



# CITY OF LODI

# COUNCIL COMMUNICATION

**AGENDA TITLE:** Public Hearing to Consider the Appeal of John Donati, 1217 Edgewood Drive, Requesting to Build a Swimming Pool Deck/Patio Over a Public Utility Easement and to Enter into a Hold Harmless Agreement with the City of Lodi

**MEETING DATE:** July 6, 1994

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** That the City Council conduct the public hearing on the appeal of John Donati requesting an encroachment permit to build a swimming pool deck/patio over a public utility easement at 1217 Edgewood Drive and take the appropriate action.

**BACKGROUND INFORMATION:** On January 28, 1994, a construction application was filed with the Building Division for a building permit to install a swimming pool and spa on property located at 1217 Edgewood Drive. The application was sent to the Public Works Department for review as required by the Lodi City Municipal Code (Chapter 15.44). The review revealed that there are existing 8-foot and 5-foot public utility easements (PUE's) along the south and east property lines, respectively. There are 6-inch water mains located in both of these easements. There is also a water main valve near the southeast corner. See attached Exhibit A.

The submitted plans, prepared by Cato Pools, show the pool/spa decking extending into the 8-foot PUE approximately 3 feet. In addition, the equipment pad is located in the southeast corner of the property directly over both water mains. The encroaching pool/spa decking contains concrete flatwork as well as an elevated brick deck with brick steps at both ends. Standard 4-inch concrete decking is allowed over City PUE's.

Public Works comments regarding the proposed construction were issued March 4, 1994, and are attached. The purpose of the PUE's is to ensure that City workers have reasonable access to repair and maintain public facilities. In keeping with Public Works policy, it was requested that the equipment pad and all plumbing be relocated outside the PUE's. Due to the nature of the brick deck construction, it was also requested that the pool/spa decking be located outside the PUE's. The water main in the south easement serves adjacent properties. This main is at a depth of approximately 3½ feet. The presence of a raised brick deck so close to the water main will create difficulties for City workers if trenching is required to effect repairs, maintenance or upgrading of existing facilities. It may not be possible to access the water main without damaging or removing portions of the deck. The property owner was, therefore, advised that the encroachment permit could not be issued.

APPROVED

THOMAS A. PETERSON  
City Manager



recycled paper

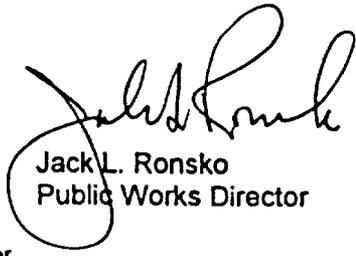
**Public Hearing to Consider the Appeal of John Donati, 1217 Edgewood Drive, Requesting to Build a Swimming Pool Deck/Patio Over a Public Utility Easement and to Enter into a Hold Harmless Agreement with the City of Lodi**

July 6, 1994

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The Public Works Department's position is that anything more substantial than a standard 4-inch concrete deck should not be allowed over a City PUE. Therefore, it is recommended that the request for an encroachment permit be denied. If, however, the City Council wants to allow the elevated brick decking and stairs, the Council should direct staff to issue the encroachment permit and require the execution of a "hold harmless" agreement which will be recorded at the owner's expense. It is understood that the owner is going to relocate the equipment pad and all related plumbing outside the PUE's.

FUNDING: Not applicable.



Jack L. Ronsko  
Public Works Director

Prepared by Sharon A. Welch, Associate Civil Engineer

JLR/SAW/lm

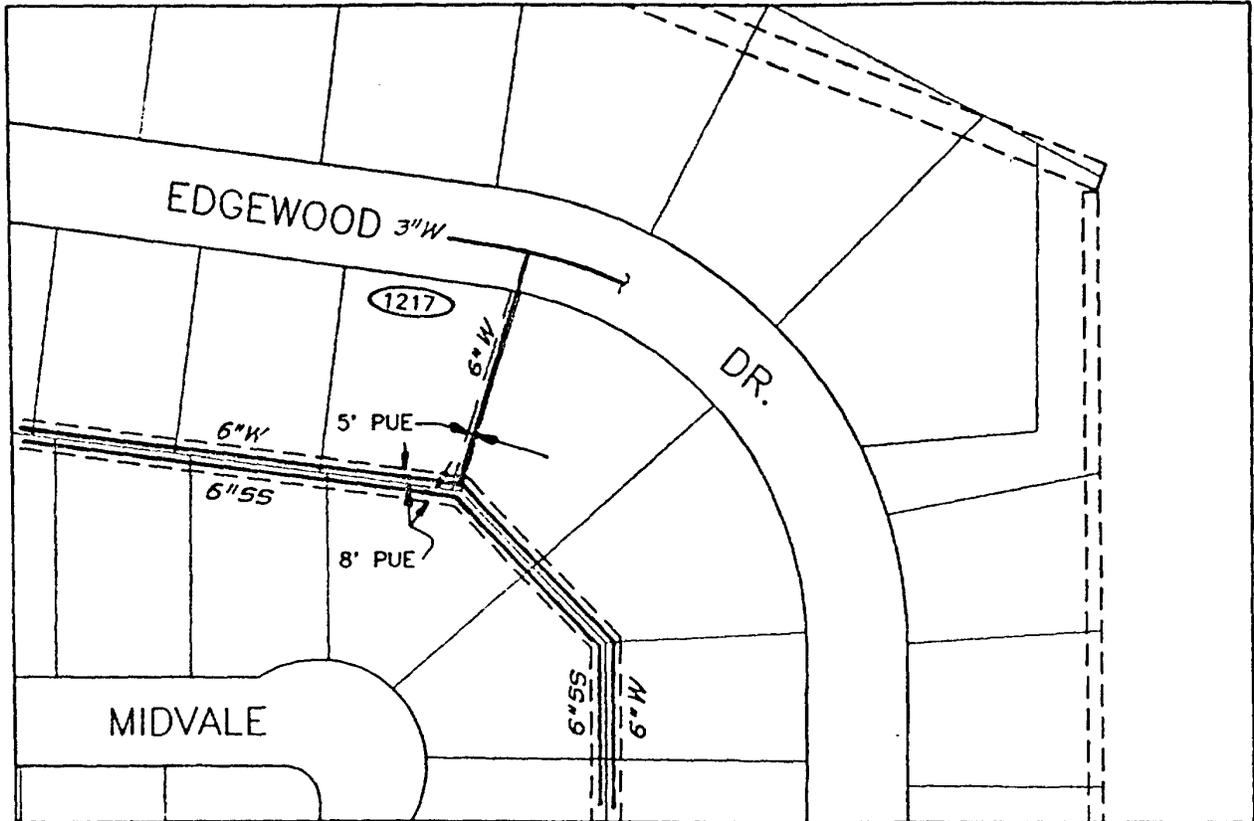
**Attachments**

cc: City Attorney  
Building Division  
Associate Civil Engineer  
Mr. and Mrs. John Donati



CITY OF LODI  
PUBLIC WORKS DEPARTMENT

EXHIBIT A  
1217 Edgewood Drive



N.T.S.

CITY COUNCIL

JACK A. SIEGLOCK, Mayor  
STEPHEN J. MANN  
Mayor Pro Tempore  
RAY C. DAVENPORT  
PHILLIP A. PENNINO  
JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 334-5634  
FAX (209) 333-6795

March 4, 1994

THOMAS A. PETERSON  
City Manager  
JENNIFER M. PERRIN  
City Clerk  
BOB McNATT  
City Attorney

Mr. and Mrs. John Donati  
1217 Edgewood Drive  
Lodi, California 95240

SUBJECT: Construction Application #7066  
1217 Edgewood Drive, Lodi, California

Your construction application for the construction of a swimming pool has been reviewed by the Public Works Department for conformance with City off-site improvement and dedication requirements. This review is required by the Lodi City Municipal Code (Chapter 15.44) when the valuation of the proposed work exceeds \$25,000. The requirements are described on the attached sheet which has been forwarded to the Building Division for inclusion in your permit.

The CONSTRUCTION REQUIREMENTS and FEES sections will be handled by the Building Division in conjunction with the issuance of your Building Permit.

As stated in the memorandum, the pool equipment pad and all plumbing need to be located outside the existing Public Utility Easements (P.U.E.s) along the south and east property lines due to the presence of public water mains in these easements. On the advice of the City Attorney, the pool decking and steps which encroach into the 8-foot P.U.E. along the rear property line also cannot be allowed without specific approval of the City Council. If you wish to appeal to the Council for approval, please contact the City Clerk at (209) 333-8702 for information regarding placing this item on a future Council agenda. If the encroachment is approved by the Council, a "Hold Harmless" agreement needs to be executed by all the owners and recorded in the County Recorder's office. The owners will be responsible for the recording fees. The purpose of the agreement is to set forth the owner's responsibilities regarding maintenance and removal of the encroaching structures and to hold the City harmless from any damage that may occur to the structures due to the use of the easement for installation, repair or maintenance of public facilities within the easement. If approved by Council, the agreement will be prepared without charge by City staff.

The decking encroachment issue needs to be settled prior to the issuance of your building permit. Please contact me at 333-8800 ext. 659 if you have any questions.



Sharon A. Welch  
Associate Civil Engineer

cc: Building Division  
City Attorney  
City Clerk  
Cato Pools

**MEMORANDUM, City of Lodi, Public Works Department**

**TO: Chief Building Official**  
**FROM: Associate Civil Engineer - Development Services**  
**DATE: March 4, 1994**  
**SUBJECT: Construction Application #7066**  
**1217 Edgewood Drive, Lodi, California**

**CONSTRUCTION REQUIREMENTS:**

Please add the following construction requirements to the Plans and the Building Permit for the subject project:

- Install a cleanout conforming to Standard Plan 201 on the sewer service.
- The equipment pad and all plumbing need to be located outside the 8' and 5' Public Utility Easements (P.U.E.s) along the south and east property lines, respectively. There are public water mains in both of these easements.
- The pool decking and steps extending approximately 3' into the 8' P.U.E. along the south property line also need to be moved outside the easement due to the presence of the underground facilities. The owners may appeal this item to the City Council. See Additional Items Section below.

The encroachments need to be eliminated or appealed to and approved by the City Council prior to the issuance of a building permit.

**FEES:**

Please collect the following Public Works fees at the time of issuance of the Building Permit:

- Water Service Charges for work by City: \$625.00 for water service upgrade (\$500) and installation of 3/4-inch water meter (\$125).

**ENCROACHMENT PERMIT:**

The following work requires an encroachment permit from the Public Works Department:

- See Additional Items Section below.

**ADDITIONAL ITEMS:**

The following additional items are required of the project and will be handled by the Public Works Dept.:

- The Public Works Department cannot issue an Encroachment Permit for the pool decking and steps without specific approval by the City Council and execution of a "Hold Harmless" agreement signed by the owners. The Agreement will have to be recorded and the owners will be responsible for payment of the recording fees. This issue needs to be resolved prior to the issuance of a building permit.

Please notify the Development Services Section when the fees are paid.

Thank you,



Sharon A. Welch  
Associate Civil Engineer

cc: City Attorney  
City Clerk  
Mr. & Mrs. John Donati  
Cato Pools



# CITY OF LODI

Carnegie Forum  
305 West Pine Street, Lodi

## NOTICE OF PUBLIC HEARING

Date: July 6, 1994

Time: 7:00 p.m.

For information regarding this notice please contact:

Jennifer M. Perrin

City Clerk

Telephone: (209) 333-6702

### NOTICE OF PUBLIC HEARING

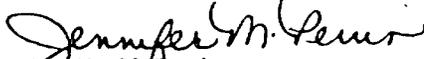
NOTICE IS HEREBY GIVEN that on Wednesday, July 6, 1994 at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing to consider the following matter:

- a) Appeal from John Donati, 1217 Edgewood Drive, requesting to build a swimming pool deck/patio over a Public Utility Easement and to enter into a Hold Harmless Agreement with the City of Lodi.

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:

  
Jennifer M. Perrin  
City Clerk

Dated: June 15, 1994

Approved as to form:

  
Bobby W. McNatt  
City Attorney

DECLARATION OF MAILING

On June 16, 1994 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.

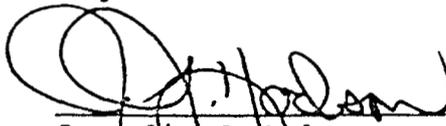
There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

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

Executed on June 16, 1994, at Lodi, California.

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Jennifer M. Perrin  
City Clerk



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Jacqueline L. Hodson  
Deputy City Clerk

CITY OF LODI  
221 WEST PINE STREET  
LODI, CALIFORNIA 95240

ADVERTISING INSTRUCTIONS

SUBJECT: Set Public Hearing for July 6, 1994 regarding appeal from John Donati, 1217 Edgewood Drive, requesting to build a swimming pool deck/patio over a Public Utility Easement and to enter into a Hold Harmless Agreement with the City of Lodi

PUBLISH DATE: SATURDAY, JUNE 18, 1994

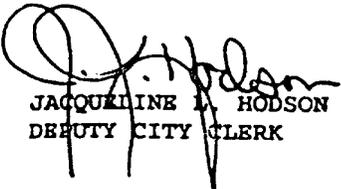
TEAR SHEETS WANTED: ONE

AFFIDAVIT AND BILL TO:

JENNIFER M. PERRIN, CITY CLERK

DATED: JUNE 16, 1994

ORDERED BY:

  
JACQUELINE A. HODSON  
DEPUTY CITY CLERK

ADVINS/TXTA.02J

## PUBLIC HEARING LIST

MAILING LIST FOR: Donati Pool Appeal		FILE #		
AP #	OWNER'S NAME	MAILING ADDRESS	CITY, STATE	ZIP
039-273-32	John D + Lisa D. Donati	1217 Edgewood Dr.	Lodi CA	95240
-01	Thomas + Nancy Schack	1137 Edgewood	"	"
-02	Genevieve Hughes, Tr.	1127 Edgewood	"	"
-03	John A. Jr. + T. Coughlan	1117 Edgewood	"	"
-04	George + Darlene Richards	1109 Edgewood	"	"
-05	F. Sr. + H. A. Leque Cotrs	802 N Cluff Ave	"	"
-06	Carol F. Sperry, Tr	1100 Midvale Rd	"	"
-07	Troy R + B G Phelps	1108 Midvale	"	"
-08	Delmar + M. J. Knoll	1116 Midvale	"	"
-09	Winfield Montgomery Jr	1122 Midvale	"	"
-10	Myrna Rae Walker	1200 Midvale	"	"
-11	Jan W. + Judith Tillmanast	1208 Midvale	"	"
-12	Thomas W. + Mary Miller	1216 Midvale	"	"
-13	Roy T + G F Eshii	1224 Midvale	"	"
-14	Stanley + Cleo Kirst	10 W. Daisy	"	"
-15	Stanley + Cleo Kirst	10 W. Daisy	"	"
-28	Fred G + L Heagarty Trs	1251 Edgewood	"	"
-29	Keith + Kimi Anerson	1243 Edgewood	"	"
-30	G J + L N Stipe Cotrs	1235 Edgewood	"	"
-31	Carol A Goehring	1227 Edgewood	"	"
-271-36	Mary Leht Tr.	1250 Edgewood	"	"
-21	Michael F + SM Hair	1240 Edgewood	"	"
-22	Hassan S + Denis G Hosni	1230 Edgewood	"	"
-23	Helen M Gleeson	1220 Edgewood	"	"
-24	Larry + Rita Lancaster	1208 Edgewood	"	"
-25	Leland + Violet Yip	1200 Edgewood	"	"
-26	Arlyssa + Patricia Sutherland	1144 Edgewood	"	"
-27	Willow Glen Property Owners	P O Box 423	"	95241
-28	Frank F + Jean Morgan	1130 Edgewood	"	95240
-29	Allan L + RA Askew	1124 Edgewood	"	"
-30	T Monty + Lauri Merrill	1116 Edgewood	"	"
-260-35	M4 Evhiki Mamouletis	1215 Midvale Rd	"	"
-36	Darrelly F. L. Haynes	1107 Midvale Rd	"	"
-34	Liselotte Roesch	1223 Midvale	"	"
-278-33	Maurice O. Ray, Jr.	755 S Fairmount Ave	"	"

CITY COUNCIL

JACK A. SIEGLOCK, Mayor  
STEPHEN J. MANN  
Mayor Pro Tempore  
RAY G. DAVENPORT  
PHILLIP A. PENNINO  
JOHN R. (Randy) SNIDER

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THOMAS A. PETERSON  
City Manager  
JENNIFER M. PERRIN  
City Clerk  
BOB McNATT  
City Attorney

June 30, 1994

Mr. John Donati  
1217 Edgewood Drive  
Lodi, CA 95240

**SUBJECT: Public Hearing to Consider the Appeal of John Donati, 1217 Edgewood Drive, Requesting to Build a Swimming Pool Deck/Patio Over a Public Utility Easement and to Enter into a Hold Harmless Agreement with the City of Lodi**

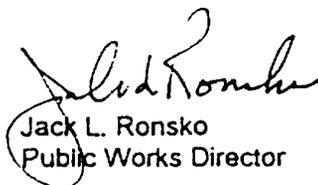
Enclosed is a copy of background information on an item that is on the City Council agenda of Wednesday, July 6, 1994, at 7 p.m. The meeting will be held in the City Council Chamber, Carnegie Forum, 305 West Pine Street.

The Council will conduct a public hearing on this item. You are welcome to attend and speak at the appropriate time.

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 Jennifer Perrin, City Clerk, at (209) 333-6702.

If you have any questions about the item itself, please call Sharon Welch, Associate Civil Engineer, at (209) 333-6706.

  
Jack L. Ronsko  
Public Works Director

JLR/im

Enclosure

cc: City Clerk