

When Recorded, Return to:
City of Lodi
City Clerk's Office
P.O. Box 3006
Lodi, CA 95241-1910

RESOLUTION NO. 2002-178

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LODI FINDING THAT PUBLIC INTEREST AND NECESSITY
REQUIRE THE ACQUISITION FOR ELECTRIC SUBSTATION
EXPANSION PURPOSES PROPERTY OWNED BY PETE AND
HELEN PERLEGOS, COMMONLY REFERRED TO AS
ASSESSOR'S PARCEL NUMBER 043-202-14
(541 E. LOCUST STREET)

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BE IT RESOLVED by the City Council of the City of Lodi (hereinafter referred to as "City") as follows:

Section 1. The City finds and determines that public interest and necessity require the expansion of its Killelea Substation, part of the Electric System of the City of Lodi, through the acquisition for such purpose, the fee title interest of the real property owned by Pete and Helen Perlegos, commonly referred to as APN 043-202-14.

Section 2. Section 37350.5 of the California Government Code and California State Constitution, Article II, §9 authorizes the City to acquire by eminent domain property for Electric Substation expansion purposes.

Section 3. An offer required by §7267.2 of the Government Code has been made to the owners of record of the real property sought to be taken by these eminent domain proceedings.

Section 4. The City finds and determines that the subject project has been planned and is to be located in the manner that will be most compatible with the greatest public good and the least private injury.

Section 5. The City finds and determines that the acquisition of the real property interests depicted in Exhibits "A" and "B" attached hereto, situate in the City of Lodi, County of San Joaquin, State of California, are necessary for the construction and maintenance of the aforesaid public improvements, and the taking of said real property interest is necessary therefor.

Section 6. The City hereby ratifies the Categorical Exemption prepared for this project per the California Code of Regulations, Title 14, Chapter 3, Article 19, §15301 showing that it has no substantial impact upon the environment and that an environmental impact report is not necessary.

Section 7. The City Attorney of the City of Lodi is hereby authorized, empowered, and directed to perform as follows:

- a. Commence an action or actions in eminent domain in the Superior Court of the State of California, County of San Joaquin, in the name of the City of Lodi to acquire necessary real property interests; and
- b. To incur in the name of the City of Lodi, and on behalf thereof, all obligations and expenses necessary to acquire the above-mentioned real property interests.

Section 8. The City Clerk of the City of Lodi is hereby directed to cause a certified copy of this Resolution to be recorded in the office of the San Joaquin County Clerk/Recorder.

Dated: August 21, 2002
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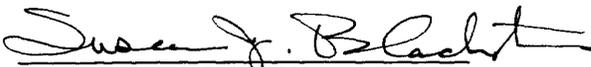
I hereby certify that Resolution No. 2002-178 was introduced and read by the City Council of the City of Lodi in a regular meeting held August 21, 2002, and was duly adopted at said meeting by a four-fifths vote as follows:

AYES: COUNCIL MEMBERS – Hitchcock, Howard, Land, Nakanishi, and Mayor Pennino
NOES: COUNCIL MEMBERS – None
ABSENT: COUNCIL MEMBERS – None
ABSTAIN: COUNCIL MEMBERS – None



PHILLIP A. PENNINO, Mayor
City of Lodi

Attest:



SUSAN J. BLACKSTON
City Clerk

APPROVED AS TO FORM:



RANDALL A. HAYS
City Attorney

EXHIBIT A

**LEGAL DESCRIPTION
APN 043-202-14
541 E. LOCUST STREET**

Lot 18 in Block 48 of Brier and Keeney's Addition, according to the Official Map or Plat thereof, filed for record October 6, 1903 in Vol. 3 of Maps and Plats, Page 20, San Joaquin County Records.