

1/25/48

A RESOLUTION AUTHORIZING THE CONDEMNATION
AND ACQUISITION BY EMINENT DOMAIN OF A RIGHT
OF WAY AND EASEMENT FOR THE PURPOSES OF
A WATER MAIN.

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 find, determine and declare as follows:

That the public interest and necessity require the ac-
quisition, construction and completion, by the said City of Lodi,
of a public improvement, namely, a main line for the transmission
of the water. The public interest and necessity require the
acquisition for said public improvement of the interest in real
property hereinafter described.

Said proposed water main, and the said proposed Right of
Way and Easement therefor, are located in a manner which will
be most compatible with the greatest public good and the least
private injury.

BE IT FURTHER RESOLVED, by said 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 here-
inafter described interests in real property, by condemnation
in accordance with the provisions of the Code of Civil Pro-
cedure and of the Constitution of the State of California
relating to eminent domain;

To prepare and prosecute, in the name of said City of
Lodi, such proceeding or proceedings in the proper court having
jurisdiction thereof as are or may be 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 interests in real property, for a Right of Way and Easement for said water main and for all uses and purposes thereof;

To make deposit of such security out of proper funds under the 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 Treasury 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 such warrant or warrants out of any funds belonging to said City.

The 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 five feet wide (for the hereinafter mentioned purposes) situated in the County of San Joaquin, State of California, and described as follows, to-wit:

The West 5 feet of the following described tract of land:

A portion of the Northwest 1/4 of Section 5, T3N, R7E described as follows:

Beginning at the Northwest corner of Section 5, and running thence South along the West line of Section 5 13.35 chains and running thence East 20 chains; thence North 13.35 chains to North line of Section 5; thence West along the North line to place of beginning.

Except the East 25 feet thereof.

Also except the East 25 feet of the West 7 acres of the North 17 acres as reserved as a public road. December 2, 1908, recorded "A" 169-365.

Except the West 50 feet conveyed to the Central California Traction Company. Book A 169-505.

The 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 and construct ditches, pile earth from said ditches on the surface of the lands, and surrounding and contiguous lands, lay and construct pipes and one or more pipe lines, fill and back fill the ditches, repair and maintain, and construct, re-construct and replace, service and operate said pipe line or lines, and to conduct water and other liquids through the same, and to install, repair, service and maintain and replace man holes in connection with any and all such pipe line or pipe lines (provided that such man holes shall only be placed at points within three feet of the boundary lines of lands of any owner) together with the right to enter in and upon the lands immediately adjacent to the herein above described five foot strip of land as may be necessary for the construction, repair or replacing of said pipe lines or man holes; the said City of Lodi to level and back fill the five foot strip of land herein described:

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