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CITY COUNCIL MEETING
SEPTEMBER 4, 1985

ACQUISITION OF
EASEMENT - SHOPPING
CENTER - LODI AVENUE
(IN AREA OF ROSE STREET)

The following letter, which had been received from Glen I. Baumbach, was presented for Council's perusal together with a Staff report concerning the matter:

"As you know we are in the process of redeveloping the Dr. Bader shopping complex on Lodi Avenue. As a part of this process we are requested to extend a water line westerly to connect to the line in Crescent Avenue. We have been unable to secure an easement through Mr. John M. Bastianelli's property immediately to the west of our development. We request the City of Lodi help us secure an easement over the Bastianelli parcel."

Council discussion followed with questions being directed to Staff.

On motion of Council Member Pinkerton, Snider second, Council authorized the commencing of procedures to acquire the subject easement.



CITY OF LODI

PUBLIC WORKS DEPARTMENT

COUNCIL COMMUNICATION

TO: City Council
FROM: City Manager
DATE: August 28, 1985
SUBJECT: Bader Development - Easement Request

RECOMMENDED ACTION: That the City Council review the attached request and take appropriate action.

BACKGROUND INFORMATION: The request, shown on Exhibit A (three sheets), is caused by the redevelopment of a shopping area on the south side of Lodi Avenue across from Rose Street. This area includes the Pizza Garden, Rocha's Shoe Repair and Mandarin House #2, as well as others.

Review of the preliminary design by the Fire Department indicates a need for on-site fire protection. Review by the Public Works Department indicates the Water Master Plan proposes the upgrading and extension of two water mains, east and west, through this property, from Hutchins Street to Crescent Avenue as shown on Exhibit B. The Master Plan calls for the existing 2" and 3" lines to be upgraded to 6 inch mains. It appeared that one 8" line would be far more economical to all properties involved, therefore the developer was requested to install the 8" main along the rear of his property where it did not conflict with any proposed construction, and it be extended to either Crescent Avenue or Hutchins Street. The City would then be responsible for extending it in the opposite direction.

An easement is required over the property owned by John Bastianelli in order to extend the 8" main from the Baker development to Crescent Avenue. The proposed easement is shown on sheet 3 of Exhibit A.

The problem of easement acquisition has been discussed at some length with the developer's engineer and we have been told that a reasonable cash payment for the easement has been offered to Mr. Bastianelli, and rejected.

Since this line is a portion of the City's Water Master Plan, and part of the overall City fire protection system, it is recommended that the City exercise its power of eminent domain to obtain the required easement, assuming the developer is willing to pick up all costs of appraisal and acquisition.

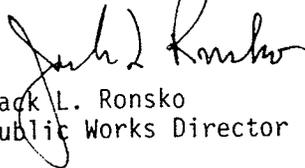
APPROVED:


THOMAS A. PETERSON, City Manager

FILE NO.

City Council
August 28, 1985
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We have assumed that Dr. Bader, the developer, or one of his representatives will be available at the meeting if you have questions.



Jack L. Ronsko
Public Works Director

cc: Dr. Bader
Vic Meyer
Baumbach & Piazza

Enclosures

JLR/GER/cag

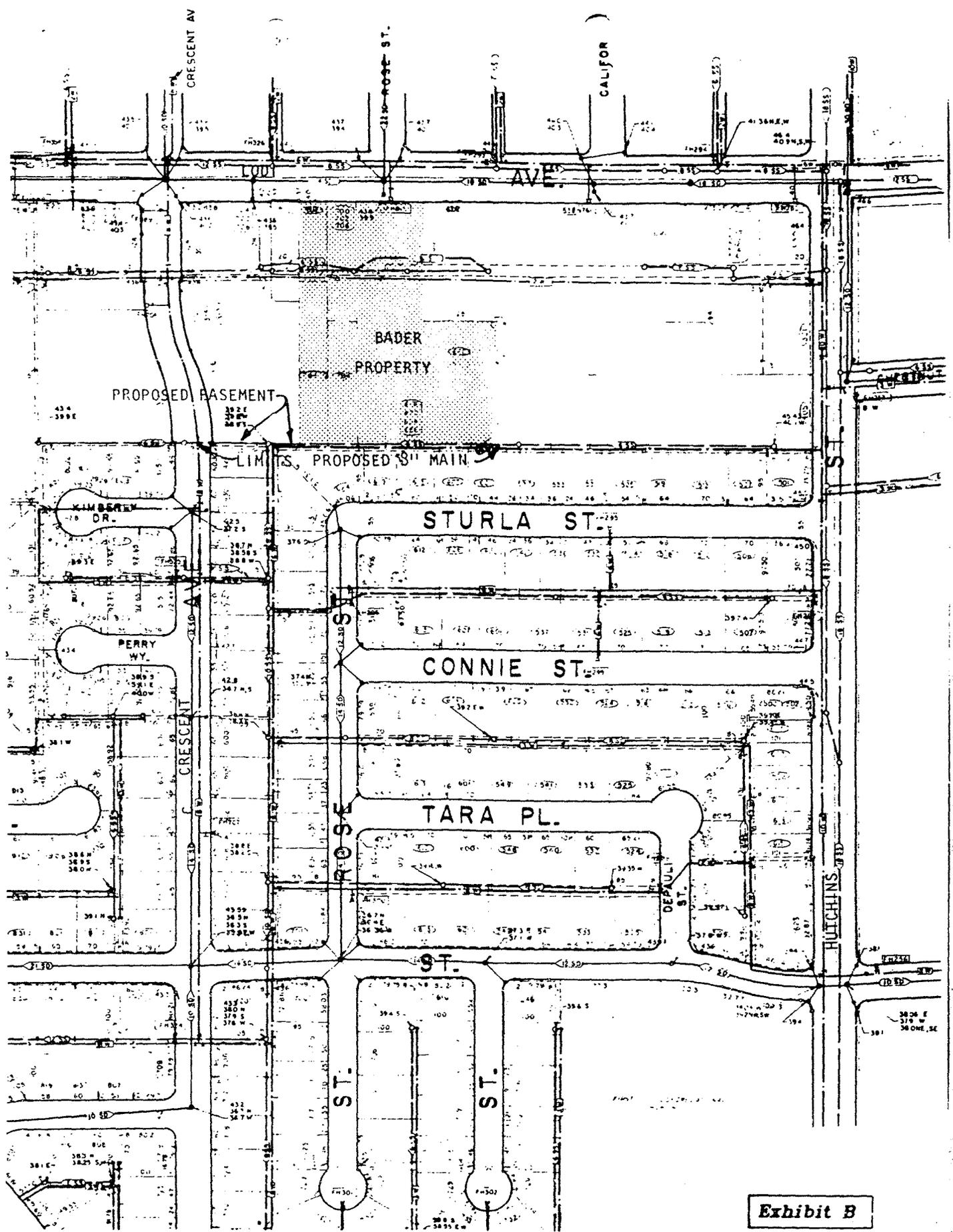


Exhibit B

3-4-85

June 19, 1985

Mr. John M. Bastianelli
9840 Oakwilde
Stockton, CA 95212

Re: DR. BADER DEVELOPMENT, LODI AVENUE

Dear Mr. Bastianelli:

Dr. Bader is in the process of rebuilding his shopping complex on the property immediately East of your office development. The City of Lodi is requiring that a master water line be installed between Crescent Avenue and Hutchins Street for fire protection and the improvement of domestic water supply. The City would like this line to be installed along your South property line, along the South property line of Dr. Bader's property, and along the South line of the Lucky Store shopping center and connected to the existing line in Hutchins Street.

This letter is a request for a five (5) foot public easement along your South property line so that we may install an underground water line. There would not be any expense to you and your property would be restored to the same condition as it was prior to any construction.

We are enclosing a topography map of the proposal for your review and comments. If you have any questions, we would be available at your convenience to meet you at the site or offer any information that you may need. Please feel free to call me or any of the following:
Dr. Bader, 369-3571 or Richard Prima, City of Lodi Public Works Dept., 333-6706.

Thanks,

GLEN I. BAUMBACH
President

GIB:jp

Enclosure

cc: Dr. Bader, 316 S. Crescent Avenue
Richard Prima, City of Lodi
Vic Meyer

*sent
6/19/85*

Exhibit A

2/3

civil engineers

323 West Elm Street
Lodi, California 95240



BAUMBACH & PIAZZA, INC.

Phone (209) 368-6618

August 21, 1985

Mr. Glen Robison
City Hall
City of Lodi

Re: BADER DEVELOPMENT

Dear Glen:

As you know we are in the process of redeveloping the Dr. Bader shopping complex on Lodi Avenue. As a part of this process we are requested to extend a water line westerly to connect to the line in Crescent Avenue. We have been unable to secure an easement through Mr. John M. Bastianelli's property immediately to the West of our development. We request the City of Lodi help us secure an easement over the Bastianelli parcel.

Our building plans have been submitted for plan check and the City will require that we provide fire protection very soon. We would appreciate any assistance you can provide.

Attached is a topography map of the area in question. We are also attaching a copy of our letter to Mr. Bastianelli for which we did not receive any reply.

Sincerely,

GLEN I. BAUMBACH
President

GIB:jp

Enclosures

cc: Dr. Bader, 316 S. Crescent Avenue
Vic Meyer

Exhibit A

1/3