

RESOLUTION NO. 1362

A RESOLUTION AUTHORIZING THE CONDEMNATION AND ACQUISITION BY EMINENT DOMAIN OF A RIGHT OF WAY AND EASEMENT FOR THE PURPOSE OF CONSTRUCTING, OPERATING AND MAINTAINING ELECTRIC OVERHEAD POWER LINES, POLES AND APPURTENANCES THERETO.

BE IT RESOLVED, by the City Council of the City of Lodi, a Municipal Corporation of the Sixth Class, of the County of San Joaquin, State of California, that said City Council, and said City of Lodi, hereby finds and determines and declares as follows:

That the public interest and necessity require the acquisition, construction and completion, by the said City of Lodi, of a public improvement, namely, an overhead electric power transmission and distribution line from the City's present substation located on the Southeast corner of North Main Street and East Locust Street in the City of Lodi to a terminal on or near the East line of Section 3, T3N, R6E, MDB&M, said terminal being approximately 1,350 feet from the Northeast corner of said Section 3. The public interest and necessity require the acquisition for said public improvement of the real property, or interests in real property, hereinafter described.

Said proposed electric transmission and distribution line and the rights of way and easements therefor are located in a manner which will be the most compatible with the greatest public good and the least private injury;

AND BE IT FURTHER RESOLVED, by this City Council that said City of Lodi is hereby authorized and empowered as follows:

To acquire, in the name of said City of Lodi, the hereinafter described real property, or interests in real property, by condemnation in accordance with the provisions of the Code of Civil Procedure and of the Constitution of State of California relating to eminent domain;

To prepare and prosecute, in the name of the said City of Lodi, such proceeding or proceedings in the proper court having jurisdiction thereof as are necessary for such acquisition;

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 interests in real property, for the right of way and easement for the said overhead transmission and distribution electric power lines, together with necessary poles and appurtenances;

To make deposit of such security out of proper funds under control of said City, in such amount or amounts so fixed, or to be fixed, and determined, and in such manner as said court in which such condemnation proceedings are, or may hereafter be, pending may direct; and the City Clerk of said City is hereby authorized and directed to draw, upon the Treasurer of said City, such warrant or warrants as may be necessary for such purpose, or purposes, and to issue such warrant or warrants, and the said Treasurer is hereby authorized and directed to cash the said warrant or warrants out of any funds belonging to said City.

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

A Right of Way and Easement in, over, upon, under and across a strip of land 10 feet in width situated in said San Joaquin County, State of California, together with the right to enter in upon the adjacent land for purposes of construction, operation, maintenance, replacement or repair of overhead electric power transmission and distribution lines, poles and facilities and including all privately owned lands lying within the following descriptions:

1. The North 10 feet of the South 29.25 feet of Lot 7 of the Gerard Tract as delineated on the map thereof filed August 8, 1916, Volume 8 at Page 62, Book of Maps and Plats, San Joaquin County Records.

2. The South 5 feet of Lots 21, 22 and 44 of Woodlake Tract as delineated on the map thereof filed August 13, 1946 in Volume 11 at Page 116, Book of Maps and Plats, San Joaquin County Records.

3. A parcel of land 10 feet in width bounded by lines and their prolongations to an intersection with property lines or adjoining boundary lines five (5) feet distant from and parallel to a center line 24.25 feet distant from and parallel to the center line of Lake Street through Lots 9, 10, 11, 12, 13, and 14 of the Gerard Tract as delineated on the map thereof filed August 8, 1916 in Volume 8 at Page 62, Book of Maps and Plats, San Joaquin County Records.

4. A parcel of land 10 feet in width bounded by lines and their prolongations to an intersection with property lines or adjoining boundary lines 5 feet distant from and parallel to the following described center line:

Beginning at the point of intersection of the West line of the Northeast Quarter of Section 2, T3N, R6E, MDB&M, with the Easterly extension of a line parallel to and distant 0.75 feet Southerly of the North line of Lake Street as said street is delineated on the map of the Gerard Tract filed August 8, 1916 in Volume 8 at Page 62, Book of Maps and Plats, San Joaquin County Records; thence Easterly along said Easterly extension of a line parallel to and distant 0.75 feet Southerly of the North line of Lake Street 180 feet more or less to a point 5 feet Southerly measured at right angles from the Southerly line of the Southern Pacific Railroad (formerly known as the S.J. and S.N.R.R.) 60 foot right of way; thence Easterly parallel to and 5 feet distant from said Southerly right of way line to the West line of California Street in the City of Lodi.

5. A parcel of land 10 feet in width bounded by lines and their prolongations to an intersection with property lines or adjoining boundary lines 5 feet distant from and parallel to the following described center line:

Beginning at a point on the East line of Lot 8 of Kundert Subdivision as delineated on the map thereof filed April 22, 1947 in Volume 11 at Page 139, Book of Maps and Plats, San Joaquin County Records, said point of beginning being 5.44 feet Southerly from the Northeast corner of said Lot 8; thence Easterly parallel to and 5 feet distant from the Southerly line of the Southern Pacific Railroad (formerly known as the S.J. and S.N.R.R.) 60 foot right of way to the North line of Lockeford Street in the City of Lodi, being a portion of the Northeast Quarter of Section 2 and a portion of the Northwest Quarter of Section 1, T3N, R6E, MDB&M.

Said Right of Way and Easement are for the purposes following, and the said City of Lodi is hereby authorized and directed to acquire the said Right of Way and Easement for the following purposes, to-wit:

To dig holes for poles, anchors and appurtenances, pile earth from such excavations on the surface of the land, erect power poles, install cross arms, guys, wires and appurtenances to operate, repair, maintain, replace and do all things necessary for the transmission and distribution of electric power.

The said City of Lodi is to firmly backfill around all improvements, remove surplus excavation materials and restore all improvements disturbed by such construction, operation or maintenance to the state of repair existing at the time such improvements were disturbed.

In addition to the considerations to be paid for the acquisition of said right of way or easement, said City of Lodi will pay the reasonable value, at the time, of all crops, improvements, trees or vines which may be destroyed or damaged by or through the exercise of the rights so to be condemned or acquired.

STATE OF CALIFORNIA,  
COUNTY OF SAN JOAQUIN,  
CITY OF LODI ss.

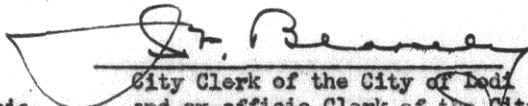
I, J. F. BLAKELY, City Clerk of the City of Lodi and ex-officio Clerk of the City Council thereof, do hereby certify that the foregoing is a full, true and correct copy of Resolution No. 1362 as passed and adopted in regular meeting of said City Council held on the 17th day of September, 1947 and that the vote on the adoption thereof was as follows:

AYES: Councilmen, Haskell, Lytle, Riggs, Tolliver  
and Rinn (Mayor)

NOES: Councilmen, None.

ABSENT: Councilmen, None.

Dated at Lodi, California  
September 17, 1947.

  
City Clerk of the City of Lodi  
and ex-officio Clerk of the City  
Council of said City.