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Kenneth W Blakemore
San Joaquin County Recorders
Paid By: CITY OF LODI



RESOLUTION NO. 2013-101

A RESOLUTION OF THE LODI CITY COUNCIL
SUMMARILY VACATING AND ABANDONING
PEDESTRIAN ACCESS BETWEEN HOLLY DRIVE
AND DAISY AVENUE, EAST OF HAM LANE

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WHEREAS, a pedestrian access was dedicated to the City in 1955 as part of the Bel Air Estates Subdivision and was intended for use by George Washington Elementary School students living north of Holly Drive as a pathway to get to school. Recently, Lodi Unified School District modified the school boundaries so that students residing north of Holly Drive are now within the Lakewood School boundary; and

WHEREAS, the vacation is a 10-foot wide pedestrian access surrounded by four residential properties located at 700 Daisy Avenue, 648 Daisy Avenue, 915 Holly Drive, and 909 Holly Drive, as shown on Exhibit A attached hereto and incorporated herein; and

WHEREAS, the vacation request by Mr. Tom Ushing, who resides at 700 Daisy Avenue, is primarily driven by property owners tired of dealing with increased transient use, graffiti, fights, and motorcycle use and staff believes the crossing should be eliminated to protect public safety; and

WHEREAS, on July 9, 2012, staff notified the four adjacent property owners in writing of the terms and conditions of the proposed vacation. The home owners at 700 and 648 Daisy Avenue have both accepted and will receive half (five feet) of the City property. Only the owner at 915 Holly Drive wanted to participate and will therefore receive the entire City property (10 feet) located between 915 and 909 Holly Drive; and

WHEREAS, no public or private utilities are located within the 10-foot wide pedestrian access. All public and private utility companies and Lodi Unified School District have been contacted in writing and have approved the vacation of the pedestrian access without further comment or conditions; and

WHEREAS, the pathway easement is considered a limited "Public Service Easement" (Streets and Highways Code Section 8306) and is subject to summary abandonment procedures and need not be referred to the Planning Commission (Streets and Highways Code Section 8333); and

WHEREAS, the City owns the property in fee and a mere abandonment will not transfer title to the adjacent property owners; and

WHEREAS, the City has a past practice of trading right of way improvements for minimally valued adjacent right of way.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council finds and declares as follows:

1. The above recitals are true and correct.
2. The pathway easement is considered a limited "Public Service Easement" (Streets and Highways Code Section 8306) and is subject to summary abandonment procedures and need not be referred to the Planning Commission (Streets and Highways Code Section 8333).
3. The 10-foot wide pedestrian access surrounded by four residential properties located at 700 Daisy Avenue, 648 Daisy Avenue, 915 Holly Drive and 909 Holly Drive, as shown on Exhibit A attached hereto and incorporated herein, is summarily vacated as of the date of recordation of this Resolution and from and after that date no longer constitutes a public service easement.
4. The property owners at 700 and 648 Daisy Avenue and 915 Holly Drive will be required to remove the existing fencing, possibly the pavement and replace the fencing at the owners' expense.
5. The City Clerk is hereby authorized and instructed to record this Resolution pursuant to Streets and Highways Code Section 8336 without referral to the Planning Commission.
6. The City Manager is hereby authorized to execute the agreement with the property owners to exchange right of way for demolition of public improvements.

Dated: June 5, 2013

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I hereby certify that Resolution No. 2013-101 was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 5, 2013, by the following vote:

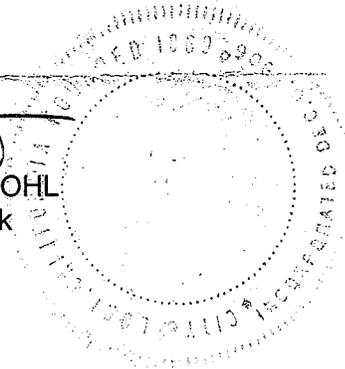
AYES: COUNCIL MEMBERS – Hansen, Johnson, Katzakian, Mounce, and Mayor Nakanishi

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None


RANDI JOHL
City Clerk

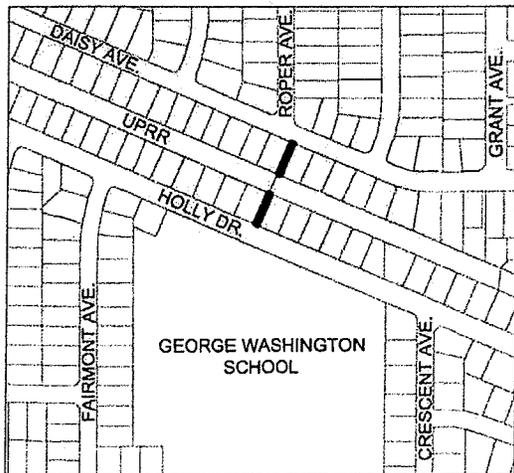
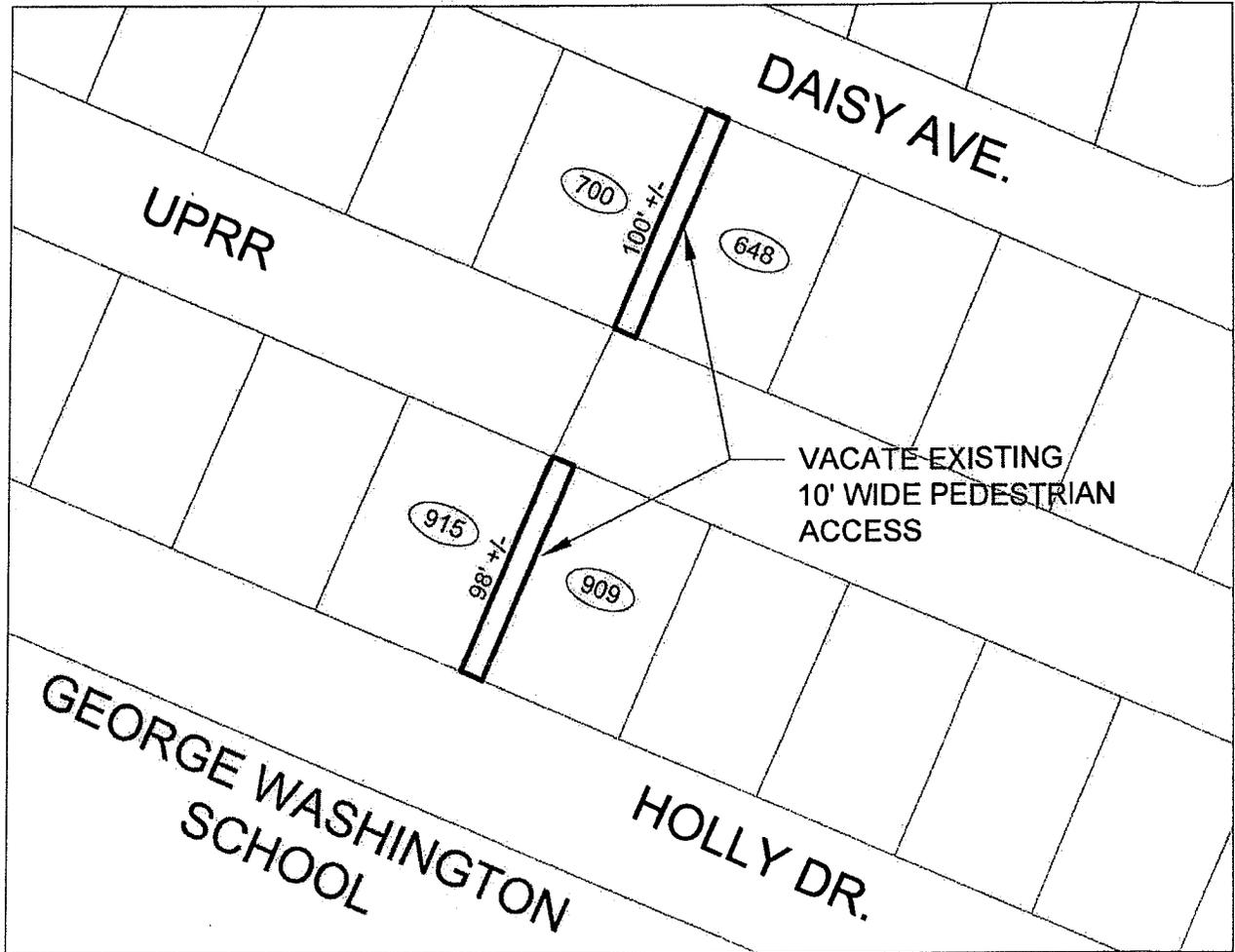




CITY OF LODI

PUBLIC WORKS DEPARTMENT

EXHIBIT A DAISY AVE AND HOLLY DR VACATE PEDESTRIAN ACCESS



VICINITY MAP



N.T.S.