

RESOLUTION NO. 83-54

RESOLUTION OF NECESSITY REGARDING EMINENT DOMAIN  
PURSUANT TO GOVERNMENT CODE SECTION 1245.220 ET SEQ.

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

The Council of the City of Lodi finds, determines, and hereby declares:

1. That the public interest, necessity, and convenience require the acquisition, construction, and completion of a public improvement, to wit: street and public utility right of way on and across certain real property located at 1325 South Hutchins Street within the City of Lodi described as a portion of Lot 54, Knoll Subdivision filed for record February 20, 1948, in book of Maps and Plats, Vol. 13, page 8, San Joaquin County Records.

2. That the real property hereinafter described is suitable, adaptable, necessary, and required for the public use of said City of Lodi, as hereinabove set forth.

3. The proposed project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.

4. That the City of Lodi acquire the hereinafter described real property for street and public utility right of way, by donation, purchase, or by condemnation in accordance with the provisions of the Code of Civil Procedure of the State of California relating to eminent domain. That the City Attorney is hereby authorized to prosecute in the name of the City of Lodi, any and all actions or proceedings required to acquire the necessary land and/or to fix the compensation to be paid for property damage resulting from the construction and maintenance of said improvements; and in the absence of a satisfactory price agreement with the owner of the land, the City Attorney is hereby directed to immediately commence proceedings under Title Seven, Part Three of the Code of Civil Procedure of the State of California to condemn the property hereinafter described for the purpose of taking said land for the public use of said City as hereinabove set forth.

5. To acquire in the name of the City of Lodi, a fee simple estate in and to the said hereinafter described real property by condemnation in accordance with the provisions of the Streets and Highways Code, Code of Civil Procedure, Government Code Section

37350.5, and the Constitution of California relating to eminent domain.

6. To make application to a Court of competent jurisdiction for an order fixing the amount of such security in the way of money deposits as said Court may direct, and for an order permitting said City of Lodi to take immediate possession and use of said property, or interest in real property, or existing improvements for the public use as hereinabove set forth; to make deposit of such security or monies in such amount so fixed and determined and in such manner as said Court in which said condemnation proceedings are pending may direct.

7. The real property or interest in real property which the City of Lodi is by this Resolution authorized to acquire for said public improvements is situated in the County of San Joaquin, State of California, and is more particularly described as follows:

"A portion of Lot 54, KNOLL SUBDIVISION as filed for record February 20, 1948 in Book of Maps and Plats, Vol. 13, page 8, San Joaquin County Records, being described as follows:

"Beginning at the Northeast corner of said Lot; thence S. 0° 15' E., along the East line of said Lot, 94.14 feet to the Southeast corner of said Lot; thence N. 89° 38' W., along the South line of said Lot, 5.00 feet; thence N. 0° 15' W., 77.14 feet; thence N. 44° 55' 59" W., 24.17 feet to a point in the North line of said Lot; thence S. 89° 38' E., along said North line, 22.00 feet to the point of beginning.

"Commonly known as 1325 So. Hutchins Street, together with an easement for public utility use more particularly described as follows:

"A portion of Lot 54, KNOLL SUBDIVISION as filed for record February 20, 1948 in Book of Maps and Plats, Vol. 13, page 8, San Joaquin County Records, being described as follows:

"Commencing at the Northeast corner of said Lot; thence S. 0° 15' E., along the East line of said Lot, 94.14 feet to the Southeast corner of said Lot; thence No. 89° 38' W., along the South line of said Lot, 5.00 feet to the TRUE POINT OF BEGINNING; thence N. 0° 15' W., 77.14 feet; thence No. 44° 55' 59", 7.11 feet; thence S. 0° 15' E.,

82.20 feet to a point in the South line of said Lot; thence S. 89° 38' E., along said South line. 5.00 feet to the TRUE POINT OF BEGINNING."

8. Pursuant to Government Code Section 7267.2, a written offer was made to the owners of record in the amount of \$5,379.

DATED: June 15, 1983

I hereby certify that Resolution No. 83-54 was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 15, 1983 by the following vote:

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

Noes: Council Members - None

Absent: Council Members - Reid

*Alice M. Reimche*  
Alice M. Reimche  
City Clerk