



**CITY OF LODI  
COUNCIL COMMUNICATION**

**AGENDA TITLE:** Adopt Resolution of Intent to Vacate Pedestrian Access Between Holly Drive and Daisy Avenue, East of Ham Lane, and Set Public Hearing for June 5, 2013  
**MEETING DATE:** May 1, 2013  
**PREPARED BY:** Public Works Director

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**RECOMMENDED ACTION:** Adopt Resolution of Intent to vacate the pedestrian access between Holly Drive and Daisy Avenue, east of Ham Lane, and set a public hearing for June 5, 2013.

**BACKGROUND INFORMATION:** The proposed vacation is requested by Mr. Tom Ushing, who resides at 700 Daisy Avenue. The proposed vacation is a 10-foot wide pedestrian access surrounded by four residential properties located at 700 Daisy Avenue, 648 Daisy Avenue, 915 Holly Drive and 909 Holly Drive, as shown on Exhibits A and B.

The pedestrian access was dedicated to the City in 1955 as part of the Bel Air Estates Subdivision and was intended for use by George Washington Elementary School students living north of Holly Drive as a "short cut" to get to school. Recently, Lodi Unified School District modified the school boundaries so that students residing north of Holly Drive are now within the Lakewood School boundary, as shown on Exhibit C. Public Works staff contacted Lodi Unified School District and received support for the proposed vacation, as reflected in the attached email (Exhibit D).

The request is primarily driven by property owners tired of dealing with increased transient use, graffiti, fights and even motorcycle use. However, the pedestrian access crosses the Union Pacific Railroad tracks without any safety measures for pedestrians, leaving the City liable to injury lawsuits.

On July 9, 2012, staff notified the four adjacent property owners in writing of the terms and conditions of the proposed vacation. The property owners will be required to remove the existing fencing, possibly the pavement and replace the fencing at the owners' expense. Three property owners responded with letters stating they would like to participate in the acquisition from the City. The home owners at 700 and 648 Daisy Avenue have both accepted and will receive half (five feet) of the City property. Of the two Holly Drive home owners, only the one at 915 Holly Drive wanted to participate and will therefore receive the entire City property (10 feet) located between 915 and 909 Holly Drive.

No public or private utilities are located within the 10-foot wide pedestrian access. All public and private utility companies have been contacted in writing and have approved the vacation of the pedestrian access.

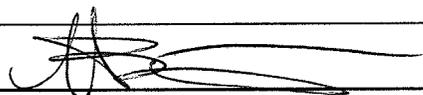
**FISCAL IMPACT:** Not applicable.

**FUNDING AVAILABLE:** Not applicable.

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

Prepared by Chris Boyer, Associate Engineer  
FWS/CRB/pmf  
Attachments  
cc: Charlie Swimley, City Engineer/Deputy Public Works Director  
Denise Wiman, Senior Engineering Technician

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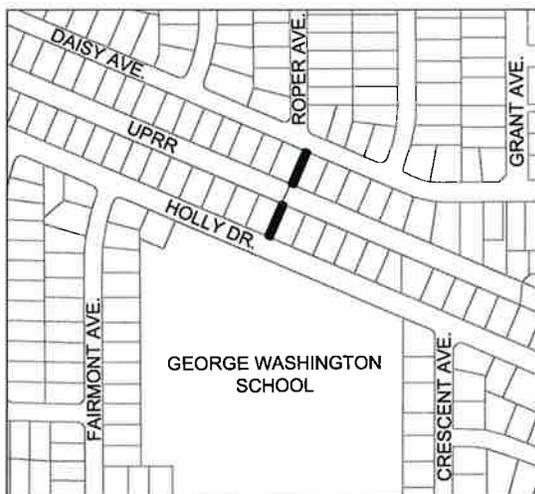
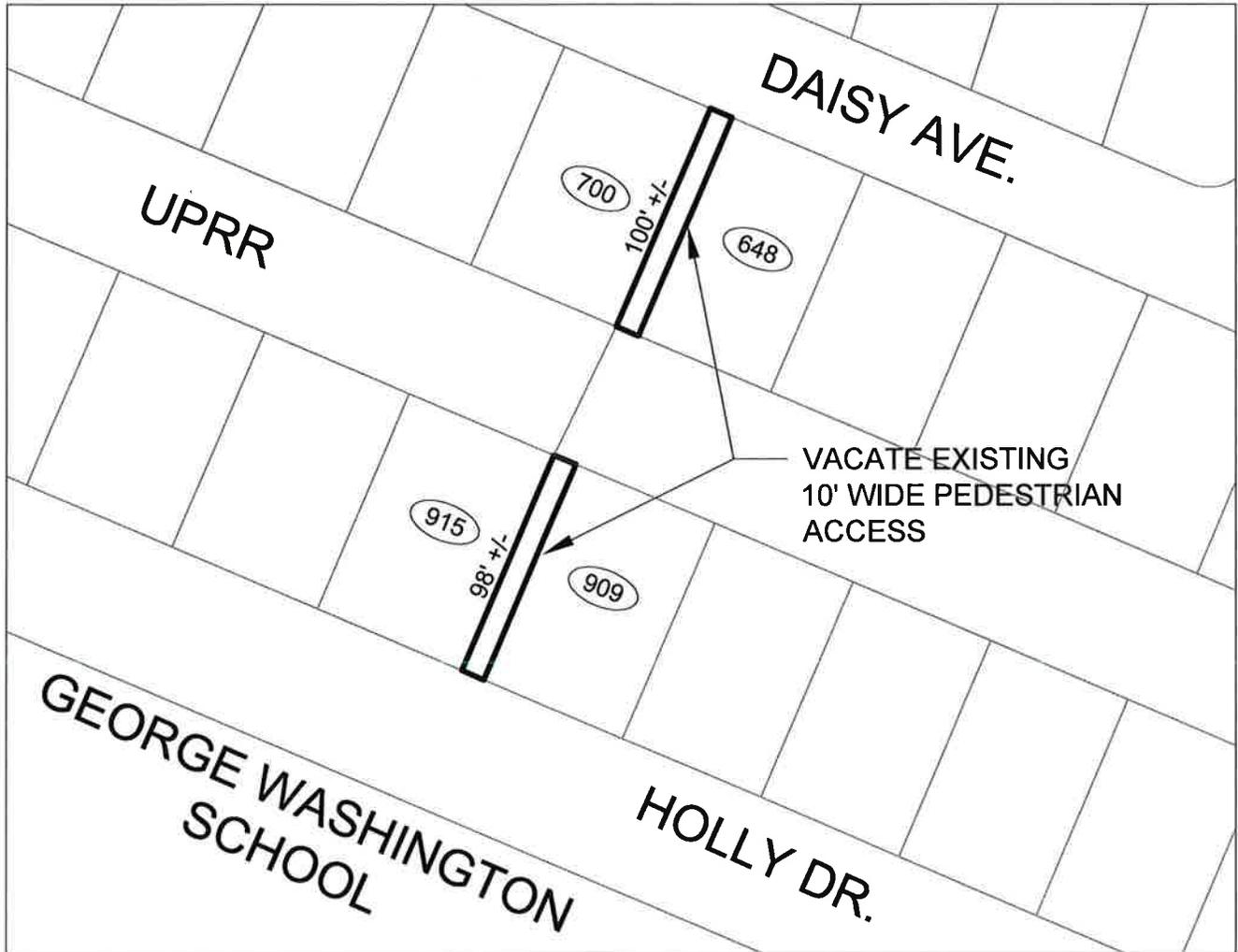
**APPROVED:**   
\_\_\_\_\_  
Konradt Bartlam, City Manager



# CITY OF LODI

PUBLIC WORKS DEPARTMENT

## EXHIBIT A DAISY AVE AND HOLLY DR VACATE PEDESTRIAN ACCESS



VICINITY MAP



N.T.S.

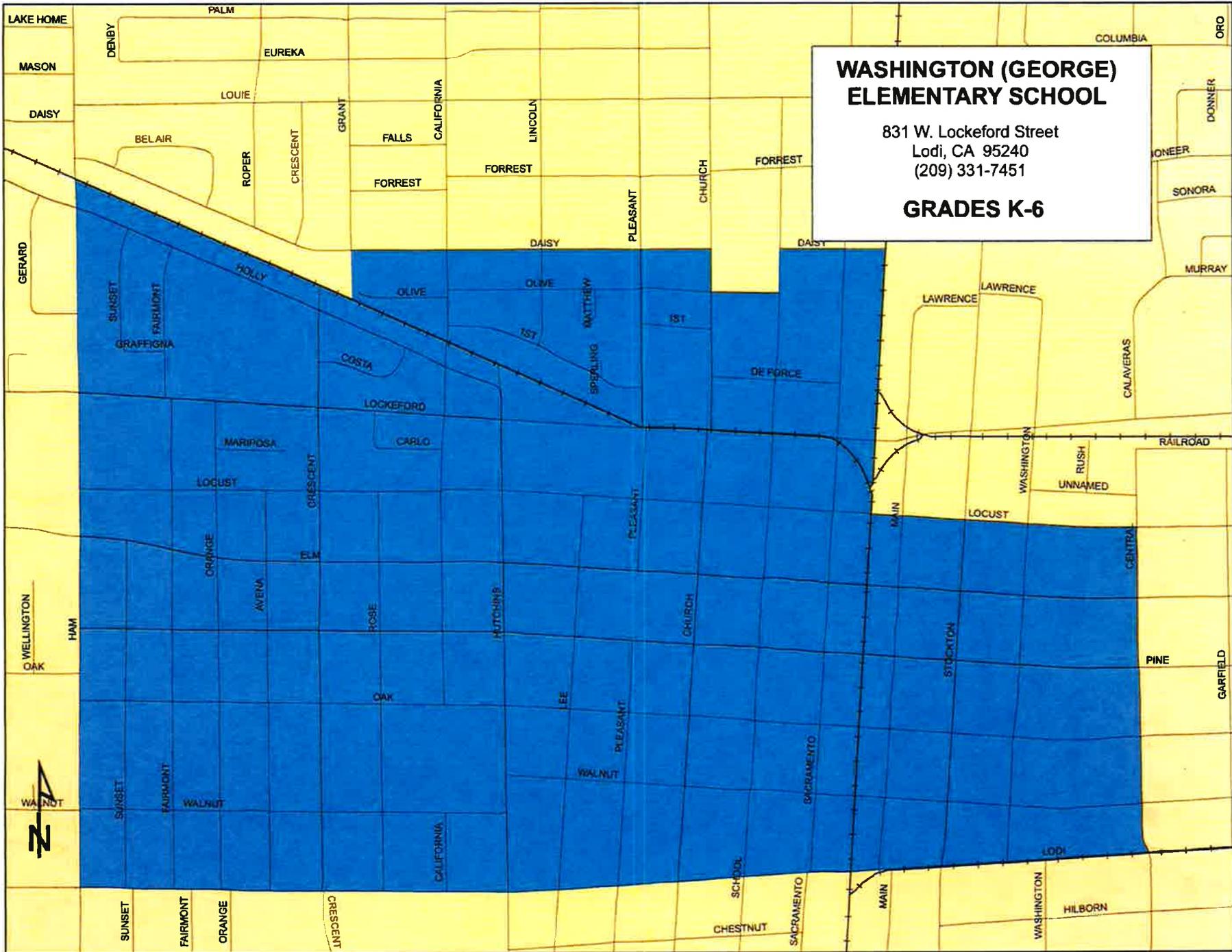


# PROPOSED "WALKWAY" EASEMENT ABANDONMENT

## Legend

 "Walkway" alley to be abandoned





**WASHINGTON (GEORGE)  
ELEMENTARY SCHOOL**

831 W. Lockeford Street  
Lodi, CA 95240  
(209) 331-7451

**GRADES K-6**

**Chris Boyer**

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**From:** Vickie Brum (Facility Planning) [vbrum@lodi.usd.net]  
**Sent:** Monday, December 12, 2011 09:01 AM  
**To:** Chris Boyer  
**Subject:** Walkway Easement Abandonment

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Chris,  
The District supports the City of Lodi quest to abandon the walkway easement off Daisy Avenue.  
Let me know what you need the District to do to make this happen.  
Sincerely,

*Vickie Brum  
Planning Analyst II  
Facilities and Planning  
PHONE: 209.331.7223  
FAX: 209.331.7229  
EMAIL: [vbrum@lodi.usd.net](mailto:vbrum@lodi.usd.net)*

RESOLUTION NO. 2013-81

A RESOLUTION OF THE LODI CITY COUNCIL DECLARING ITS INTENTION TO VACATE THE PEDESTRIAN ACCESS BETWEEN HOLLY DRIVE AND DAISY AVENUE, EAST OF HAM LANE, AND TO SET A PUBLIC HEARING SO ALL PERSONS INTERESTED IN OR OBJECTING TO THE PROPOSED ABANDONMENT CAN BE HEARD

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NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council as follows:

It is the intention of the City Council of the City of Lodi, acting in accordance with the provisions of Section 8300 et seq. of the Streets and Highways Code of the State of California, to vacate the pedestrian access between Holly Drive and Daisy Avenue, east of Ham Lane, as shown on Exhibit A attached hereto and thereby made a part hereof.

Reference is hereby made to a map or plan on file in the office of the City Clerk of the City of Lodi for the particulars as to the proposed vacation.

BE IT FURTHER RESOLVED that this City Council does hereby fix Wednesday, June 5, 2013, at the hour of 7:00 p.m., in the City Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, California, as the time and place when and where all persons interested in or objecting to this proposed vacation may appear before this City Council and be heard; and

BE IT FURTHER RESOLVED that the Public Works Director shall cause to be posted notices of vacation conspicuously along the line of the portion of street hereinabove described and proposed to be vacated in the manner, form, and for the length of time set forth in Section 8323 of the Streets and Highways Code of the State of California; and

BE IT FURTHER RESOLVED that copies of this resolution shall be published for at least two successive weeks prior to June 5, 2013 in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi, County of San Joaquin.

Dated: May 1, 2013

=====

I hereby certify that Resolution No. 2013-81 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

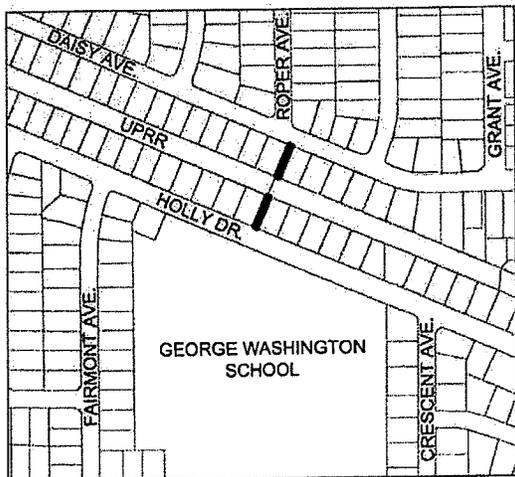
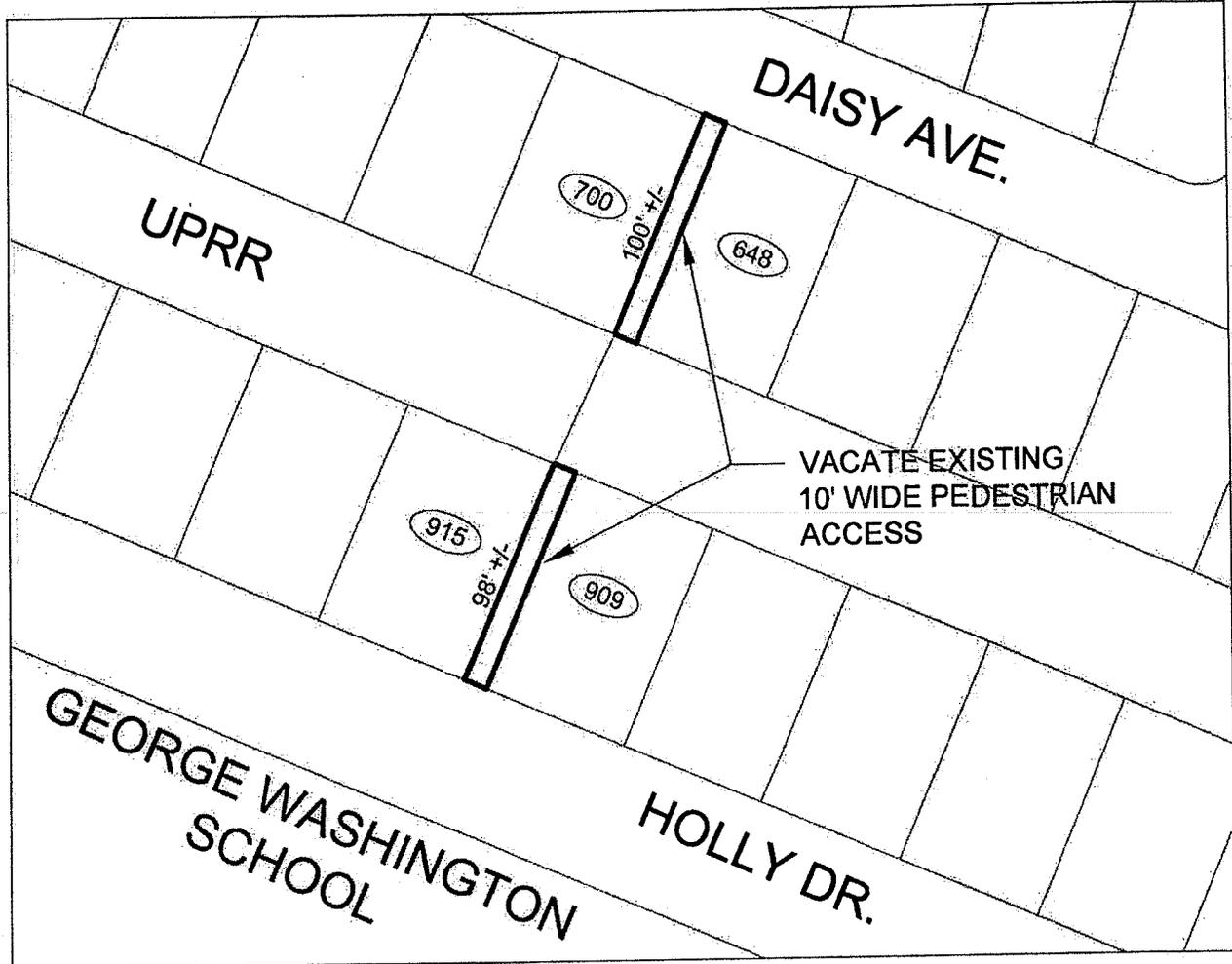
  
RANDI JOHL  
City Clerk



# CITY OF LODI

PUBLIC WORKS DEPARTMENT

## EXHIBIT A DAISY AVE AND HOLLY DR VACATE PEDESTRIAN ACCESS



VICINITY MAP



N.T.S.



*Please immediately confirm receipt of this fax by calling 333-6702*

CITY OF LODI  
P. O. BOX 3006  
LODI, CALIFORNIA 95241-1910

**ADVERTISING INSTRUCTIONS**

**SUBJECT: PUBLIC HEARING TO CONSIDER RESOLUTION OF INTENTION TO VACATE THE PEDESTRIAN ACCESS BETWEEN HOLLY DRIVE AND DAISY AVENUE, EAST OF HAM LANE**

**PUBLISH DATE: SATURDAY, MAY 4, 2013  
SATURDAY, MAY 11, 2013**

**LEGAL AD**

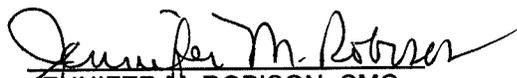
**TEAR SHEETS WANTED: One (1) please**

**SEND AFFIDAVIT AND BILL TO:  
LNS ACCT. #0510052**

RANDI JOHL, CITY CLERK  
City of Lodi  
P.O. Box 3006  
Lodi, CA 95241-1910

**DATED: THURSDAY, MAY 2, 2013**

**ORDERED BY: RANDI JOHL  
CITY CLERK**

  
JENNIFER M. ROBISON, CMC  
ASSISTANT CITY CLERK

\_\_\_\_\_  
MARIA DITMORE  
ADMINISTRATIVE CLERK

**Verify Appearance of this Legal in the Newspaper – Copy to File**

LNS Faxed to the Sentinel at 369-1084 at \_\_\_\_\_ (time) on \_\_\_\_\_ (date) \_\_\_\_\_ (pages)  
Phoned to confirm receipt of all pages at \_\_\_\_\_ (time) \_\_\_\_\_ CF \_\_\_\_\_ MB \_\_\_\_\_ JMR (Initials)

**NOTICE OF PUBLIC HEARING**

RESOLUTION NO. 2013-81

A RESOLUTION OF THE LODI CITY COUNCIL DECLARING ITS INTENTION TO VACATE THE PEDESTRIAN ACCESS BETWEEN HOLLY DRIVE AND DAISY AVENUE, EAST OF HAM LANE, AND TO SET A PUBLIC HEARING SO ALL PERSONS INTERESTED IN OR OBJECTING TO THE PROPOSED ABANDONMENT CAN BE HEARD

=====

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council as follows:

It is the intention of the City Council of the City of Lodi, acting in accordance with the provisions of Section 8300 et seq. of the Streets and Highways Code of the State of California, to vacate the pedestrian access between Holly Drive and Daisy Avenue, east of Ham Lane, as shown on Exhibit A, which is on file in the City Clerk's Office.

Reference is hereby made to a map or plan on file in the office of the City Clerk of the City of Lodi for the particulars as to the proposed vacation.

BE IT FURTHER RESOLVED that this City Council does hereby fix Wednesday, **June 5, 2013, at the hour of 7:00 p.m.**, in the City Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, California, as the time and place when and where all persons interested in or objecting to this proposed vacation may appear before this City Council and be heard; and

BE IT FURTHER RESOLVED that the Public Works Director shall cause to be posted notices of vacation conspicuously along the line of the portion of street hereinabove described and proposed to be vacated in the manner, form, and for the length of time set forth in Section 8323 of the Streets and Highways Code of the State of California; and

BE IT FURTHER RESOLVED that copies of this resolution shall be published for at least two successive weeks prior to June 5, 2013 in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi, County of San Joaquin.

Dated: May 1, 2013

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I hereby certify that Resolution No. 2013-81 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



## DECLARATION OF POSTING

### **PUBLIC HEARING TO CONSIDER RESOLUTION OF INTENTION TO VACATE THE PEDESTRIAN ACCESS BETWEEN HOLLY DRIVE AND DAISY AVENUE, EAST OF HAM LANE**

On Thursday, May 2, 2013, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing to consider Resolution of Intention to vacate the pedestrian access between Holly Drive and Daisy Avenue, east of Ham Lane (attached and marked as Exhibit A) was posted at the following locations:

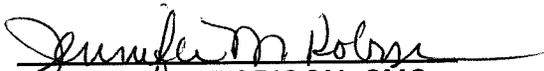
Lodi Public Library  
Lodi City Clerk's Office  
Lodi City Hall Lobby  
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 2, 2013, at Lodi, California.

ORDERED BY:

**RANDI JOHL  
CITY CLERK**

  
**JENNIFER M. ROBISON, CMC  
ASSISTANT CITY CLERK**

\_\_\_\_\_  
**MARIA DITMORE  
ADMINISTRATIVE CLERK**

**NOTICE OF PUBLIC HEARING**

RESOLUTION NO. 2013-81

**EXHIBIT A**

A RESOLUTION OF THE LODI CITY COUNCIL DECLARING ITS INTENTION TO VACATE THE PEDESTRIAN ACCESS BETWEEN HOLLY DRIVE AND DAISY AVENUE, EAST OF HAM LANE, AND TO SET A PUBLIC HEARING SO ALL PERSONS INTERESTED IN OR OBJECTING TO THE PROPOSED ABANDONMENT CAN BE HEARD

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NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council as follows:

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Reference is hereby made to a map or plan on file in the office of the City Clerk of the City of Lodi for the particulars as to the proposed vacation.

BE IT FURTHER RESOLVED that this City Council does hereby fix Wednesday, **June 5, 2013, at the hour of 7:00 p.m.**, in the City Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, California, as the time and place when and where all persons interested in or objecting to this proposed vacation may appear before this City Council and be heard; and

BE IT FURTHER RESOLVED that the Public Works Director shall cause to be posted notices of vacation conspicuously along the line of the portion of street hereinabove described and proposed to be vacated in the manner, form, and for the length of time set forth in Section 8323 of the Streets and Highways Code of the State of California; and

BE IT FURTHER RESOLVED that copies of this resolution shall be published for at least two successive weeks prior to June 5, 2013 in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi, County of San Joaquin.

Dated: May 1, 2013

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I hereby certify that Resolution No. 2013-81 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



## DECLARATION OF MAILING

### **PUBLIC HEARING TO CONSIDER RESOLUTION OF INTENTION TO VACATE THE PEDESTRIAN ACCESS BETWEEN HOLLY DRIVE AND DAISY AVENUE, EAST OF HAM LANE**

On Thursday, May 2, 2013, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing Notice of Public Hearing to consider Resolution of Intention to vacate the pedestrian access between Holly Drive and Daisy Avenue, east of Ham Lane, attached hereto marked Exhibit A. The mailing list for said matter is attached hereto, marked Exhibit B.

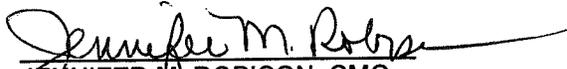
There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 2, 2013, at Lodi, California.

ORDERED BY:

**RANDI JOHL  
CITY CLERK, CITY OF LODI**

  
JENNIFER M. ROBISON, CMC  
ASSISTANT CITY CLERK

\_\_\_\_\_  
MARIA DITMORE  
ADMINISTRATIVE CLERK

CITY COUNCIL

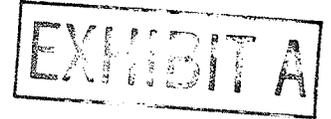
ALAN NAKANISHI, Mayor  
PHIL KATZAKIAN,  
Mayor Pro Tempore  
LARRY D. HANSEN  
BOB JOHNSON  
JOANNE MOUNCE

# CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 333-6702 / FAX (209) 333-6807  
[www.lodi.gov](http://www.lodi.gov)     [cityclerk@lodi.gov](mailto:cityclerk@lodi.gov)

KONRADT BARTLAM  
City Manager  
RANDI JOHL, City Clerk  
D. STEPHEN SCHWABAUER  
City Attorney

May 2, 2013



TO: Interested Parties

**VACATION: INTENTION TO VACATE THE PEDESTRIAN ACCESS BETWEEN  
HOLLY DRIVE AND DAISY AVENUE, EAST OF HAM LANE**

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This is to inform you that the City Council, at its regular meeting on May 1, 2013, adopted a Resolution of Intention to vacate the pedestrian access between Holly Drive and Daisy Avenue, east of Ham Lane, and set a public hearing for June 5, 2013.

Enclosed for your information is a copy of the resolution along with a map of the area to be abandoned.

Should you have questions regarding the abandonment, please contact the Public Works Department at (209) 333-6706.

A handwritten signature in black ink, appearing to be "Randi Johl", written over a printed name and title.

Randi Johl  
City Clerk

RJ/jmr

Enclosure

cc: Public Works Director

**NOTICE OF PUBLIC HEARING**

RESOLUTION NO. 2013-81

A RESOLUTION OF THE LODI CITY COUNCIL DECLARING ITS INTENTION TO VACATE THE PEDESTRIAN ACCESS BETWEEN HOLLY DRIVE AND DAISY AVENUE, EAST OF HAM LANE, AND TO SET A PUBLIC HEARING SO ALL PERSONS INTERESTED IN OR OBJECTING TO THE PROPOSED ABANDONMENT CAN BE HEARD

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Dated: May 1, 2013

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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

**VACATION / ABANDONMENT  
MAILING LIST**

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**RESOLUTION OF INTENTION (Setting Public Hearing)**

Certified copy w/cover letter to:

PG&E  
12 W. Pine Street  
Lodi, CA 95240

AT&T  
6505 Tam O Shanter Drive  
Stockton, CA 95210

AT&T California  
Attn: Engineering/Public Works Dept.  
2300 E. Eight Mile Road  
Stockton, CA 95210

Central Valley Waste Services  
P.O. Box 241001  
Lodi, CA 95241-9501

Chief Deputy County Surveyor  
Attn: Joe Bussalacci  
1810 E. Hazelton Avenue  
Stockton, CA 95205

Certified copies to:

Denise Wiman, Public Works

Chris Boyer, Public Works

Community Development Department

Police Department

Fire Department

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**RESOLUTION OF VACATION (After Public Hearing)**

Certified copy w/cover letter:

PG&E  
AT&T  
Pacific Bell  
Central Valley Waste Services  
Chief Deputy County Surveyor  
Denise Wiman, Public Works  
Wes Fujitani, Public Works  
Community Development Department  
Police Department  
Fire Department

APN	OWNER_NAME	CARE_OF	OWNER_STREET	CITY STATE ZIP	SITUS_ADDRESS
3710035	LODI UNIFIED SCHOOL DISTRICT		1305 E VINE ST	LODI CA 95240	825 W LOCKEFORD ST
3711001	WEBBER, DAVID L & DIANE E		1015 HOLLY DR	LODI CA 95240	1015 HOLLY DR
3711002	MORTENSON, MABEL A		1009 HOLLY DR	LODI CA 95240	1009 HOLLY DR
3711003	MORTENSON, LANCE C		506 PLUM CT	LODI CA 95242	1001 HOLLY DR
3711004	WOEHL, DARWIN & LAVONE L TR		921 HOLLY DR	LODI CA 95240	921 HOLLY DR
3711005	LONG, CAROL L TR		928 CHISHOLM TRAIL	GALT CA 95632	915 HOLLY DR
3711006	SHAH, SYED ZAHIR & TASNIM ZAH		1953 VICTORIA DR	LODI CA 95242	909 HOLLY DR
3711007	ISHFAQ, MUHAMMAD M & HASEENA		901 HOLLY DR	LODI CA 95240	901 HOLLY DR
3711008	LANE, KENNETH & PAT		833 HOLLY DR	LODI CA 95242	833 HOLLY DR
3711009	KORPHAGE, JOHN F & DONNA L TR		1301 EDGEWOOD DR	LODI CA 95240	827 HOLLY DR
3711010	MIRELES, TOMAS JR		821 HOLLY DR	LODI CA 95240	821 HOLLY DR
3901004	UNION PACIFIC RAILROAD COMPANY	BARBARA H	1416 DODGE ST ROOM 830	OMAHA NE 68179	
3918121	JOACHIM, LLOYD J TR		701 ROPER AVE	LODI CA 95240	701 ROPER AV
3918122	FEDORCHAK, BRIAN J & HEIDI W		661 ROPER AVE	LODI CA 95240	661 ROPER AV
3918123	GRUBER, DANIEL M & D		649 ROPER AV	LODI CA 95240	649 ROPER AV
3918124	HENDRICKS, EDITH I		715 DAISY AVE	LODI CA 95240	715 DAISY AV
3918125	MINNEMA, NANCY P		23192 N DUSTIN RD	ACAMPO CA 95220	735 DAISY AV
3918126	PINNELL, BETTY ANN TR		806 BEL AIR CT	LODI CA 95240	806 BEL AIR CT
3918315	PASCUCCI, MICHELLE E		740 DAISY AVE	LODI CA 95240	740 DAISY AV
3918316	RACKLEY, JANICE TR		715 BRANDYWINE DR	LODI CA 95240	730 DAISY AV
3918317	ALBERS, BRUCE		720 DAISY AVE	LODI CA 95240	720 DAISY AV
3918318	THEILEN, KENNETH & JANET		710 W DAISEY AVE	LODI CA 95240	710 DAISY AV
3918319	USHING, THOMAS & LYNDA		700 DAISY AV	LODI CA 95240	700 DAISY AV
3919001	BINDEL, BRUCE A		653 DAISY AVE	LODI CA 95240	653 DAISY AV
3919002	CARROLL, JAMES W		PO BOX 2398	LODI CA 95241	647 DAISY AV
3919003	CIARAMITARO, BRIAN T		631 N CRESCENT AVE	LODI CA 95240	631 N CRESCENT AV
3919004	DERENIWSKI, KIMBERLEE TR		641 DAISY AVE	LODI CA 95240	641 DAISY AV
3919005	ONEILL, SUSAN BRIDGET		635 DAISY AVE	LODI CA 95240	635 DAISY AV
3919007	DOUGHERTY, TIMOTHY J & VICKI A		620 N CRESCENT AVE	LODI CA 95240	620 N CRESCENT AV
3919008	ELWOOD, TAMARA TR		7777 SOUTHWORTH	VALLEY SPRINGS CA 95252	625 DAISY AV
3919015	GARRISON, STEVEN D		624 DAISY AVE	LODI CA 95240	624 DAISY AV
3919016	IMAI, MARY M TR		630 DAISY AVE	LODI CA 95240	630 DAISY AV
3919017	FASZER, ANNETTE K TR		636 DAISY AVE	LODI CA 95240	636 DAISY AV

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3919018	HORST, NADINE V TR	642 DAISY AVE	LODI CA 95240	642 DAISY	AV
3919019	FUGATE, AUDRIE E TR	648 DAISY AVE	LODI CA 95240	648 DAISY	AV
3921017	HOHENTHANER, RICHARD D	661 N CRESCENT AVE	LODI CA 95240	661 N CRESCENT	AV
3921018	BRUMLEY, WALTER E JR & NANCY L	651 N CRESCENT AVE	LODI CA 95240	651 N CRESCENT	AV
3921019	BRESSLER, RUTH T	RUTH T HAU 594 ORANGEWOOD DR	FREMONT CA 94536	641 N CRESCENT	AV
3921020	REINHARDT, BARBARA J	640 ROPER AVE	LODI CA 95240	640 ROPER	AV
3921021	BELLETTTO, DIXIE LF EST	650 ROPER AVE	LODI CA 95240	650 ROPER	AV
3921022	CHRISTENSEN, JAN ELIN	660 ROPER AVE	LODI CA 95240	660 ROPER	AV
3921023	FOCACCI, KATHLEEN J	700 ROPER AVE	LODI CA 95240	700 ROPER	AV



**MEMORANDUM**  
**Office of the Lodi City Clerk**

**TO:** Public Works Director

**FROM:** Randi Johl  
City Clerk *RJ*

**DATE:** May 2, 2013

**SUBJECT:** RESOLUTION OF INTENTION TO VACATE THE PEDESTRIAN  
ACCESS BETWEEN HOLLY DRIVE AND DAISY AVENUE, EAST OF  
HAM LANE

---

Please be advised that the City Council, at its meeting of May 1, 2013, adopted the attached resolution declaring its intention to vacate the pedestrian access between Holly Drive and Daisy Avenue, east of Ham Lane, and set the matter for public hearing on June 5, 2013.

Pursuant to law, the Public Works Department is required to post at least three copies of the subject resolution and map in the area to be abandoned at least 15 days prior to the Public Hearing. Upon completion of the posting, please forward a copy of the Affidavit of Posting to me for our records.

Please contact me should you have any questions.

RJ/jmr

Attachment