

RESOLUTION NO. 2013-33

A RESOLUTION OF THE LODI CITY COUNCIL VACATING THE
200 BLOCK OF WEST WALNUT STREET BETWEEN CHURCH
STREET AND PLEASANT AVENUE AND AUTHORIZING THE
CITY MANAGER TO EXECUTE AGREEMENTS REQUIRED TO
IMPLEMENT THE ABANDONMENT

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WHEREAS, this City Council, acting in accordance with provisions of Part III of Division 9 of the Streets and Highways Code of this State, did on the 6th day of February, 2013, pass and adopt Resolution of Intention No. 2013-10 therein declaring the intention of said City Council to vacate and abandon the 200 block of West Walnut Street between Church Street and Pleasant Avenue, Lodi, California, County of San Joaquin, State of California, reserving, however, and accepting from the vacation, a permanent and right therein to construct, maintain, repair, and operate lines for public utilities, in, over, and across said vacated public street rights of way and more particularly described as follows, to wit:

Beginning at the southwest corner of Lot 8, Block 5 as shown on "City of Lodi", formerly "Mokelumne", as filed in Book 2 of Maps and Plats, page 12, San Joaquin County Records; thence southerly to the northwest corner of Lot 1, Block 6 as shown on said Map; thence easterly along the northerly line of said Block 6 to the northeast corner of Lot 4, Block 6 of said Map; thence northerly to the southeast corner of Lot 5, Block 5 of said Map; thence westerly along the southerly line of Block 5 of said Map to the True Point of Beginning.

WHEREAS, said notice of said intended vacation was regularly given by publication and by posting, both in time, form, and manner as required by law as is evidence by affidavits on file and on record in the office of the City Clerk of the City of Lodi; and

WHEREAS, in accordance with the provisions stated herein and also contained in the posted notices of the adoption of said resolution, notice was given that a public hearing would be held before the City Council in the City Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, California, beginning at 7:00 p.m., on Wednesday, March 6, 2013, where and when any person interested in or objecting to said vacation could appear and be heard in relation thereto; and

WHEREAS, at that time and place, a public hearing was held and conducted and testimony received for and against the vacation contemplated: and

WHEREAS, at the March 6, 2013, City Council meeting, from the evidence submitted, the City Council of the City of Lodi did determine that the 200 block of West Walnut Street between Church Street and Pleasant Avenue, Lodi, California, County of San Joaquin, State of California, will be unnecessary for present or future public use and did so find and declare; and

WHEREAS, the Planning Commission did find that the subject vacation was consistent with the General Plan of the City of Lodi.

NOW, THEREFORE, BE IT RESOLVED that pursuant to the findings and under the authority of Section 8323 of the Streets and Highways Code of the State of California, that the vacation of the 200 block of West Walnut Street between Church Street and Pleasant Avenue, Lodi, California, County of San Joaquin, State of California, shall be abandoned upon completion and acceptance by the City of the following requirements and conditions of approval:

1. Prepare improvement plans showing intersections at Church and Walnut Streets and at Pleasant Avenue and Walnut Street as per approved traffic analysis "Revised Site Plan" dated December 4, 2012, including improvements necessary to traffic light located at Church and Walnut Streets.
2. Prepare public improvement plans for alley north of Walnut Street between Church Street and Pleasant Avenue.

3. Abandon three public street lights located within the proposed abandonment, as per request by Lodi Electric Utility Department.

4. Add Knox box to all buildings, as per request by Lodi Fire Department.

5. Paint curbs for fire lane/no parking on Pleasant Avenue for apparatus access to alleys and other areas, as per Lodi Fire Department.

6. Initial and annual operation permits required, as per Lodi Fire Department.

7. St. Anne's employees shall not use Walnut Street or Pleasant Avenue to park their vehicles for extended periods of time, as per Planning Commission Resolution No. P.C. 12-26.

8. That the City Council hereby authorizes the City Manager to execute agreements to implement this abandonment.

9. Reserving, and excepting from the vacation, pedestrian access between Pleasant Avenue and Church Streets, as per Planning Commission Resolution No. P.C. 12-26.

10. Reserving, and excepting from the vacation, a permanent and right therein to construct, maintain, repair, and operate lines for public utilities, in, over and across the entire right of way, and no buildings or structures shall be constructed nor shall anything be planted within the easement which would interfere with the use or operation of public utilities in the easement.

11. Enter into a purchase and sale agreement in a form satisfactory to the City Attorney to purchase the vacated property upon the Recording of the Resolution to Vacate referenced in paragraph 12 below at its appraised price. The appraisal was commissioned by City staff and performed by a state-certified appraiser.

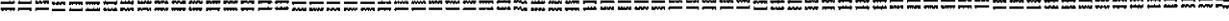
12. The City Council approval of this Resolution will become null and void if all requirements and conditions of approval are not met.

13. Filing of this Resolution to Vacate in the office of the County Recorder will not take place until all requirements and conditions of approval are met.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Manager is authorized to enter into a purchase and sale agreement consistent with Condition 11 above for the vacated property.

Reference is hereby made to a map or plan on file in the office of the City Clerk of the City of Lodi for the particulars as to the proposed vacation.

Dated: March 6, 2013



I hereby certify that Resolution No. 2013-33 was passed and adopted by the City Council of the City of Lodi in a regular meeting held March 6, 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