



# CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Continue Public Hearing to Consider Resolution/Order to Vacate the Alley West of Washington Street, from East Vine Street to 150.3 Feet North of East Vine Street

**MEETING DATE:** October 20, 1993

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** That the City Council, after hearing input from both property owners, Mr. Bill Hrovat of 235 East Vine Street and the Providence Reformed Church at 245 East Vine Street, take the appropriate action on this proposed abandonment.

**BACKGROUND INFORMATION:** At the Council meeting of October 6, 1993, the Council reviewed this proposed abandonment. After hearing from both property owners, Council continued the public hearing and directed staff to meet with both property owners to see if a solution to the abandonment, agreeable to both property owners, could be developed. A copy of the October 6, 1993 Council Communication is attached. The exhibit, showing the proposed alley abandonment, was revised to show the correct property boundaries of the Church parcel.

After this agenda item was heard by the Council, staff met with both parties for approximately 20 minutes in the Carnegie sitting room and agreed to the following:

1. Public Works staff would take on-site measurements of the Church property and lay out possible parking lot designs which would meet City standards and be wholly upon the Church property.
2. Allow the Church to locate parking lot bumper blocks on their westerly property line and the City would permit the front end of cars to overhang into the alleyway since this encroachment would take place only one day a week.
3. Public Works staff would contact parties involved once parking lot designs were available.
4. Provide for alley barricading on a temporary basis in order that the Church could proceed with their parking lot sealing.

The following day, staff prepared two alternative parking lot layouts which were provided the Church representative on Friday. These layouts met the City's current standards and provided for the parking to be wholly upon the Church property with the exception of vehicle overhang of cars parking on the west side. One layout provided the same number of parking spaces currently marked and the other

APPROVED

THOMAS A. PETERSON  
City Manager



recycled paper

Continue Public Hearing to Council Resolution/Order to Vacate the Alley West of Washington Street,  
from East Vine Street to 150.3 Feet North of East Vine Street

October 20, 1993

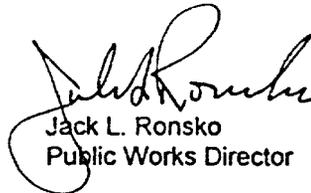
Page 2

alternative, using diagonal parking, decreased the parking by four spaces. We also uncovered, and marked in the field, three existing survey monuments which located the exact west property line of the Church's property. This information was also provided the Church.

Late Friday, Mr. Hrovat came in and asked for the name of the Church's contact person. He indicated he had a proposal for the Church which would provide them the total amount of land they needed for their parking lot and provide him the RV and vehicular access he wanted to his parcel. The concept of this proposal was an uneven split of the 20 feet of alley to be vacated. Under Mr. Hrovat's proposal, he recommended the abandonment of only 93.7 feet of the alley north of Vine Street. Mr. Hrovat contacted the Church and made this proposal.

As of the writing of this Council Communication, we have not been able to contact the Church to see what their position is. We are, therefore, recommending that the parties involved attend the continued public hearing to make their positions known in order that the City Council can take the appropriate action.

FUNDING: Not applicable.



Jack L. Ronsko  
Public Works Director

JLR/im

Attachments

cc: City Attorney  
Affected property owners



# CITY OF LODI

# COUNCIL COMMUNICATION

**AGENDA TITLE:** Public Hearing to Consider Resolution/Order to Vacate the Alley West of Washington Street, from East Vine Street to 150.3 Feet North of East Vine Street

**MEETING DATE:** October 6, 1993

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** That the City Council, after reviewing the finding by the Planning Commission and the public comments from the subject public hearing, take the appropriate action on this proposed abandonment.

**BACKGROUND INFORMATION:** At its regular meeting of September 1, 1993, the City Council adopted a resolution of intention to vacate an alley west of Washington Street, from East Vine Street to 150.3 feet north of East Vine Street, reserving, however, and excepting from the vacation, a permanent easement and right therein to construct, maintain, repair and operate lines for public utilities, both publicly and privately owned, in, over, and across said alley; and referred the matter to the Planning Commission.

At the request of the Providence Reformed Church at 245 East Vine Street, this alley abandonment was initiated by City staff. The subject alley right of way between Vine Street and Cherry Street has never been maintained by the City of Lodi. The portion proposed to be vacated was paved by the Providence Reformed Church and has been striped and made part of their overall parking lot. It is possible to travel from Cherry Street to Vine Street; however, the northerly portion of the alley right of way is unimproved (dirt) and the southerly portion, paved by the Church, has no standard alley-approach access to Vine Street. Presently, in order to use the dedicated alleyway, it is necessary to traverse the remainder of the Church's parking lot and use their driveway onto Vine Street. Since there were no existing structures on the adjacent property at 235 East Vine Street which took access off the alley, it was our feeling that there was no public need.

The Planning Commission, at its meeting of September 27, 1993, held a hearing to determine public need, present or future, for this alley. The owner of 235 East Vine Street, who purchased the property within the last year, indicated to the Planning Commission that he bought the property after confirming that it had alley access. It was his intention to upgrade this rental property, providing an off-street garage with access off of the alleyway and also providing for possible RV parking. The Planning Commission, after hearing the concerns of the adjacent property owner, determined that there was public need and they are providing that finding to the City Council for its public hearing on this matter to be held October 6, 1993.

APPROVED \_\_\_\_\_

THOMAS A. PETERSON  
City Manager



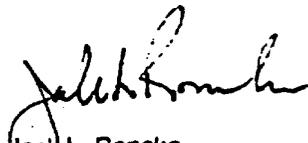
Public Hearing to Consider Resolution/Order to Vacate the Alley West of Washington Street, from  
East Vine Street to 150.3 Feet North of East Vine Street

October 6, 1993

Page 2

Pacific Bell, King Videocable, PG&E, and City of Lodi utilities have all indicated the proposed abandonment is acceptable if it is approved on the condition that a permanent easement be reserved as indicated above.

FUNDING: Not applicable.



Jack L. Ronsko  
Public Works Director

Prepared by Sharon A. Welch, Associate Civil Engineer

JLR/SAW/lm

Attachments

cc: City Attorney  
Community Development Director  
Providence Reformed Church, 245 East Vine Street  
Property Owner, 235 East Vine Street



RESOLUTION NO. 93-13

=====

A RESOLUTION/ORDER OF THE LODI CITY COUNCIL  
VACATING THE ALLEY WEST OF WASHINGTON STREET,  
FROM EAST VINE STREET TO 150.3 FEET NORTH OF EAST VINE STREET

=====

WHEREAS, this City Council acting in accordance with provisions of Part III of Division 9 of the Streets and Highways Code of this State, did on the 1st day of September, 1993 pass and adopt a Resolution of Intention No. 93-108 therein declaring the intention of said City Council to vacate that portion of the alley west of Washington Street, from East Vine Street to 150.3 feet north of East Vine Street, Lodi, California, County of San Joaquin, State of California, reserving, however, and excepting from the vacation, a permanent easement and right therein to construct, maintain, repair and operate lines for public utilities, both publicly and privately owned, in over, and across said alley, and more particularly described as follows, to wit:

The alley located west of 245 East Vine Street, as shown on Exhibit A attached hereto;

WHEREAS, said notice of said intended vacation was regularly given by publication and by posting, both in time, form and manner as required by law as is evidenced by affidavits on file and on record in the office of the City Clerk of the City of Lodi; and

WHEREAS, in accordance with the provisions stated in Resolution No. 93-108 and also contained in the posted notices of the adoption of said resolution, notice was given that a public hearing would be held before the City Council in the City Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, California, beginning at 7:00 p.m. on Wednesday, October 6, 1993, where and when any person interested in or objecting to said vacation could appear and be heard in relation thereto; and

WHEREAS, at that time and place, a public hearing was held and conducted and testimony received for and against the vacation contemplated, and from the evidence submitted, the City Council of the City of Lodi did determine that said portion of said alley is unnecessary for present or future public use and did so find and declare; and

WHEREAS, the Planning Commission did find that the subject vacation was consistent with the General Plan of the City of Lodi;

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the findings and under the authority of Section 8323 of the Streets and Highways Code of the State of California, that there is hereby abandoned that portion of the alley west of Washington Street, from East Vine Street to 150.3 feet north of East Vine Street, Lodi, California, and more particularly described as follows:

PFS93133/TXTA.01V

The all located west of 245 East Vine Street, as shown on Exhibit A attached hereto.

Reserving, however, and excepting from the vacation, a permanent easement and right therein to construct, maintain, repair and operate lines for public utilities, both publicly and privately owned, in over, and across said alley.

Reference is hereby made to a map or plan on file in the office of the City Clerk of the City of Lodi for the particulars as to the proposed vacation.

Dated: October 20, 1993

=====

I hereby certify that the foregoing RESOLUTION/ORDER VACATING that portion of the alley west of Washington Street, from East Vine Street to 150.3 feet north of East Vine Street, Lodi, California, with the conditions stated, was passed and adopted by the Lodi City Council in a regular meeting held October 20, 1993 by the following vote:

Ayes: Council Members -

Noes: Council Members -

Absent: Council Members -

Jennifer M. Perrin  
City Clerk

93-133

CITY OF LODI  
221 WEST PINE STREET  
LODI, CALIFORNIA 95240

ADVERTISING INSTRUCTIONS

SUBJECT: NOTICE OF CONTINUED PUBLIC HEARING - INTENTION TO VACATE THE  
ALLEY WEST OF WASHINGTON STREET, FROM EAST VINE STREET TO 150.3  
FEET NORTH OF EAST VINE STREET

PUBLISH DATES: SATURDAY, OCTOBER 9, 1993

TEAR SHEETS WANTED: THREE

AFFIDAVIT AND BILL TO:

JENNIFER M. PERRIN, CITY CLERK

DATED: OCTOBER 6, 1993

ORDERED BY: *Peggy Nicolini*  
PEGGY NICOLINI  
DEPUTY CITY CLERK

ADVINS/TXTA.02J

DECLARATION OF MAILING

On October 7, 1993 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.

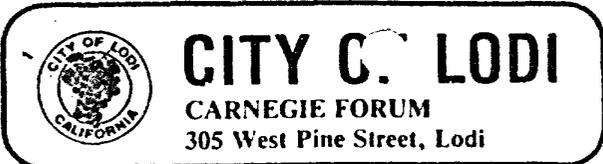
I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 7, 1993, at Lodi, California.

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Jennifer M. Perrin  
City Clerk

*Peggy Nicolini*  
\_\_\_\_\_  
Peggy Nicolini  
Deputy City Clerk



NOTICE OF CONTINUED PUBLIC HEARING  
Date: October 20, 1993  
Time: 7:00 p.m.

For information regarding this Public Hearing  
Please Contact:  
Jennifer M. Perrin  
City Clerk  
Telephone: 333-6702

**NOTICE OF CONTINUED PUBLIC HEARING**

October 20, 1993

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

a) Intention to Vacate the alley west of Washington Street, from East Vine Street to 150.3 feet north of East Vine Street

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*  
Jennifer M. Perrin  
City Clerk

Dated: October 6, 1993

Approved as to form:

*Bobby W. McNatt*  
Bobby W. McNatt  
City Attorney

=====

DECLARATION OF THE INTENTION OF THE LODI CITY COUNCIL  
TO VACATE AN ALLEY WEST OF WASHINGTON STREET, FROM EAST VINE STREET  
TO 150.3 FEET NORTH OF EAST VINE STREET

=====

BE IT RESOLVED by the Lodi City Council as follows:

Section 1. It is the intention of the Lodi City Council, acting in accordance with the provisions of Part 3 of Division 9 of the Streets and Highways Code of the State of California, to vacate, close, and abandon as a public alley the following alley situated in the City of Lodi, County of San Joaquin, State of California, more particularly described as follows:

The alley located WEST OF 245 East Vine Street, as shown on Exhibit A attached hereto.

Reserving, however, and excepting from the vacation of said alley, the permanent easement and the right therein to construct, maintain, repair and operate lines for public utilities, both publicly and privately owned, in, over, and across said alley.

Section 2. This matter is hereby referred to the Lodi Planning Commission.

Section 3. NOTICE IS HEREBY GIVEN that this City Council does hereby fix WEDNESDAY, OCTOBER 6, 1993 at the hour of 7:00 p.m. in the City Council Chambers, Carnegie Forum, Carnegie Forum, 305 West Pine Street, Lodi, California as the time and place when and where all persons interested in or objecting to the vacation herein proposed may appear before this City Council and be heard.

Section 4. Upon adoption of this resolution, the Superintendent of Streets shall post, or cause to be posted, notice of such passage and of the time and place set forth herein for public hearing, in accordance with and in the time, form and manner as prescribed by law for the vacation of streets.

Section 5. This resolution shall be published one time in the "Lodi News Sentinel", a newspaper of general circulation printed and published in the City of Lodi, said publication to be completed at least fifteen days prior to said hearing.

Dated: September 1, 1993

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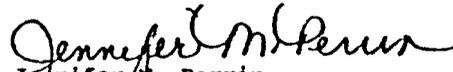
Resolution No. 93-108  
September 1, 1993  
Page Two

I hereby certify that Resolution No. 93-108 was passed and adopted by the Lodi City Council in a regular meeting held September 1, 1993 by the following vote:

**Ayes:** Council Members - Davenport, Mann, Sieglock, Snider  
and Pennino (Mayor)

**Noes:** Council Members - None

**Absent:** Council Members - None

  
Jennifer M. Perrin  
City Clerk

RES93108/TXTA.02J

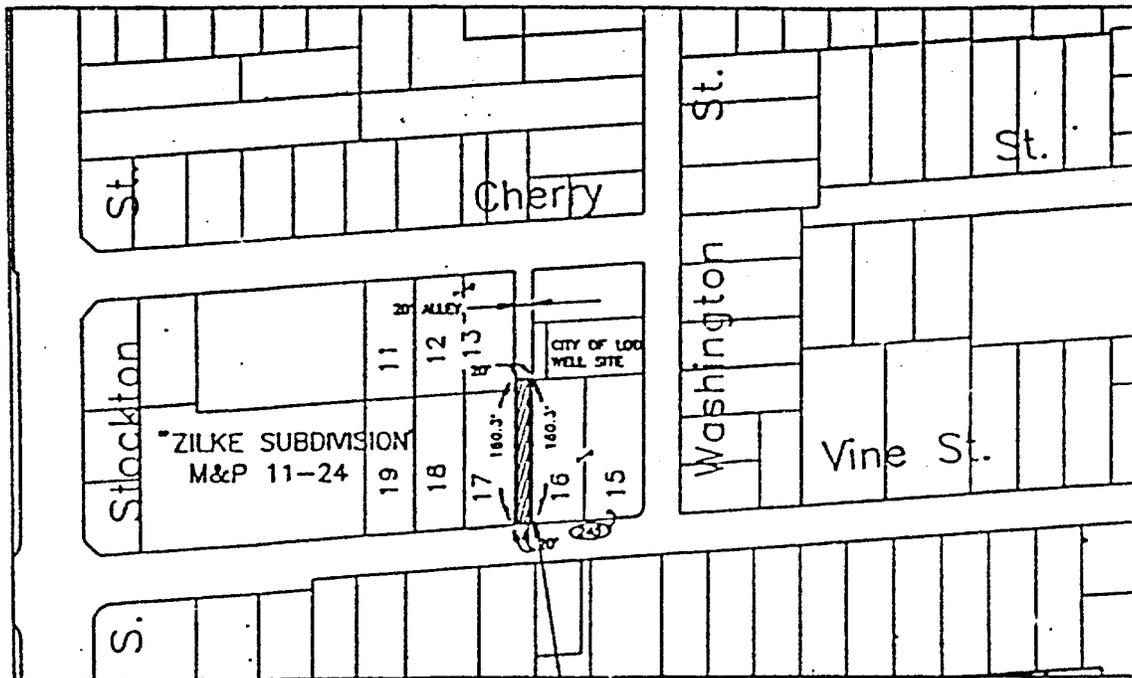


# CITY OF LODI

PUBLIC WORKS DEPARTMENT

## ALLEY ABANDONMENT

## EXHIBIT A



TRUE POINT OF BEGINNING  
 Southwest corner of Lot 16  
 of "Zilke Subdivision"



N.T.S.

MAILING LIST:  
ALLEY ABANDON' MT  
VINE/WASHINGTON  
Env#86/TXTA.02J/ENV

Gloria V Solis  
423 Cherry Street  
Lodi, CA 95240

Alam Mohammad  
440 Maple Street  
Lodi, Ca 95240

Rose Albrecht  
242 1/2 E. Vine St.  
Lodi, CA 95240

Richard W. & Fay Hanson  
16803 Fox Road  
Lodi, CA 95240

Alfonso Sr. & L. Pera  
300 E. Vine St  
Lodi, CA 95240

Gary & Luella Buzunis  
1031 Lakehome Drive  
Lodi, CA 95242

John & Lentina Horning  
310 E. Vine Street  
Lodi, CA 95240

Guiseppe & C. Leo  
2381 Olympic Drive  
So. San Francisco, CA 94080

Frank Migliardo  
850 So. Washington  
Lodi, CA 95240

Allen & Arvilla Kreiter  
305 E. Vine Street  
Lodi, CA 95240

Emory & Elinor Longmire  
313 E. Vine Street  
Lodi, CA 95240

Herbert Heintz  
311 Cherry Drive  
Lodi, CA 95240

John R. Spero ETAL  
1434 Arundel Court  
Lodi, CA 95242

Grace O. Gritts, EST  
1124 W. Tokay Street  
Lodi, CA 95240

Michael Peters  
828 So. Washington  
Lodi, CA 95240

Douglas Ellen Pinkham  
824 So. Washington  
Lodi, CA 95240

Danielle E. Francis  
4094 Glenwood Street  
Fremont CA 94538

James P. & Wanda Davis  
831 So. Washington Street  
Lodi, CA 95240

Roger & Gracie Ramsower  
915 So. Pleasant Avenue  
Lodi, CA 95240

James Pickett  
P.O. Box 1983  
Lodi, CA 95241

Jerry L. Glenn  
2443 Macarthur Park  
Lodi, CA 95242

David & Isabel Ochoa  
1426 Iris Drive  
Lodi, CA 95242

Odeal E. Meier ETAL  
819 So. Washington St.  
Lodi, CA 95240

Theodore & E.L. Wagner  
1820 Scarborough Drive  
Lodi, CA 95240

Michael & B.A. Page  
P.O. Box 576  
Woodbridge, CA 95258

Sher Afzal ETAL  
230 E. Vine St.  
Lodi, CA 95240

EXHIBIT B

Esther Sayler  
223 Watson  
Lodi, CA 95240

Aman Khan ETAL  
307 E. Watson  
Lodi, CA 95240

Richard W. & Fay Hanson  
16803 Fox Road  
Lodi, CA 95240

Fred E. & E. Wilson  
237 Watson Street  
Lodi, CA 95240

Raul L. & Maria Sanchez  
233 Watson Street  
Lodi, CA 95240

Edgar Scherle  
227 Watson Street  
Lodi, CA 95240

Pablo & Rebeca Mercado  
301 Watson Street  
Lodi, CA 95240

John D. & Ruby Irwin  
245 E. Watson Street  
Lodi, CA 95240

Sandra Palmer, Jones  
4728 Heatherbrae Circle  
Sacramento, CA 95842

Richard & M.E. Rosenstrauch  
216 E. Cherry Street  
Lodi, CA 95240

Dorothy Lee Reid  
936 Lake Home Drive  
Lodi, CA 95240

Francisco B. & V. Valdez  
225 E. Cherry Street  
Lodi, CA 95240

Gertrude Toy Smith  
230 E. Cherry Street  
Lodi, CA 95240

Javier & R.L. Juarez  
226 Cherry Street  
Lodi, CA 95240

Stanley M. & E.R. Gruebele  
835 So. Rose Street  
Lodi, CA 95240

Eric B. & Caryl Straub  
841 So. Washington Street  
Lodi, CA 95240

Louis K. & Diana Hoffman  
211 E. Vine Street  
Lodi, CA 95240

Orlando G. Spero ETAL  
1434 Arundel Court  
Lodi, CA 95242

Adrian J. & B.J. Borders  
1111 Simpkins Road  
Napa, CA 94558

William & B. Hrovat  
1556 Iris Drive  
Lodi, CA 95242

Church of Covenant Reform  
245 E. Vine Street  
Lodi, CA 95240

Marvin L. & B.A. Jensen  
12270 Atkinson Road  
Lodi, CA 95240

Spiro & Suzanne Vlavianos  
217 E. Vine Street  
Lodi, CA 95240

Ghulam & Amira Rasool  
225 E. Vine Street  
Lodi, CA 95240

Maria D. Dorado  
817 So. Washington Street  
Lodi, CA 95240

Gerald E. & G.B. Ladley  
235 Cherry Street  
Lodi, CA 95240

Catherine Ferrante  
227 Cherry Drive  
Lodi, CA 95240

Jeannie Matsumoto

Sharon Blaufus

CITY COUNCIL

PHILLIP A. PENNINO, Mayor  
JACK A. SIEGLOCK  
Mayor Pro Tempore  
RAY C. DAVENPORT  
STEPHEN J. MANN  
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

October 13, 1993

THOMAS A. PETERSON  
City Manager

JENNIFER M. PERRIN  
City Clerk

BOB McNATT  
City Attorney

Mr. Bill Hrovat  
1556 Iris Drive  
Lodi, CA 95242

**SUBJECT: Continue Public Hearing to Consider Resolution/Order to Vacate the Alley West of Washington Street, from East Vine Street to 150.3 Feet North of East Vine Street**

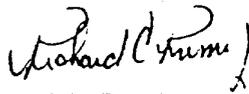
Enclosed is a copy of background information on an item that is on the City Council agenda of Wednesday, October 20, 1993, at 7:00 p.m. The meeting will be held in the City Council Chamber, Carnegie Forum, 305 West Pine Street.

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 or me at (209) 333-6706.



for Jack L. Ronsko  
Public Works Director

JLR/lm

Enclosure

cc: City Clerk

CITY COUNCIL

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

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

October 13, 1993

Providence Reformed Church  
245 East Vine Street  
Lodi, CA 95240

**SUBJECT: Continue Public Hearing to Consider Resolution/Order to Vacate the Alley West of Washington Street, from East Vine Street to 150.3 Feet North of East Vine Street**

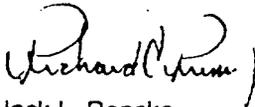
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for Jack L. Ronsko  
Public Works Director

JLR/lm

Enclosure

cc: City Clerk

NVACATE2.DOC

POST OFFICE BOX 1718 LODI, CALIFORNIA 95241-1718 PHONE (209) 368-1000

October 19, 1993

To Whom It May Concern;

Approximately twenty years ago, members of the Church of God (Seventh Day) Board talked to the City of Lodi officials regarding the abandonment of the easement of the west side of the church property located at Washington & Vine St. City officials informed us that plans were in progress to cap the city well adjacent to the north-west corner of the church property. Access to the well was the only reason the city needed the easement. The City officials informed us that we could utilize the easement into our parking area. We then installed a cable across the rear of the easement with a cement post in the middle. We also extended the parking lot west to include the easement.

Considering the lapse of time and no official record of the above statement, we as members of the Church of God (Seventh Day) at or about that time believe these statements to be correct.

*Ben Davis*

*Marion E. Johnson*

*Eric Davis*

*Arnon Davis*

**CHURCH OF GOD  
(Seventh Day)**

**LOREN STACY, PASTOR**

Eric B. Straub  
841 S. Washington St.  
Lodi, CA 95240

To: The Lodi City Council members

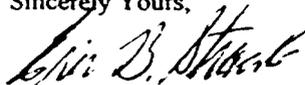
Regarding: The abandonment of the alley west of Washington St. at Vine St. to a point approximately 160' North of Vine St.

When the news about the city vacating the alley first fell upon my ears, I shrugged my shoulders and felt ambivalent about it, I had just finished a long project of building a fence on that West side of my property. Since then a drunk has smashed into the front of my house. The accident might seem non sequitur but my initial reaction to the crash convicted me the city's vacating the alley. When at 2.00 a.m. my wife suggested that someone had run into our house, I maintained that it was only someone speeding through the alley again ( I was thinking that it was just the rough terrain that made the event so noisy). When I realized that I could not tell the difference between someone speeding through the parking lot and negotiating the alley, and someone smashing into my house, I determined that I was either quite the dolt, or the alley had really become unsafe and I need to worry for my three children. I support the vacating of the alley.

Should the wisdom of the council differ from my wise and profound thoughts on the subject, I would like to remind the city that it does not now have an access on the Vine St. end of the alley. The city will need to cut an access into the sidewalk to prevent the constant trespass onto the church's property of those who would use the alley.

Thank you for your time and attention to this matter.

Sincerely Yours,



Eric B. Straub