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City of Lodi City Clerk's Office
P.O. Box 3006
Lodi, CA 95241-1910

RESOLUTION NO. 2001-45

A RESOLUTION OF THE LODI CITY COUNCIL
ESTABLISHING AN AREA OF BENEFIT AND REIMBURSABLE
COSTS FOR TIENDA DRIVE IMPROVEMENTS

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WHEREAS, the Lodi City Council has adopted Ordinance No. 1518, creating and establishing the authority for imposing and charging Development Impact Mitigation Fees in the City of Lodi; and

WHEREAS, the Public Works Director has submitted additional information regarding actual project cost(s) for the Kettleman Lane (Tienda Drive) Lift Station and the Tienda Drive Sewer Main projects, both within the Kettleman Lane Lift Station Service Area; and

WHEREAS, a Tentative Map for Sunwest XIV, Unit No. 1, a single-family residential project, was approved by the Planning Commission on February 10, 1997. As a condition of approval, the developer was required to construct improvements at City expense on the north side of Tienda Drive along the City-owned property west of the development (Roget Park site), in conjunction with the Sunwest XIV, Unit No. 1 development; and

WHEREAS, although the City had acquired a portion of the necessary right-of-way on the south side of Tienda Drive in conjunction with the agreement approved by the City Council on June 20, 1996, for the acquisition of the westerly portion of the Roget Park site (APN 027-040-78), negotiations for acquisition of right-of-way with the owner of the adjacent parcel to the east (APN 027-040-17), First Church of the Nazarene, had been unsuccessful; and

WHEREAS, since all the necessary right-of-way had not been secured, installation of street improvements on the south side of Tienda Drive was not required as a condition of development at that time. The Improvement Agreement for the Sunwest XIV, Unit No. 1, was approved by the Council on October 21, 1998. The location of the above referenced parcels in relation to the subject Tienda Drive improvements is shown in Exhibit A; and

WHEREAS, in an ongoing effort to accomplish construction of the full street improvements on Tienda Drive with the Sunwest XIV development and at the request of First Church of the Nazarene, the City reopened negotiations to acquire the right-of-way along the south side of Tienda Drive in exchange for street frontage improvements. An agreement with First Church of the Nazarene was subsequently approved by the City Council on August 5, 1998, and recorded in the San Joaquin County Recorders Office on August 20, 1998, as Instrument No. 98097296. The agreement stipulates that, in exchange for the right-of-way dedication, the City will construct the street frontage improvements on the south side of Tienda Drive (curb, gutter, sidewalk, street paving, etc.) at City expense and a reimbursement will be prepared requiring the Church

or their successors to pay their fair share of the utility construction costs at the time of connection to the utilities; and

WHEREAS, an Addendum to the Improvement Agreement for the Sunwest XIV project covering construction of street improvements on the south side of Tienda Drive was approved by the City Council on June 25, 1999. Pursuant to the Addendum to the Improvement Agreement, the developer of the Sunwest XIV, Unit 1, development constructed the improvements for Tienda Drive west of the development. The development improvements including Tienda Drive improvements were accepted by the City Council on January 19, 2000, by Resolution No. 2000-05. Per the terms of the Amendment, the Developer was reimbursed by the City for the costs of improvements on Tienda Drive west of the development; and

WHEREAS, in conformance with Lodi Municipal Code (LMC) Section 16.40, staff recommends that Council conduct a public hearing to establish an area of benefit and reimbursable costs to recover the cost of street improvements on the south side of Tienda Drive fronting the parcels owned by First Church of the Nazarene (APN 027-040-17) and Ronald C. Dunscombe et al. (APN 027-040-79) which benefit from those improvements. The reimbursable costs for each property are shown on Exhibit B. Pursuant to LMC Section 16.40.50.A.3, the reimbursable amounts shown in Exhibit B include an amount attributable to interest for the year 2000 based on the change in the Engineering News Record 20 Cities Construction Cost Index from January 2000 to January 2001. Similar adjustments to the reimbursable costs will be made each January until payment is received; and

WHEREAS, such information was available for public inspection and review fourteen days prior to the public hearing.

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

1. FEES:

- a) The City Council hereby establishes an area of benefit and reimbursable costs to recover the cost of street improvements on the south side of Tienda Drive fronting the parcels owned by First Church of the Nazarene (APN 027-040-17) and Ronald C. Dunscombe et al. (APN 027-040-79) which benefit from those improvements. The reimbursable costs for each property are shown on Exhibit B attached; and
- b) Pursuant to LMC Section 16.40.50.A.3, the reimbursable amounts shown in Exhibit B include an amount attributable to interest for the year 2000 based on the change in the Engineering News Record 20 Cities Construction Cost Index from January 2000 to January 2001. Similar adjustments to the reimbursable costs will be made each January until payment is received.

Dated: February 21, 2001

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I hereby certify that Resolution No. 2001-45 was passed and adopted by the Lodi City Council in a regular meeting held February 21, 2001, by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Howard, Land, Pennino and Mayor Nakanishi

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None


Susan J. Blackston
City Clerk

2001-45

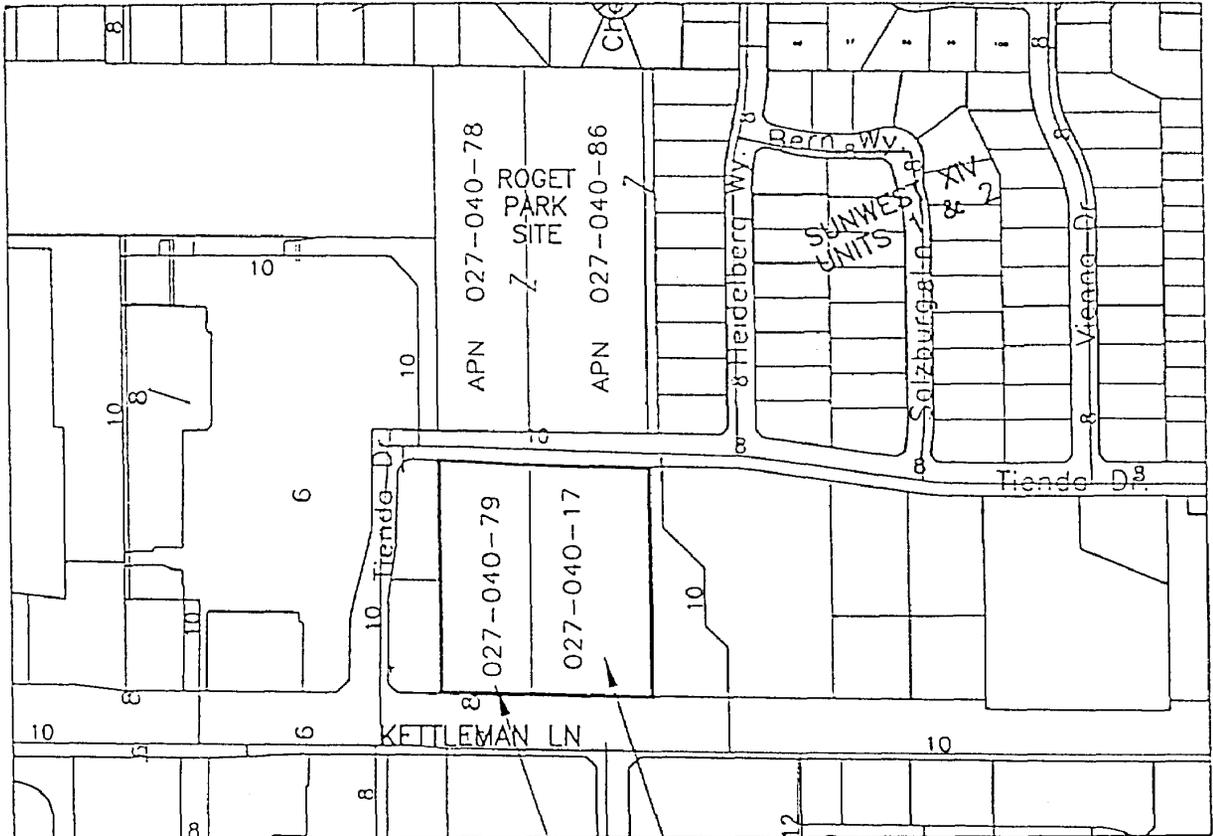


CITY OF LODI

PUBLIC WORKS DEPARTMENT

EXHIBIT A

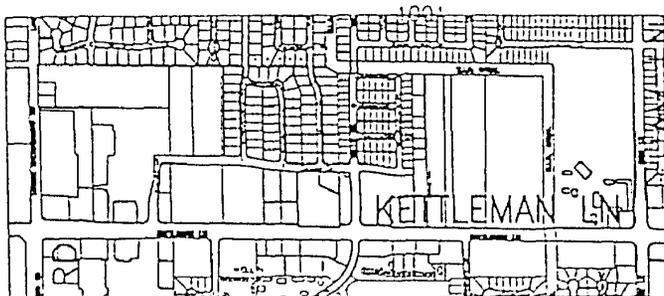
AREA OF BENEFIT



DETAIL

CHURCH OF NAZARENE
 APN: 027-040-17
 2241 West Kettleman Lane

APN 027-040-79
 2223 West Kettleman Lane



VICINITY MAP



N.T.S.

