

RESOLUTION NO. 4035

AUTHORIZING AND DIRECTING CONDEMNATION OF  
REAL PROPERTY FOR RESERVOIR, STREET CONSTRUCTION,  
UTILITIES, ELECTRIC POWER FACILITIES,  
STORM DRAINAGE PONDING, AND PUBLIC PARK PURPOSES

BE IT RESOLVED by the Council of the City of Lodi as follows:

The Council of the City of Lodi finds, determines, and hereby declares:

(1) That the public interest, necessity, and convenience require the acquisition, construction, and completion of certain public improvements, to-wit: construction of a reservoir for storm drainage ponding, the installation of a public street and work related thereto, a sanitary line and related utilities, electric power facilities, and a park for public use. The real property to be acquired is generally located North of Harney Lane, West of Stockton Street and East of the Southern Pacific Railroad Company railroad right of way in the County of San Joaquin, State of California.

(2) That the real property more specifically described hereinafter, is suitable, adaptable, necessary, and required for the public use of said City of Lodi, as hereinabove set forth.

(3) That the City of Lodi acquire the hereinafter described real property for the purposes hereinabove set forth, by donation, purchase, or by condemnation in accordance with the provisions of the Code of Civil Procedure of the State of California relating to eminent domain. That the City Attorney is hereby authorized to prosecute in the name of the City of Lodi, any and all actions or proceedings required to acquire the necessary land and/or to fix the compensation to be paid for property

damage resulting from the construction and maintenance of said improvements; and in the absence of a satisfactory price agreement with the owner of the land, the City Attorney is hereby directed to immediately commence proceedings under Title 7, Part 3 of the Code of Civil Procedure of the State of California, to condemn the property hereinafter described for the purposes as set forth hereinabove.

(4) To acquire in the name of the City of Lodi, fee simple estate in and to the said hereinafter described real property by condemnation in accordance with the provisions of the Streets and Highways Code, Code of Civil Procedure, and the Constitution of the State of California relating to eminent domain.

(5) To make application to a Court of competent jurisdiction for an Order fixing the amount of such security in the way of money deposits as said Court may direct, and for an Order permitting said City of Lodi to take immediate possession and use of said property, or interest in real property, or existing improvements for the public use as hereinabove set forth; to make deposit of such security or monies in such amount so fixed and determined and in such manner as said Court in which said condemnation proceedings are pending, may direct.

(6) The real property, or interest in real property which the City of Lodi is by this Resolution, authorized to acquire for said public improvements, is situate in the County of San Joaquin, State of California, and is particularly described as follows:

A portion of the Southwest Quarter of Section 13, Township 3 North, Range 6 East, Mount Diablo Base and Meridian, being more particularly described as follows:

PARCEL 1: The East 40.00 feet of the South 1082 feet of the North 1209 feet of said Southwest Quarter. EXCEPTING that portion lying within STOCKTON STREET.

Containing 0.50 acres more or less.

PARCEL 2: Beginning at a point in the East right of way line of the Southern Pacific Co.,

said point lying South 3° 55' 00" West, 458.46 feet from the North line of said Southwest Quarter; thence 172.65 feet along a curve to the left, said curve having a radius of 2995.00 feet, a central angle of 3° 18' 10" and a long chord which bears North 81° 32' 51" East; thence 571.20 feet along a curve to the left, said curve having a radius of 2200.00 feet, a central angle of 14° 52' 34" and a long chord which bears North 70° 00' 42" East; thence North 83° 07' 34" East, 177.98 feet; thence North 87° 42' 00" East, 121.97 feet; thence 40.32 feet along a curve to the right, said curve having a radius of 25.00 feet; a central angle of 92° 24' 08" and a long chord which bears South 46° 05' 56" East; thence North 0° 06' 08" East, 40.00 feet West of, as measured perpendicular to, the East line of said Southwest Quarter, 150.13 feet; thence 38.22 feet, along a curve to the right, said curve having a radius of 25.00 feet, a central angle of 87° 35' 52" and a long chord which bears South 43° 54' 04" West; thence South 87° 42' 00" West, 132.81 feet; thence 193.62 feet along a curve to the left, said curve having a radius of 900.00 feet, a central angle of 12° 19' 35" and a long chord which bears South 76° 57' 28" West; thence South 81° 10' 58" West, 555.07 feet; thence 125.68 feet along a curve to the right, said curve having a radius of 2805.00 feet, a central angle of 2° 34' 02" and a long chord which bears South 81° 10' 47" West to a point in the East right of way line of the Southern Pacific Co.; thence South 3° 55' 00" West, along said East right of way line, 193.61 feet to the POINT OF BEGINNING.

Containing 3.30 acres more or less.

The acquisition of Parcel 2 is made for the purpose of the future construction of the extension of CENTURY BOULEVARD, and the Owner shall release and relinquish to the City of Lodi any and all abutters' rights, including access rights to Owner's remaining property in and to said CENTURY BOULZVARD and which property abuts along the North line of said Parcel 2.

PARCEL 3: Beginning at a point in the East right of way line of the Southern Pacific Company,

said point lying South 3" 55' 00" West, 458.46 feet from the North line of said Southwest Quarter; thence 172.65 feet along a curve to the left, said curve having a radius of 2995.00 feet, a central angle of 3° 18' 10" and a long chord which bears North 81° 32' 51" East; thence 571.20 feet along a curve to the left, said curve having a radius of 2200.00 feet, a central angle of 14" 52' 34" and a long chord which bears North 70" 00' 42" East; thence North 83° 07' 34" East, 177.98 feet; thence North 87" 42' 00" East, 121.97 feet; thence 40.32 feet along a curve to the right, said curve having a radius of 25.00 feet, a central angle of 92° 24' 08" and a long chord which bears South 46° 05' 56" East; thence South 0° 06' 08" West, 40.00 feet West of, as measured perpendicular to, the East line of said Southwest Quarter, 931.70 feet; thence South 87° 42' 00" West, parallel to the North line of said Southwest Quarter, 1081.43 feet to a point in the East right of way line of the Southern Pacific Co.; thence North 3° 55' 00" East, along said East right of way line, 755.61 feet to the POINT OF BEGINNING.

Containing 21.00 acres more or less.

DATED: February 5, 1975.

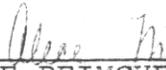
I hereby certify that **the** foregoing Resolution was passed and adopted by the City Council of the City of Lodi in regular meeting held on February 5, 1975, by the following vote:

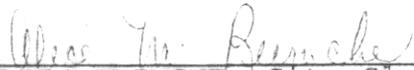
AYES : Councilmen - PINKERTON, KATNICH, EHRHARDT  
SCHAFFER and HUGHES

NOES: Councilmen - NONE

ABSENT: Councilmen - NONE

The foregoing document is certified to be a true and correct copy of the original on file in this office.

  
ALICE REIMCHE, City Clerk

  
ALICE REIMCHE, City Clerk

Dated: February 6, 1975

