

RESOLUTION NO. 81-39

BEFORE THE CITY COUNCIL OF THE CITY OF  
LODI, CALIFORNIA

TURNER ROAD AND CLUFF AVENUE ASSESSMENT DISTRICT NO. 1

A RESOLUTION OF INTENTION TO ACQUIRE AND/OR  
CONSTRUCT IMPROVEMENTS

RESOLVED, by the City Council of the City of Lodi,  
California, that in its opinion the public interest, convenience  
and necessity require and that it is the intention of said Council  
to order the acquisition and/or construction of the improvements  
hereinafter described.

1. Whenever any public way is herein referred to as running  
between two public ways, or from or to any public way, the intersections  
of the public ways referred to are included to the extent that work  
shall be shown on the plans to be done therein.

2. Said streets and highways are more particularly shown  
in the records in the office of the County Recorder of San Joaquin  
County, California, and shall be shown upon the plans herein referred  
to and to be filed with the Clerk of said City.

3. All of said work and improvements are to be constructed  
at the places and in the particular locations, of the forms, sizes,  
dimensions and materials, and at the lines, grades and elevations  
as shown and delineated upon the plans, profiles and specifications  
to be made therefor, as hereinafter provided.

4. There is to be excepted from the work herein described  
any of such work already done to line and grade and marked excepted  
or shown not to be done on said plans, profiles and specifications.

5. Said improvements to be acquired and/or constructed  
are more particularly described as follows:

(a) The improvement of the following streets by clearing and grading as required, and the construction therein of: Portland cement concrete curbs, gutters, sidewalks and driveway aprons; asphalt concrete paving with aggregate base; sanitary sewer facilities; domestic water mains with firehydrants, valves and services; storm drainage facilities; street lights; street signs; barricades; and all necessary appurtenances to any of the above, to wit:

- (1) Turner Road from the easterly terminus of the existing Turner Road easterly to a point approximately 700 feet east of the intersection with Cluff Avenue;
- (2) Cluff Avenue from its intersection with Turner Road southerly to its intersection with Lockeford Street.

(b) Removal of excess material and compaction of fill in areas where excess material has been removed, the compaction of land, and change of grade or contours, all suitable for the purpose of the stabilization of soils within the District and/or to eliminate any disparity in level or size between the improvements and private property;

(c) The doing of all work auxiliary to any of the above and necessary to complete the same;

(d) The acquisition of all lands and easements necessary for any of said work and improvements.

6. Notice is hereby given of the fact that in many cases said work and improvements will bring the finished work to a grade different from that formerly existing, and that to said extent said grades are hereby changed and that said work will be done to said changed grades.

7. Said Council does hereby adopt and establish as the official grades for said work the grades and elevations to be shown upon said plans, profiles and specifications. All such grades and elevations are to be in feet and decimals thereof with reference to the datum plane of the City.

8. The descriptions of the acquisitions and/or improvements and the termini of the work contained in this Resolution are general in nature. All items of work do not necessarily extend for the full length of the description thereof. The plans and profiles of the work and maps and descriptions as contained in the Engineer's report shall be controlling as to the correct and detailed description thereof.

9. The costs and incidental expenses of said contemplated acquisitions and improvements are made chargeable upon an assessment district, the exterior boundaries of which are described in Exhibit A, attached hereto, and delineated upon a map thereof, entitled, "Proposed Boundaries of Turner Road and Cluff Avenue Assessment District No. 1", on file with the City Clerk of said City, to which reference is hereby made for further particulars. Said map indicates by a boundary line the extent of the territory included in the proposed district and shall govern for all details as to the extent of the assessment district.

10. Said Council further declares that all public streets and highways within said assessment district in use in the performance of a public function as such shall be omitted from the assessment hereafter to be made to cover the costs and expenses of said acquisition and improvements.

11. Notice is hereby given that serial bonds to represent the unpaid assessments, and bearing interest at not to exceed the maximum rate provided by law, will be issued hereunder in the manner provided in the Improvement Bond Act of 1915, and that

the applicable provisions of Part 11.1 of said Act, providing an alternative procedure for the advance payment of assessments and the calling of bonds, shall apply. The last installment of said bonds shall mature not to exceed nineteen (19) years from the second day of July next succeeding ten (10) months from their date, principal and interest to be reasonably amortized, the proceeds of said bonds to be invested and interest thereon paid into the redemption fund of said bonds.

Said Council finds and declares that a special reserve fund as provided in Part 16 of the Improvement Bond Act of 1915 shall be required, the amount thereof to be determined upon the sale of the bonds.

Said Council hereby covenants with the holders of said assessment bonds to be issued herein that it will, within ninety (90) days following the due date of any delinquent installment of assessments securing the bonds to be issued, commence and thereafter diligently prosecute to completion a foreclosure action regarding such delinquent installment of assessment, upon written demand of the bondholder therefor received not later than forty-five (45) days following said delinquent installment due date.

12. Except as herein provided for the issuance of bonds, all of said improvements shall be done pursuant to the provisions of the Municipal Improvement Act of 1913, Sections 10,000, et seq. of the Streets and Highways Code of the State of California.

13. Reference is hereby made to proceedings had pursuant to Division 4 of the Streets and Highways Code on file with the City Clerk.

14. Said proposed acquisitions and/or improvements are hereby referred to MORTON & PITALO, INC., Civil Engineers, Sacramento, California, being a competent firm employed by said City for that purpose; and said Engineer is hereby directed to make and file with the City Clerk a report in writing, presenting the following:

(a) Maps and descriptions of the lands and easements, and a general description of any works or appliances to be acquired;

(b) Plans and specifications of the proposed improvements to be made pursuant to this Resolution of Intention;

(c) Engineer's statement of the itemized and total estimated costs and expenses of said acquisitions and/or improvements and of the incidental expenses in connection therewith;

(d) Diagram showing the assessment district above referred to, and also the boundaries and dimensions of the respective subdivisions of land within said District as the same existed at the time of the passage of this Resolution of Intention, each of which subdivisions shall be given a separate number upon said diagram;

(e) A proposed assessment of the total amount of the costs and expenses of the proposed acquisitions and/or improvements upon the several subdivisions of land in said district in proportion to the estimated benefits to be received by such subdivisions, respectively, from said acquisitions and improvements, and of the expenses incidental thereto.

15. Notice is hereby given that, in the opinion of the Council, the public interest will not be served by allowing the property owners to take the contract for the construction of the

improvements, and that, pursuant to Section 10502.4 of the Streets and Highways Code, no notice of award of contract shall be published.

16. If any excess shall be realized from the assessment, it shall be used in such amounts as the Council may determine, in accordance with the provisions of law for one or more of the following purposes:

(a) Transfer to the general fund of the City, provided that the amount of any such transfer shall not exceed the lesser of \$1,000 or 5% of the total amount expended from the improvement fund;

(b) As a credit upon the assessment and any supplemental assessment in accordance with the provisions of Section 10427.1 of the Streets and Highways Code;

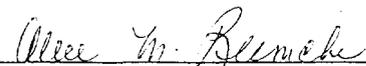
(c) To reimburse the City for any contributions or advances to or for the construction fund in accordance with the provisions of Section 10427.2 of the Streets and Highways Code;

(d) For the maintenance of the improvements or a specified part thereof.

DATED: April 15, 1981.

I, ALICE M. REIMCHE, City Clerk of the City of Lodi, do hereby certify that Resolution No. 81-39 was passed and adopted at a regular meeting of the City Council of the City of Lodi, held April 15, 1981, by the following vote:

AYES: Councilmen - Murphy, Hughes, Pinkerton, Katnich  
and McCarty  
NOES: Councilmen - None  
ABSENT: Councilmen - None  
ABSTENTIONS: Councilmen - None



ALICE M. REIMCHE  
City Clerk



MORTON & PITALO, INC.  
Civil Engineering, Planning, Surveying  
1767 J Tribute Pk., Sacramento, Ca 95815  
916/920-2411

March 13, 1981  
800085

DESCRIPTION

Assessment District Boundary

All that certain real property situate in the City of Lodi, County of San Joaquin, State of California, described as follows:

A portion of Section 31, Township 4 North, Range 7 East, M.D.M., and a portion of Section 6, Township 3 North, Range 7 East, M.D.M., more particularly described as follows:

BEGINNING at the Northeast corner of Parcel 6, as said parcel is described in deed recorded in Book 3710, Official Records of said County, at Page 677, from which the quarter corner common to said Sections 31 and 6 bears the following three (3) courses: (1) North  $83^{\circ}57'$  West 460.26 feet; (2) South  $00^{\circ}03'28''$  West 504.97 feet; and (3) North  $88^{\circ}48'17''$  West 420.40 feet; thence, from said point of beginning, along the Southeasterly line of said Parcel 6, South  $47^{\circ}50'$  West 282.20 feet to a point on the East line of Lot 17, as said lot is shown upon the map entitled "EDDLEMAN TRACT," filed in Book 1 of Maps and Plats, Page 26, Official Records of said County; thence, along the East line of Lots 17, 15, 13, 11, 9, 7, 5 and 3, as shown on said map entitled "EDDLEMAN TRACT," the following three (3) courses: (1) South  $00^{\circ}03'19''$  West 731.50 feet; (2) South  $00^{\circ}11'08''$  East 724.67 feet; and (3) South  $00^{\circ}29'18''$  East 1007.25 feet to a point on the East line of said Lot 3, said point being 17 feet South of the Southeast corner of said Lot 5; thence, parallel to the North line of said Lot 5, South  $88^{\circ}18'00''$  West 453.90 feet; thence, South  $02^{\circ}01'$  West 307.59 feet; thence, South  $85^{\circ}27'$  East 44 feet; thence, South  $00^{\circ}33'$  West 287 feet to a point on the Northerly right-of-way of LOCKEFORD STREET; thence, along said right-of-way line, North  $85^{\circ}27'00''$  West 1006.8 feet; thence, North  $00^{\circ}29'$  East 300 feet; thence, North  $85^{\circ}27'00''$  West 607.33 feet; thence, North  $00^{\circ}29'$  East 106.17 feet; thence, North  $85^{\circ}03'00''$  West 189.57 feet to a point on the Easterly right-of-way of BECKMAN ROAD; thence, Northerly along the arc of a curve concave to the Northeast, having a radius of 372.0 feet, a distance of 32.25 feet to the Southwest corner of Lot 48, as shown on INDUSTRIAL LITE, Tract No. 1452, filed December 3, 1979, in Book of Maps and Plats, Volume 25, at Page 24, San Joaquin County Records; thence, along the Southerly line of said INDUSTRIAL LITE, South  $38^{\circ}15'00''$  East 1533.63 feet to the centerline of Cluff Avenue; thence, along said centerline, North  $00^{\circ}38'00''$  East 446.00 feet; thence, leaving said centerline, North  $88^{\circ}15'00''$  West 32.00 feet to the Northeast corner of Lot 23 of said INDUSTRIAL LITE; thence, along the North line of said INDUSTRIAL LITE, North  $88^{\circ}15'00''$  West 1292.60 feet; thence, North  $00^{\circ}29'$  East 495 feet; thence, South  $88^{\circ}15'$  East 1316.5 feet to a point in the centerline of Cluff Avenue; thence, North  $00^{\circ}05'13''$  East 1140.00 feet; thence, North

EXHIBIT A

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88°48'03" West 325.00 feet; thence, South 00°05'15" West 150.01 feet; thence, North 88°47'56" West 1003.45 feet; thence, North 00°03'54" West 329.99 feet; thence, South 88°47'54" East 686.25 feet; thence, North 01°54'54" West 130.00 feet; thence, South 86°46'23" East 418.17 feet; thence, North 00°05'15" East 65.00 feet; thence, North 56°14'09" East 220.34 feet; thence, South 89°12'15" East 25.00 feet; thence, South 41°36'40" East 63.13 feet; thence, South 89°12'15" East 400.24 feet; thence, North 00°03'28" East 244.97 feet; thence, South 83°58'32" East 460.26 feet to the point of beginning.

EXHIBIT A

TURNER ROAD AND CLUFF AVENUE ASSESSMENT DISTRICT NO. 1  
(REASSESSMENT AND REFUNDING OF 1988)

## OUTSTANDING REFUNDED BONDS MATURITY SCHEDULE

<u>Interest Rate</u>	<u>Annual Amount</u>	<u>Date of Maturity</u>
10.0%	\$135,000.00	July 2, 1989
10.0%	135,000.00	July 2, 1990
10.0%	135,000.00	July 2, 1991
10.0%	135,000.00	July 2, 1992
10.0%	135,000.00	July 2, 1993
10.0%	<u>135,000.00</u>	July 2, 1994
Total	\$810,000.00	