



**CITY OF LODI  
COUNCIL COMMUNICATION**

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**AGENDA TITLE:** Adopt Resolution Authorizing City Manager to Execute Improvement Deferral Agreement for 32 East Tokay Street

**MEETING DATE:** May 1, 2013

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** Adopt resolution authorizing City Manager to execute improvement deferral agreement for 32 East Tokay Street.

**BACKGROUND INFORMATION:** The owner of the property, Pacific Coast Producers, a Non-Profit Agricultural Cooperative Association (Owner), has recently constructed tenant improvements to an existing building located at 32 East Tokay Street. Building permit No. B12-0763 required offsite improvements that include 190 linear feet of curb, gutter and sidewalk along Tokay Street (estimated cost of \$9,576).

The Owner has requested that construction of the required improvements be deferred until the next phase of improvements to the property is initiated. The next phase of improvements, scheduled for Fall 2013, will consists of removing an existing building along Tokay Street and constructing a parking lot.

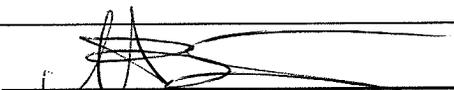
The Owner has agreed to the terms and conditions on the attached improvement deferral agreement (Agreement) and paid the necessary fees. The Agreement requires the owner to pay for the design and installation of the required improvements on Tokay Street in accordance with City standards, as part of the next phase of improvements, or at the request of the City, whichever occurs first. Staff recommends approval of the attached Agreement.

**FISCAL IMPACT:** None.

**FUNDING AVAILABLE:** The Improvement Deferral Agreement Fee (\$1,897) and recording fees were paid by the Owner.

  
\_\_\_\_\_  
F. Wally Sandelin  
Public Works Director

Prepared by Chris Boyer, Assistant Engineer  
FWS/CRB/pmf  
Attachment  
cc: Development Services  
Mike Van Gundy, 741 S. Stockton St, Lodi, CA 95240  
City Engineer/Deputy Public Works Director

**APPROVED:**   
\_\_\_\_\_  
Konradt Bartlam, City Manager

WHEN RECORDED, RETURN TO:

City Clerk  
City of Lodi  
221 West Pine Street  
Lodi, CA 95240

IMPROVEMENT DEFERRAL AGREEMENT

32 East Tokay Street, Lodi, California  
(APN 047-030-20)

THIS AGREEMENT is made and entered into by and between the CITY OF LODI, hereinafter referred to as "City" and PACIFIC COAST PRODUCERS, a Non-Profit Agricultural Cooperative Association, hereinafter referred to as "Owner".

RECITALS:

Owner is the owner of that certain real property situated in the City of Lodi, County of San Joaquin, known as 32 East Tokay Street (APN 047-030-20) and described as follows:

See Exhibit A for legal description.

Building application (B12-0763) has been submitted to allow a tenant improvement to an existing building on the subject property. Installation of public improvements along Tokay Street are required as a condition of permit issuance in accordance with existing City ordinances and policies regarding off-site improvements as set forth in Title 15, Chapter 15.44 of the Lodi Municipal Code. Required improvements include, but are not limited to, the installation 190 linear feet of concrete curb, gutter and sidewalk in accordance with the City's Standard Plans and Specifications, see Exhibit B for total improvements quantities. Owner is desirous of complying with existing City ordinances and policies regarding off-site improvements. Owner has requested that the improvements on Tokay Street be deferred.

Council of the City will approve the deferral of the required Tokay Street improvements on condition that the Owner first enters into and execute this agreement with City.

NOW THEREFORE, in order to insure satisfactory performance by Owner of Owner's obligations under said City Code, the parties agree as follows:

1. Owner agrees to pay for and complete the design and installation of the required improvements on Tokay Street in accordance with City Standards, including payment for engineering and other applicable City fees. The improvements shall commence at such time the Owner requests a building permit to expand their parking lot along Tokay Street, or at the time Tokay Street is improved, or at the request of the City, whichever occurs first.
2. Owner agrees to undertake the design and construction of the required improvements within 30 days after written notice is given by the City, subject to Item #1 above, and will complete the required improvements within 120 days from the date of notice.

3. This agreement shall run with the land and be binding on the Owner, its heirs, successors or assigns.
4. If Owner fails to complete the required improvements, or make the fee payments as required by Item #1 of this Agreement within the time period specified in Item #2 above, the City shall be entitled, at its election, to either 1) file suit against Owner, its heirs, successors or assigns, for the full value of the improvements at the time period specific in Item #2 above plus attorney fees, or 2) complete the improvements at the expense of Owner, and file suit against Owner, its heirs, successors or assigns for the costs incurred, plus attorney fees. In either case, the obligations of this Agreement shall be secured by a lien against said property for the full value of the improvement costs set forth in Exhibit A.
5. A copy of the Agreement shall be recorded in the office of the San Joaquin County Records, P. O. Box 1968, Stockton, California 95201-1968.
6. All notices herein required shall be in writing, and delivered in person or sent by registered mail, postage prepaid.

Notices required to be given to City shall be addressed as follows:

F. Wally Sandelin  
Public Works Director  
City of Lodi  
P. O. Box 3006  
Lodi, CA 95240-1910

Notices required to be given to Owner shall be addressed as follows:

Mike Van Gundy  
Plant Manager  
741 South Stockton Street  
Lodi, CA 95240

IN WITNESS WHEREOF, the parties hereto have set their hands the day, month and year appearing opposite their names.

CITY OF LODI, a Municipal Corporation

Dated: \_\_\_\_\_ 2013

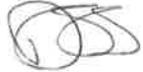
By: \_\_\_\_\_  
Konradt Bartlam, City Manager

Attest: \_\_\_\_\_  
Randi Johl, City Clerk

Pacific Coast Producers, a Non-Profit  
Agricultural Cooperative Association

Dated: \_\_\_\_\_ 2013

\_\_\_\_\_  
Mike Van Gundy, Plant Manager

Approved as to form: \_\_\_\_\_  
D. Stephen Schwabauer  
City Attorney 

Dated: \_\_\_\_\_ 2013

APN: 047-030-02  
Address: 32 E. Tokay Street

Exhibit "A"

Lots 70 and 71, LODI BARNHART TRACT, filed for record November 5, 1906 in Vol. 3 of Maps and Plats, page 48, San Joaquin County Records.

- a.) EXCEPT the West 50 feet of Lot 71,
- b.) ALSO EXCEPTING that portion of said Lots lying Easterly of the following described line.

BEGINNING at a point on the South line of said Lot 70 distant Westerly 110.57 feet from the West line of South Stockton Street being the Southeast corner of the land described in the Deed to Stokely-Van Camp, Inc., recorded January 9, 1957 in Vol. of Official Records, page, Series No. 1000; thence North along the East line of the land described in the last mentioned Deed, 462.54 feet, due West 2 feet and Northwesterly on a curver to the left radius 163', an arc distance of 209.6 feet to a point on the West line of the land described in the Deed Central California Traction Company, recorded June 15, 1937 in Vol 575 of Official Records, page 286; thence North along the last mention West line 33.37 feet to the South line of Tokay Street.

Development: 32 East Tokay Street  
Developer: Pacific Coast Producers  
Engineer:

Acres:  
Date: 4/11/12

TOTAL COST OF PROJECT IMPROVEMENTS

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Price</u>	<u>Total</u>	<u>Quantity</u>	<u>Total</u>
<b><u>Street System</u></b>							
1	Vertical Curb, Gutter and Sidewalk (7')	190	LF	42.00	7,980.00	190	7,980.00
					<b>Subtotal</b>		<b>Subtotal</b>
							\$7,980.00
Total Construction Cost							\$798.00
Engineering & Administration (10% of Construction Costs)							\$798.00
Contingencies (10% of Construction Costs)							\$798.00
TOTAL COST						<b>A. Total</b>	<b>\$9,576.00</b>

RESOLUTION NO. 2013-75

A RESOLUTION OF THE LODI CITY COUNCIL  
APPROVING IMPROVEMENT DEFERRAL  
AGREEMENT WITH PACIFIC COAST PRODUCERS  
FOR 32 EAST TOKAY STREET

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NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the Improvement Deferral Agreement between the City of Lodi and Pacific Coast Producers, a Non-Profit Agricultural Cooperative Association, for installation of public improvements for the facility located at 32 East Tokay Street; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute the agreement on behalf of the City of Lodi.

Dated: May 1, 2013

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I hereby certify that Resolution No. 2013-75 was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 1, 2013, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Johnson, Katzakian, Mounce, and Mayor Nakanishi

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

  
RANDI JOHL  
City Clerk

CITY COUNCIL

ALAN NAKANISHI, Mayor  
PHIL KATZAKIAN,  
Mayor Pro Tempore  
LARRY D. HANSEN  
BOB JOHNSON  
JOANNE L. MOUNCE

**CITY OF LODI**  
**PUBLIC WORKS DEPARTMENT**

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 333-6706  
FAX (209) 333-6710  
EMAIL [pwdept@lodi.gov](mailto:pwdept@lodi.gov)  
<http://www.lodi.gov>

KONRADT BARTLAM  
City Manager  
RANDI JOHL  
City Clerk  
D. STEVEN SCHWABAUER  
City Attorney  
F. WALLY SANDELIN  
Public Works Director

April 25, 2013

Pacific Coast Producers  
Mike Van Gundy, Plant Manager  
741 S. Stockton Street  
Lodi, CA 95240

**SUBJECT: Adopt Resolution Authorizing City Manager to Execute Improvement  
Deferral Agreement for 32 East Tokay Street**

Enclosed is a copy of background information on an item on the City Council agenda of Wednesday, May 1, 2013. The meeting will be held at 7 p.m. in the City Council Chamber, Carnegie Forum, 305 West Pine Street.

This item is on the consent calendar and is usually not discussed unless a Council Member requests discussion. The public is given an opportunity to address items on the consent calendar at the appropriate time.

If you wish to write to the City Council, please address your letter to City Council, City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the mail. Or, you may hand-deliver the letter to City Hall, 221 West Pine Street.

If you wish to address the Council at the Council Meeting, be sure to fill out a speaker's card (available at the Carnegie Forum immediately prior to the start of the meeting) and give it to the City Clerk. If you have any questions about communicating with the Council, please contact Randi Johl, City Clerk, at 333-6702.

If you have any questions about the item itself, please call Chris Boyer, Assistant Engineer, at 333-6800, extension 3321.



for:

F. Wally Sandelin  
Public Works Director

FWS/pmf

Enclosure

cc: City Clerk