AGENDA ITEM 1-1

CITY OF LODI
COUNCIL COMMUNICATION

TM

AGENDA TITLE: **Public Hearing to Consider Resolution Establishing an Area of Benefit and Reimbursable Costs for Design and Construction Required to Underground Aerial Facilities for 1833 West Kettleman Lane (APN 031-040-20) and 1811 West Kettleman Lane (APN 031-040-40)**

MEETING DATE: **February 2, 2005**

PREPARED BY: **Public Works Director**

RECOMMENDED ACTION: That the City Council adopt a resolution establishing an area of benefit and reimbursable costs for design and construction required to underground aerial facilities for 1833 West Kettleman Lane (APN 031-040-20) and 1811 West Kettleman Lane (APN 031-040-40), as shown on Exhibit A.

BACKGROUND INFORMATION: As a condition of development of the property located at 1745 West Kettleman Lane, the developer was required to provide the design and construction required to underground all aerial facilities along the Kettleman Lane frontage of that project site. In order to provide for orderly development and to reduce costs and minimize the impact of construction activities on Kettleman Lane, City staff requested that the developer also obtain the costs to underground the aerial facilities for the adjacent properties west of the development site, 1833 West Kettleman Lane (APN 031-040-20) and 1811 West Kettleman Lane (031-040-40) in conjunction with that development, thereby completing the undergrounding of existing overhead utilities between Lakeshore Drive and Mills Avenue. The developer complied with the City's request, and Council has approved reimbursement to the developer by the City in the amount of $75,000 to complete the underground work on the adjacent properties.

Pursuant to Lodi Municipal Code (LMC) §16.40.030, the City is eligible for reimbursement for the cost of improvements installed by the City that benefit adjacent properties and would be required of the properties upon development. The costs for undergrounding the existing aerial utilities along the Kettleman Lane frontages of the parcels located at 1833 West Kettleman Lane (APN 031-040-20) and 1811 West Kettleman Lane (031-040-40) are thereby reimbursable to the City. The reimbursable costs for each of the benefiting properties have been calculated based on the length of frontage of each parcel and are shown in Exhibit B. The reimbursement costs will be due at the time of development of the respective parcels. Pursuant to LMC §15.64.080, the reimbursable amount will be adjusted annually to include an amount attributable to interest, which will be based on the change in the Engineering News Record 20 Cities Construction Cost Index from December 2004 to January 1st of the year of reimbursement. To insure cost recovery, staff recommends that there be no expiration date for payment of the reimbursable amounts due for the parcels within the area of benefit.

APPROVED: _____
Blair King, City Manager

In conformance with LMC 16.40, staff recommends that Council adopt a resolution establishing an area of benefit and reimbursable costs to recover the cost of undergrounding the existing aerial utilities along the Kettleman Lane frontages of the benefiting properties located at 1833 West Kettleman Lane (APN 031-040-20) and 1811 West Kettleman Lane (031-040-40). The property owners have been contacted and have expressed their approval of this action.

FUNDING: Not applicable.

James R. Krueger, Finance Director

Richard C. Prima, Jr.
Public Works Director

Prepared by Sharon A. Welch, Senior Civil Engineer
RCP/SAW/pmf
Attachments
cc: Lyman Chang, Associate Civil Engineer
Professional Contractors, Inc.
Mr. & Mrs. John Bezug
Ms. Mary Tsutaoka

CITY OF LODI
PUBLIC WORKS DEPARTMENT
EXHIBIT A
AREA OF BENEFIT
Millsbrid
Crystalwood Ln.
MILLS AV.
Stonebridge Dr.
Lakeshore Dr.
N
Tienda Dr.
1833
031-040-20
1811
031-040-40
1745
Area of Benefit
KETTLEMAN LN
KETT

Exhibit B

City of Lodi
Public Works Department
Kettleman Lane Undergorund Aerial Facilities Reimbursement

Item	Description	Qty	Unit	Price		Total	1811 W Kettleman John Bezug 031-040-40 Total	1833 W Kettleman Mary Tsutoaka 031-040-20 Total
1	Design and Underground All Aerial Services	1	LS	75,000.00	$	75,000.00	$ 27,037.00	$ 47,963.00
	Total Reimbursable Costs				**$**	**75,000.00**	**$ 27,037.00**	**$ 47,963.00**

When Recorded, Return to:
City of Lodi City Clerk's Office
P.O. Box 3006
Lodi, CA 95241-1910

RESOLUTION NO. 2005-24

A RESOLUTION OF THE LODI CITY COUNCIL ESTABLISHING AN AREA OF BENEFIT AND REIMBURSABLE COSTS FOR DESIGN AND CONSTRUCTION REQUIRED TO UNDERGROUND AERIAL FACILITIES FOR 1833 WEST KETTLEMAN LANE

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WHEREAS, as a condition of development of the property located at 1745 West Kettleman Lane, the developer was required to provide the design and construction required to underground all aerial facilities along the Kettleman Lane frontage of that project site; and

WHEREAS, in order to provide for orderly development and to reduce costs and minimize the impact of construction activities on Kettleman Lane, City staff requested that the developer also obtain the costs to underground the aerial facilities for the adjacent properties west of the development site, 1833 West Kettleman Lane (APN 031-040-20) and 1811 West Kettleman Lane (031-040-40) in conjunction with that development, thereby completing the undergrounding of existing overhead utilities between Lakeshore Drive and Mills Avenue; and

WHEREAS, the developer complied with the City's request, and Council has approved reimbursement to the developer by the City in the amount of $75,000 by Resolution No. 2005-04 to complete the underground work on the adjacent properties; and

WHEREAS, pursuant to Lodi Municipal Code (LMC) §16.40.030, the City is eligible for reimbursement for the cost of improvements installed by the City that benefit adjacent properties and would be required of the properties upon development and the costs for undergrounding the existing aerial utilities along the Kettleman Lane frontages of the parcels located at 1833 West Kettleman Lane (APN 031-040-20) and 1811 West Kettleman Lane (031-040-40) are thereby reimbursable to the City; and

WHEREAS, the reimbursable costs for each of the benefiting properties have been calculated based on the length of frontage of each parcel and are shown in Exhibit B; and

WHEREAS, the reimbursement costs will be due at the time of development of the respective parcels, and pursuant to LMC §15.64.080, the reimbursable amount will be adjusted annually to include an amount attributable to interest, which will be based on the change in the Engineering News Record 20 Cities Construction Cost Index from December 2004 to January 1st of the year of reimbursement; and

WHEREAS, to insure cost recovery, staff recommends that there be no expiration date for payment of the reimbursable amounts due for the parcels within the area of benefit.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that:

a) The City Council hereby establishes an area of benefit and reimbursable costs to recover the costs for undergrounding the existing aerial utilities along the Kettleman Lane frontages of the parcels located at 1833 West Kettleman Lane (APN 031-040-20) and 1811 West Kettleman Lane (031-040-40) are thereby reimbursable to the City.

b) The reimbursable costs for each of the benefiting properties have been calculated based on the length of frontage of each parcel and are shown in Exhibit B.

c) The reimbursement costs will be due at the time of development of the respective parcels. Pursuant to LMC §15.64.080, the reimbursable amount will be adjusted annually to include an amount attributable to interest, which will be based on the change in the Engineering News Record 20 Cities Construction Cost Index from December 2004 to January 1st of the year of reimbursement. The December 2004 ENR index is 7308.

d) WHEREAS, to insure cost recovery, staff recommends that there be no expiration date for payment of the reimbursable amounts due for the parcels within the area of benefit.

Dated: February 2, 2005

==========

I hereby certify that Resolution No. 2005-24 was passed and adopted by the Lodi City Council in a regular meeting held February 2, 2005, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Johnson, Mounce, and Mayor Beckman

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

Susan J. Blackston
City Clerk

CITY OF LODI

PUBLIC WORKS DEPARTMENT

EXHIBIT A
AREA OF BENEFIT

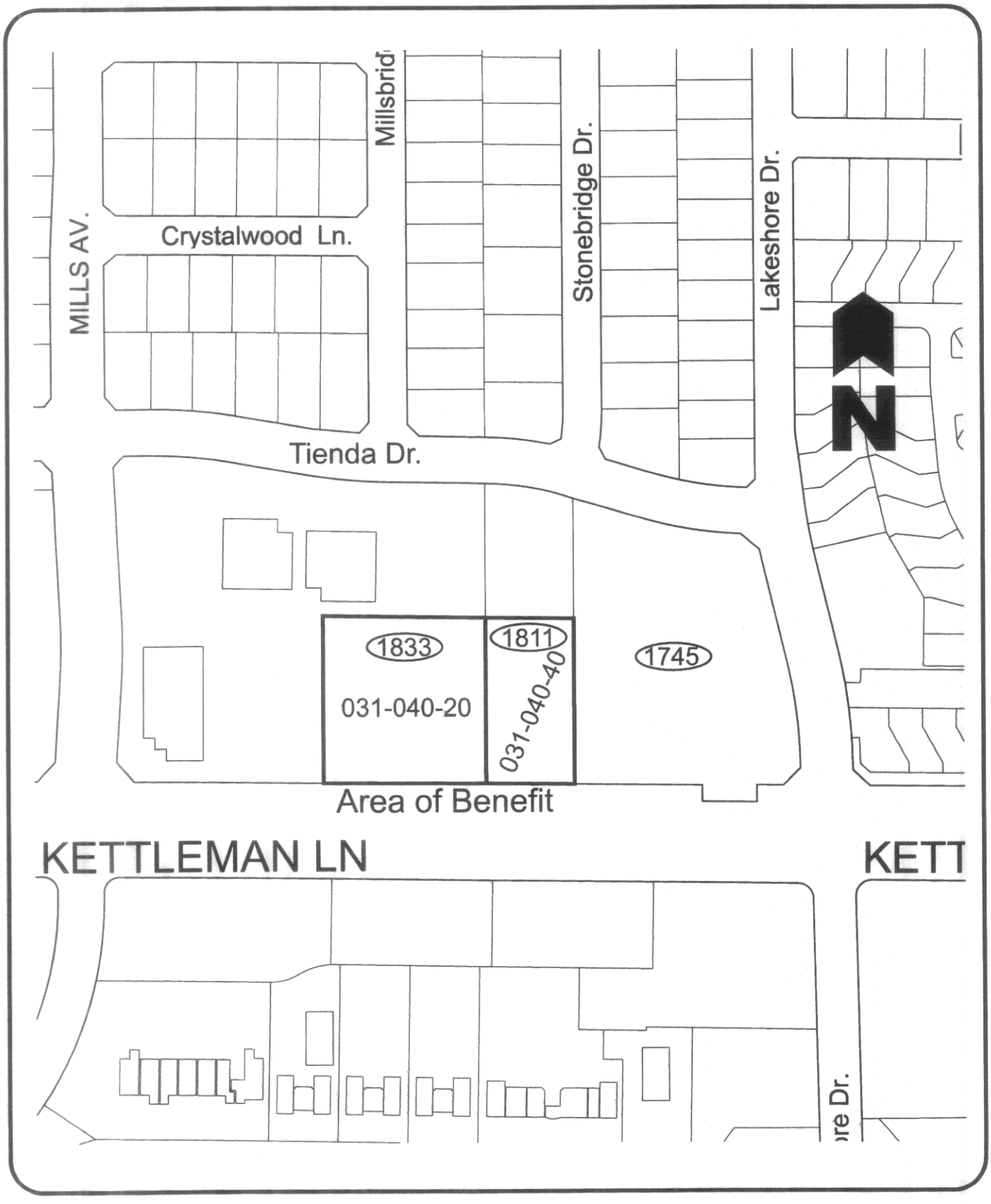

Exhibit B

City of Lodi
Public Works Department
Kettleman Lane Undergorund Aerial Facilities Reimbursement

Item	Description	Qty	Unit	Price		Total	1811 W Kettleman John Bezug 031-040-40 Total	1833 W Kettleman Mary Tsutoaka 031-040-20 Total
1	Design and Underground All Aerial Services	1	LS	75,000.00	$	75,000.00	$ 27,037.00	$ 47,963.00
	Total Reimbursable Costs				**$**	**75,000.00**	**$ 27,037.00**	**$ 47,963.00**

CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: February 2, 2005

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 2, 2005,** 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) Resolution Establishing an Area of Benefit and Reimbursable Costs for Design and Construction Required to Underground Aerial Facilities for 1833 West Kettleman Lane (APN 031-040-20) and 1811 West Kettleman Lane (APN 031-040-40).

Information regarding this item may be obtained in the office of the Public Works Department, 221 West Pine Street, Lodi, California. 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:

Susan J. Blackston
City Clerk

Dated: January 6, 2005

Approved as to form:

D. Stephen Schwabauer
City Attorney

AGENDA ITEM E-14

CITY OF LODI
COUNCIL COMMUNICATION

TM

AGENDA TITLE: **Set Public Hearing for February 2, 2005, to Consider Resolution Establishing an Area of Benefit and Reimbursable Costs for Design and Construction Required to Underground Aerial Facilities for 1833 West Kettleman Lane (APN 031-040-20) and 1811 West Kettleman Lane (APN 031-040-40)**

MEETING DATE: **January 5, 2005**

PREPARED BY: **Public Works Director**

RECOMMENDED ACTION: That the City Council set a public hearing for February 2, 2005, to consider a resolution establishing an area of benefit and reimbursable costs for design and construction required to underground aerial facilities for 1833 West Kettleman Lane (APN 031-040-20) and 1811 West Kettleman Lane (APN 031-040-40), as shown on Exhibit A.

BACKGROUND INFORMATION: As a condition of development of the property located at 1745 West Kettleman Lane, the developer was required to provide the design and construction required to underground all aerial facilities along the Kettleman Lane frontage of that project site. In order to provide for orderly development and to reduce costs and minimize the impact of construction activities on Kettleman Lane, City staff requested that the developer also obtain the costs to underground the aerial facilities for the adjacent properties west of the development site, 1833 West Kettleman Lane (APN 031-040-20) and 1811 West Kettleman Lane (031-040-40) in conjunction with that development, thereby completing the undergrounding of existing overhead utilities between Lakeshore Drive and Mills Avenue. The developer complied with the City's request, and Council has approved reimbursement to the developer by the City in the amount of $75,000 to complete the underground work on the adjacent properties.

Pursuant to Lodi Municipal Code (LMC) §16.40.030, the City is eligible for reimbursement for the cost of improvements installed by the City that benefit adjacent properties and would be required of the properties upon development. The costs for undergrounding the existing aerial utilities along the Kettleman Lane frontages of the parcels located at 1833 West Kettleman Lane (APN 031-040-20) and 1811 West Kettleman Lane (031-040-40) are thereby reimbursable to the City. The reimbursable costs for each of the benefiting properties have been calculated based on the length of frontage of each parcel and are shown in Exhibit B. Since the undergrounding of the aerial facilities is not complete yet, the reimbursable amounts shown in Exhibit B are estimates only and will be adjusted upon the completion and acceptance of the improvements. The reimbursement costs will be due at the time of development of the respective parcels. Pursuant to LMC §15.64.080, the reimbursable amount will be adjusted annually to include an amount attributable to interest, which will be based on the change in the Engineering News Record 20 Cities Construction Cost Index from December 2004 to January 1st of the year of reimbursement. To insure cost recovery, staff will recommend that there be no expiration date for payment of the reimbursable amounts due for the parcels within the area of benefit.

APPROVED: Janet S. Keeter
Janet S. Keeter, Interim City Manager

In conformance with LMC 16.40, staff recommends that Council set a public hearing to establish an area of benefit and reimbursable costs to recover the cost of undergrounding the existing aerial utilities along the Kettleman Lane frontages of the benefiting properties located at 1833 West Kettleman Lane (APN 031-040-20) and 1811 West Kettleman Lane (031-040-40).

FUNDING: Not applicable.

Richard C. Prima, Jr.
Public Works Director

Prepared by Sharon A. Welch, Senior Civil Engineer
RCP/SAW/pmf
Attachments
cc: Lyman Chang, Associate Civil Engineer
Professional Contractors, Inc.
Mr. & Mrs. John Bezug
Ms. Mary Tsutaoka

CITY OF LODI

PUBLIC WORKS DEPARTMENT

EXHIBIT A
AREA OF BENEFIT

Exhibit B

City of Lodi
Public Works Department
Kettleman Lane Undergorund Aerial Facilities Reimbursement

Item	Description	Qty	Unit	Price		Total	1811 W Kettleman John Bezug 031-040-40 Total	1833 W Kettleman Mary Tsutoaka 031-040-20 Total
1	Design and Underground All Aerial Services	1	LS	75,000.00	$	75,000.00	$ 27,037.00	$ 47,963.00
	Total Reimbursable Costs				**$**	**75,000.00**	**$ 27,037.00**	**$ 47,963.00**

DECLARATION OF POSTING

SET PUBLIC HEARING FOR FEBRUARY 2, 2005, TO CONSIDER RESOLUTION ESTABLISHING AN AREA OF BENEFIT AND REIMBURSABLE COSTS FOR DESIGN AND CONSTRUCTION REQUIRED TO UNDERGROUND AERIAL FACILITIES FOR 1833 WEST KETTLEMAN LANE (APN 031-040-20) AND 1811 WEST KETTLEMAN LANE (APN 031-040-40).

On Friday, January 7, 2005, in the City of Lodi, San Joaquin County, California, a copy of a Notice of Public Hearing to consider Resolution establishing an Area of Benefit and reimbursable costs for design and construction required to Underground Aerial Facilities for 1833 West Kettleman Lane (APN 031-040-20) and 1811 West Kettleman Lane (APN 031-040-40), (attached hereto, marked Exhibit "A"), was posted at the following four locations:

Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

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

Executed on January 7, 2005, at Lodi, California

ORDERED BY:

SUSAN J. BLACKSTON
CITY CLERK

_____
Jacqueline L. Taylor, CMC
Deputy City Clerk

Kari J. Chadwick
Administrative Clerk

_____
Jennifer M. Perrin, CMC
Deputy City Clerk

N:\Administration\CLERK\FORMS\DECPOST2.DOC

DECLARATION OF MAILING

SET PUBLIC HEARING FOR FEBRUARY 2, 2005, TO CONSIDER RESOLUTION ESTABLISHING AN AREA OF BENEFIT AND REIMBURSABLE COSTS FOR DESIGN AND CONSTRUCTION REQUIRED TO UNDERGROUND AERIAL FACILITIES FOR 1833 WEST KETTLEMAN LANE (APN 031-040-20) AND 1811 WEST KETTLEMAN LANE (APN 031-040-40).

On January 7, 2005, 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 notice to set public hearing for February 2, 2005, to consider Resolution establishing an Area of Benefit and reimbursable costs for design and construction required to Underground Aerial Facilities for 1833 West Kettleman Lane (APN 031-040-20) and 1811 West Kettleman Lane (APN 031-040-40), 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 7, 2005, 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

KARI J. CHADWICK
ADMINISTRATIVE CLERK

MAILING LIST

SET PUBLIC HEARING FOR FEBRUARY 2, 2005, TO CONSIDER RESOLUTION ESTABLISHING AN AREA OF BENEFIT AND REIMBURSABLE COSTS FOR DESIGN AND CONSTRUCTION REQUIRED TO UNDERGROUND AERIAL FACILITIES FOR 1833 WEST KETTLEMAN LANE (APN 031-040-20) AND 1811 WEST KETTLEMAN LANE (APN 031-040-40).

Mr. & Mrs. John Bezug
1811 W. Kettleman Lane
Lodi, CA 95242

Ms. Mary Tsutaoka
1833 W. Kettleman Lane
Lodi, CA 95242

Professional Contractors Inc.
5635 Stratford Cir. Suite C45
Stockton, CA 95207

David Wilson
14428 Big Basin Way Suite A
Saratoga, CA 95070

CITY COUNCIL

JOHN BECKMAN, Mayor
SUSAN HITCHCOCK
Mayor Pro Tempore
LARRY D. HANSEN
BOB JOHNSON
JOANNE L. MOUNCE

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
http:\\www.lodi.gov

BLAIR KING
City Manager

SUSAN J. BLACKSTON
City Clerk

D. STEVEN SCHWABAUER
City Attorney

RICHARD C. PRIMA, JR.
Public Works Director

January 27, 2005

Professional Contractors, Inc.
5635 Stratford Circle, Ste. C-45
Stockton, CA 95207

Mr. & Mrs. John Bezug
1811 W. Kettleman Lane
Lodi, CA 95242

Ms. Mary Tsutaoka
1833 W. Kettleman Lane
Lodi, CA 95242

SUBJECT: Public Hearing to Consider Resolution Establishing an Area of Benefit and Reimbursable Costs for Design and Construction Required to Underground Aerial Facilities for 1833 West Kettleman Lane (APN 031-040-20) and 1811 West Kettleman Lane (APN 031-040-40)

Enclosed is a copy of background information on an item on the City Council agenda of Wednesday, February 2, 2005. The meeting will be held at 7 p.m. 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 Susan Blackston, City Clerk, at 333-6702.

If you have any questions about the item itself, please call Sharon Welch, Senior Civil Engineer, at 333-6800, extension 2659; or Lyman Chang, Associate Civil Engineer, at 333-6800, extension 2665.

P. Farris

for! Richard C. Prima, Jr.
Public Works Director

RCP/pmf

Enclosure

cc: City Clerk