNICATION

MARCH 30, 1983



PROPOSED ALLEY, Hutchins - Lead:

1/2

EXHIBIT 1
Council Communication

MARCH 30, 1983

CITY COUNCIL

EVELYN M. OLSON, Mayor
JOHN R. (Randy) SNIDER
Mayor Pro Tempore
ROBERT G. MURPHY
JAMES W. PINKERTON, Jr.
FRED M. REID

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
POST OFFICE BOX 320
LODI, CALIFORNIA 95241
(209) 334-5634

HENRY A. CLAVES, Jr.
City Manager

ALICE M. REIMCHE
City Clerk

RONALD M. STEIN
City Attorney

April 6, 1983

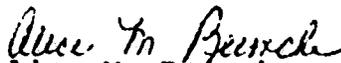
Mr. Don Campbell
412 West Walnut Street
Lodi, CA 95240

Dear Mr. Campbell:

This letter will serve as formal notification that the Lodi City Council, in action taken at a regular meeting held April 6, 1983, by motion action disapproved the attached proposed right-of-way agreement covering the Ray/Campbell alley.

Should you have any questions regarding this action, please do not hesitate to call this office.

Very truly yours,


Alice M. Reimche
City Clerk

AMR:jj

AGREEMENT

CAMPBELL - 412 W. WALNUT STREET

THIS AGREEMENT entered into this 16th day of March, 1983, by and between Donald J. Campbell and Marjorie L. Campbell, hereinafter called Grantor, and the CITY OF LODI, hereinafter called City.

WITNESSETH:

1. Grantor agrees to Quitclaim to City and City agrees to accept a quitclaim deed for that certain real property in the City of Lodi, County of San Joaquin, State of California, described as follows:

A portion of Lot 1 and 2 in Block 12, Hutchins Addition to Lodi, according to the Official Map thereof filed for record in Volume 1 of Maps, page 58, San Joaquin County Records, described as follows: Commencing at a point in the East line of Hutchins Street (60' wide) as shown on said Map of Hutchins Addition to Lodi, said point being the Southwest corner of Parcel 1 as described in the Deed to the Lodi Union High School District recorded December 7, 1939, in Volume 666 of Official Records, page 422, San Joaquin County Records; thence South 0° 30' East along the East line of said Hutchins Street a distance of 10.83 feet, more or less, to a point in the North line of the Alley Way as conveyed to the City of Lodi by instrument recorded March 1, 1911, in Book A of Deeds, Volume 200, page 371, San Joaquin County Records; thence South 86° 29' East, 101.11 feet along the North line of said Alley Way to its intersection with the Southerly extension of the Easterly line of Parcel 1 as described in the Deed to the Lodi Union High School District as hereinbefore referred to and the True Point of Beginning; thence South 86° 29' East, 50.80 feet along the North line of said Alley Way; thence North 3° 55' 30" East, 6.46 feet; thence North 86° 09' 40" West, 50.80 feet; thence South 3° 55' 30" West, 6.74 feet to the True Point of Beginning.

Said real property being a portion of the parcel commonly known as 412 W. Walnut Street.

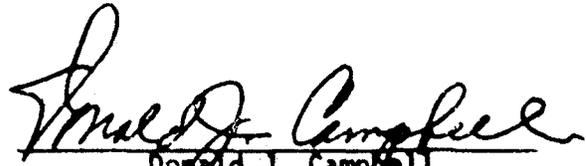
2. City agrees to:
 - a) Maintain a 25' alley as shown on the map attached as Exhibit A;
 - b) Quitclaim to Grantor the area north of said 25' alley as shown crosshatched on said Exhibit A;
 - c) Allow the 25' alley to be used as maneuvering and backing space for any vehicle parking adjacent to said 25' alley;
 - d) Allow one half of the alley to be used in computing allowable dwelling units for 412 and 420 W. Walnut.
3. City agrees to pay all title, escrow and recording fees.
4. Both parties agree to recording of the deeds.

5. Both parties agree that they have herein set forth the whole of their Agreement. The performance of this Agreement constitutes the entire consideration and shall relieve City of all further obligation or claims.
6. This agreement is binding on the heirs, executors, administrators and assigns of the parties hereto.

IN WITNESS WHEREOF the parties have executed this Agreement the day and year hereinabove written.

CITY OF LODI, a Municipal Corporation

By: _____
Henry A. Graves, City Manager



Donald J. Campbell

Attest: _____
Alice M. Reimche, City Clerk



Marjorie L. Campbell

HUTCHINS ST.

Existing Property Line

CAMPBELL PROPERTIES

101.94'
101.67'
No line, Occupied Alley
Removal to be given to Campbell

PROMISED 25' ALLEY

25'

5 line, 20' Dashed Alley

RAY PROPERTIES

Removal to be given to Ray

5.06'
Garage
Removal to be added to City

PROMISED ALLEY, Hutchins - Lead:

1" = 20'



EXHIBIT "A"
9.3.13.03