

RESOLUTION NO. 4196

AUTHORIZING AND DIRECTING CONDEMNATION
OF REAL PROPERTY FOR STREET WIDENING
AND PUBLIC UTILITY 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 a public improvement, to-wit: street widening, and utility services on and across certain real property located on West Lodi Avenue, between Ham Lane and Avena Avenue, in **the** City of Lodi, County of San Joaquin, State of California.
2. That the real property hereinafter described is suitable, adaptable, necessary, and required for the public use of said City of Lodi, as hereinabove set forth.
3. The proposed project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.
4. That the City of Lodi acquire the hereinafter described real property for street **widening** and other **utility services**, 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 Seven, Part Three of the Code of Civil Procedure of the State of California to condemn the property hereinafter described for the purpose of taking said land for the public use of said City as hereinabove set forth.

5. To acquire in the name of the City of Lodi, a 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 California relating to eminent domain.

6. 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.

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

A portion of Lot One (1) as shown upon map entitled CULBERTSON TRACT, filed for record May 14, 1940, in Volume 11 of Maps and Plats, Page 53, San Joaquin County Records, and more particularly described as follows:

Beginning at the Northwest corner of said Lot One; thence East along the North line of said lot, 64.87 feet; **thence 31.17 feet along a curve to the right**, said curve having a radius of 20.00 feet, a central angle of $89^{\circ} 17 \frac{1}{2}'$ and a long chord that bears South $45^{\circ} 21' 15''$ East; thence South $0^{\circ} 42 \frac{1}{2}'$ East along the East line of said lot, 2.25 feet; thence North $49^{\circ} 42' 00''$ West, 18.55 feet; thence West 70.62 feet to the West line of said lot; thence North $0^{\circ} 42 \frac{1}{2}'$ West along said West line, 10.00 feet to the point of beginning.

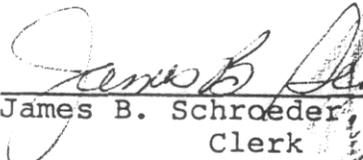
DATED: April 28, 1976.

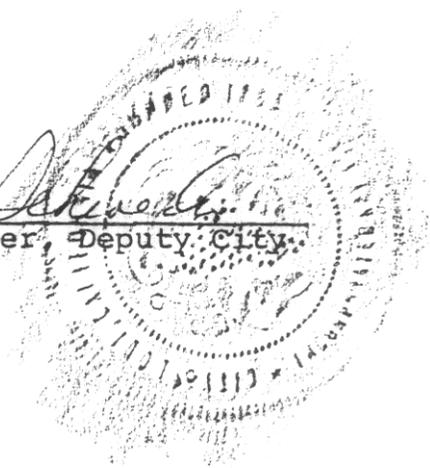
I hereby certify that the foregoing Resolution was passed and adopted by the City Council of the City of Lodi in regular meeting held April 28, 1976, by the following vote:

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

NOES : Councilmen - None

ABSENT: Councilmen - None


James B. Schroeder, Deputy City
Clerk



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


JAMES B. SCHROEDER
Deputy City Clerk, City of Lodi

Dated: April 28, 1976