

COUNCIL COMMUNICATION

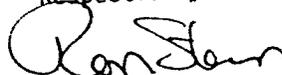
TO: THE CITY COUNCIL	DATE: June 3, 1987	NO.
FROM: THE CITY MANAGER'S OFFICE		
SUBJECT: Adopt Resolution Rescinding Resolution of Necessity Regarding Eminent Domain Pursuant to the Code of Civil Procedure - Property Located at 18695 North Kennison Lane Within San Joaquin County.		

PREPARED BY: City Attorney

RECOMMENDED ACTION: That the City Council rescind Resolution No. 87-44 - Resolution of Necessity Regarding Eminent Domain which was adopted pursuant to Code of Civil Procedure §1245.220, for Well 10R site acquisition.

BACKGROUND INFORMATION: The City Council had initiated eminent domain proceedings pursuant to Code of Civil Procedure § 1245.220 to acquire property for Well 10R site. The property owners and the City did come to agreement, and the eminent domain proceedings were no longer required. At the City Council meeting held May 6, 1987, Council approved all necessary agreements for Well 10R site acquisition, at the eastside of Central California Traction line at Lime Street off of Guild Avenue, and authorized the City Manager and City Clerk to execute the document on behalf of the City, and all such agreements and legal documents have been executed. Therefore, pursuant to Code of Civil Procedure §1245.260, upon agreement being reached between the City and the property owners, the Resolution must be rescinded.

Respectfully submitted,



Ronald M. Stein
City Attorney

RMS:vc

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CITY COUNCIL

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

CITY OF LODI

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THOMAS A. PETERSON
City Manager

ALICE M. REIMCHE
City Clerk

RONALD M. STEIN
City Attorney

June 5, 1987

Mr. Thomas Newton
Attorney at Law
Mullen, Sullivan and Newton
1111 West Tokay Street
Lodi, CA 95240

Dear Tom:

Enclosed herewith please find a certified copy of Resolution No. 87-59 - A Resolution of the Lodi City Council Rescinding Resolution of Necessity Regarding Eminent Domain pursuant to the Code of Civil Procedure - Property located at 18695 North Kennison Lane within San Joaquin County which was adopted by the Lodi City Council at its regular meeting of June 3, 1987.

A copy of all the recorded documents pertaining to this matter will be forwarded to you as soon as the originals are received from the Recorders office.

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

Very truly yours,


Alice M. Reimche
City Clerk

AMR:jj

RESOLUTION NO. 87-59

A RESOLUTION OF THE LODI CITY COUNCIL
RESCINDING RESOLUTION OF NECESSITY REGARDING EMINENT DOMAIN
PURSUANT TO THE CODE OF CIVIL PROCEDURE - PROPERTY LOCATED AT
18695 NORTH KENNISON LANE WITHIN SAN JOAQUIN COUNTY

WHEREAS, April 1, 1987, the City Council of the City of Lodi adopted a Resolution of Necessity pursuant to Code of Civil Procedure §1245.220 regarding eminent domain for Well Site 10R acquisition, said property being located at 18695 North Kennison Lane, San Joaquin County; and

WHEREAS, the property owners of said site and the City of Lodi did come to agreement, and the City Council on May 6, 1987 approved all necessary agreements and documents and the same have been executed; and

WHEREAS, Code of Civil Procedure §1245.260 requires that upon agreement between the City and property owners, the Resolution of Necessity, Resolution No. 87-44, must be rescinded;

NOW, THEREFORE, Resolution of Necessity No. 87-44 adopted April 1, 1987 is hereby rescinded.

Dated: June 3, 1987

I hereby certify that Resolution No. 87-59 was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 3, 1987 by the following vote:

Ayes: Council Members - Hinchman, Pinkerton, Reid, Snider,
and Olson (Mayor)

Noes: Council Members - None

Absent: Council Members - None

Alice M. Reimche
Alice M. Reimche
City Clerk