



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Vacating Ten-Foot Public Utility Easement Located at Lodi Memorial Hospital (975 South Fairmont Avenue and 1200 West Vine Street)

MEETING DATE: September 5, 2007

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt a resolution vacating a ten-foot public utility easement at Lodi Memorial Hospital located at 975 South Fairmont Avenue and 1200 West Vine Street (Assessor Parcel Numbers 031-070-40 and 031-070-37).

BACKGROUND INFORMATION: Lodi Memorial Hospital is currently undergoing a major building expansion at their current 975 South Fairmont Avenue and 1200 West Vine Street sites. A proposed new building is located southwest of the current structure and lies across an unused ten-foot public utility easement. The public utility easement was dedicated to the City on April 8, 1974, Book 3862 of Official Records, Page 115, San Joaquin County Records, and located as shown on the attached Exhibit A.

Under Section 8333 of the Streets and Highways Code, a local agency may summarily vacate an easement if the easement has not been used for the purpose for which it was dedicated.

Pacific Gas & Electric, AT&T, Comcast, and the City of Lodi Electric Utility and Fire Departments, as well as the Water and Wastewater Divisions of the Public Works Department, have approved the abandonment of the ten-foot public utility easement.

The Public Works Department therefore recommends that the request to abandon the ten-foot public utility easement be granted without referral to the Planning Commission or the normal posting, publishing and public hearing.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

Richard C. Prima, Jr.
Public Works Director

Prepared by Jeannie Matsumoto, Senior Engineering Technician
RCP/JM/pmf
Attachment

APPROVED: _____
Blair King, City Manager

RESOLUTION NO. 2007-_____

A RESOLUTION OF THE LODI CITY COUNCIL
VACATING PUBLIC UTILITY EASEMENT AT 975 SOUTH
FAIRMONT AVENUE AND 1200 WEST VINE STREET

WHEREAS, on April 8, 1974, there was dedicated a ten-foot easement for public utilities located at 975 South Fairmont Avenue and 1200 West Vine Street, Lodi, California, more particularly described as follows and delineated on the attached map marked Exhibit A:

A strip of land 10.00 feet in width the centerline described as follows:
Beginning at a point in the East line of Ham Lane, said point lying 174.50 feet South of the South line of Vine Street; then North 59° 42' 30" East, 50.10 feet; thence South 87° 43' 30" East, 457 .00 feet; thence South 15° 03' 30" East, 110.00 feet to the Southeasterly terminus of said 10.00 foot strip of land.

WHEREAS, the owners of the property have requested that the City of Lodi abandon the ten-foot easement; and

WHEREAS, this easement has not been used for the purpose for which it was dedicated; and

WHEREAS, the Streets and Highways Code of the State of California §8333 provides that the legislative body of a local agency may summarily vacate a public service easement if the easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation and the easement has been superceded by relocation and there are no other public facilities located within the easement; and

WHEREAS, pursuant to the requirements of Government Code §27288.1, the names of the owners of the title or interest in 975 South Fairmont Avenue and 1200 West Vine Street as it appeared at the time and in the document creating the interest, right, or encumbrance is as follows:

Owner: Lodi Memorial Hospital Association, Inc., a non-profit California Corporation

WHEREAS, in accordance with Streets and Highways Code §8300 et seq., it is the desire of the City Council of the City of Lodi to vacate such easement.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council as follows:

1. That the public utility easement located at 975 South Fairmont Avenue and 1200 West Vine Street be vacated; and
2. That from and after the date this resolution is recorded, such easement will no longer constitute a public service easement.

Dated: September 5, 2007

I hereby certify that Resolution No. 2007-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held September 5, 2007, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

