

RESOLUTION NO. 81-155

BEFORE THE CITY COUNCIL OF THE CITY OF  
LODI, CALIFORNIA

TURNER ROAD AND CLUFF AVENUE ASSESSMENT DISTRICT NO. 1

A RESOLUTION DETERMINING CONVENIENCE AND NECESSITY,  
ADOPTING ENGINEER'S REPORT, AS AMENDED, CONFIRMING  
ASSESSMENT, AND ORDERING THE WORK AND IMPROVEMENTS

RESOLVED, by the City Council of the City of Lodi, California,  
that

WHEREAS, on the 15th day of April, 1981, said Council adopted  
its Resolution No. 81-39, a Resolution of Intention to Acquire and/or  
Construct Improvements, wherein it determined that the public  
interest, convenience and necessity required and that it intended to  
order the acquisition and/or construction of certain improvements  
therein particularly described, and referred the proposed acquisitions  
and improvements to the Engineer of Work of said City, he being the  
officer having charge and control of the acquisitions and improve-  
ments in and for said City of the kind described in said Resolution,  
and being a competent person employed by said City for that purpose;

WHEREAS, said Council thereby directed said Engineer of Work  
to make and file with the City Clerk of said City a report in  
writing in accordance with and pursuant to the provisions of the  
Municipal Improvement Act of 1913;

WHEREAS, said report was duly made and filed with the City  
Clerk whereupon the Clerk presented it to said Council for  
consideration;

WHEREAS, said Council thereupon duly considered said report  
and each and every part thereof, and found that it contained all  
the matters and things called for by the aforesaid provisions of  
said Act, including (1) maps and descriptions of lands and easements,  
and a general description of the works or appliances to be acquired,  
(2) plans and specifications of the proposed improvements to be made,  
(3) estimate of costs, (4) diagram of district, and (5) an assessment

according to benefits, all of which was done in the form and manner required by said Act;

WHEREAS, said Council found that said report and each and every part thereof was sufficient in every particular and determined that it should stand as the report for all subsequent proceedings under said Act and Resolution, whereupon said Council pursuant to the requirements of said Act, appointed, Wednesday, the 16th day of September, 1981, at 8:00 p.m. of said day, in the Council Chambers, City Hall, Lodi, California, as the time and place for hearing protests in relation to said proposed acquisitions and improvements, and directed the Clerk of said City to give notice of said hearing as required by said Act;

WHEREAS, it appears that notices of said hearing were duly and regularly posted and published in the time, form and manner required by said Act, as evidenced by the affidavits on file with said Clerk, whereupon said hearing was duly and regularly held at the time and place advertised in said notices;

WHEREAS, four persons interested, objecting to said acquisitions and improvements, or to the extent of the assessment district, or to the proposed assessment or diagram, or to the maps and descriptions, or to the grades at which said work will be done, or to the Engineer's estimate of the costs and expenses thereof, filed written protests with the Clerk of said City at or before the time set for said hearing or presented oral protests at said hearing, and all persons interested desiring to be heard were given an opportunity to be heard, and all matters and things pertaining to said acquisitions and improvements were fully heard and considered by said Council; and said hearing was continued from time to time as provided in said Act;

NOW, THEREFORE, said Council does hereby find, determine and order as follows:

1. That the owners of one-half of the area of the property to be assessed for the cost of said project did not at or prior to the

time fixed for said hearing, file written protests against the said acquisitions and improvements, or as to the Engineer's estimate of costs and expenses of said project, or against the maps and descriptions, or against the grades at which said work is proposed to be done, or against the diagram and assessment to pay for the costs and expenses thereof.

2. That any and all protests made either to the question of the public interest, convenience and necessity of making said acquisitions and improvements under said Resolution No. 81-39, or to said proposed acquisitions and improvements, or the grades to which said work is proposed to be done, or to the extent of the assessment district, or the maps and descriptions, or the amount of the several assessments, and all persons desiring to be heard in relation to any of said matters, whether as protestants or otherwise, have been fully heard and considered, and are hereby overruled.

3. That the public interest, convenience and necessity require the acquisitions and improvements in the assessment district as proposed, and Division 4 of the Streets and Highways Code shall not apply.

4. That the district benefited by said acquisitions and improvements and to be assessed to pay the costs and expenses thereof, and the exterior boundaries thereof, is the district described in said Resolution No. 81-39, as modified and amended.

5. That the Engineer's estimate of the itemized and total costs and expenses of said acquisitions and improvements, and of the incidental expenses in connection therewith, contained in said report, as amended, be, and it is hereby finally adopted and approved as the Engineer's total and detailed estimate of the costs and expenses of said acquisitions and improvements.

6. That the plans and specifications for the proposed improvements contained in said report, as amended, be, and they are hereby

finally adopted and approved as the plans and specifications to which said work shall be done as called for in said Resolution No. 81-39.

7. That the maps and descriptions of the lands and easements to be acquired, as contained in said report, as amended, be, and the same are hereby approved and confirmed.

8. That the public interest, convenience and necessity require, and said Council does hereby order the acquisitions and improvements to be made as described in and in accordance with said Resolution No. 81-39, as modified and amended, on file in the office of the City Clerk, reference to which is hereby made for a more particular description of said acquisitions and improvements and for further particulars, pursuant to the provisions of said Act.

9. That the diagram showing the assessment district referred to and described in said Resolution No. 81-39, as modified and amended, 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 said Resolution, each of which subdivisions have been given a separate number upon said diagram, as contained in said report, as amended, be, and it is hereby finally approved and confirmed as the diagram of the properties to be assessed to pay the costs and expenses of said acquisitions and improvements.

10. That the assessment of the total amount of the costs and expenses of the proposed acquisitions and improvements, upon the several subdivisions of land in said assessment district in proportion to the estimated benefits to be received by said subdivisions, respectively, from said acquisitions and improvements, and of the expenses incidental thereto, as contained in said report, as amended, be, and the same is hereby finally approved and confirmed as the assessment to pay the costs and expenses of said improvements.

11. That the Engineer's Report, as amended, be, and the same is hereby finally approved and confirmed as a whole.

12. That the Clerk of said City shall forthwith deliver to the Superintendent of Streets of said City the said assessment, as amended, together with the diagram thereto attached and made a part thereof, as confirmed by this Council, with her certificate of such confirmation thereto attached and of the date thereof; and that said Superintendent of Streets shall record said diagram and assessment in his office in a suitable book to be kept for that purpose, and shall append thereto his certificate of the date of such recording, and such recordation shall be and constitute the assessment roll herein.

13. That said Superintendent of Streets, upon the recording of said diagram and assessment, shall mail to each owner of real property within the assessment district, as amended, at his last known address as the same appears on the tax rolls of the City or on file in the office of the Clerk of said City, or to both addresses, if said address is not the same, or to general delivery when no address so appears, a statement containing a designation by street number or other description of the property assessed sufficient to enable the owner to identify the same, the amount of the assessment, the date of recordation of said assessment, the time and place of payment thereof, the effect of failure to pay within such time, and a statement of the fact that bonds will be issued upon the unpaid assessments in the manner provided in the Improvement Bond Act of 1915, Division 10 of the Streets and Highways Code of the State of California, the last installment of which bonds shall mature not to exceed eleven (11) years from the second day of July next succeeding ten (10) months from their date, and that the applicable provisions of Part 11.1 of said Act, providing an alternative procedure for the advance payment of assessments and

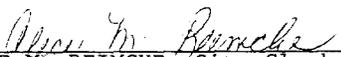
calling of bonds, shall apply. That the first principal on said bonds be payable July 2, 1983, principal and interest to be reasonably amortized thereafter, and the proceeds to be invested and interest thereon paid into the reserve fund created for additional security for the payment of said bonds; provided, that at any time said reserve fund shall exceed ten percent (10%) of the then outstanding bonds, said interest shall be paid into the redemption fund of said bonds.

14. That said Superintendent of Streets shall also cause Notice to Pay Assessments to be published once a week for two successive weeks in the Lodi News-Sentinel, a newspaper published and circulated in said City, that said assessment has been recorded, and that all sums assessed thereon are due and payable immediately, and that the payment of said sums is to be made within thirty (30) days after the date of recording said assessment, which date shall be stated in said notice, and of the fact that bonds will be issued upon unpaid assessments as above provided.

DATED: November 18, 1981.

I, ALICE M. REIMCHE, City Clerk of the City of Lodi, do hereby certify that Resolution No. 81-155 was passed and adopted at a regular meeting of the City Council of the City of Lodi, held November 18, 1981, by the following vote:

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

  
ALICE M. REIMCHE, City Clerk