

RESOLUTION NO. 2784

AUTHORIZING AND DIRECTING CONDEMNATION OF REAL
PROPERTY FOR SANITARY SEWAGE DISPOSAL PURPOSES

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

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

(1) That the public interest, necessity, and convenience require the acquisition by the City of Lodi, of a public improvement, to wit: real property to be used in the operation of the Sanitary Sewage Disposal System of the City of Lodi.

(2) That the proposed improvement is a public use and is planned and located in a manner most compatible with the greatest public good and the least private injury and that said use is authorized by law.

(3) That the City of Lodi acquire the hereinafter described real property for sanitary sewage disposal purposes, 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 damaged resulting from the construction and maintenance of said improvement; 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 sanitary sewage disposal purposes as described in paragraph (1) of this Resolution.

(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 Code of Civil Procedure and the Constitution of California relating to eminent domain.

(5) To make application to said Court 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 real property, or interest in real property, or existing improvements; to make deposit of such security or moneys in such amount so fixed and determined and in such manner as said Court in which such proceedings are pending may direct.

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

A portion of the $N\frac{1}{2}$ of Section 23, T3N, R5E, MDB. & M. and of the $N\frac{1}{2}$ of Section 24, T3N, R5E, M.D.B. & M., and more particularly described as follows:

Beginning at an iron rod at the intersection of the North line of the South $\frac{1}{2}$ of Section 24, T3N, R5E, MDB. & M., with the Westerly right of way line of County Road known as Moseley Road, said rod being at the Northeast corner of that certain tract of land acquired by the City of Lodi from George W. Emde, et al, by Deed filed June 19, 1944 in Official Records of San Joaquin County, Volume 882, page 161, and as said rod is indicated on Map of Survey filed April 28, 1947 in Volume 7, page 9, Record of Surveys; thence South $89^{\circ} 58'$ West along the North line of said City of Lodi Parcel and its westerly projection, 5075.5 feet to a point; thence North $0^{\circ} 34'$ West along a fence line, 1317.0 feet to the fence line on the North line of that certain tract of land acquired by George W. Emde, et al, from Clyde O. Fox, by Deed filed October 24, 1944 in Official Records, Volume 902, page 84, said fence line being on the South line of the land known as the Tredway Ranch; thence North $89^{\circ} 54\frac{1}{2}'$ East along said South line 3660.4 feet to the Westerly right of way line of said Moseley Road; thence Southeasterly along said Westerly right of way line on a curve to the left through a central angle of $120^{\circ} 39\frac{1}{2}'$ radius of 3584.02 feet, arc length of 783.86 feet to the end of curve; thence South $49^{\circ} 48'$ East along said Westerly right of way line, 1165.2 feet to the point of beginning, containing 130.86 acres, more or less.

Dated: December 16, 1964

I hereby certify that the foregoing Resolution No. 2784 was passed and adopted by the City Council of the City of Lodi *in* regular meeting held December 16, 1964, by the following vote:

AYES: Councilmen - CULBERISON, DOW, KIRSTEN, WALTON, and BROWN

NOES: Councilmen - NONE

ABSENT: Councilmen - NONE


City Clerk