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City of Lodi City Clerk's Office
P.O. Box 3006
Lodi, CA 95241-1910

RESOLUTION NO. 2005-24

A RESOLUTION OF THE LODI CITY COUNCIL ESTABLISHING
AN AREA OF BENEFIT AND REIMBURSABLE COSTS FOR
DESIGN AND CONSTRUCTION REQUIRED TO UNDERGROUND
AERIAL FACILITIES FOR 1833 WEST KETTLEMAN LANE

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WHEREAS, as a condition of development of the property located at 1745 West Kettleman Lane, the developer was required to provide the design and construction required to underground all aerial facilities along the Kettleman Lane frontage of that project site; and

WHEREAS, in order to provide for orderly development and to reduce costs and minimize the impact of construction activities on Kettleman Lane, City staff requested that the developer also obtain the costs to underground the aerial facilities for the adjacent properties west of the development site, 1833 West Kettleman Lane (APN 031-040-20) and 1811 West Kettleman Lane (031-040-40) in conjunction with that development, thereby completing the undergrounding of existing overhead utilities between Lakeshore Drive and Mills Avenue; and

WHEREAS, the developer complied with the City's request, and Council has approved reimbursement to the developer by the City in the amount of \$75,000 by Resolution No. 2005-04 to complete the underground work on the adjacent properties; and

WHEREAS, pursuant to Lodi Municipal Code (LMC) §16.40.030, the City is eligible for reimbursement for the cost of improvements installed by the City that benefit adjacent properties and would be required of the properties upon development and the costs for undergrounding the existing aerial utilities along the Kettleman Lane frontages of the parcels located at 1833 West Kettleman Lane (APN 031-040-20) and 1811 West Kettleman Lane (031-040-40) are thereby reimbursable to the City; and

WHEREAS, the reimbursable costs for each of the benefiting properties have been calculated based on the length of frontage of each parcel and are shown in Exhibit B; and

WHEREAS, the reimbursement costs will be due at the time of development of the respective parcels, and pursuant to LMC §15.64.080, the reimbursable amount will be adjusted annually to include an amount attributable to interest, which will be based on the change in the Engineering News Record 20 Cities Construction Cost Index from December 2004 to January 1st of the year of reimbursement; and

WHEREAS, to insure cost recovery, staff recommends that there be no expiration date for payment of the reimbursable amounts due for the parcels within the area of benefit.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that:

- a) The City Council hereby establishes an area of benefit and reimbursable costs to recover the costs for undergrounding the existing aerial utilities along the Kettleman Lane frontages of the parcels located at 1833 West Kettleman Lane (APN 031-040-20) and 1811 West Kettleman Lane (031-040-40) are thereby reimbursable to the City.
- b) The reimbursable costs for each of the benefiting properties have been calculated based on the length of frontage of each parcel and are shown in Exhibit B.
- c) The reimbursement costs will be due at the time of development of the respective parcels. Pursuant to LMC §15.64.080, the reimbursable amount will be adjusted annually to include an amount attributable to interest, which will be based on the change in the Engineering News Record 20 Cities Construction Cost Index from December 2004 to January 1st of the year of reimbursement. The December 2004 ENR index is 7308.
- d) WHEREAS, to insure cost recovery, staff recommends that there be no expiration date for payment of the reimbursable amounts due for the parcels within the area of benefit.

Dated: February 2, 2005

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I hereby certify that Resolution No. 2005-24 was passed and adopted by the Lodi City Council in a regular meeting held February 2, 2005, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Johnson, Mounce, and Mayor Beckman

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



Susan J. Blackston
City Clerk



CITY OF LODI
PUBLIC WORKS DEPARTMENT

EXHIBIT A
AREA OF BENEFIT

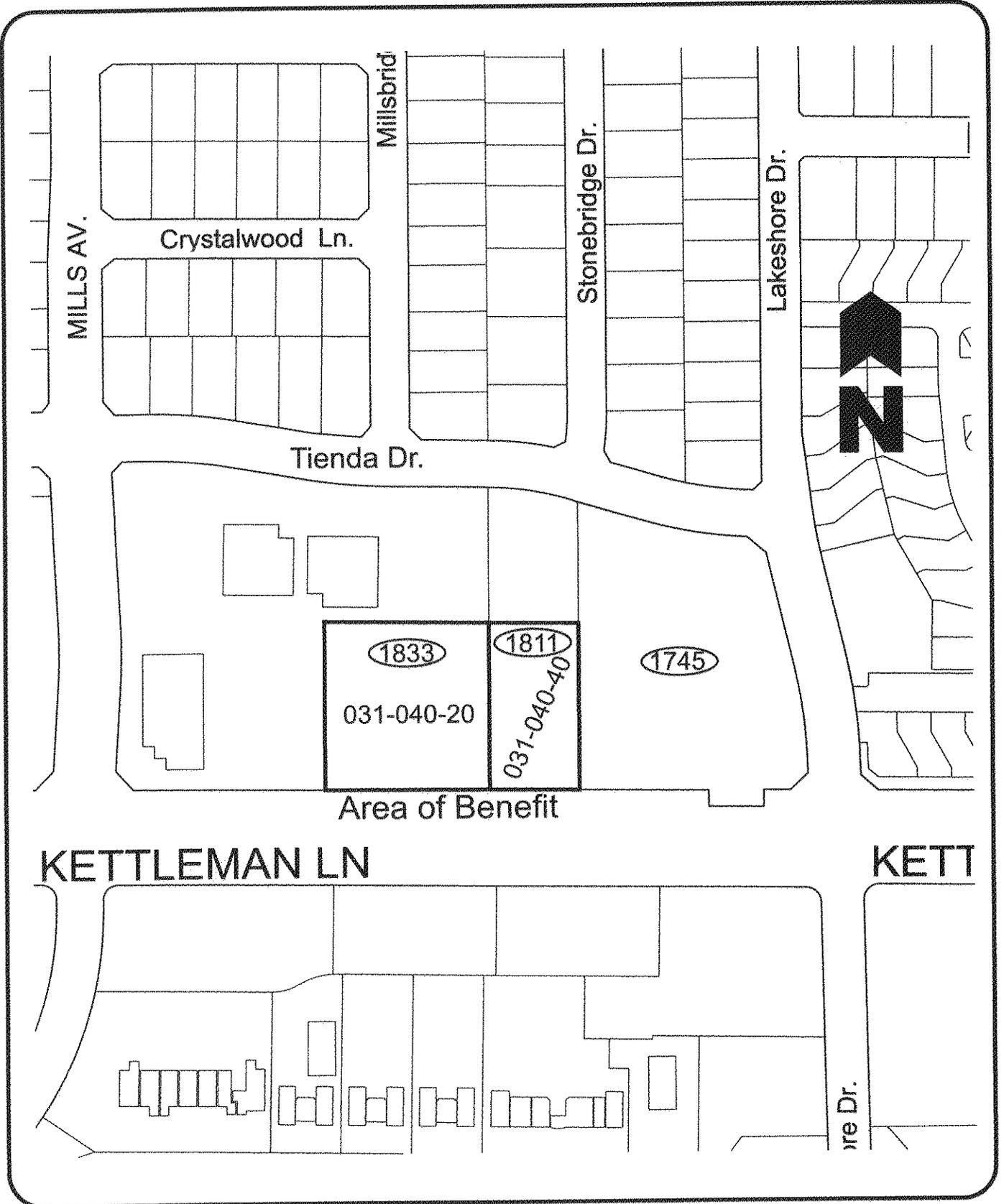


Exhibit B

**City of Lodi
Public Works Department
Kettleman Lane Undergorund Aerial Facilities Reimbursement**

Item	Description	Qty	Unit	Price	Total	1811 W Kettleman	1833 W Kettleman
						John Bezug 031-040-40	Mary Tsutoaka 031-040-20
						Total	Total
1	Design and Underground All Aerial Services	1	LS	75,000.00	\$ 75,000.00	\$ 27,037.00	\$ 47,963.00
Total Reimbursable Costs					\$ 75,000.00	\$ 27,037.00	\$ 47,963.00