

CITY COUNCIL MEETING

JULY 7, 1982

SALE OF SCENIC  
OVERLOOK

RES. 82-68

Pursuant to Resolution No. 81-173 - Resolution of the City Council of the City of Lodi declaring its intention to sell surplus real property which had been adopted on December 9, 1981, bids had been received by the City Clerk through and including June 29, 1982 for the City property known as the Scenic Overlook.

Following introduction of the Agenda item by the City Clerk, the following bids were opened and recorded by the Clerk:

- a) Howard D. Arnaiz, P. O. Box 8492, Stockton, \$10,350.00
- b) California Waste, 1102 North Cluff Avenue, Lodi - \$6,011.00

Each of the above bids were accompanied with a deposit in cash or a cashier's check in the amount of \$1,500.00 as set forth in Resolution No. 81-173.

Pursuant to the subject Resolution, before accepting any of the written proposals, the Mayor called for oral bids, which oral bids were to be given in at least five percent increments higher than the highest written proposal in order to be considered. No oral bids were received.

Following discussion, on motion of Councilman Pinkerton, Reid second, Council adopted Resolution No. 82-68 accepting the bid for the sale of the Scenic Overlook to Howard D. Arnaiz, the high bidder, in the amount of \$10,350.00.

RESOLUTION NO. 82-68

RESOLUTION ACCEPTING THE BID RECEIVED FOR THE SALE OF CITY OF LODI SURPLUS REAL PROPERTY - SCENIC OVERLOOK FROM HOWARD D. ARNAIZ, THE HIGH BIDDER.

WHEREAS, on December 9, 1981 the Lodi City Council adopted Resolution No. 81-173 - entitled, "Resolution of the City Council of the City of Lodi declaring its intention to sell Surplus Real Property".

WHEREAS, pursuant to Resolution No. 81-173 bids were received by the City Clerk on or before June 29, 1982 and were opened and considered by the City Council of the City of Lodi at its regular meeting of July 7, 1982.

WHEREAS, the following written bids were received and recorded by the City Clerk at the time and in the manner prescribed in Resolution No. 81-173.

<u>Bidder</u>	<u>Amount</u>
Howard D. Arnaiz, P.O. Box 8492 Stockton, California	\$10,350.00
California Waste 1102 North Cluff Avenue Lodi, California	\$ 6,011.00

WHEREAS, each of the above written bids were accompanied with a deposit in cash or cashier's check in the amount of \$1,500.00 as set forth in Resolution 81-173.

WHEREAS, no oral bids were submitted as provided for in Resolution 81-173.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Lodi does hereby accept the bid for the sale of the City of Lodi, surplus real property, more commonly known as the Scenic Overlook and described as follows as submitted by Howard D. Arnaiz, P.O. Box 8492, Stockton in the amount of \$10,350.00.

A portion of the southeast quarter of Section 36, T4N, R6E, MDB&M; more particularly described as follows:

Beginning at the north west corner of Lot 35 of Mokelumne Village as filed for record September 26, 1978 in Volume 23, page 95, San Joaquin County Records; thence N 82° 21' E, 101.32 feet to the northeast corner of said Lot 35; thence 12.75 feet along a nontangent curve, concave to the southwest said corner having a radius of 50.00 feet, and a long chord which bears N 34° 38' 23" W; thence 136.97 feet along a reversing curve to the right, said curve having a radius of 50.00 feet, and a long chord which bears N 36° 31' 48" E; thence N 3° 00' W to the point of intersection with the south bank of the Mokelumne River; thence northerly and westerly along said south bank to the point of intersection with the Southern Pacific Company right of way; thence S 3° 00' E along said right of way to a point which bears S 82° 21' W from the northwest corner of above described Lot 35; thence N 82° 21' E, 27.43 feet to the point of beginning; and

Reserving an easement for public utilities, 10 feet in width, lying north and west of the following described line.

Beginning at the NE corner of the above described Lot 35; thence 12.75 feet along a nontangent curve, concave to the southwest said curve having a radius of 50.00 feet, and a long chord which bears N 34° 38' 23" W; thence 136.97 feet along a reversing curve to the right, said curve having a radius of 50.00 feet, and a long chord which bears N 36° 31' 48" E to the termination of said 10 foot easement.

Also reserving an easement for public utilities, 15 feet in width, the centerline being described as follows:

Beginning at a point on the west line of above described parcel, 6.45 feet from the southwest corner of said parcel; thence N 49° 57' E to the east line of said parcel, also being the termination of said 15 foot easement.

Also reserving an easement and vehicular access described as follows:

The south 15 feet of the above described parcel

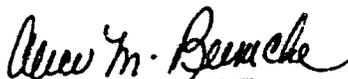
Dated: July 7, 1982

I hereby certify that Resolution No. 82-68 was passed and adopted by the City Council of the City of Lodi in a regular meeting held July 7, 1982 by the following vote:

Ayes: Council Members - Snider, Olson, Pinkerton, Murphy and Reid

Noes: Council Members - None

Absent: Council Members - None

  
ALICE M. REIMCHE  
City Clerk

FD 717

CITY COUNCIL

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

CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
POST OFFICE BOX 320  
LODI, CALIFORNIA 95241  
(209) 334-5634

HENRY A. GLAVES, Jr.  
City Manager

ALICE M. REIMCHE  
City Clerk

RONALD M. STEIN  
City Attorney

July 8, 1982

California Waste  
1102 North Cluff Avenue  
Lodi, California 95240

Re: Sale of City of Lodi Surplus Real Property -  
Scenic Overlook

Gentlemen:

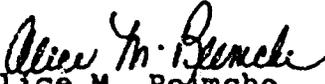
Attached herewith is a certified copy of City of Lodi Resolution No. 82-68 entitled, "Resolution accepting the bid received for the Sale of City of Lodi Surplus Real Property - Scenic Overlook from Howard D. Arnaiz, the high bidder".

The Resolution sets forth the procedure followed and the bids that were received.

We wish to thank you for the submittal of your bid and to advise you that your deposit will be returned to you shortly.

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

Very truly yours,

  
Alice M. Reimche  
City Clerk

AMR/lf

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CITY COUNCIL

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

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CITY HALL, 221 WEST PINE STREET  
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City Manager

ALICE M REIMCHE  
City Clerk

RONALD M STEIN  
City Attorney

July 8, 1982

Mr. Howard D. Arnaiz  
P.O. Box 8492  
Stockton, California

Re: Sale of City of Lodi Surplus Real Property  
Scenic Overlook

Dear Mr. Arnaiz:

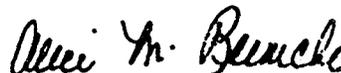
Attached herewith is a certified copy of City of Lodi Resolution No. 82-68 entitled, "Resolution Accepting the Bid Received for the Sale of City of Lodi Surplus Real Property - Scenic Overlook from Howard D. Arnaiz, the high bidder."

The resolution sets forth the procedure followed and the bids that were received.

The City will be in touch with you from time to time during the finalization of this transaction.

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

Very truly yours,

  
Alice M. Reimche  
City Clerk

AMR/lf  
Att.

MEMORANDUM, City of Lodi, Public Works Department

TO: City Attorney ✓  
City Clerk

FROM: Public Works Director

DATE: February 11, 1982

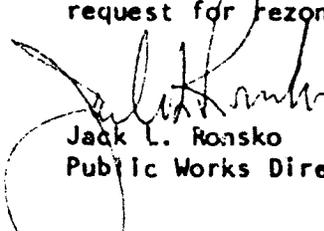
SUBJECT: Sale of Scenic Overlook

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In working with the legal description and conditions for advertising of the Scenic Overlook for sale, it has come to our attention that the land presently is zoned "Flood Plain" even though the property is high enough not to be part of the actual flood plain.

It is, therefore, our intention to ask the Community Development Department to consider rezoning the area to its highest and best use. This should take place prior to its sale in order to provide a prospective bidder with the best information available and would also provide the City with the maximum income from the sale.

We trust that this is acceptable to you and are proceeding with the request for rezoning.

  
Jack L. Ronsko  
Public Works Director

JLR/GR/eeh

cc: City Manager

~~ALICE M. REIMENE~~  
Alice M. Reimene  
City Clerk

AMR/lf

7-2  
COUNCIL COMMUNICATION

TO: THE CITY COUNCIL

DATE

NO.

FROM: THE CITY MANAGER'S OFFICE

July 2, 1982

SUBJECT: BID OPENING - SCENIC OVERLOOK

On December 9, 1981 the Lodi City Council adopted Resolution No. 81-173 - "Resolution of the City Council of the City of Lodi" declaring its intention to sell Surplus Real Property. (A copy of Resolution No. 81-173 is attached for your review.)

Pursuant to the Resolution, bids were to be received by the City Clerk on or before June 29, 1982.

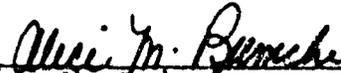
Further, pursuant to this Resolution the bids received will be opened and considered by the Council at the regular Council meeting of July 7, 1982.

Before accepting any written proposals, the City Council will call for oral bids. Oral bids are to be given in at least five percent increments higher than the highest written proposal in order to be considered.

The City Council has reserved the right to reject any and all bids either written or oral, and the right to withdraw the property from sale.

Each bid must be accompanied with a deposit in cash or cashier's check in the amount of \$1500.00. The balance of the purchase price is to be paid within 60 days after the acceptance of the offer through escrow with a mutually agreed upon bank or title company.

The City Clerk will introduce this matter, open, record, and announce the bids and apprise Council if the required deposit is included and if the bid is in order. It will then be in order for the Council to make the determination to either accept the highest bid or reject all bids received.

  
\_\_\_\_\_  
Alice M. Reimche  
City Clerk

AMR/lf

K-2

RESOLUTION NO. 81-173

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
LODI DECLARING ITS INTENTION TO SELL SURPLUS  
REAL PROPERTY

WHEREAS, the City of Lodi is the owner of certain real  
property described as follows:

A portion of the southeast quarter of  
Section 36, T4N, R6E, MDB&M; more  
particularly described as follows:

Beginning at the north west corner of Lot 35  
of Mokelumne Village as filed for record  
September 26, 1978 in Volume 23, page 95,  
San Joaquin County Records; thence N 8° 21'  
E, 101.32 feet to the northeast corner of  
said Lot 35; thence 12.75 feet along a  
nontangent curve, concave to the southwest  
said corner having a radius of 50.00 feet,  
and a long chord which bears N 34° 38' 23"  
W; thence 136.97 feet along a reversing  
curve to the right, said curve having a  
radius of 50.00 feet, and a long chord which  
bears N 36° 31' 48" E; thence N 3° 00' W to  
the point of intersection with the south  
bank of the Mokelumne River; thence  
northerly and westerly along said south bank  
to the point of intersection with the  
Southern Pacific Company right of way;  
thence S 3° 00' E along said right of way to  
a point which bears S 82° 21' W from the  
northwest corner of above described Lot 35;  
thence N 82° 21' E, 27.43 feet to the point  
of beginning; and

Reserving an easement for public utilities,  
10 feet in width, lying north and west of  
the following described line.

Beginning at the NE corner of the above  
described Lot 35; thence 12.75 feet along a  
nontangent curve, concave to the southwest  
said curve having a radius of 50.00 feet,  
and a long chord which bears N 34° 38' 23"  
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curve to the right, said curve having a  
radius of 50.00 feet, and a long chord which

bears N 36° 31' 48" E to the termination of said 10 foot easement.

Also reserving an easement for public utilities, 15 feet in width, the centerline being described as follows:

Beginning at a point on the west line of above described parcel, 6.45 feet from the southwest corner of said parcel; thence N 49° 57' E to the east line of said parcel, also being the termination of said 15 foot easement.

Also reserving an easement and vehicular access described as follows:

The south 15 feet of the above described parcel; and

WHEREAS, the said real property is not needed by the City of Lodi;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lodi in an adjourned regular meeting held December 9, 1981 that it hereby declared its intention to sell the said real property to the highest bidder therefor pursuant to the provisions of Sections 25520-25535, inclusive, of the Government Code.

BE IT FURTHER RESOLVED that the terms on which the real property will be sold are as follows: Each bid shall be in a sealed envelope marked so as to denote the contents and addressed to the City Council of the City of Lodi, c/o Alice M. Reimche, City Clerk of the City of Lodi, 221 W. Pine Street, Lodi, California 95240. Such bids may either be sent by mail to the City Council at said address or filed with the Clerk on or before June 29, 1982. Each bid must be accompanied with a deposit in cash or cashier's check in the

amount of ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00). The balance of the purchase price is to be paid within 60 days after the acceptance of the offer through escrow with a mutually agreed upon bank or title company. At the close of escrow, the City of Lodi's Grant Deed subject to easements and encumbrances of record will be delivered to the successful bidder. If the successful bidder fails to complete the purchase of the property in accordance with the terms hereof, his deposit will be forfeited and retained by the City of Lodi as liquidated damages and he shall forfeit all rights hereunder. It is agreed that damages in the event of failure to complete the purchase would be difficult to ascertain and that such sum represents a reasonable attempt to ascertain what such damages would be. The successful bidder agrees to pay for the cost of all escrow and recording fees, documentary transfer taxes, and title insurance if desired. The City will pay for the cost of publishing this resolution.

BE IT FURTHER RESOLVED that bids must be submitted for the entire property hereinabove described. The following matters concerning said real property should be noted and taken into consideration by prospective bidders: that the property has existing easements; that the developer of the property is responsible for the completion of construction of the cul-de-sac at the end of Awani Drive, that the City gives no guarantee as to the soil conditions, which may limit the feasibility of building on the property as the area has been used as City landfill for many years; that prior to September

30, 1982 additional leaves may be removed from subject property and the existing ground may vary from what presently exists; that the developer is responsible for all normal City policies and fees covering like developments within the City, including storm drainage; and that a vehicular access is being retained along the south 15.00 feet of the property for the City of Lodi and Southern Pacific Company.

BE IT FURTHER RESOLVED that July 7, 1982 at the hour of 8:00 p.m. is the time when, and the City Council Chamber, City Hall, 221 W. Pine Street, Lodi, California is the place where a regular meeting of the City Council of the City of Lodi will be held at which time sealed proposals to purchase the said real property will be opened and considered. Before accepting any written proposal, the City Council will call for oral bids. If, upon the call for oral bids, any responsible person offers to purchase the property for a price exceeding by at least five (5) percent of the highest written proposal, then the highest oral bid by a responsible person shall be finally accepted. To submit an oral bid, each such bidder must deposit in cash or cashier's check the amount of ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00). The balance of the purchase price shall be paid in the manner specified above.

The City Council of the City of Lodi reserves to itself the right to reject any or all bids, either written or oral, and the right to withdraw the property from sale.

BE IT FURTHER RESOLVED that the notice of the adoption of this resolution, and the time and place of holding said

meeting, shall be given by posting copies of this resolution, signed by the City Clerk of the City of Lodi in three public places in the City of Lodi, as follows, to wit:

One on the bulletin board at the north entrance to City Hall, 221 W. Pine Street, Lodi, California

One on the bulletin board at the entrance to the Public Safety Building, 230 W. Elm Street, Lodi, California

One on the bulletin board located at the Lodi Public Library, 201 W. Locust Street, Lodi, California

not less than fifteen (15) days before the date of the meeting, and by publishing notice of the adoption of this resolution not less than once a week for three (3) successive weeks before the meeting in the Lodi Life and Times, a newspaper of general circulation published in the City of Lodi.

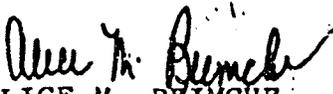
Dated: December 9, 1981

I hereby certify that Resolution No. 81-173 was passed and adopted by the City Council of the City of Lodi in a regular meeting held December 9, 1981 by the following vote:

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

Noes: Councilmen - None

Absent: Councilmen - None

  
ALICE M. REIMCHE  
City Clerk

"FOR INFORMATION CONCERNING THIS MATTER, PLEASE CONTACT THE CITY OF LODI PUBLIC WORKS DEPARTMENT - (209) 334-5634."