



# CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Set a Public Hearing for February 21, 2001, to Consider a Resolution Establishing an Area of Benefit and Reimbursable Costs for Tienda Drive Improvements Fronting the Parcels Located at 2223 and 2241 West Kettleman Lane (APN 027-040-17 and APN 027-040-79, respectively)

**MEETING DATE:** January 17, 2001

**PREPARED BY:** Public Works Director

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**RECOMMENDED ACTION:** That the City Council set a Public Hearing for February 21, 2001, to consider a resolution establishing an area of benefit and reimbursable costs for Tienda Drive improvements fronting the parcels located at 2223 and 2241 West Kettleman Lane (APN 027-040-17 and APN 027-040-79, respectively).

**BACKGROUND INFORMATION:** A Tentative Map for Sunwest XIV, Unit No. 1, a single-family residential project, was approved by the Planning Commission on February 10, 1997. As a condition of approval, the developer was required to construct improvements at City expense on the north side of Tienda Drive along the City-owned property west of the development (Roget Park site), in conjunction with the Sunwest XIV, Unit No. 1 development. Although the City had acquired a portion of the necessary right-of-way on the south side of Tienda Drive in conjunction with the agreement approved by the City Council on June 20, 1996, for the acquisition of the westerly portion of the Roget Park site (APN 027-040-78), negotiations for acquisition of right-of-way with the owner of the adjacent parcel to the east (APN 027-040-17), Church of Nazarene, had been unsuccessful. Since all the necessary right-of-way had not been secured, installation of street improvements on the south side of Tienda Drive was not required as a condition of development at that time. The Improvement Agreement for the Sunwest XIV, Unit No. 1, was approved by the Council on October 21, 1998. The location of the above-referenced parcels in relation to the subject Tienda Drive improvements is shown in Exhibit A.

In an ongoing effort to accomplish construction of the full street improvements on Tienda Drive with the Sunwest XIV development and at the request of the Church of Nazarene, the City reopened negotiations to acquire the right-of-way along the south side of Tienda Drive in exchange for street frontage improvements. An agreement with First Church of Nazarene was subsequently approved by the City Council on August 5, 1998, and recorded in the San Joaquin County Recorders Office on August 20, 1998 as Instrument No. 98097296. The agreement stipulates that, in exchange for the right-of-way dedication, the City will construct the street frontage improvements on the south side of Tienda Drive (curb, gutter, sidewalk, street paving, etc.) at City expense and a reimbursement will be prepared requiring the Church or their successors to pay their fair share of the utility construction costs at the time of connection to the utilities.

An addendum to the Improvement Agreement for the Sunwest XIV project covering construction of street improvements on the south side of Tienda Drive was approved by the City Council on June 25, 1999. Pursuant to the addendum to the Improvement Agreement, the developer of the Sunwest XIV, Unit 1 development constructed the improvements for Tienda Drive west of the development. The development

APPROVED:

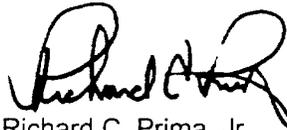
H. Dixon Flynn -- City Manager

Set a Public Hearing for February 21, 2001, to Consider a Resolution Establishing an Area of Benefit and Reimbursable Costs for Tienda Drive Improvements Fronting the Parcels Located at 2223 and 2241 West Kettleman Lane (APN 027-040-17 and APN 027-040-79, respectively)  
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improvements, including Tienda Drive improvements, were accepted by the City Council on January 19, 2000 by Resolution No. 2000-05. Per the terms of the addendum, the developer was reimbursed by the City for the costs of improvements on Tienda Drive west of the development.

In conformance with Lodi Municipal Code (LMC) Section 16.40, staff recommends that Council set a public hearing to establish an area of benefit and reimbursable costs to recover the cost of street improvements on the south side of Tienda Drive fronting the parcels owned by First Church of Nazarene (APN 027-040-17) and Ronald C. Dunscombe et al. (APN 027-040-79) which benefit from those improvements. The reimbursable costs for each property are shown on Exhibit B. Pursuant to LMC Section 16.40.50.A.3, the reimbursable amounts shown in Exhibit B include an amount attributable to interest for the year 2000 based on the change in the Engineering News Record 20 Cities Construction Cost Index from January 2000 to January 2001. Similar adjustments to the reimbursable costs will be made each January until payment is received.

FUNDING: Not applicable.



Richard C. Prima, Jr.  
Public Works Director

Prepared by: Sharon Welch, Senior Civil Engineer  
SNG & Associates Inc.

RCP/SAW/SNG/lm

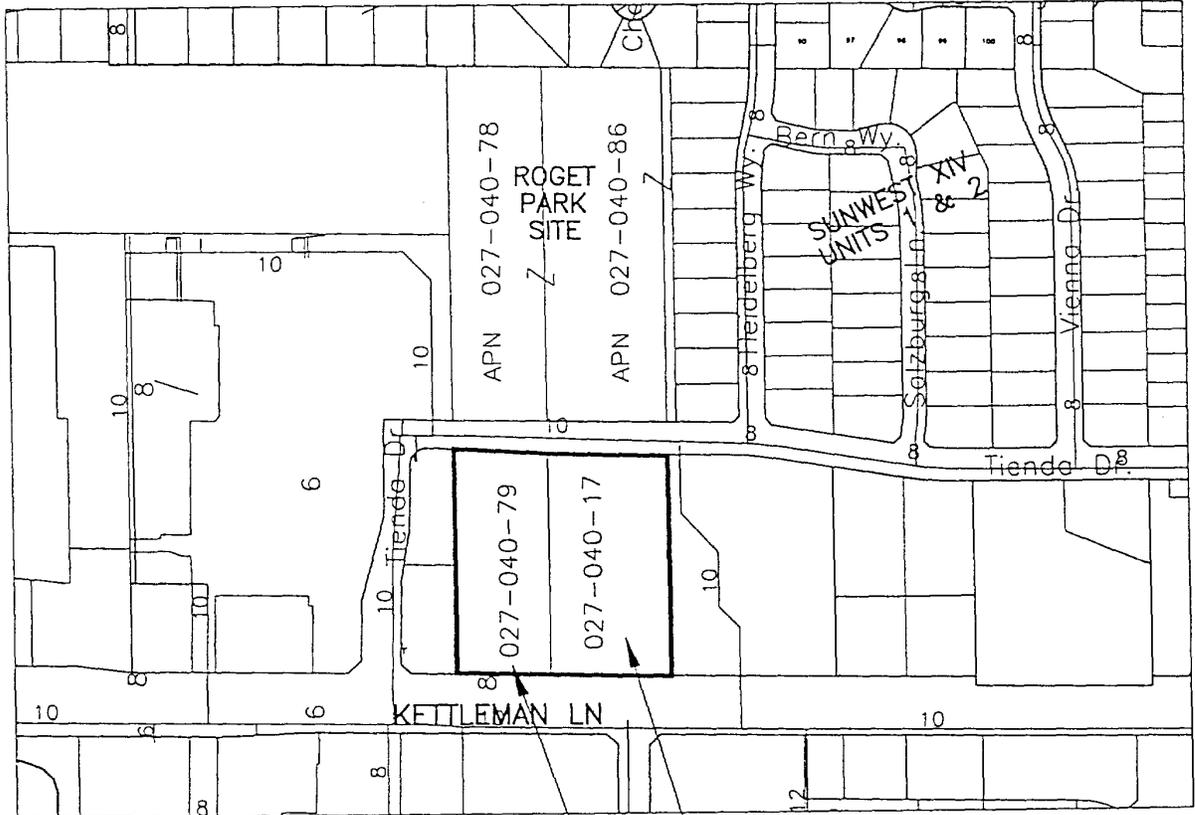
Attachments

cc: Senior Civil Engineer – Development Services  
Church of Nazarene  
Ronald C. Dunscombe et al.



**CITY OF LODI**  
PUBLIC WORKS DEPARTMENT

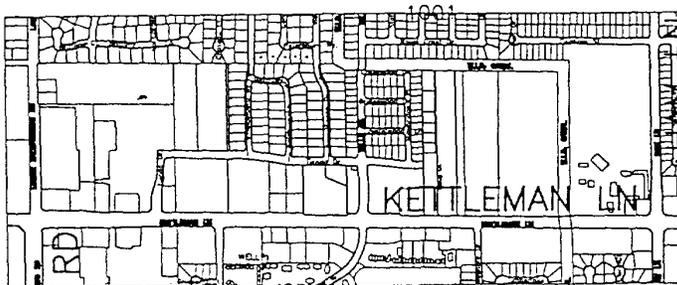
**EXHIBIT A**  
AREA OF BENEFIT



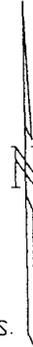
DETAIL

CHURCH OF NAZARENE  
APN: 027-040-17  
2241 West Kettleman Lane

APN 027-040-79  
2223 West Kettleman Lane



VICINITY MAP



N.T.S.





## DECLARATION OF MAILING

### PUBLIC HEARING FOR FEBRUARY 21, 2001 TO DISCUSS A RESOLUTION ESTABLISHING AN AREA OF BENEFIT AND REIMBURSEABLE COSTS FOR TIENDA DRIVE IMPROVEMENTS FRONTING PARCELS AT 2223 AND 2241 WEST KETTLEMAN LANE

On January 19, 2001 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 19, 2001, at Lodi, California.

ORDERED BY:

**SUSAN BLACKSTON  
CITY CLERK, CITY OF LODI**

ORDERED BY:

  
\_\_\_\_\_  
JACQUELINE L. TAYLOR  
DEPUTY CITY CLERK

\_\_\_\_\_  
JENNIFER M. PERRIN  
DEPUTY CITY CLERK

Pt-Tienda Drive

LODI CARE GROUP LLC  
5720 LBJ FREEWAY STE 450 LB 16  
DALLAS TX 75240-6339

HEALTH CARE PROP INVESTORS INC  
1000 2ND AVE STE 3950  
SEATTLE WAS 98104-1046

WAL MART STORES INC 1789  
1301 SE 10TH ST  
BENTONVILLE AR 72716-0555

BDC LODI PLAZA LP  
2525 E EL SEGUNDO  
EL SEGUNDO CA 90245-4632

FIRST LODI PLAZA ASSOCIATES  
1 MCDONALDS PLAZA  
OAK BROOK IL 60521

BRITTANY LLC  
317 W LODI AVE  
LODI CA 95240

LOWELL B FLEMMER  
2031 BERN WY  
LODI CA 95242

COSTAMAGNA PARTNERS LP  
PO BOX 131  
WOODBIDGE CA 95258

A FRED & G CAMY BAKER  
PO BOX 1510  
LODI CA 95241-1510

JOHN & KERRY GIANNONI  
2000 W KETTLEMAN LN STE 107  
LODI CA 95242

LODI FIRST NAZARENE CHURCH  
2223 W KETTLEMAN LN  
LODI CA 95242

BDC LODI PLAZA LP  
100 SWAN WY STE 206  
OAKLAND CA 94621

RONALD DUNSCOMBE ETAL  
9689 RODDEN RD  
OAKDALE CA 95361

LODI RETIREMENT RESIDENCE LLC  
2250 MCGILCHRIST ST SE STE 200  
SALEM OR 97302

WINFIELD & HELEN ARCHIBALD  
1270 HEIDELBERG WY  
LODI CA 95242

MICHAEL & SUSAN THOMAS  
1252 HEIDELBERG WY  
LODI CA 95242

KENNETH & NANCY HYSKE  
1263 HEIDELBERG WY  
LODI CA 95242

DAVE & KATHY WILLIAMS  
1255 HEIDELBERG WY  
LODI CA 95242

CHRIS & LA VETA KESZLER  
1111 W TOKAY ST  
LODI CA 95240

JEANNE E PAOLETTI TR  
12373 N LOWER SACRAMENTO RD  
LODI CA 95242



**CITY OF LODI**  
Carnegie Forum  
305 West Pine Street, Lodi

**NOTICE OF PUBLIC HEARING**

Date: Wednesday, February 21, 2001

Time: 7:00 p.m.

For information regarding this notice please contact:

**Susan J. Blackston**

City Clerk

Telephone: (209) 333-6702

**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that on Wednesday, February 21, 2001 at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) a Resolution establishing an Area of Benefit and Reimbursable Costs for Tienda Drive Improvements fronting the parcels located at 2223 and 2241 West Kettleman Lane (APN 027-040-17 and APN 027-040-79, respectively)

All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:

A handwritten signature in cursive script that reads "Susan J. Blackston".

Susan J. Blackston  
City Clerk

Dated: January 17, 2001

Approved as to form:  
A handwritten signature in cursive script that reads "Randall A. Hays".

Randall A. Hays  
City Attorney

CITY COUNCIL

ALAN S. NAKANISHI, Mayor  
PHILLIP A. PENNINO  
Mayor Pro Tempore  
SUSAN HITCHCOCK  
EMILY HOWARD  
KEITH LAND

# CITY OF LODI

## PUBLIC WORKS DEPARTMENT

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 333-6706  
FAX (209) 333-6710  
EMAIL [pwdept@lodi.gov](mailto:pwdept@lodi.gov)  
<http://www.lodi.gov>

H. DIXON FLYNN  
City Manager  
SUSAN J. BLACKSTON  
City Clerk  
RANDALL A. HAYS  
City Attorney  
RICHARD C. PRIMA, JR.  
Public Works Director

January 11, 2001

First Church of the Nazarene  
Attn: Steve Benjestorf  
2223 West Kettleman Lane  
Lodi, CA 95242

Ronald C. Dunscombe et al.  
c/o Marjory D. Hillier  
9689 Rodden Road  
Oakdale, CA 95361

SUBJECT: Set a Public Hearing for February 21, 2001, to Consider a Resolution Establishing an Area of Benefit and Reimbursable Costs for Tienda Drive Improvements Fronting the Parcels Located at 2223 and 2241 West Kettleman Lane (APN 027 040-17 and APN 027-040-79, respectively)

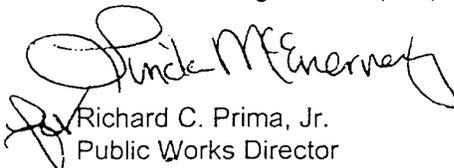
Enclosed is a copy of background information on an item on the City Council agenda of Wednesday, January 17, 2000. The meeting will be held at 7 p.m. in the City Council Chamber, Carnegie Forum, 305 West Pine Street.

As indicated in the title, the only action will be to set a public hearing date on the item. Public hearings are usually set for the second following Council Meeting.

If you wish to write to the City Council, please address your letter to City Council, City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the mail. Or, you may hand-deliver the letter to City Hall, 221 West Pine Street.

If you wish to address the Council at the Council Meeting, be sure to fill out a speaker's card (available at the Carnegie Forum immediately prior to the start of the meeting) and give it to the City Clerk. If you have any questions about communicating with the Council, please contact Susan Blackston, City Clerk, at (209) 333-6702.

If you have any questions about the item itself, please call Sharon Welch, Senior Civil Engineer, at (209) 333-6800, ext. 2659.

  
Richard C. Prima, Jr.  
Public Works Director

RCP/kc

Enclosure 

cc: City Clerk

NCSETPHIENDA