

CITY COUNCIL MEETING
SEPTEMBER 3, 1986

20

ORDER TO VACATE
EASEMENT LOCATED
AT 1016 SOUTH
HUTCHINS STREET
ADOPTED

CC-52(b)

Notice thereof having been published and posted according to law, with affidavits of such publication and posting being on file in the office of the City Clerk, Mayor Reid called for the Public Hearing to consider the vacation of an easement at 1016 South Hutchins Street, Lodi.

The matter was introduced by Public Works Director Jack Ronsko who presented a diagram of the subject area and responded to questions as were posed by members of the Council.

There being no persons in the audience wishing to speak on the matter, the public portion of the hearing was closed.

Council was apprised that at its meeting of Monday, August 25, 1986, the Lodi City Planning Commission reviewed the Resolution of Intention whereby the City Council declared its intention to vacate the subject easement. Based on testimony given at the meeting, the Lodi City Planning Commission made a finding that there was no public need for the existing easement, and that alternative easements were available. The Planning Commission recommended to the City Council that the abandonment at 1016 South Hutchins Street be conditioned upon all required easements and arrangements being made with Pacific Telephone and PG&E for the relocation of their facilities prior to the date of the City Council hearing.

Following discussion, on motion of Mayor Pro Tempore Olson, Hinchman second, Council adopted an order of abandonment to abandon the 15' public utility easement located in the parcel at 1016 S. Hutchins Street, Lodi, with the following conditions:

1. A 6' public utility easement be provided along the north property line as indicated on an exhibit presented to Council.
2. A 5' public utility easement be provided along the east and south property lines as shown on an exhibit presented to Council.
3. The cost of PG&E and PT&T relocations are to be paid by the developer.



CITY OF LODI

PUBLIC WORKS DEPARTMENT

COUNCIL COMMUNICATION

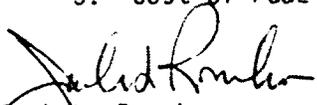
TO: City Council
FROM: City Manager
MEETING DATE: September 3, 1986
SUBJECT: Easement Abandonment, 1016 S. Hutchins Street

RECOMMENDED ACTION: That the City Council adopt an order of abandonment to abandon the 15' public utility easement located in the parcel at 1016 S. Hutchins Street, as shown on the attached map, with conditions of abandonment outlined below.

BACKGROUND INFORMATION: At the Council meeting of August 6, 1986, the City Council adopted a resolution of intent to abandon this easement and forwarded it to the Planning Commission for its findings. The Planning Commission determined at its meeting of August 26, 1986 that there was no public need, present or future, for this easement.

PG&E, Pacific Telephone, Lodi Cable TV, and City of Lodi Utilities have all indicated they have no problem with this proposed abandonment, if it is approved with the following conditions:

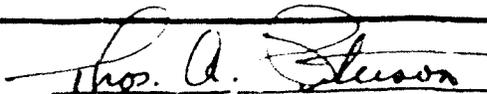
1. A 6' public utility easement be provided along the north property line as shown on the attached map.
2. A 5' public utility easement be provided along the east and south property lines as shown on the attached map.
3. Cost of PG&E and PT&T relocations to be paid by the developer.


Jack L. Ronsko
Public Works Director

Attachment

JLR/ma

APPROVED:


THOMAS A. PETERSON, City Manager

FILE NO.

CCHUTCH2/TXTW.02M

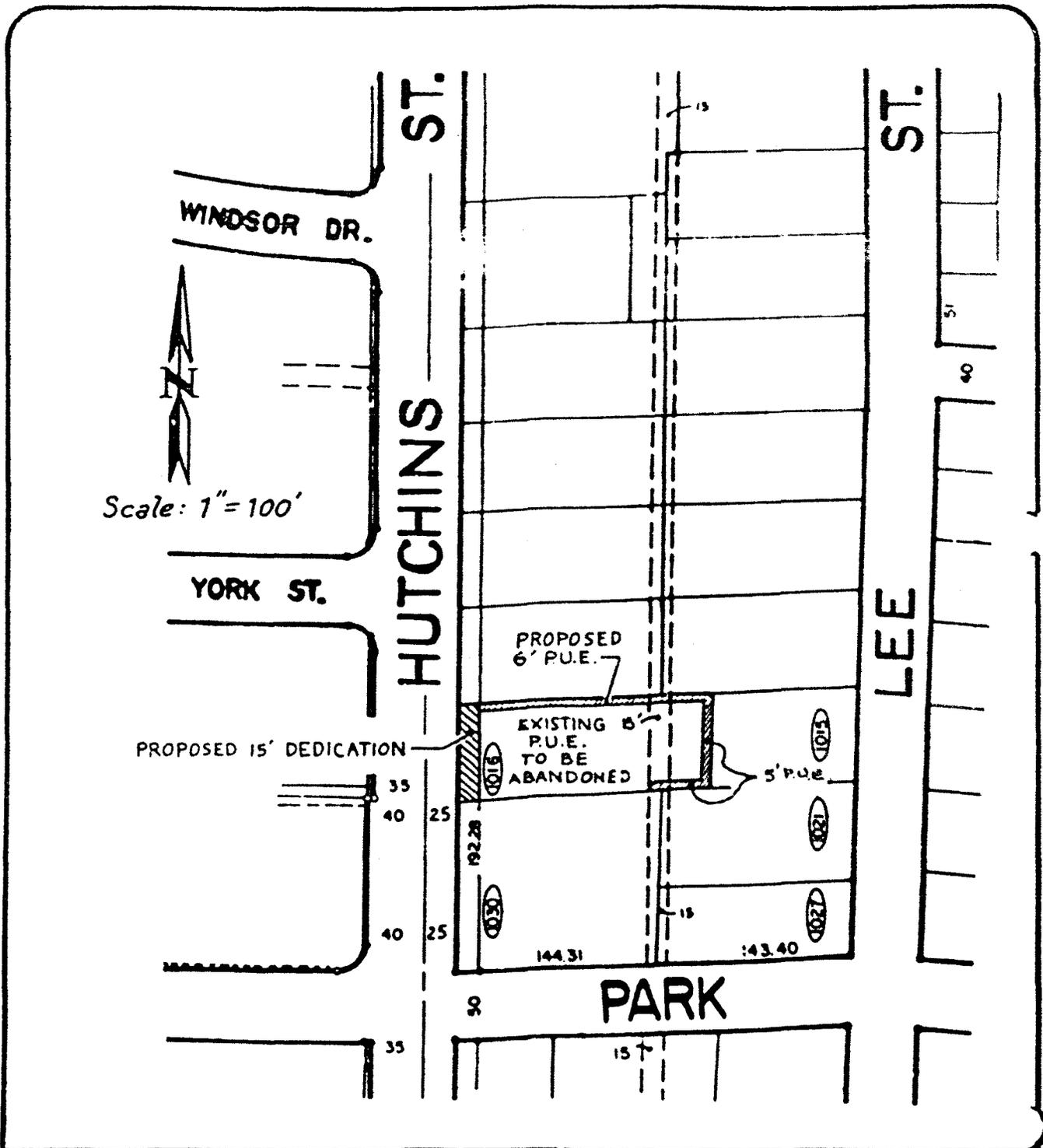
August 27, 1986



CITY OF LODI

PUBLIC WORKS DEPARTMENT

1016 S. HUTCHINS ST.



No.	Date	Revision	Appr.	Approved By	Date
1	7-15-86			RCE	

PROOF OF PUBLICAT N

(2015.5 C.C.P.)

STATE OF CALIFORNIA,

County of San Joaquin.

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the Lodi News-Sentinel, a newspaper of general circulation, printed and published daily, except Sundays and holidays, in the City of Lodi, California, County of San Joaquin, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court, Department 3, of the County of San Joaquin, State of California, under the date of May 26th, 1953, Case Number 65990; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

Aug. 18, 25,
all in the year 19..... 86

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Lodi, California, this 25th day of

Aug. 19 86
[Signature]
Signature

This space is the County Clerk's Filing Stamp

Proof of Publication of

RESOLUTION NO. 86-114

RESOLUTION NO. 86-114
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI DECLARING ITS INTENTION TO VACATE AN EASEMENT LOCATED AT 1016 SOUTH HUTCHINS STREET, LODI
RESOLVED by the City Council of the City of Lodi as follows:

It is the intention of the City Council of the City of Lodi acting in accordance with the provisions of Section 20420 et seq. of the Government Code of the State of California, to vacate and abandon certain public service easement described as follows:
1016 South Hutchins Street
Lodi, California

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 of the proposed vacation.

FURTHER RESOLVED that this City Council does hereby by Wednesday, September 3, 1956 at the hour of 7:30 p.m. in the City Council Chambers, City Hall, Lodi, California, at 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.

FURTHER RESOLVED that the Public Works Director shall cause to be posted notices of easement vacation conspicuously along the line of the easement heretofore described and proposed to be vacated in the manner, form and for the length of time set forth in Section 20421 of the Government Code of the State of California.

FURTHER RESOLVED that copies of this resolution shall be published for at least two successive weeks prior to September 3, 1956 in the "Lodi News-Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi, County of San Joaquin.

Dated August 8, 1956

I hereby certify that Resolution No. 86-114 was passed and adopted by the City Council of the City of Lodi in a regular meeting held August 6, 1956 by the following vote:

Ayes: Council Members - Chen, Pinkerton, Snider, Hutchinson & Reid (Mayor)

Nays: Council Members - None
Absent: Council Members - None

Alice M. Simon
City Clerk

Aug 18, 25, 1956

- 6810

RESOLUTION NO. 86-114

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI
DECLARING ITS INTENTION TO VACATE AN EASEMENT LOCATED
AT 1016 SOUTH HUTCHINS STREET, LODI

RESOLVED by the City Council of the City of Lodi as follows:

It is the intention of the City Council of the City of Lodi, acting in accordance with the provisions of Section 50430 et seq. of the Government Code of the State of California, to vacate and abandon certain public service easement described as follows:

1016 South Hutchins Street
Lodi, California

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.

FURTHER RESOLVED that this City Council does hereby fix Wednesday, September 3, 1986 at the hour of 7:30 p.m. in the City Council Chambers, City Hall, 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.

FURTHER RESOLVED that the Public Works Director shall cause to be posted notices of easement vacation conspicuously along the line of the easement hereinabove described and proposed to be vacated in the manner, form and for the length of time set forth in Section 50441 of the Government Code of the State of California.

FURTHER RESOLVED that copies of this resolution shall be published for at least two successive weeks prior to September 3, 1986 in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi, County of San Joaquin.

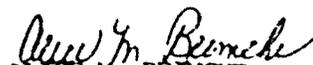
Dated: August 6, 1986

I hereby certify that Resolution No. 86-114 was passed and adopted by the City Council of the City of Lodi in a regular meeting held August 6, 1986 by the following vote:

Ayes: Council Members - Olson, Pinkerton, Snider,
Hinchman & Reid (Mayor)

Noes: Council Members - None

Absent: Council Members - None


ALICE M. REINCHE
City Clerk

THE MATTER OF THE ABANDONMENT
THE EASEMENT LOCATED AT 1016 S. HUTCHINS STREET

AFFIDAVIT OF POSTING NOTICE OF ABANDONMENT

Jin Okamoto, first being duly sworn, deposes and says that he is now and was during all times herein mentioned a duly appointed Engineering Technician Supervisor of the City of Lodi, San Joaquin County, California.

That, in accordance with the instructions contained in Resolution No. 86-114 by the City Council of the City of Lodi and in accordance with the provisions of Sections 8300 et seq. of the Streets and Highways Code of the State of California, to vacate, close, and abandon an easement, he caused three "Notices of Vacation" to be posted conspicuously along the line of the easement described as follows:

A portion of the north 1 acre of Lot 2 of Beckman's Subdivision, as per map filed for record in Volume 1 of Maps and Plats, Page 7, San Joaquin County Records, described as follows:

That portion of a 15 foot wide public utility easement as recorded on March 5, 1958 in Book 2048, Page 236, San Joaquin County Records, which lies on the following described property:

Beginning at the intersection of the north line of said north 1 acre (acreage computed to the center line of streets or avenues) with the east line of Hutchins Street (formerly Quimby Avenue); thence north $86^{\circ} 42'$ east along said north line to the northwest corner of the land described in deed to Walter E. Moore, et ux., dated May 4, 1948, recorded June 18, 1948, in Volume 1131 of Official Records, Page 288, San Joaquin County Records; thence southerly along the west line of said Moore Land to the north line of the land described in deed to Herbert Lehr, et ux., dated April 26, 1948, recorded May 14, 1948, in Volume 1133 of Official Records, Page 252, San Joaquin County Records; thence westerly along the north line of said Lehr Land and said north line extended westerly to the east line of Hutchins Street; thence northerly along the east line of said Hutchins Street to the point of beginning.

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

That said posting was completed on the 14th day of August, 1986, at least fifteen (15) days prior to the date of hearing as set in said Resolution and as contained in said notices, whereupon he made and filed this affidavit.

Signed:



Jin Okamoto
Engineering Technician Supervisor

Subscribed and sworn to before me
the _____ day of August, 1986

Alice M. Reimche
City Clerk of the City of Lodi,
California

ORDER NO. 083-14

ORDER VACATING A CERTAIN PUBLIC UTILITY EASEMENT
SITUATED AT 1016 SOUTH HUTCHINS STREET, LODI

WHEREAS, the City Council of the City of Lodi, acting in accordance with the provisions of Section 8320 et seq of Streets and Highways Code of the State of California, did on the sixth day of August, 1986 pass and adopt Resolution No. 86-114 therein declaring the intention of said City Council to vacate a certain Public Utility Easement located at 1016 South Hutchins Street, Lodi, California and more particularly described in said Resolution; and

WHEREAS, said matter has been referred to the Planning Commission of the City of Lodi and a favorable recommendation has been made by said Planning Commission to this City Council; and

WHEREAS, notice of adoption of said Resolution of Intention to vacate was regularly given by publication in the "Lodi News Sentinel", a newspaper of general circulation published in the City of Lodi, County of San Joaquin, and by posting on the property, both in the time, form and manner as required by law, and there are on file in the office of the City Clerk affidavits showing the said publication and posting; and

WHEREAS, in accordance with the Notice given in said Resolution No. 86-114 a public hearing was held before said City Council in the City Hall Council Chambers, City Hall, 221 West Pine Street, Lodi, California, at 7:30 p.m. on September 3, 1986.

WHEREAS, at aforesaid time and place set for public hearing no person appeared to object to the vacation of said public easements; and

WHEREAS, the City Council of the City of Lodi did then and there determine, at said public hearing, that the public service easement described in said Resolution and more particularly hereinafter described is unnecessary for present or prospective public use;

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to the foregoing findings and under the authority of Section 8320, et seq, of the Streets and Highways Code of the State of California, that there is hereby abandoned and vacated that certain public service easement situated in the City of Lodi, County of San Joaquin, State of California, more particularly described as follows:

A portion of the north 1 acre of Lot 2 of Beckman's Subdivision, as per map filed for record in Volume 1 of Maps and Plats, Page 7, San Joaquin County Records, described as follows:

That portion of a 15 foot wide public utility easement as recorded on March 5, 1958 in Book 2048, Page 236, San Joaquin County Records, which lies on the following described property:

Beginning at the intersection of the north line of said north 1 acre (acreage computed to the center line of streets or avenues) with the east line of Hutchins Street (formerly Quimby Avenue); thence north 86 42' east along said north line to the northwest corner of the land described in deed to Walter E. Moore, et ux., dated May 4, 1948, recorded June 18, 1948, in Volume 1131 of Official Records, Page 288, San Joaquin County Records; thence southerly along the west line of said Moore Land to the north line of the land described in deed to Herbert Lehr, et ux., dated April 26, 1948, recorded May 14, 1948, in volume 1133 of Official Records, Page 252, San Joaquin County Records; thence westerly along the north line of said Lehr Land and said north line extended westerly to the east line of Hutchins Street; thence northerly along the east line of said Hutchins Street to the point of beginning.

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: September 3, 1986

I hereby certify that the foregoing Order Vacating Public Utility Easement Heretofore described was passed and adopted by the City Council of the City of Lodi in a regular meeting held Wednesday, September 3, 1986, by the following vote:

Ayes: Council Members - Hinchman, Olson, Pinkerton, Snider and Reid (Mayor)

Noes: Council Members - None

Absent: Council Members - None

Alice M. Reimche
Alice M. Reimche
City Clerk

083-14





MEMORANDUM, City of Lodi, Community Development Department

TO: Lodi City Council
Alice M. Reimche, City Clerk

FROM: Lodi City Planning Commission
David Morimoto, Acting Community Development Director

DATE: August 28, 1986

SUBJECT: RESOLUTION OF INTENT TO ABANDON EASEMENT
1016 SOUTH HUTCHINS STREET, LODI
RESOLUTION NO. 86-114

At its meeting of Monday, August 25, 1986, the Lodi City Planning Commission reviewed the Resolution of the City Council declaring its intent to vacate an easement located at 1016 South Hutchins Street, Lodi, California. Based on testimony given at the meeting the Lodi City Planning Commission made a finding that there was no public need for the existing easement, and that alternative easements were available.

Based on this finding, the Planning Commission recommends to the City Council that the abandonment at 1016 South Hutchins Street be conditioned upon all required easements and arrangements being made with Pacific Telephone and PG&E for the relocation of their facilities prior to the date of the City Council hearing.

David Morimoto,
Acting Community Development Director