

CITY COUNCIL CITY OF LODI
 COUNCIL CHAMBERS, CITY HALL
 DECEMBER 22, 1952

Pursuant to the adjournment taken from its regular meeting of December 17, 1952, the City Council of the City of Lodi met in adjourned session at 7:30 o'clock p.m. of December 22, 1952; Councilmen Preszler, Richey, Rinn, Robinson and Haskell (Mayor) present; none absent.

Minutes of the previous meeting, December 17, 1952, were held over until the next regular meeting.

PUBLIC HEARING

WERNER
 AND
 VEIT
 PROTEST
 ANNEXATION

This being the time and place set for hearing of protests to the annexation of the "47th Addition" and the "Rieck Addition" as contained and published in Resolutions 1708 and 1712, respectively, the Mayor called for the hearing of such protests. City Clerk Graves read the protest of Edwin G. Werner and Gertrude G. Werner to the inclusion of property owned by them to either of the proposed annexations and two letters from Mrs. Maud Veit protesting the annexation of her property in the "Rieck Addition", all protests having been filed with the City Clerk prior to 5:00 p.m. of the day set for hearing. Councilman Rinn then called upon Mr. Werner to explain his reasons for objecting to annexation to the City of Lodi. Mr. Werner answered by requesting the Council's reasons for including his property in the proposed annexation. Councilman Rinn then referred the question to City Clerk Graves who replied that the reasons given at the time of the passage of Resolutions 1708 and 1712 were that the Werner property was contiguous on the immediate north to the territory requesting annexation by petition filed with the Council and that the nature of the business or manufacturing done on the premises make it important that the City include his property in order that his property will become subject to zoning and building regulations as a protection to surrounding property owners, who, it is expected, will ultimately be in the City limits. Mr. Werner replied that the territory west and north of his property is still in unincorporated territory and that he did not feel that it was fair to force him to annex at this time. He continued that he would not stand in the way of progress and he would not object to annexation at such time as this property is included. Mayor Haskell stated that the City Council was interested in protecting property owners by annexing territory in an orderly fashion, but its intent was to convince the property owner that it was to his best interest to annex of his own accord rather than to force him into the City. Mr. Werner then stated that he had a new home on his property which he intended to maintain as a residence, that he did not intend to do anything that would jeopardize his property values or that of his neighbors, that the business which he had moved out to his residence was considered by him as his hobby, that he has no intention of becoming an island surrounded by the City, and finally, that the protest of Mrs. Maud Veit was entirely independent of his own and was submitted through no coercion on his part. After having a striking resemblance between his protest and one of the letters submitted by Mrs. Veit called to his attention, Mr. Werner explained the circumstances which resulted in both letters being prepared by one individual. When questioned as to his mother's reasons for protesting annexation, Mr. Walter Veit explained that as long as his mother resided on the property the water and sewerage facilities are ample and that if the property is sold, there will be sufficient time to

complete annexation after the sale is made. He stated that he was aware of the City's policy relating to extension of utilities and that the City Clerk had explained to him that it would be possible to receive refund for deposits in a relatively short time. After Mr. Werner reiterated that he would be willing to accept annexation at such time as the Veit Property is annexed, Councilman Robinson moved the introduction of Ordinance No. 473, approving the 47th Addition which excludes the Werner property. Councilman Rinn then asked the effect of such a move on the property excluded. Specifically, would the exclusion of the Werner property preclude its annexation for one year? City Attorney Mullen stated that it was his personal opinion, although not necessarily a legal opinion, that the modification of the boundary of the annexation by the Council would not preclude its annexation for one year. He stated that he felt the power to modify the boundaries of proposed annexation were inherent in the City Council. After a scanning of the Government Code, the City Attorney stated he would prefer to offer a legal opinion after giving the matter further study. Mayor Haskell suggested that the proceedings on both Resolutions 1708 and 1712 be postponed until some of the legal questions could be resolved. Councilman Robinson then withdrew his motion and moved that the proceedings be continued to the meeting of January 7, 1953. The motion was seconded by Councilman Rinn and passed.

HEARING
CONTINUED

City Manager Weller then reported that he had been contacted by representatives of the County Board of Supervisors with the request that the City lease the present Chamber of Commerce auditorium and the office space presently occupied by the Agriculture Department to the County for use by the Lodi Judicial District Court. He explained that the County had determined that the present facilities at the Justice Court would be inadequate after the new court reorganization goes into effect January 5, 1953. The Agriculture Department could be moved to the present Hall of Justice or other suitable quarters, allowing room for office space of the Judge. Mr. Weller further explained that he had contacted the Chamber of Commerce and while they were reluctant to lose the hall, they appreciated the needs of the County and would be willing to abide by the decision of the Council. It was understood that the County would assume all obligation for the furnishing of the court room. Judge-elect Bainbridge stated that the auditorium would be available for meetings in the evening and that arrangements could probably be worked out for daytime meetings if requests were made in sufficient time to allow for the necessary arrangements. On the motion of Councilman Preszler, Richey second, the Council authorized the City Manager, Judge-elect Bainbridge and County Supervisor Stuckenbruck to work out a proposed agreement for lease in line with the discussed plans.

LEASE
AUDITORIUM
TO COUNTY
FOR
DISTRICT
COURT

Meeting was adjourned at 8:35 o'clock p.m. on the motion of Councilman Rinn, Richey second.

ATTEST: *Henry A. Glavis, Jr.*
HENRY A. GLAVIS, JR.
City Clerk