

CITY COUNCIL MEETING

November 18, 1981

PUBLIC HEARINGS

Notice thereof having been published and posted in accordance with law and affidavit of publication and posting being on file in the office of the City Clerk, Mayor McCarty called for the Public Hearing to consider the Turner Road and Cluff Avenue Assessment District.

Mr. Timothy J. Hachman, Attorney-at-law, Blewett, Carretson and Hachman, 141 E. Acacia Street, Stockton, California addressed the Council outlining the procedure as set forth by law.

There were no other persons in the audience wishing to speak on the matter and the public portion of the hearing was closed.

Following Council discussion with questions being directed to Staff and to Mr. Hachman, Council on motion of Councilman Pinierton, Katnich second, adopted the following resolutions by unanimous vote:

TURNER ROAD AND  
CLUFF AVENUE  
ASSESSMENT  
DISTRICT NO. 1

RES. NO. 81-153-  
81-157

TURNER ROAD AND CLUFF AVENUE ASSESSMENT  
DISTRICT NO. 1

Res. No. 81-153 Resolution Overruling Protests on  
Resolution No. 81-39

Res. No. 81-154 Resolution ordering changes and  
modifications in assessments, in Boundaries of  
Assessment District, and directing Amendment to  
Engineer's Report and Assessment diagram.

Res. No. 81-155 A resolution determining convenience  
and necessity, adopting Engineer's Report, as  
amended, confirming assessment, and Ordering the  
Work and Improvements.

Res. No. 81-156 Resolution Awarding of Contract.

Res. No. 81-157 A resolution Awarding Sale of Bonds.

RESOLUTION NO. 81-\_\_\_

BEFORE THE CITY COUNCIL OF THE CITY OF  
LODI, CALIFORNIA

TURNER ROAD AND CLUFF AVENUE ASSESSMENT DISTRICT NO. 1

RESOLUTION OVERRULING PROTESTS  
ON RESOLUTION NO. 81-39

RESOLVED, by the City Council of the City of Lodi, California,  
that

WHEREAS, this Council did on the 15th day of April, 1981, adopt  
its Resolution No. 81-39, a Resolution of Intention to Acquire and/or  
Construction Improvements in and for said City;

WHEREAS, on August 5, 1981, this Council adopted a resolution  
appointing time and place of hearing protests in relation to the  
proposed acquisitions and improvements, and directing notice;

WHEREAS, notice was given of the time and place therein stated  
in the manner provided by law, as appears from the affidavits on  
file in the office of the City Clerk;

WHEREAS, said matter came on regularly for hearing at the time  
therein fixed; and

WHEREAS, all written protests and other written communications  
were publicly read at said meeting and all persons desiring to be  
heard were fully heard;

NOW, THEREFORE, IT IS ORDERED, as follows:

1. That any and all protests against said acquisitions and  
improvements were not signed by the owners of a majority or more of  
the area of the land to be assessed for the improvements in the  
proposed district.
2. That said protests be, and each of them is hereby, overruled.

DATED: November 18, 1981.

I, ALICE M. REIMCHE, City Clerk of the City of Lodi, do hereby  
certify that Resolution No. 81-\_\_\_ was passed and adopted at a  
regular meeting of the City Council of the City of Lodi, held

November 18, 1981, by the following vote:

AYES: Councilmen -  
NOES: Councilmen -  
ABSENT: Councilmen -  
ABSTENTIONS: Councilmen -

---

ALICE N REIMCHE, City Clerk

RESOLUTION NO. 81- \_\_\_\_\_

BEFORE THE CITY COUNCIL OF THE CITY OF  
LODI, CALIFORNIA

TURNER ROAD AND CLUFF AVENUE ASSESSMENT DISTRICT NO. 1

RESOLUTION ORDERING CHANGES AND MODIFICATIONS  
IN ASSESSMENTS, IN BOUNDARIES OF ASSESSMENT  
DISTRICT, AND DIRECTING AMENDMENT TO ENGINEER'S  
REPORT AND ASSESSMENT DIAGRAM

RESOLVED, by the City Council of the City of Lodi, California,  
that

WHEREAS, the estimated cost of the improvements under Resolution  
No. 81-39, a Resolution of Intention to Acquire and/or Construct  
Improvements, adopted by the City Council on April 15, 1981, was a  
total of \$1,700,000.00 to be assessed;

WHEREAS, following the opening of bids for the work, and the  
negotiations for the sale of the bonds to be issued upon the unpaid  
assessments, said assessments should be changed and modified to  
reflect the reduction in the cost of construction, and the increase  
in the incidental expenses in connection with the bond discount  
required;

WHEREAS, all owners of property on which the amount of the  
assessment to be levied thereon must be increased in accordance  
with said changes and modifications have filed with the City Clerk  
their written consent to said increase in assessment;

WHEREAS, following the protest hearing certain property owners  
have requested that their properties be excluded from the assessment  
district, and it appears to be in the best interests of all parties  
interested that said requests be granted;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. The total assessment is hereby reduced to \$1,588,000.00,  
and that each of the individual assessments shall be first reduced  
by its share according to benefits of the reduction in the cost of

construction, and thereafter increased by its pro rata share of the increase in bond discount required in the sale of the bonds.

2. The proposed boundaries of said assessment district to be assessed in said proceedings, are hereby described as shown on an amended map of said assessment district on file in the office of the City Clerk, which indicates by a boundary line the extent of the territory included in the proposed assessment district, as amended to exclude therefrom those parcels designated in the assessment roll in the Engineer's Report as Assessor's Parcels Nos. 049-080-12, 049-080-13, 049-080-21, and 049-080-22, which map shall govern for all details as to the extent of the district. Reference to such amended map is hereby made for particulars.

Said amended map contains the name of the City and a distinctive designation in words or by number of the district shown thereon, and that said map amends the boundary map for said district, previously filed for record on April 29, 1981 in Book 1, Page 194, of Maps of Assessment Districts, in the office of the County Recorder, San Joaquin County, California.

3. On the original and at least one copy of said map the City Clerk shall endorse her certificate evidencing the date and adoption of this resolution. The Clerk shall file the original of such map in her office, and within ten (10) days after adoption of this resolution, shall file a copy thereof with the County Recorder of San Joaquin County, and shall pay the filing fee required by law in connection with the filing of said map.

4. The Engineer of Work is authorized and directed to make the changes hereinabove ordered in the Engineer's Report and assessment on file herein.

DATED: November 18, 1981.

I, ALICE M. REIMCHE, City Clerk of the City of Lodi, do hereby certify that Resolution No. 81- was passed and adopted at a

regular meeting of the City Council of the City of Lodi, held  
November 18, 1981, by the following vote:

AYES: Councilmen -

NOES: Councilmen -

ABSENT: Councilmen -

ABSTENTIONS: Councilmen -

---

ALICE M. REIMCHE, City Clerk

RESOLUTION NO. 81-\_\_\_

BEFORE THE CITY COUNCIL OF THE CITY OF  
LODI, CALIFORNIA

TURNER ROAD AND CLUFF AVENUE ASSESSMENT DISTRICT NO. 1

A RESOLUTION DETERMINING CONVENIENCE AND NECESSITY,  
ADOPTING ENGINEER'S REPORT, AS AMENDED, CONFIRMING  
ASSESSMENT, AND ORDERING THE WORK AND IMPROVEMENTS

RESOLVED, by the City Council of the City of Lodi, California,  
that

WHEPEAS, on the 15th day of April, 1981, said Council adopted  
its Resolution No. 81-39, a Resolution of Intention to Acquire and/or  
Construct Improvements, wherein it determined that the public  
interest, convenience and necessity required and that it intended to  
order the acquisition and/or construction of certain improvements  
therein particularly described, and referred the proposed acquisitions  
and improvements to the Engineer of Work of said City, he being the  
officer having charge and control of the acquisitions and improve-  
ments in and for said City of the kind described in said Resolution,  
and being a competent person employed by said City for that purpose;

WHEREAS, said Council thereby directed said Engineer of Work  
to make and file with the City Clerk of said City a report in  
writing in accordance with and pursuant to the provisions of the  
Municipal Improvement Act of 1913;

WHEREAS, said report was duly made and filed with the City  
Clerk whereupon the Clerk presented it to said Council for  
consideration;

WHEREAS, said Council thereupon duly considered said report  
and each and every part thereof, and found that it contained all  
the matters and things called for by the aforesaid provisions of  
said Act, including (1) maps and descriptions of lands and easements,  
and a general description of the works or appliances to be acquired,  
(2) plans and specifications of the proposed improvements to be made,  
(3) estimate of costs, (4) diagram of district, and (5) an assessment

according to benefits, all of which was done in the form and manner required by said Act;

WHEREAS, said Council found that said report and each and every part thereof was sufficient in every particular and determined that it should stand as the report for all subsequent proceedings under said Act and Resolution, whereupon said Council pursuant to the requirements of said Act, appointed, Wednesday, the 16th day of September, 1981, at 8:00 p.m. of said day, in the Council Chambers, City Hall, Lodi, California, as the time and place for hearing protests in relation to said proposed acquisitions and improvements, and directed the Clerk of said City to give notice of said hearing as required by said Act;

WHEREAS, it appears that notices of said hearing were duly and regularly posted and published in the time, form and manner required by said Act, as evidenced by the affidavits on file with said Clerk, whereupon said hearing was duly and regularly held at the time and place advertised in said notices;

WHEREAS, four persons interested, objecting to said acquisitions and improvements, or to the extent of the assessment district, or to the proposed assessment or diagram, or to the maps and descriptions, or to the grades at which said work will be done, or to the Engineer's estimate of the costs and expenses thereof, filed written protests with the Clerk of said City at or before the time set for said hearing or presented oral protests at said hearing, and all persons interested desiring to be heard were given an opportunity to be heard, and all matters and things pertaining to said acquisitions and improvements were fully heard and considered by said Council; and said hearing was continued from time to time as provided in said Act;

NOW, THEREFORE, said Council does hereby find, determine and order as follows:

1. That the owners of one-half of the area of the property to be assessed for the cost of said project did not at or prior to the

time fixed for said hearing, file written protests against the said acquisitions and improvements, or as to the Engineer's estimate of costs and expenses of said project, or against the maps and descriptions, or against the grades at which said work is proposed to be done, or against the diagram and assessment to pay for the costs and expenses thereof.

2. That any and all protests made either to the question of the public interest, convenience and necessity of making said acquisitions and improvements under said Resolution No. 81-39, or to said proposed acquisitions and improvements, or the grades to which said work is proposed to be done, or to the extent of the assessment district, or the maps and descriptions, or the amount of the several assessments, and all persons desiring to be heard in relation to any of said matters, whether as protestants or otherwise, have been fully heard and considered, and are hereby overruled.

3. That the public interest, convenience and necessity require the acquisitions and improvements in the assessment district as proposed, and Division 4 of the Streets and Highways Code shall not apply.

4. That the district benefited by said acquisitions and improvements and to be assessed to pay the costs and expenses thereof, and the exterior boundaries thereof, is the district described in said Resolution No. 81-39, as modified and amended.

5. That the Engineer's estimate of the itemized and total costs and expenses of said acquisitions and improvements, and of the incidental expenses in connection therewith, contained in said report, as amended, be, and it is hereby finally adopted and approved as the Engineer's total and detailed estimate of the costs and expenses of said acquisitions and improvements.

6. That the plans and specifications for the proposed improvements contained in said report, as amended, be, and they are hereby

finally adopted and approved as the plans and specifications to which said work shall be done as called for in said Resolution No. 81-39.

7. That the maps and descriptions of the lands and easements to be acquired, as contained in said report, as amended, be, and the same are hereby approved and confirmed.

8. That the public interest, convenience and necessity require, and said Council does hereby order the acquisitions and improvements to be made as described in and in accordance with said Resolution No. 81-39, as modified and amended, on file in the office of the City Clerk, reference to which is hereby made for a more particular description of said acquisitions and improvements and for further particulars, pursuant to the provisions of said Act.

9. That the diagram showing the assessment district referred to and described in said Resolution No. 81-39, as modified and amended, and also the boundaries and dimensions of the respective subdivisions of land within said district as the same existed at the time of the passage of said Resolution, each of which subdivisions have been given a separate number upon said diagram, as contained in said report, as amended, be, and it is hereby finally approved and confirmed as the diagram of the properties to be assessed to pay the costs and expenses of said acquisitions and improvements.

10. That the assessment of the total amount of the costs and expenses of the proposed acquisitions and improvements, upon the several subdivisions of land in said assessment district in proportion to the estimated benefits to be received by said subdivisions, respectively, from said acquisitions and improvements, and of the expenses incidental thereto, as contained in said report, as amended, be, and the same is hereby finally approved and confirmed as the assessment to pay the costs and expenses of said improvements.

11. That the Engineer's Report, as amended, be, and the same is hereby finally approved and confirmed as a whole.

12. That the Clerk of said City shall forthwith deliver to the Superintendent of Streets of said City the said assessment, as amended, together with the diagram thereto attached and made a part thereof, as confirmed by this Council, with her certificate of such confirmation thereto attached and of the date thereof; and that said Superintendent of Streets shall record said diagram and assessment in his office in a suitable book to be kept for that purpose, and shall append thereto his certificate of the date of such recording, and such recordation shall be and constitute the assessment roll herein.

13. That said Superintendent of Streets, upon the recording of said diagram and assessment, shall mail to each owner of real property within the assessment district, as amended, at his last known address as the same appears on the tax rolls of the City or on file in the office of the Clerk of said City, or to both addresses, if said address is not the same, or to general delivery when no address so appears, a statement containing a designation by street number or other description of the property assessed sufficient to enable the owner to identify the same, the amount of the assessment, the date of recordation of said assessment, the time and place of payment thereof, the effect of failure to pay within such time, and a statement of the fact that bonds will be issued upon the unpaid assessments in the manner provided in the Improvement Bond Act of 1915, Division 10 of the Streets and Highways Code of the State of California, the last installment of which bonds shall mature not to exceed eleven (11) years from the second day of July next succeeding ten (10) months from their date, and that the applicable provisions of Part 11.1 of said Act, providing an alternative procedure for the advance payment of assessments and

calling of bonds, shall apply. That the first principal on said bonds be payable July 2, 1983, principal and interest to be reasonably amortized thereafter, and the proceeds to be invested and interest thereon paid into the reserve fund created for additional security for the payment of said bonds; provided, that at any time said reserve fund shall exceed ten percent (10%) of the then outstanding bonds, said interest shall be paid into the redemption fund of said bonds.

14. That said Superintendent of Streets shall also cause Notice to Pay Assessments to be published once a week for two successive weeks in the Lodi News-Sentinel, a newspaper published and circulated in said City, that said assessment has been recorded, and that all sums assessed thereon are due and payable immediately, and that the payment of said sums is to be made within thirty (30) days after the date of recording said assessment, which date shall be stated in said notice, and of the fact that bonds will be issued upon unpaid assessments as above provided.

DATED: November 18, 1981.

I, ALICE M. REIMCHE, City Clerk of the City of Lodi, do hereby certify that Resolution No. 81- was passed and adopted at a regular meeting of the City Council of the City of Lodi, held November 18, 1981, by the following vote:

AYES:	Councilmen -
NOES:	Councilmen -
ABSENT:	Councilmen -
ABSTENTIONS:	Councilmen -

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ALICE M. REIMCHE, City Clerk

RESOLUTION NO. 81-\_\_\_

BEFORE THE CITY COUNCIL OF THE CITY OF  
LODI, CALIFORNIA

TURNER ROAD AND CLUFF AVENUE ASSESSMENT DISTRICT NO. 1

RESOLUTION OF AWARD OF CONTRACT

RESOLVED, by the City Council of the City of Lodi, California,  
that

WHEREAS, pursuant to Notice Inviting Bids duly given and published by the City Clerk of the City of Lodi, the Purchasing Agent of the City of Lodi did in open session on the 26th day of August, 1981, publicly open, examine and declare all sealed bids or proposals for the work to be done and improvements to be made, as described in Resolution No. 81-39, a Resolution of Intention to Acquire and/or Construct Improvements, adopted by said Council on April 15, 1981, to which resolution reference is hereby made for a description of the work and improvements to be done and materials, supplies and equipment to be furnished therefor;

NOW, THEREFORE, IT IS ORDERED as follows:

1. That said Council hereby rejects all of said bids or proposals, except that hereinafter mentioned, and hereby awards the contract for doing the work and improvements and furnishing the materials, supplies and equipment necessary therefor to the lowest responsible bidder, to wit:

TEICHERT CONSTRUCTION, Stockton, California,  
at the unit prices named in said bid.

2. That the Mayor of said City is hereby authorized to make and enter into a written contract with said successful bidder and to receive and approve all bonds in connection therewith, and the City Clerk of said City is hereby directed to attest his signature and affix thereto the official seal of said City.

DATED: November 18, 1981.

I, ALICE M. REIMCHE, City Clerk of the City of Lodi, do hereby certify that Resolution No. 81- was passed and adopted at a

regular meeting of the City Council of the City of Lodi, held  
November 18, 1981, by the following vote:

AYES: Councilmen -

NOES: Councilmen -

ABSENT: Councilmen -

ABSTENTIONS: Councilmen -

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ALICE M. REIMCHE, City Clerk

RESOLUTION NO. 81-\_\_\_

BEFORE THE CITY COUNCIL OF THE CITY OF  
LODI, CALIFORNIA

TURNER ROAD AND CLUFF AVENUE ASSESSMENT DISTRICT NO. 1

A RESOLUTION AWARDDING SALE OF BONDS

RESOLVED, by the City Council of the City of Lodi, California,  
that

WHEREAS, this Council has received a proposal to purchase bonds to be issued to represent unpaid assessments levied in the proceedings under Resolution No. 81-39, a Resolution of Intention to Acquire and/or Construct Improvements, adopted by this Council on April 15, 1981, and that the public interest and general welfare will be served by the acceptance of said proposal;

NOW, THEREFORE, IT IS ORDERED as follows:

1. That upon consummation of special assessment district proceedings said bonds be, and they are hereby, ordered sold to WULFF, HANSEN & CO., San Francisco, California, said sale to be subject to all the terms and conditions set forth in said accepted proposal, and that the interest rate of said bonds be, and the same is hereby fixed at the rate stated in said proposal.

2. That the Director of Finance be, and he is hereby directed to have said bonds printed upon the expiration of the cash payment period herein, and that the same be signed, sealed and delivered to said purchaser upon receipt of the amount therefor, in accordance with the terms and conditions contained in said proposal and the proceedings held pursuant to said Resolution No. 81-39, and any amendments thereto.

DATED: November 18, 1981.

I, ALICE M. REIMCHE, City Clerk of the City of Lodi, do hereby certify that Resolution No. 81- was passed and adopted at a

regular meeting of the City Council of the City of Lodi, held  
November 18, 1981, by the following vote:

AYES: Councilmen -

NOES: Councilmen -

ABSENT: Councilmen -

ABSTENTIONS: Councilmen -

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ALICE M. REIMCHE, City Clerk

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. GLAVES, Jr.  
City Manager

ALICE M. REIMCHE  
City Clerk

RONALD M. STEIN  
City Attorney

November 6, 1981

Mr. Timothy J. Hachman  
Blewett, Garretson and Hachman  
A Professional Corporation  
141 E. Acacia  
Stockton, CA

Re: Turner Road and Cluff Avenue Assessment District

Dear Tim:

Please be advised that at its regular meeting of November 4, 1981 the Lodi City Council continued the public hearing on the heretofore mentioned matter to November 18, 1981.

Your letter of November 2, 1981 was read to the Council and all interested parties were notified by telephone of your request prior to this meeting.

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

Very truly yours,

  
Alice M. Reimche  
City Clerk

AR:dg

CITY COUNCIL

JAMES A. McCARTY, Mayor  
ROBERT G. MURPHY, Mayor Pro Tem  
RICHARD L. HUGHES  
WALTER KADWICH  
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. GLAVES, Jr.  
City Manager

ALICE M. REINICHE  
City Clerk

RONALD M. STEIN  
City Attorney

November 27, 1981

Tim Hachman  
Attorney-at-Law  
141 E. Acacia  
Stockton, CA

Dear Mr. Hachman:

Enclosed please find a certified copy of each of the following listed resolutions concerning the Turner Road and Cluff Avenue Assessment District No. 1 which were passed and adopted by the City Council of the City of Lodi in a regular meeting held November 18, 1981:

1. Resolution No. 81-153 - "Resolution Overruling Protests on Resolution No. 81-39"
2. Resolution No. 81-154 - "Resolution Ordering Changes and Modifications in Assessments, in Boundaries of Assessment District, and Directing Amendment to Engineer's Report and Assessment Diagram"
3. Resolution No. 81-155 - "Resolution Determining Convenience and Necessity, Adopting Engineer's Report, as Amended, Confirming Assessment, and Ordering the Work and Improvements"
4. Resolution No. 81-156 - "Resolution of Award of Contract"
5. Resolution No. 81-157 - "Resolution Awarding Sale of Bonds"

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

Very truly yours,

*Alice M. Reiniche*  
Alice M. Reiniche  
City Clerk

AR:dg

Enc.

RESOLUTION NO. 81-153

BEFORE THE CITY COUNCIL OF THE CITY OF  
LODI, CALIFORNIA

TURNER ROAD AND CLUFF AVENUE ASSESSMENT DISTRICT NO. 1

RESOLUTION OVERRULING PROTESTS  
ON RESOLUTION NO. 81-39

RESOLVED, by the City Council of the City of Lodi, California,  
that

WHEREAS, this Council did on the 15th day of April, 1981, adopt  
its Resolution No. 81-39, a Resolution of Intention to Acquire and/or  
Construction Improvements in and for said City;

WHEREAS, on August 5, 1981, this Council adopted a resolution  
appointing time and place of hearing protests in relation to the  
proposed acquisitions and improvements, and directing notice;

WHEREAS, notice was given of the time and place therein stated  
in the manner provided by law, as appears from the affidavits on  
file in the office of the City Clerk;

WHEREAS, said matter came on regularly for hearing at the time  
therein fixed; and

WHEREAS, all written protests and other written communications  
were publicly read at said meeting and all persons desiring to be  
heard were fully heard;

NOW, THEREFORE, IT IS ORDERED, as follows:

1. That any and all protests against said acquisitions and  
improvements were not signed by the owners of a majority or more of  
the area of the land to be assessed for the improvements in the  
proposed district.

2. That said protests be, and each of them is hereby, overruled.

DATED: November 18, 1981.

I, ALICE M. REIMCHE, City Clerk of the City of Lodi, do hereby  
certify that Resolution No. 81-153 was passed and adopted at a  
regular meeting of the City Council of the City of Lodi, held

81-153

November 18, 1981, by the following vote:

AYES: Councilmen - Hughes, Murphy, Pinkerton, Katnich  
and McCarty  
NOES: Councilmen - None  
ABSENT: Councilmen - None  
ABSTENTIONS: Councilmen - None

*Alice M. Reinche*  
\_\_\_\_\_  
ALICE M REINCHE, City Clerk

RESOLUTION NO. 81-154

BEFORE THE CITY COUNCIL OF THE CITY OF  
LODI, CALIFORNIA

TURNER ROAD AND CLUFF AVENUE ASSESSMENT DISTRICT NO. 1

RESOLUTION ORDERING CHANGES AND MODIFICATIONS  
IN ASSESSMENTS, IN BOUNDARIES OF ASSESSMENT  
DISTRICT, AND DIRECTING AMENDMENT TO ENGINEER'S  
REPORT AND ASSESSMENT DIAGRAM

RESOLVED, by the City Council of the City of Lodi, California,  
that

WHEREAS, the estimated cost of the improvements under Resolution  
No. 81-39, a Resolution of Intention to Acquire and/or Construct  
Improvements, adopted by the City Council on April 15, 1981, was a  
total of \$1,700,000.00 to be assessed;

WHEREAS, following the opening of bids for the work, and the  
negotiations for the sale of the bonds to be issued upon the unpaid  
assessments, said assessments should be changed and modified to  
reflect the reduction in the cost of construction, and the increase  
in the incidental expenses in connection with the bond discount  
required;

WHEREAS, all owners of property on which the amount of the  
assessment to be levied thereon must be increased in accordance  
with said changes and modifications have filed with the City Clerk  
their written consent to said increase in assessment;

WHEREAS, following the protest hearing certain property owners  
have requested that their properties be excluded from the assessment  
district, and it appears to be in the best interests of all parties  
interested that said requests be granted;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. The total assessment is hereby reduced to \$1,588,000.00,  
and that each of the individual assessments shall be first reduced  
by its share according to benefits of the reduction in the cost of

construction, and thereafter increased by its pro rata share of the increase in bond discount required in the sale of the bonds.

2. The proposed boundaries of said assessment district to be assessed in said proceedings, are hereby described as shown on an amended map of said assessment district on file in the office of the City Clerk, which indicates by a boundary line the extent of the territory included in the proposed assessment district, as amended to exclude therefrom those parcels designated in the assessment roll in the Engineer's Report as Assessor's Parcels Nos. 049-080-12, 049-080-13, 049-080-21, and 049-080-22, which map shall govern for all details as to the extent of the district. Reference to such amended map is hereby made for particulars.

Said amended map contains the name of the City and a distinctive designation in words or by number of the district shown thereon, and that said map amends the boundary map for said district, previously filed for record on April 29, 1981 in Book 1, Page 194, of Maps of Assessment Districts, in the office of the County Recorder, San Joaquin County, California.

3. On the original and at least one copy of said map the City Clerk shall endorse her certificate evidencing the date and adoption of this resolution. The Clerk shall file the original of such map in her office, and within ten (10) days after adoption of this resolution, shall file a copy thereof with the County Recorder of San Joaquin County, and shall pay the filing fee required by law in connection with the filing of said map.

4. The Engineer of Work is authorized and directed to make the changes hereinabove ordered in the Engineer's Report and assessment on file herein.

DATED: November 18, 1981.

I, ALICE M. REIMCHE, City Clerk of the City of Lodi, do hereby certify that Resolution No. 81-154 was passed and adopted at a

regular meeting of the City Council of the City of Lodi, held  
November 18, 1981, by the following vote:

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

NOES: Councilmen - None

ABSENT: Councilmen - None

ABSTENTIONS: Councilmen - None

*Alice M. Reimche*  
\_\_\_\_\_  
ALICE M. REIMCHE, City Clerk

RESOLUTION NO. 81-155

BEFORE THE CITY COUNCIL OF THE CITY OF  
LODI, CALIFORNIA

TURNER ROAD AND CLUFF AVENUE ASSESSMENT DISTRICT NO. 1

A RESOLUTION DETERMINING CONVENIENCE AND NECESSITY,  
ADOPTING ENGINEER'S REPORT, AS AMENDED, CONFIRMING  
ASSESSMENT, AND ORDERING THE WORK AND IMPROVEMENTS

RESOLVED, by the City Council of the City of Lodi, California,  
that

WHEREAS, on the 15th day of April, 1981, said Council adopted its Resolution No. 81-39, a Resolution of Intention to Acquire and/or Construct Improvements, wherein it determined that the public interest, convenience and necessity required and that it intended to order the acquisition and/or construction of certain improvements therein particularly described, and referred the proposed acquisitions and improvements to the Engineer of Work of said City, he being the officer having charge and control of the acquisitions and improvements in and for said City of the kind described in said Resolution, and being a competent person employed by said City for that purpose;

WHEREAS, said Council thereby directed said Engineer of Work to make and file with the City Clerk of said City a report in writing in accordance with and pursuant to the provisions of the Municipal Improvement Act of 1913;

WHEREAS, said report was duly made and filed with the City Clerk whereupon the Clerk presented it to said Council for consideration;

WHEREAS, said Council thereupon duly considered said report and each and every part thereof, and found that it contained all the matters and things called for by the aforesaid provisions of said Act, including (1) maps and descriptions of lands and easements, and a general description of the works or appliances to be acquired, (2) plans and specifications of the proposed improvements to be made, (3) estimate of costs, (4) diagram of district, and (5) an assessment

according to benefits, all of which was done in the form and manner required by said Act;

WHEREAS, said Council found that said report and each and every part thereof was sufficient in every particular and determined that it should stand as the report for all subsequent proceedings under said Act and Resolution, whereupon said Council pursuant to the requirements of said Act, appointed, Wednesday, the 16th day of September, 1981, at 8:00 p.m. of said day, in the Council Chambers, City Hall, Lodi, California, as the time and place for hearing protests in relation to said proposed acquisitions and improvements, and directed the Clerk of said City to give notice of said hearing as required by said Act;

WHEREAS, it appears that notices of said hearing were duly and regularly posted and published in the time, form and manner required by said Act, as evidenced by the affidavits on file with said Clerk, whereupon said hearing was duly and regularly held at the time and place advertised in said notices;

WHEREAS, four persons interested, objecting to said acquisitions and improvements, or to the extent of the assessment district, or to the proposed assessment or diagram, or to the maps and descriptions, or to the grades at which said work will be done, or to the Engineer's estimate of the costs and expenses thereof, filed written protests with the Clerk of said City at or before the time set for said hearing or presented oral protests at said hearing, and all persons interested desiring to be heard were given an opportunity to be heard, and all matters and things pertaining to said acquisitions and improvements were fully heard and considered by said Council; and said hearing was continued from time to time as provided in said Act;

NOW, THEREFORE, said Council does hereby find, determine and order as follows:

1. That the owners of one-half of the area of the property to be assessed for the cost of said project did not at or prior to the

time fixed for said hearing, file written protests against the said acquisitions and improvements, or as to the Engineer's estimate of costs and expenses of said project, or against the maps and descriptions, or against the grades at which said work is proposed to be done, or against the diagram and assessment to pay for the costs and expenses thereof.

2. That any and all protests made either to the question of the public interest, convenience and necessity of making said acquisitions and improvements under said Resolution No. 81-39, or to said proposed acquisitions and improvements, or the grades to which said work is proposed to be done, or to the extent of the assessment district, or the maps and descriptions, or the amount of the several assessments, and all persons desiring to be heard in relation to any of said matters, whether as protestants or otherwise, have been fully heard and considered, and are hereby overruled.

3. That the public interest, convenience and necessity require the acquisitions and improvements in the assessment district as proposed, and Division 4 of the Streets and Highways Code shall not apply.

4. That the district benefited by said acquisitions and improvements and to be assessed to pay the costs and expenses thereof, and the exterior boundaries thereof, is the district described in said Resolution No. 81-39, as modified and amended.

5. That the Engineer's estimate of the itemized and total costs and expenses of said acquisitions and improvements, and of the incidental expenses in connection therewith, contained in said report, as amended, be, and it is hereby finally adopted and approved as the Engineer's total and detailed estimate of the costs and expenses of said acquisitions and improvements.

6. That the plans and specifications for the proposed improvements contained in said report, as amended, be, and they are hereby

THE FOREGOING DOCUMENT IS CERTIFIED TO BE  
A CORRECT COPY OF THE ORIGINAL ON FILE IN  
THIS OFFICE

-3-

DOREEN GAUGEL  
DEPUTY CITY CLERK, CITY OF LODI

finally adopted and approved as the plans and specifications to which said work shall be done as called for in said Resolution No. 81-39.

7. That the maps and descriptions of the lands and easements to be acquired, as contained in said report, as amended, be, and the same are hereby approved and confirmed.

8. That the public interest, convenience and necessity require, and said Council does hereby order the acquisitions and improvements to be made as described in and in accordance with said Resolution No. 81-39, as modified and amended, on file in the office of the City Clerk, reference to which is hereby made for a more particular description of said acquisitions and improvements and for further particulars, pursuant to the provisions of said Act.

9. That the diagram showing the assessment district referred to and described in said Resolution No. 81-39, as modified and amended, and also the boundaries and dimensions of the respective subdivisions of land within said district as the same existed at the time of the passage of said Resolution, each of which subdivisions have been given a separate number upon said diagram, as contained in said report, as amended, be, and it is hereby finally approved and confirmed as the diagram of the properties to be assessed to pay the costs and expenses of said acquisitions and improvements.

10. That the assessment of the total amount of the costs and expenses of the proposed acquisitions and improvements, upon the several subdivisions of land in said assessment district in proportion to the estimated benefits to be received by said subdivisions, respectively, from said acquisitions and improvements, and of the expenses incidental thereto, as contained in said report, as amended, be, and the same is hereby finally approved and confirmed as the assessment to pay the costs and expenses of said improvements.

11. That the Engineer's Report, as amended, be, and the same is hereby finally approved and confirmed as a whole.

12. That the Clerk of said City shall forthwith deliver to the Superintendent of Streets of said City the said assessment, as amended, together with the diagram thereto attached and made a part thereof, as confirmed by this Council, with her certificate of such confirmation thereto attached and of the date thereof; and that said Superintendent of Streets shall record said diagram and assessment in his office in a suitable book to be kept for that purpose, and shall append thereto his certificate of the date of such recording, and such recordation shall be and constitute the assessment roll herein.

13. That said Superintendent of Streets, upon the recording of said diagram and assessment, shall mail to each owner of real property within the assessment district, as amended, at his last known address as the same appears on the tax rolls of the City or on file in the office of the Clerk of said City, or to both addresses, if said address is not the same, or to general delivery when no address so appears, a statement containing a designation by street number or other description of the property assessed sufficient to enable the owner to identify the same, the amount of the assessment, the date of recordation of said assessment, the time and place of payment thereof, the effect of failure to pay within such time, and a statement of the fact that bonds will be issued upon the unpaid assessments in the manner provided in the Improvement Bond Act of 1915, Division 10 of the Streets and Highways Code of the State of California, the last installment of which bonds shall mature not to exceed eleven (11) years from the second day of July next succeeding ten (10) months from their date, and that the applicable provisions of Part 11.1 of said Act, providing an alternative procedure for the advance payment of assessments and

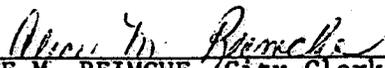
calling of bonds, shall apply. That the first principal on said bonds be payable July 2, 1983, principal and interest to be reasonably amortized thereafter, and the proceeds to be invested and interest thereon paid into the reserve fund created for additional security for the payment of said bonds; provided, that at any time said reserve fund shall exceed ten percent (10%) of the then outstanding bonds, said interest shall be paid into the redemption fund of said bonds.

14. That said Superintendent of Streets shall also cause Notice to Pay Assessments to be published once a week for two successive weeks in the Lodi News-Sentinel, a newspaper published and circulated in said City, that said assessment has been recorded, and that all sums assessed thereon are due and payable immediately, and that the payment of said sums is to be made within thirty (30) days after the date of recording said assessment, which date shall be stated in said notice, and of the fact that bonds will be issued upon unpaid assessments as above provided.

DATED: November 18, 1981.

I, ALICE M. REIMCHE, City Clerk of the City of Lodi, do hereby certify that Resolution No. 81-155 was passed and adopted at a regular meeting of the City Council of the City of Lodi, held November 18, 1981, by the following vote:

AYES:	Councilmen - Hughes, Murphy, Pinkerton, Katnich and McCarty
NOES:	Councilmen - None
ABSENT:	Councilmen - None
ABSTENTIONS:	Councilmen - None

  
ALICE M. REIMCHE, City Clerk

RESOLUTION NO. 81-156

BEFORE THE CITY COUNCIL OF THE CITY OF  
LODI, CALIFORNIA

TURNER ROAD AND CLUFF AVENUE ASSESSMENT DISTRICT NO. 1  
RESOLUTION OF AWARD OF CONTRACT

RESOLVED, by the City Council of the City of Lodi, California,  
that

WHEREAS, pursuant to Notice Inviting Bids duly given and published by the City Clerk of the City of Lodi, the Purchasing Agent of the City of Lodi did in open session on the 26th day of August, 1981, publicly open, examine and declare all sealed bids or proposals for the work to be done and improvements to be made, as described in Resolution No. 81-39, a Resolution of Intention to Acquire and/or Construct Improvements, adopted by said Council on April 15, 1981, to which resolution reference is hereby made for a description of the work and improvements to be done and materials, supplies and equipment to be furnished therefor;

NOW, THEREFORE, IT IS ORDERED as follows:

1. That said Council hereby rejects all of said bids or proposals, except that hereinafter mentioned, and hereby awards the contract for doing the work and improvements and furnishing the materials, supplies and equipment necessary therefor to the lowest responsible bidder, to wit:

TEICHERT CONSTRUCTION, Stockton, California,  
at the unit prices named in said bid.

2. That the Mayor of said City is hereby authorized to make and enter into a written contract with said successful bidder and to receive and approve all bonds in connection therewith, and the City Clerk of said City is hereby directed to attest his signature and affix thereto the official seal of said City.

DATED: November 18, 1981.

I, ALICE M. REIMCHE, City Clerk of the City of Lodi, do hereby certify that Resolution No. 81-156 was passed and adopted at a

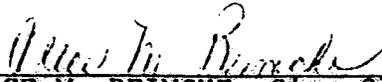
regular meeting of the City Council of the City of Lodi, held  
November 18, 1981, by the following vote:

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

NOES: Councilmen - None

ABSENT: Councilmen - None

ABSTENTIONS: Councilmen - None

  
\_\_\_\_\_  
ALICE M. REINCHE, City Clerk

RESOLUTION NO. 81-157

BEFORE THE CITY COUNCIL OF THE CITY OF  
LODI, CALIFORNIA

TURNER ROAD AND CLUFF AVENUE ASSESSMENT DISTRICT NO. 1

A RESOLUTION AWARDDING SALE OF BONDS

RESOLVED, by the City Council of the City of Lodi, California,  
that

WHEREAS, this Council has received a proposal to purchase bonds to be issued to represent unpaid assessments levied in the proceedings under Resolution No. 81-39, a Resolution of Intention to Acquire and/or Construct Improvements, adopted by this Council on April 15, 1981, and that the public interest and general welfare will be served by the acceptance of said proposal;

NOW, THEREFORE, IT IS ORDERED as follows:

1. That upon consummation of special assessment district proceedings said bonds be, and they are hereby, ordered sold to WULFF, HANSEN & CO., San Francisco, California, said sale to be subject to all the terms and conditions set forth in said accepted proposal, and that the interest rate of said bonds be, and the same is hereby fixed at the rate stated in said proposal.
2. That the Director of Finance be, and he is hereby directed to have said bonds printed upon the expiration of the cash payment period herein, and that the same be signed, sealed and delivered to said purchaser upon receipt of the amount therefor, in accordance with the terms and conditions contained in said proposal and the proceedings held pursuant to said Resolution No. 81-39, and any amendments thereto.

DATED: November 18, 1981.

I, ALICE M. REIMCHE, City Clerk of the City of Lodi, do hereby certify that Resolution No. 81- 157 was passed and adopted at a

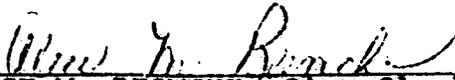
regular meeting of the City Council of the City of Lodi, held  
November 18, 1981, by the following vote:

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

NOES: Councilmen - None

ABSENT: Councilmen - None

ABSTENTIONS: Councilmen - None

  
\_\_\_\_\_  
ALICE M. REIMCHE, City Clerk

# WULFF, HANSEN & Co.

ESTABLISHED 1931

INVESTMENT SECURITIES

201 SANSOME STREET, 7<sup>TH</sup> FLOOR

SAN FRANCISCO 94104

[415] 421-8900

November 17, 1981

## Municipal Financing

City Council  
City of Lodi  
California

## Special Assessment and Revenue Bonds

RE: Turner Road & Cluff Avenue  
Assessment District No. 1

County  
City  
Special district

We hereby offer to purchase all, but not less than all, bonds to be issued by the City of Lodi according to the Improvement Bond Act of 1915 of the State of California (after proceedings under the Municipal Improvement Act of 1913) to represent the cost of acquisitions and improvements in the Turner Road and Cluff Avenue Assessment District Number 1.

Commercial  
Industrial  
Residential  
Hospital  
Public

We make this offer under the following terms and conditions:

Street opening  
Sewer  
Water  
Landscaping  
Sidewalks  
Curbs  
Gutters  
Lighting  
Drainage  
Traffic control  
Parking  
Meters  
Pedestrian malls  
Parks  
Playground  
Recreation  
Refinancing  
Renovation  
Dredging  
Reclamation

Amount of Bonds:	Maximum \$1,588,000.00
Form of Bonds:	Payable to bearer, 5M denominations due serially with semi-annual interest coupons attached. The odd lot bond to be in the 1983 maturity. All bonds are to be registrable and deregistrable as to principal and interest.
Interest Coupon Rate:	10.00%.
Price:	81% of par value with accrued interest.
Term:	12 years.

November 17, 1981  
City of Lodi  
Page Two

Maturity Schedule:

Serially from 7-2-83 to 7-2-94  
as shown below:

103M in 1983 and 135M in the  
years 1984 through 1994 in-  
clusive.

Date of Bonds:

December 23, 1981.

Foreclosure Clause:

City to covenant to initiate  
and vigorously pursue foreclosure  
proceedings to be initiated 120  
days after delinquency occurs.

Reserve Fund:

The City shall establish from the  
proceeds of the bonds a reserve  
fund equal to 7% of the principal  
amount of the bonds. In estab-  
lishing the amount to be deposited  
in the reserve fund from the pro-  
ceeds of the bonds, we have  
considered the applicability of  
the obligation of the City to  
accumulate in the reserve fund  
all proceeds from investments in  
said reserve fund until the total  
of the fund reaches 15% of the  
principal amount of the bond issue  
less any discount plus accrued  
interest.

In this instance the reserve fund  
has been initially established  
as set forth above, which amount  
(taking into account retention  
of the estimated proceeds from  
investment of monies in said  
reserve fund) we deem reasonable  
for this issue and necessary to  
market the bonds at competitive  
market rates.

Place of delivery:

Treasurer's office or as agreed  
by City Treasurer and the under-  
signed.

November 17, 1981  
City of Lodi  
Page Three

Time of Delivery: On or after December 23, 1981,  
but in no case after December 29,  
1981.

Redemption Premium: 5% of principal.

Legal Opinion: Blewett, Garretson & Hachman,  
Stockton, California, without  
qualification and without expense  
to us.

Expiration: This offer shall be accepted at  
your November 18, 1981 City  
Council meeting.

Paying Agent: A major bank with main offices  
in San Francisco and Los Angeles.

Very truly yours



J. Paul Dumont  
Senior Vice President

JPD/hdk

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

GENDA ITEM "i" - Turner  
Road right-of-way.

(Additional information)

January 21, 1982

Mr. Ron Judson  
2306 Corbin Lane  
Lodi, California 95240

RE: Turner Road Widening

Dear Ron:

Thank you very much for taking me to lunch on Thursday, January 21, 1982. I wanted to try to recap the nature of our conversation. As you will note from the cc's, I am sending a copy of this letter to the City Council so that they can also be privy to our conversation.

It is my understanding that the people whom you represent would ask the City Council to widen Turner Road and to condemn the right-of-way over the Jerome and Snell properties and if the appraiser whom the City hires to appraise the taking of the right-of-way from the Jeromes and Snells determines that it would be to the City's advantage to take the whole of the Jerome and Snell properties, that the people whom you represent would be willing to pay to the City the cost of the excess take (the home and land minus the value of the right-of-way). Further, the people whom you represent are willing to put in the street, curb, gutter and sidewalk on the right-of-way for the City. Further, it is my understanding that the people you represent would ask that if the City were able to sell and remove the homes that are located on the Jerome and Snell property, that the City would give to the people whom you represent, credit for whatever the City was able to sell the two homes for.

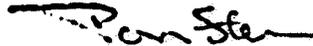
In our discussion, I mentioned the possibility of the people whom you represent purchasing the homes from the Jeromes and Snells directly and it was your concern that if they were able to purchase said homes, that the City under present policy would require them to dedicate the right-of-way and put in the street. What I suggested to you was that perhaps the City would be willing to purchase the right-of-way from the individuals whom you represent rather than requiring you to dedicate the right-of-way to the City.

Mr. Ron Judson  
1/21/82 - Page Two

One concern that I mentioned during our conversation was if the City were to condemn the Jerome and Snell right-of-ways, that the appraiser might not feel that it is necessary to take the complete properties and this would be of no advantage to the people whom you represent.

I hope that this adequately represents our conversation and I would certainly appreciate your confirming in writing that it does. If you have any questions regarding this matter, please feel free to call upon me.

Sincerely yours,



RONALD M. STEIN  
CITY ATTORNEY

RMS:vc

cc: Honorable Mayor and  
Council