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CITY COUNCIL MEETING  
OCTOBER 14, 1987

PUBLIC HEARING SET  
TO CONSIDER ADOPTION  
OF RESOLUTION OF  
NECESSITY FOR THE  
ACQUISITION OF  
ADDITIONAL LAND FOR  
THE C-BASIN, SOUTH-  
EAST CORNER OF VINE  
STREET AND BECKMAN ROAD,  
BY EMINENT DOMAIN  
PROCEDURES

CC-27(a)  
CC-27(c)

Council set a Public Hearing for November 4, 1987 to consider adoption of a Resolution of Necessity for the acquisition of additional land for the C-Basin, southeast corner of Vine Street and Beckman Road, by Eminent Domain Procedures.



# CITY OF LODI

PUBLIC WORKS DEPARTMENT

## COUNCIL COMMUNICATION

TO: City Council  
FROM: City Manager  
MEETING DATE: October 14, 1987  
AGENDA TITLE: Set Public Hearing for November 4, 1987 to Consider Adoption of Resolution of Necessity for the Acquisition of Additional Land for the C-Basin, Southeast Corner of Vine Street and Beckman Road, by Eminent Domain Procedures

RECOMMENDED ACTION: That the City take the initial step in eminent domain procedures by setting a hearing to consider the adoption of a Resolution of Necessity for the acquisition of additional land for the C-Basin.

BACKGROUND INFORMATION: The City's right-of-way negotiator, Jerry Heminger, has had numerous contacts with the owner of the parcel being acquired. We are in general agreement with the owner but have neither an agreement nor a deed. A second party is interested in acquiring the entire parcel as well as questioning the City's acquisition. Because of problems in finaling out this acquisition, it is important that we acquire the property prior to it being sold to a different party. We are asking that the Council set a date for the hearing, after which the owner will be notified of the date. In accordance with the laws concerning eminent domain, the owner will be invited to respond at that hearing if he so desires. The site is shown on the attached sketch.

  
Jack L. Ronsko  
Public Works Director

JLR/GER/ma

Attachment

APPROVED:

  
THOMAS A. PETERSON, City Manager

FILE NO.



CITY COUNCIL

EVELYN M. OLSON, Mayor  
JOHN R. (Randy) SNIDER  
Mayor Pro Tempore  
DAVID M. HINCHMAN  
JAMES W. PINKERTON, Jr.  
FRED M. REID

# CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
CALL BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 334-5634  
TELECOPIER (209) 333-6795

THOMAS A. PETERSON  
City Manager

ALICE M. REIMICHE  
City Clerk

RONALD M. STEIN  
City Attorney

ALICE M. REIMICHE  
CITY CLERK  
CITY OF LODI

October 16, 1987

Orrin D. and Gertrude M. Kettelman  
c/o Bob Kettelman  
642 N. Cluff Avenue  
Lodi, CA 95240

SUBJECT: Notice Regarding Resolution of Necessity  
Code of Civil Procedure Section 1245.235

Enclosed is a copy of our letter of September 2, 1987, containing the City's latest offer for purchase of additional land for the park/basin at Vine Street and Beckman Road.

Notice is hereby given that on November 4, 1987, the City Council of the City of Lodi intends to adopt a Resolution of Necessity regarding Eminent Domain, pursuant to Code of Civil Procedure (CCP) Section 1245.220, for the property located south of Vine Street and east of Beckman Road within San Joaquin County described as follows:

Being a portion of the south one-half of the north one-half of the southwest one-quarter of Section 7, Township 3 North, Range 7 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the center of Section 7, Township 3 North, Range 7 East, Mount Diablo Base and Meridian, thence South 1°04' East, 668.4 feet along the east line of the southwest one-quarter section to the northeast corner of that Kettleman parcel shown in Volume 6, Page 284, Record of Surveys, San Joaquin County Records, and the True Point of Beginning, thence North 87°41' West, 1038.0 feet along the north line of the south one-half of the north one-half of said southwest one-quarter section, thence South 1°04' East, 420.0 feet, parallel with said east line, thence South 87°41' East, 1038.0 feet, parallel with said north line of said south one-half to said east line, thence North 1°04' West, 420.0 feet, along said east line to the True Point of Beginning.

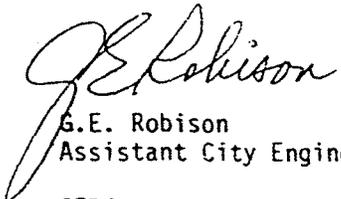
You are notified that you have the right to be heard on the matters referred to in CCP Section 1240.030 as it relates to this property. Specifically, CCP Section 1240.030 permits the City of Lodi to exercise the power of eminent domain to acquire the property for a proposed project only if all of the following are established:

Orrin D. and Gertrude M. Kettelman  
October 16, 1987  
Page 2

- a. The public interest and necessity require the project.
- b. The project is planned or located in the manner that will be most compatible with the greatest public need and the least private injury.
- c. The property sought to be acquired is necessary for the project.

NOTICE

Pursuant to CCP Section 1245.235, you must file a WRITTEN REQUEST to be heard within 15 days after the notice was mailed. The governing body need not give an opportunity to appear and be heard to any person who fails to file a written request. If you intend to be heard on the matter, please bring in or mail your request to Alice Reimche, City Clerk, 221 W. Pine Street, Call Box 3006, Lodi, 95241, telephone (209) 333-6700. YOUR FAILURE TO FILE A WRITTEN REQUEST TO APPEAR AND BE HEARD WITHIN 15 DAYS AFTER THE NOTICE WAS MAILED WILL RESULT IN WAIVER OF THE RIGHT TO APPEAR AND BE HEARD.

  
G.E. Robison  
Assistant City Engineer

GER/ma

Enclosure

cc: City Clerk  
City Attorney  
Robert Elliott, Attorney at Law  
Jerry Heminger

CITY COUNCIL

EVELYN M. OLSON, Mayor  
JOHN R. (Randy) SNIDER  
Mayor Pro Tempore  
DAVID M. HINCHMAN  
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TELECOPIER: (209) 333-6795

THOMAS A. PETERSON  
City Manager  
ALICE M. REIMCHE  
City Clerk  
RONALD M. STEIN  
City Attorney

September 2, 1987

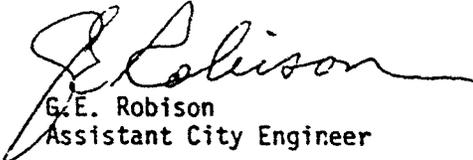
Robert K Elliott  
Attorney at Law  
228 West Pine Street  
Lodi, CA 95240

SUBJECT: Property Acquisition for C-1 Basin

This is to confirm a discussion you had earlier with Jerry Heminger and others regarding the acquisition of additional land for the existing park/basin at Beckman Road and Vine Street.

The City's last offer was to purchase either Option A, 10 acres for \$262,500; or Option B, 12 acres for \$315,000. Sketches of the two options are attached. The City understands that your client agrees that both options are fair and he will be notifying the City of his choice by the end of September. Once the City has your decision we will proceed with acquiring City Council approval for the acquisition.

Should you have any questions, please contact Jerry Heminger, the City's representative in this acquisition at 333-2333.

  
G.E. Robison  
Assistant City Engineer

GER/cag

cc: Jerry Heminger  
City Attorney  
Orrin Kettleman

Enclosure

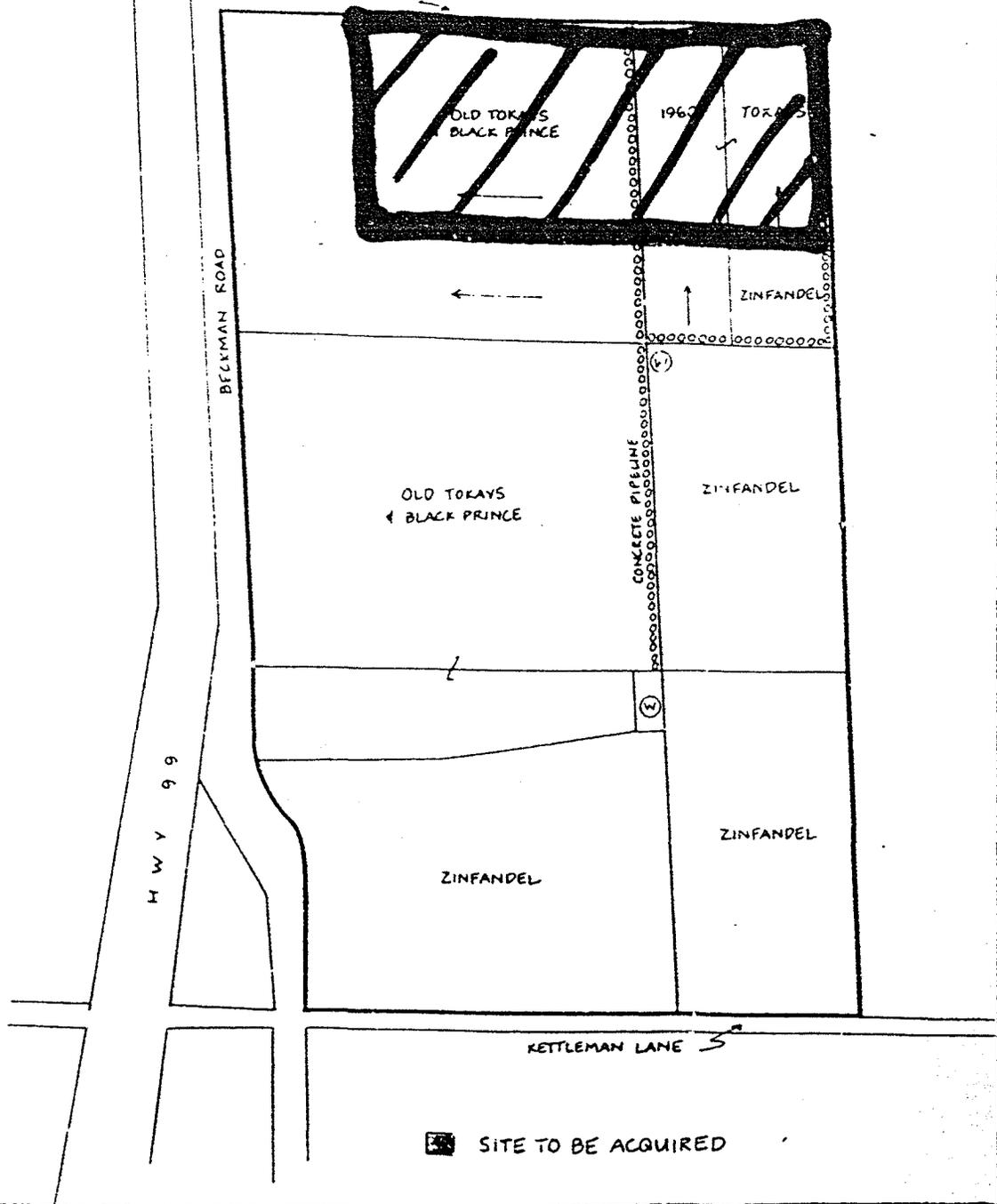
# OPTION A

(EXISTING STORM DRAINAGE BASIN)



1" = 310'

CITY LIMITS



Property Plat

DECLARATION OF MAILING

On October 16, 1987, in the City of Lodi, San Joaquin County, California, I caused to be mailed in the United States mail an envelope, with first-class postage prepaid thereon, containing a copy of the notice attached hereto; said envelope was addressed as follows:

Orrin D. and Gertrude M. Kettelman  
c/o Bob Kettelman  
642 N. Cluff Avenue  
Lodi, CA 95240

There is a regular daily communication by mail between the City of Lodi, California, and the place to which said envelope was addressed.

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

Executed on October 16, 1987, at Lodi, California.

  
Monique Allman