

**SPECIAL ELECTION
AUGUST 25, 1981**

RES. NO. 81-69

City Clerk Reimche outlined a number of items pertaining to the Special Election called for by the Council for August 25, 1981 that must be considered and acted on by the Council. Following discussion, with questions being directed to the City Clerk, Council took the following actions under Resolution No. 81-69:

On motion of Councilman Hughes, Katnich second, the City Clerk was directed to transmit a copy of the measure to the City Attorney to prepare an impartial analysis of the measure to be voted on at the August 25, 1981 Special Election showing the effect of the measure on the existing law and operation of the measure.

On motion of Councilman Pinkerton, Hughes second, the legislative body of this City determined that in conjunction with the opponents of the measure to be voted on at the Special Election of August 25, 1981, an argument against the measure will be prepared.

On motion of Councilman Hughes, Pinkerton second, the legislative body of this City determined that it would prepare rebuttal argument on the measure to be voted on at the Special Election of August 25, 1981.

RESOLUTION NO. 81-66

ESTABLISHING NEW ACCESS RIGHTS TO A PARCEL
OF LAND LOCATED AT 1190 SOUTH CHEROKEE LANE

WHEREAS, the City of Lodi is the successor and interest to the strip of land in and to the access rights along and abutting Cherokee Lane within the City Limits of the City of Lodi; and

WHEREAS, Golden Corral Corporation and Sanborn Chevrolet, Inc., are desirous of abandoning existing accesses and establishing one new driveway to the real property owned by them at 1170, 1190, and 1210 South Cherokee Lane; and

WHEREAS, said request appears reasonable to the City Council of the City of Lodi.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi approves the following:

1. Resolution No. 80-150 is hereby rescinded,
2. The existing 30 foot access located 22 feet south of the north property line of 1210 South Cherokee Lane and all previously approved access to 1170 and 1190 S. Cherokee Lane is hereby abandoned.
3. A 40 foot driveway centered 20 feet south of the north property line of 1190 S. Cherokee Lane is hereby established.
4. A median opening with the following conditions is hereby established opposite the 40-foot driveway in paragraph 3 above:
 1. Approval is granted subject to the need for a continuous median based on traffic and safety
 2. The design of the median is subject to approval of the Public Works Director
 3. All costs related to the median opening to be borne by the parties above listed

5. This resolution is adopted on the express condition that property owners of record shall be fully responsible for the cost of installing street improvements to comply with the Cherokee Lane Beautification Plan as prepared by Paul Tritenbach, Landscape Architect, dated November 8, 1966. Said beautification plans required the installation of an automatic sprinkler system, the planting and maintenance of turf, and the planting and future care of 10 Zelkova trees.
6. The cost of all of the improvements herein required, including curb, gutter, sidewalk, street paving, and the installation of the aforesaid landscaping, shall be at the cost and expense of owner in fee of adjacent parcels.

Dated: June 3, 1981

I hereby certify that Resolution No. 81-66 was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 3, 1981 by the following vote:

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

Noes: Councilmen - Katnich

Absent: Councilmen - None

Alice M. Reimche

ALICE M. REIMCHE
City Clerk

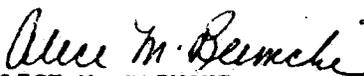
REBUTTAL ARGUMENTS

By resolution action taken May 20, 1981, Council allowed for rebuttal argument. The Elections Code of the State of California specifies that if the legislative body submits an argument against the ordinance, it shall immediately send copies of the argument to the persons filing the initiative petition. The persons filing the initiative petition may then prepare and submit a rebuttal argument not exceeding 250 words. The legislative body may prepare and submit a rebuttal to the argument in favor of the ordinance not exceeding 250 words. The rebuttal arguments shall be filed with the Clerk not more than 10 days after the final date for filing direct arguments. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

INDICATED ACTION

- a) Determine whether or not Council wishes the City Attorney to prepare an impartial analysis
- b) Determine whether or not the legislative body wishes to file an argument; and if so authorize who will prepare and file the argument
- c) Determine if the legislative body wishes to prepare rebuttal argument and designate the Council representative responsible for its preparation and filing

The final date for filing rebuttal argument with the City Clerk will be July 6, 1981.


ALICE M. REIMCHE
City Clerk

AR:dg

RESOLUTION NO. 81-69

RESOLUTION SETTING FORTH THE COUNCIL'S POLICY
REGARDING IMPARTIAL ANALYSIS, ARGUMENT AND
REBUTTAL FOR THE SPECIAL ELECTION ORDERED FOR
FOR AUGUST 25, 1981

RESOLVED, that the City Council of the City of Lodi
does hereby set forth the following as it pertains to the
Special Election ordered for August 25, 1981:

- a) The City Council of the City of Lodi does hereby direct the City Clerk to transmit a copy of the measure to be voted upon at the August 25, 1981 Special Election to the City Attorney to prepare an impartial analysis of the measure, showing the effect of the measure on the existing law and the operation of the measure.
- b) The City Council of the City of Lodi has determined that in conjunction with the opponents of this measure, an argument against the measure will be prepared.
- c) The City Council of the City of Lodi has determined that it would prepare rebuttal argument pursuant to Section 5014.5 of the Elections Code of the State of California.

Dated: June 3, 1981

I hereby certify that Resolution No. 81-69 was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 3, 1981 by the following vote:

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

Noes: Councilmen - None

Absent: Councilmen - None


ALICE M. REIMCHE
City Clerk