

CITY COUNCIL MEETING

July 1, 1981

ALMOND DRIVE
ESTATES MOBILE
PARK REQUESTS
RE DRIVEWAY
INSTALLATION

Ms. Laura Bainbridge, Attorney-at-Law, representing the owners of the Almond Drive Estates Mobile Park, addressed the Council requesting the installation of a 60 - 70 foot wide driveway at the entrance to their property. A brief history of the events leading to this request was made by Ms. Bainbridge.

Following a lengthy discussion, with questions being directed to Staff, Ms. Bainbridge and the property owner who was also in the audience, Council, on motion of Councilman Hughes, McCarty second, granted the installation of a 35' driveway for Almond Drive Estates Mobile Park, which installation could be expanded upon the determination of the Public Works Director if he determines that 35' would create a hardship. Staff is to check with other Cities and Casa de Lodi regarding policies for driveways for such installations.

Councilman Pinkerton asked to abstain from voting on the matter because he felt the Council did not have sufficient facts in the matter.

The motion carried by the following vote:

Ayes: Councilmen - Hughes and McCarty

Noes: Councilmen - Murphy

Abstain: Councilmen - Pinkerton

Absent: Councilmen - Katnich

BAINBRIDGE & STERNFELS

ATTORNEYS AT LAW

A PROFESSIONAL CORPORATION

July 16, 1981

00101

ROBERT B. STERNFELS
ELLEN A. BAINBRIDGE
(OF COUNSEL)
J. ANTHONY ABBOTT
ASSOCIATE

1101 WEST TOKAY STREET, SUITE 4
LODI, CALIFORNIA 95240
TELEPHONE: (209) 334-3777

City of Lodi
Lodi City Hall
221 W. Pine St.
Lodi, California 95240

Attention: Henry Graves, City Manager
Re: Almond Drive Estates Mobile Park Driveway

Dear Sir:

As you are well aware, on July 13, 1981, we applied to the San Joaquin Superior Court for a temporary restraining order restraining the construction of the proposed driveway in front of Almond Drive Estates. The temporary restraining order was granted, contingent upon Mrs. Semas securing a \$10,000.00 bond. While we were attempting to secure the necessary bond, the City of Lodi completed the driveway.

We are outraged that the City of Lodi, knowing that a restraining order was being sought, would race to complete the driveway before the bond could be secured. As a result, the restraining order granted to our client became ineffectual.

This is to advise you that the driveway and sidewalk as constructed present a clear and present danger to motorists and pedestrians going in and out of the Almond Drive Estates. A motorist driving on the mobile park roadway to the street faces the distinct possibility of driving over the sidewalk and off the curb instead of going through the driveway. This could result in both damage to the car and personal injury. Injury could also occur to a pedestrian walking on the mobile park road to the street.

Since the city has created the danger by constructing a 35-foot driveway into approximately an

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City of Lodi
July 16, 1981
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80-foot road, you are hereby notified that we will hold the City liable and seek indemnity from the City for any liability our client might incur as a result of the dangerous condition.

Very truly yours,

Laura E. Bainbridge
BAINBRIDGE & STERNFELS

LEB

cc: Lodi City Council
Ron Stein, Lodi City Attorney
Betty Semas

00101

CITY COUNCIL

JAMES A. McCARTY, Mayor
ROBERT G. MURPHY, Mayor Pro Tem
RICHARD L. HUGHES
WALTER KATNICH
JAMES W. PINKERTON, Jr

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

July 16, 1981

Ms. Laura Bainbridge
Bainbridge & Sternfels
A Professional Corporation
1101 West Tokay Street
Suite 4
Lodi, California 95240

Re: Betty Semas vs. City of Lodi et al

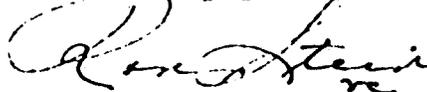
Dear Laura:

As per our telephone conversation of July 16, 1981, I am writing to ask you to discuss with Betty Semas the possibility of your setting up an experiment at the Almond Drive Estates site to confirm Mrs. Semas' contention that she is in need of larger than a 35-foot driveway.

I would hope that said experiment can take place in the next two weeks so that we can perhaps resolve the issue regarding the driveway.

I hope to hear from you in the very near future. Thank you.

Sincerely yours,



RONALD M. STEIN
CITY ATTORNEY

RMS:vc

cc: City Manager ✓
City Clerk
Public Works Director

CITY COUNCIL

JAMES A. McCARTY, Mayor
ROBERT G. MURPHY, Mayor Pro Tem
RICHARD I. HUGHES
WALTER KATNICH
JAMES W. PINKERTON, Jr

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City Manager

ALICE M. REIMCHE
City Clerk

RONALD M. STEIN
City Attorney

July 9, 1981

Almond Drive Estates
471 Almond Drive
Lodi, CA 95240

Gentlemen:

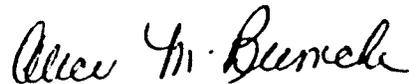
This letter will confirm the action taken by the Lodi City Council at its regular meeting of July 1, 1981 following the presentation by you and your attorney, Ms. Sainbridge.

The Lodi City Council granted the installation of a thirty-five foot driveway for Almond Drive Estates Trailer Park, which installation could be expanded upon the determination of the Public Works Director if he determines that thirty-five feet would create a hardship.

Further, the City Staff is to check with other cities and with Casa de Lodi regarding policies for driveways for such installations.

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

Very truly yours,



Alice M. Reimche
City Clerk

AR:dg