

99010060

PLEASE RECORD AND RETURN TO:
Alice M. Reimche, City Clerk
P.O. Box 3006
Lodi, CA 95241-1910

RECORDER
COUNTY CLERK
JAMES M. JOHNSTONE

99 JAN 25 AM 9: 57

JOAQUIN COUNTY

CITY SHOWN

FEE _____

exempt

RESOLUTION NO. 98-121

A RESOLUTION OF THE LODI CITY COUNCIL VACATING THE SOUTH 174 FEET ~~OF~~ SACRAMENTO STREET PURSUANT TO CERTAIN CONDITIONS AND ACCESS AND MAINTENANCE AGREEMENT BETWEEN ALL AFFECTED PROPERTY OWNERS, AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT

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 July, 1998 pass and adopt a Resolution of Intention No. 98-109 therein declaring the intention of said City Council to vacate that portion of Sacramento 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 street, and more particularly described as follows, to wit:

The South 174 Feet of Sacramento Street

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 evidence 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 herein 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, August 5, 1998, 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

WHEREAS, at the August 5, 1998 City Council meeting, from the evidence submitted, the City Council of the City of Lodi did determine that said portion of Sacramento Street 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; and

WHEREAS, all affected property owners have agreed to the vacation pursuant to certain conditions and an access and maintenance agreement.

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 South 174 Feet of Sacramento Street, Lodi, California and more particularly described as follows:

The South 174 Feet of Sacramento Street, Lodi, California, 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 street.

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.

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to execute said agreement on behalf of the City of Lodi.

Dated: August 5, 1998

I hereby certify that Resolution No. 98-121 was passed and adopted by the City Council of the City of Lodi in a regular meeting held August 5, 1998, by the following vote:

AYES: COUNCIL MEMBERS - Johnson, Land, Mann, Pennino and Sieglock
(Mayor)

NOES: COUNCIL MEMBERS - None

ABSENT: COUNCIL MEMBERS - None

ABSTAIN: COUNCIL MEMBERS - None

Alice M. Reimche
ALICE M. REIMCHE
City Clerk

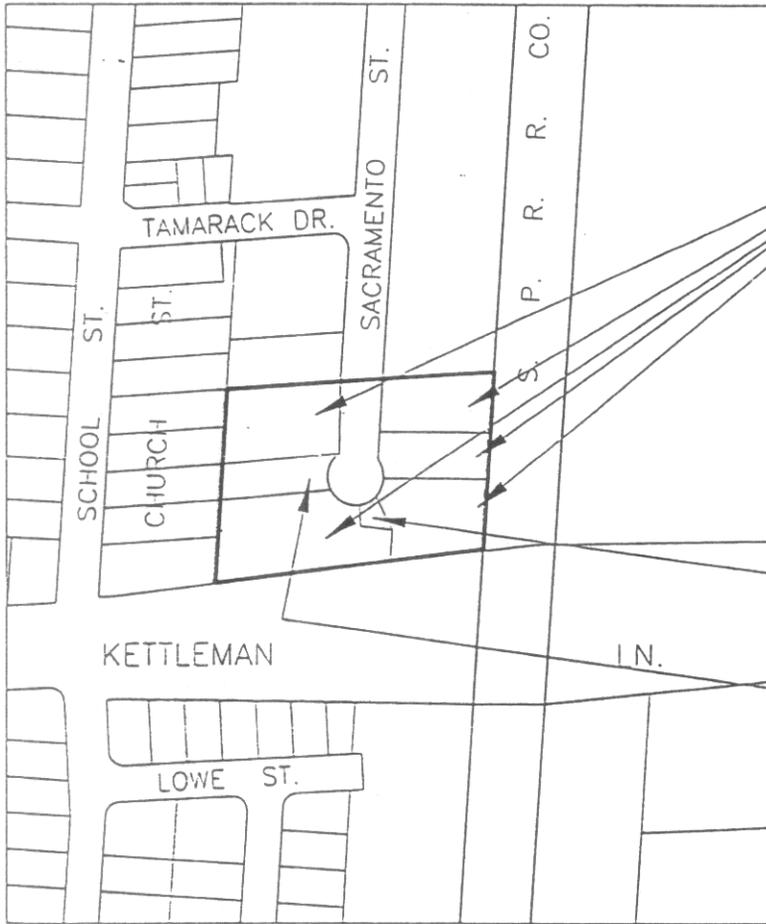


CITY OF LODI

PUBLIC WORKS DEPARTMENT

99010060

EXHIBIT A



Vanderlans, G., etal

City of Lodi

Ebel, E V, Trs.

"HELMENSTEIN TRACT"



N.T.S.