

RESOLUTION NO. 81-173

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LODI DECLARING ITS INTENTION TO SELL SURPLUS
REAL PROPERTY

WHEREAS, the City of Lodi is the owner of certain real
property described as follows:

A portion of the southeast quarter of
Section 36, T4N, R6E, MDB&M; more
particularly described as follows:

Beginning at the north west corner of Lot 35
of Mokelumne Village as filed for record
September 26, 1978 in Volume 23, page 95,
San Joaquin County Records; thence N 8° 21'
E, 101.32 feet to the northeast corner of
said Lot 35; thence 12.75 feet along a
nontangent curve, concave to the southwest
said corner having a radius of 50.00 feet,
and a long chord which bears N 34° 38' 23"
W; thence 136.97 feet along a reversing
curve to the right, said curve having a
radius of 50.00 feet, and a long chord which
bears N 36° 31' 48" E; thence N 3° 00' W to
the point of intersection with the south
bank of the Mokelumne River; thence
northerly and westerly along said south bank
to the point of intersection with the
Southern Pacific Company right of way;
thence S 3° 00' E along said right of way to
a point which bears S 82° 21' W from the
northwest corner of above described Lot 35;
thence N 82° 21' E, 27.43 feet to the point
of beginning; and

Reserving an easement for public utilities,
10 feet in width, lying north and west of
the following described line.

Beginning at the NE corner of the above
described Lot 35; thence 12.75 feet along a
nontangent curve, concave to the southwest
said curve having a radius of 50.00 feet,
and a long chord which bears N 34° 38' 23"
W; thence 136.97 feet along a reversing
curve to the right, said curve having a
radius of 50.00 feet, and a long chord which

bears N 36° 31' 48" E to the termination of said 10 foot easement.

Also reserving an easement for public utilities, 15 feet in width, the centerline being described as follows:

Beginning at a point on the west line of above described parcel, 6.45 feet from the southwest corner of said parcel; thence N 49° 57' E to the east line of said parcel, also being the termination of said 15 foot easement.

Also reserving an easement and vehicular access described as follows:

The south 15 feet of the above described parcel; and

WHEREAS, the said real property is not needed by the City of Lodi;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lodi in an adjourned regular meeting held December 9, 1981 that it hereby declared its intention to sell the said real property to the highest bidder therefor pursuant to the provisions of Sections 25520-25535, inclusive, of the Government Code.

BE IT FURTHER RESOLVED that the terms on which the real property will be sold are as follows: Each bid shall be in a sealed envelope marked so as to denote the contents and addressed to the City Council of the City of Lodi, c/o Alice M. Reimche, City Clerk of the City of Lodi, 221 W. Pine Street, Lodi, California 95240. Such bids may either be sent by mail to the City Council at said address or filed with the Clerk on or before June 29, 1982. Each bid must be accompanied with a deposit in cash or cashier's check in the

amount of ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00). The balance of the purchase price is to be paid within 60 days after the acceptance of the offer through escrow with a mutually agreed upon bank or title company. At the close of escrow, the City of Lodi's Grant Deed subject to easements and encumbrances of record will be delivered to the successful bidder. If the successful bidder fails to complete the purchase of the property in accordance with the terms hereof, his deposit will be forfeited and retained by the City of Lodi as liquidated damages and he shall forfeit all rights hereunder. It is agreed that damages in the event of failure to complete the purchase would be difficult to ascertain and that such sum represents a reasonable attempt to ascertain what such damages would be. The successful bidder agrees to pay for the cost of all escrow and recording fees, documentary transfer taxes, and title insurance if desired. The City will pay for the cost of publishing this resolution.

BE IT FURTHER RESOLVED that bids must be submitted for the entire property hereinabove described. The following matters concerning said real property should be noted and taken into consideration by prospective bidders: that the property has existing easements; that the developer of the property is responsible for the completion of construction of the cul-de-sac at the end of Awani Drive, that the City gives no guarantee as to the soil conditions, which may limit the feasibility of building on the property as the area has been used as City landfill for many years; that prior to September

30, 1982 additional leaves may be removed from subject property and the existing ground may vary from what presently exists; that the developer is responsible for all normal City policies and fees covering like developments within the City, including storm drainage; and that a vehicular access is being retained along the south 15.00 feet of the property for the City of Lodi and Southern Pacific Company.

BE IT FURTHER RESOLVED that July 7, 1982 at the hour of 8:00 p.m. is the time when, and the City Council Chamber, City Hall, 221 W. Pine Street, Lodi, California is the place where a regular meeting of the City Council of the City of Lodi will be held at which time sealed proposals to purchase the said real property will be opened and considered. Before accepting any written proposal, the City Council will call for oral bids. If, upon the call for oral bids, any responsible person offers to purchase the property for a price exceeding by at least five (5) percent of the highest written proposal, then the highest oral bid by a responsible person shall be finally accepted. To submit an oral bid, each such bidder must deposit in cash or cashier's check the amount of ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00). The balance of the purchase price shall be paid in the manner specified above.

The City Council of the City of Lodi reserves to itself the right to reject any or all bids, either written or oral, and the right to withdraw the property from sale.

BE IT FURTHER RESOLVED that the notice of the adoption of this resolution, and the time and place of holding said

meeting, shall be given by posting copies of this resolution, signed by the City Clerk of the City of Lodi in three public places in the City of Lodi, as follows, to wit:

One on the bulletin board at the north entrance to City Hall, 221 W. Pine Street, Lodi, California

One on the bulletin board at the entrance to the Public Safety Building, 230 W. Elm Street, Lodi, California

One on the bulletin board located at the Lodi Public Library, 201 W. Locust Street, Lodi, California

not less than fifteen (15) days before the date of the meeting, and by publishing notice of the adoption of this resolution not less than once a week for three (3) successive weeks before the meeting in the Lodi News-Sentinel, a newspaper of general circulation published in the City of Lodi.

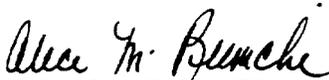
Dated: December 9, 1981

I hereby certify that Resolution No. 81-173 was passed and adopted by the City Council of the City of Lodi in a regular meeting held December 9, 1981 by the following vote:

Ayes: Councilmen - Hughes, Murphy, Pinkerton, Katnich and McCarty

Noes: Councilmen - None

Absent: Councilmen - None


ALICE M. REIMCHE
City Clerk