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Lodi City Clerk  
P.O. Box 3006  
Lodi, CA 95241-1910

Doc #: 2013-095524  
07/23/2013 09:37:41 AM  
Page: 1 of 4 Fee: \$0  
Kenneth W Blakemore  
San Joaquin County Recorders  
Paid By: CITY OF LODI

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JUL 29 2013

CITY CLERK



RESOLUTION NO. 2013-138

A RESOLUTION OF THE LODI CITY COUNCIL  
SUMMARILY VACATING AND ABANDONING RIGHT-OF-WAY  
FOR ROADWAY PURPOSES LOCATED AT  
2223 WEST KETTLEMAN LANE

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WHEREAS, Pastor Scott Hubbard, on behalf of Lodi First Nazarene Church, has requested the City vacate an existing 25-foot wide right-of-way for roadway purposes on its property located at 2223 West Kettleman Lane, as shown in Exhibit A, attached hereto and incorporated herein; and

WHEREAS, the right-of-way was dedicated to the City to reserve a north/south roadway alignment from Kettleman Lane to the parcel north of the church property, which is now Roget Park. As development along Tienda Drive progressed, the right-of-way was no longer needed to provide access to the Roget property. Vacation of this right-of-way will not impact current or future traffic circulation; and

WHEREAS, the proposed vacation was approved by the Lodi Planning Commission on Wednesday, February 13, 2013; and

WHEREAS, all public and private utility companies have been contacted in writing. AT&T requested a 15-foot public utility easement for its existing utilities along the west side of the property. There are no other existing or planned public facilities located within the right-of-way and all other public and private utility companies have approved the vacation of the right-of-way without further comment or conditions.

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 vacation was approved by the Lodi Planning Commission on Wednesday, February 13, 2013.
3. The right-of-way for roadway purposes 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).
4. The 25-foot wide right-of-way for roadway purposes on its property located at 2223 West Kettleman Lane, 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 right-of-way.

5. The City Clerk is hereby authorized and instructed to record this Resolution pursuant to Streets and Highways Code Section 8336.

Dated: July 17, 2013

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I hereby certify that Resolution No. 2013-138 was passed and adopted by the City Council of the City of Lodi in a regular meeting held July 17, 2013, by the following vote:

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

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – Hansen

ABSTAIN: COUNCIL MEMBERS – None



RANDI JOHL-OLSON  
City Clerk

**EXHIBIT "A"**  
**LEGAL DESCRIPTION FOR**  
**ROADWAY RIGHT-OF-WAY ABANDONMENT**

All of that real property being a portion of the "25' Right of Way" in the southern "2.98 Ac." parcel as shown on the "Map of Survey" filed in Book 21 of Surveys at Page 26, San Joaquin County Records, lying in Section 10, Township 3 North, Range 6 East, Mount Diablo Meridian, City of Lodi, County of San Joaquin, State of California, described as follows:

The West 25 feet of the West 251.00 feet of the East 1260.00 feet of the South one-half of the Southeast one-quarter of said Section 10.

EXCEPTING THEREFROM the North 780.96 feet of said West 251.00 feet.

ALSO EXCEPTING THEREFROM the real property known as public road Tienda Drive, as described in the Street Easement Deed recorded September 11, 1998 as Instrument Number 98107561.

ALSO EXCEPTING THEREFROM the real property known as public road Kettleman Lane (State Highway Route 12) as described in the Street Easement Deed recorded September 11, 1998 as Instrument Number 98107561 in regard to the North 19 feet of said Kettleman Lane, and as described in the Easement Deed recorded December 20, 1926 in Volume 175 at Page 64, Official Records of San Joaquin County in regard to the South 25 feet of the North 44 feet of said Kettleman Lane.

A plat attached hereto is hereby made a part of this Legal Description.

**END OF DESCRIPTION**



**DF ENGINEERING, INC.**  
**CIVIL ENGINEERING AND SURVEYING**  
 3421 TULLY ROAD · SUITE J · MODESTO, CA 95350  
 TELEPHONE (209) 529-7450 · FAX (209) 529-0457

SIGNED: *Scott Thomas Delamare* February 21, 2013  
**SCOTT THOMAS DELAMARE LS 8078** DATE

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JOB	1301
AUTHOR	STD
CK. BY	BJD
SCALE	N/A
DATE	Feb, 2013

