



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing Regarding Weed Abatement Proceedings Involving Three Parcels Within the City of Lodi to Allow Property Owners Having Objections to the Proposed Removal of Weeds to Be Heard and Given Due Consideration

MEETING DATE: September 15, 1993

PREPARED BY: City Clerk

RECOMMENDED ACTION: That following the public hearing and receipt of public testimony, the Council adopt the attached resolution 93-118 Resolution Overruling Objections and Proceeding with Abatement (see Exhibit A attached).

BACKGROUND INFORMATION: At the City Council meeting of September 1, 1993 the Lodi City Council adopted Resolution No. 93-109 - Resolution Declaring Weeds a Public Nuisance and Initiating Abatement Proceedings On Various Parcels throughout the City.

Pursuant to State of California Government Code Section 39500 et seq., a Notice to Destroy Weeds and Remove Rubbish, Refuse, and Dirt, was published, mailed under Declaration of Mailing to each of the involved property owners, and posted on the subject properties as determined by the City Attorney and the Fire Inspector. The purpose of this public hearing is for property owners having any objections to the proposed abatement to be heard and given due consideration.

Following the public hearing and receipt of public testimony regarding the matter, it would be in order for the Council to adopt the attached resolution - Resolution Overruling Objections and Proceeding with Abatement (see Exhibit A attached).

FUNDING: None required.


Jennifer M. Perrin
City Clerk

WEEDS#02/TXTA.02J/WEEDS

APPROVED: _____

THOMAS A. PETERSON
City Manager



recycled paper

(4) The Superintendent is ordered to abate the nuisance declared by Resolution No. 93-109 by having the weeds, rubbish, refuse and dirt removed and for this purpose, on those parcels shown on the attached exhibit (Exhibit A), the Superintendent may enter upon private property to abate the nuisance. Before the Superintendent arrives, any property owner may remove the weeds, rubbish, refuse and dirt at his/her own expense.

(5) The Superintendent or the contractor awarded the work, as the case may be, shall keep an account of the cost of abatement in front of or on each separate parcel of land where the work is done and shall submit to the Council for consideration, hearing of objections, modification and confirmation, an itemized written report showing this cost, all as more particularly prescribed by Government Code section 39574.

Adopted by the City Council of the City of Lodi on September 15, 1993 by the following vote:

Ayes: Council Members -

Noes: Council Members -

Absent: Council Members -

Attest:

JENNIFER M. PERRIN
City Clerk

DECLARATION OF POSTING

On September 8, 1993, in the City of Lodi, San Joaquin County, California, I, Michael Tecklenburg, Fire Fighter of the City of Lodi, served a copy of the attached notice by posting a copy upon all premises listed in Exhibit A.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 8, 1993, at Lodi, California.

A handwritten signature in black ink, appearing to read "Michael Tecklenburg", with a long horizontal flourish extending to the right.

Michael Tecklenburg
Fire Fighter

/lh

c: City Clerk
Fire Marshal

Page No. 1
09/08/93

191 1-79.0	E DARRELL & JR WOLTKAMP 25821 N JACKTONE RD GALT CA 95632	A.P.N.: 049-190-27 66 COMMERCE STREET
196 1-87.0	FWS CONSTRUCTION PTP PO BOX 588 LOCKEFORD CA 95237	A.P.N.: 049-190-35 89 GUILD AVENUE
327 2-4.0	RICHARD LOZANO PO BOX 824 PALO ALTO CA 94302-824	A.P.N.: 047-210-26 610 S WASHINGTON ST

**NOTICE TO
DESTROY AND REMOVE
WEEDS, RUBBISH, REFUSE**

Public Hearing set for SEP 15 1993
Date

On Order of The
City of Lodi
Fire Department

Under authorization of
Title 4 Government Code
Sec 39501

Parcel Number _____ Lot Number _____

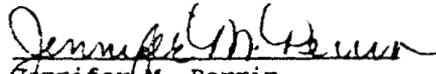
DECLARATION OF MAILING

On September 3, 1993 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 3, 1993, at Lodi, California.


Jennifer M. Perrin
City Clerk

Peggy Nicolini
Deputy City Clerk

DEC#01/TXTA.FRM



CITY OF LODI

CARNEGIE FORUM
305 West Pine Street, Lodi

EXHIBIT A

NOTICE OF PUBLIC HEARING

Date: September 15, 1993

Time: 7:00 p.m.

For information regarding this Public Hearing
Please Contact:

Jennifer M. Perrin

City Clerk

Telephone: 333-6702

NOTICE OF PUBLIC HEARING

September 15, 1993

NOTICE IS HEREBY GIVEN that on Wednesday, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing to consider the following matter:

- a) Resolution declaring weeds a public nuisance and initiating abatement proceedings on three parcels within the City of Lodi

All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order Of the Lodi City Council:

Jennifer M. Perrin

Jennifer M. Perrin
City Clerk

Dated: September 1, 1993

Approved as to form:

Bobby W. McNatt

Bobby W. McNatt
City Attorney

CITY OF LODI
221 WEST PINE STREET
LODI, CALIFORNIA 95240

NOTICE TO DESTROY WEEDS
AND REMOVE RUBBISH, REFUSE AND DIRT

E DARRELL & J R WOLTKAMP
25821 N JACKTONE RD
GALT CA 95632

Dear Property Owner:

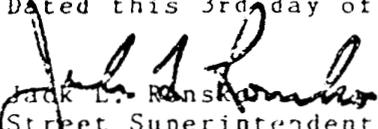
RE: 66 COMMERCE STREET, LODI
PARCEL #049-190-27

Notice is hereby given that on the 1st day of September, 1993, the City Council of the City of Lodi passed a resolution (Resolution No. 93-109) declaring that noxious or dangerous weeds were growing upon or in front of the property on this street, and that rubbish, refuse and dirt were upon or in front of property on this street, and more particularly described in the resolution, and that they constitute a public nuisance which must be abated by the removal of the weeds, rubbish, refuse and dirt. Otherwise, they will be removed and the nuisance abated by the city and the cost of removal assessed upon the land from or in front of which the weeds, rubbish, refuse and dirt are removed and will constitute a lien upon such land until paid. Reference is hereby made to the resolution for further particulars. A copy of said resolution is on file in the office of the City Clerk, 221 West Pine Street, Lodi, California.

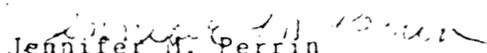
As of the above date, your parcel contained an excessive amount of weeds. If you have any questions concerning this notice, please contact the Lodi Fire Prevention Bureau by calling (209) 333-6739.

All property owners having any objections to the proposed removal of the weeds, rubbish, refuse and dirt are hereby notified to attend meeting of the City Council of the City of Lodi to be held at the Carnegie Forum, 350 West Pine Street, Lodi, California, on September 15, 1993, at the hour of 7:00 o'clock p.m. when their objections will be heard and given due consideration.

Dated this 3rd day of September, 1993


Jack L. Ronsky
Street Superintendent
Director of Public Works
City of Lodi

By Order of the Lodi City Council


Jennifer M. Perrin
City Clerk

CITY OF LODI
221 WEST PINE STREET
LODI, CALIFORNIA 95240

**NOTICE TO DESTROY WEEDS
AND REMOVE RUBBISH, REFUSE AND DIRT**

FWS CONSTRUCTION PTP
PO BOX 588
LOCKEFORD CA 95237

Dear Property Owner:

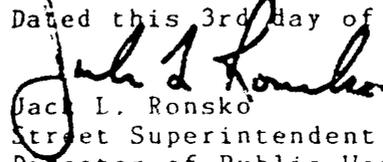
RE: 89 GUILD AVENUE, LODI
PARCEL #049-190-35

Notice is hereby given that on the 1st day of September, 1993, the City Council of the City of Lodi passed a resolution (Resolution No. 93-109) declaring that noxious or dangerous weeds were growing upon or in front of the property on this street, and that rubbish, refuse and dirt were upon or in front of property on this street, and more particularly described in the resolution, and that they constitute a public nuisance which must be abated by the removal of the weeds, rubbish, refuse and dirt. Otherwise, they will be removed and the nuisance abated by the city and the cost of removal assessed upon the land from or in front of which the weeds, rubbish, refuse and dirt are removed and will constitute a lien upon such land until paid. Reference is hereby made to the resolution for further particulars. A copy of said resolution is on file in the office of the City Clerk, 221 West Pine Street, Lodi, California.

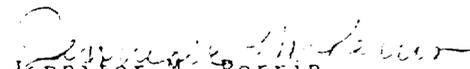
As of the above date, your parcel contained an excessive amount of weeds. If you have any questions concerning this notice, please contact the Lodi Fire Prevention Bureau by calling (209) 333-6739.

All property owners having any objections to the proposed removal of the weeds, rubbish, refuse and dirt are hereby notified to attend a meeting of the City Council of the City of Lodi to be held at the Carnegie Forum, 350 West Pine Street, Lodi, California, on September 15, 1993, at the hour of 7:00 o'clock p.m. when their objections will be heard and given due consideration.

Dated this 3rd day of September, 1993


Jack L. Ronsko
Street Superintendent
Director of Public Works
City of Lodi

By Order of the Lodi City Council


Jennifer M. Perrin
City Clerk

CITY OF LODI
221 WEST PINE STREET
LODI, CALIFORNIA 95240

NOTICE TO DESTROY WEEDS
AND REMOVE RUBBISH, REFUSE AND DIRT

RICHARD LOZANO
PO BOX 824
PALO ALTO CA 94302-824

Dear Property Owner:

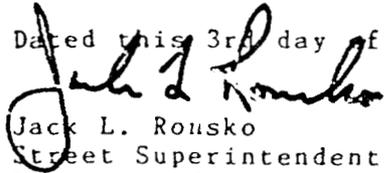
RE: 610 SOUTH WASHINGTON STEET, LODI
PARCEL #047-210-26

Notice is hereby given that on the 1st day of September, 1993, the City Council of the City of Lodi passed a resolution (Resolution No. 93-109) declaring that noxious or dangerous weeds were growing upon or in front of the property on this street, and that rubbish, refuse and dirt were upon or in front of property on this street, and more particularly described in the resolution, and that they constitute a public nuisance which must be abated by the removal of the weeds, rubbish, refuse and dirt. Otherwise, they will be removed and the nuisance abated by the city and the cost of removal assessed upon the land from or in front of which the weeds, rubbish, refuse and dirt are removed and will constitute a lien upon such land until paid. Reference is hereby made to the resolution for further particulars. A copy of said resolution is on file in the office of the City Clerk, 221 West Pine Street, Lodi, California.

As of the above date, your parcel contained an excessive amount of weeds. If you have any questions concerning this notice, please contact the Lodi Fire Prevention Bureau by calling (209) 333-6739.

All property owners having any objections to the proposed removal of the weeds, rubbish, refuse and dirt are hereby notified to attend a meeting of the City Council of the City of Lodi to be held at the Carnegie Forum, 350 West Pine Street, Lodi, California, on September 15, 1993, at the hour of 7:00 o'clock p.m. when their objections will be heard and given due consideration.

Dated this 3rd day of September, 1993


Jack L. Rousko
Street Superintendent
Director of Public Works
City of Lodi

By Order of the Lodi City Council

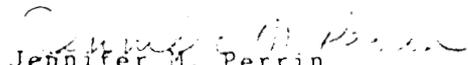

Jennifer M. Perrin
City Clerk

EXHIBIT B

Page No. 1
08/24/93

191 E DARRELL & JR WOLTKAMP
1-79.0 25821 N JACKTONE RD
GALT CA 9563.

A.P.N.: 049-190-27
66 COMMERCE STREET

196 FWS CONSTRUCTION PTP
1-87.0 PO BOX 588
LOCKEFORD CA 95237

A.P.N.: 049-190-35
89 GUILD AVENUE

327 RICHARD LOZANO
2-4.0 PO BOX 824
PALO ALTO CA 94302-824

A.P.N.: 047-210-26
610 S WASHINGTON ST

DECLARATION OF POSTING

On September 20, 1993, in the City of Lodi, San Joaquin County, California, I, Mark Chamberlain, Engineering Technician Supervisor of the City of Lodi, served a copy of the attached notice by posting a copy upon the premises at the alley north of East Lodi Avenue, from Cherokee Lane to 290 feet west of Cherokee Lane, Lodi, California.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 22, 1993, at Lodi, California.

Mark Chamberlain
Engineering Technician Supervisor



/lm

cc: City Clerk

NOTICE OF VACATION

RESOLUTION NO. 93-107

DECLARING THE INTENTION OF THE LODI CITY COUNCIL
TO VACATE AN ALLEY NORTH OF EAST LODI AVENUE, FROM CHEROKEE LANE TO
280 FEET WEST OF CHEROKEE LANE

BE IT RESOLVED by the Lodi City Council as follows:

Section 1. It is the intention of the Lodi City Council, acting in accordance with the provisions of Part 1 of Division 9 of the Streets and Highways Code of the State of California, to vacate, close, and abandon as a public alley the following alley situated in the City of Lodi, County of San Joaquin, State of California, more particularly described as follows:

The alley located north of 225 South Cherokee Lane, as shown on Exhibit A attached hereto.

Reserving, however, and excepting from the vacation of said alley, the permanent easement and the right therein to construct, maintain, repair and operate lines for public utilities, both publicly and privately owned, in, over, and across said alley.

Section 2. This matter is hereby referred to the Lodi Planning Commission.

Section 3. NOTICE IS HEREBY GIVEN that this City Council does hereby fix WEDNESDAY, OCTOBER 6, 1993 at the hour of 7:00 p.m. in the City Council Chambers, Carnegie Forum, Carnegie Forum, 305 West Pine Street, Lodi, California as the time and place when and where all persons interested in or objecting to the vacation herein proposed may appear before this City Council and be heard.

Section 4. Upon adoption of this resolution, the Superintendent of Streets shall post, or cause to be posted, notice of such passage and of the time and place set forth herein for public hearing, in accordance with and in the time, form and manner as prescribed by law for the vacation of streets.

Section 5. This resolution shall be published one time in the "Lodi News Sentinel", a newspaper of general circulation printed and published in the City of Lodi, said publication to be completed at least fifteen days prior to said hearing.

Dated: September 1, 1993

RES93107/TXTR.02J

RESOLUTION NO. 93-16.

DECLARING THE INTENTION OF THE LODI CITY COUNCIL
TO VACATE AN ALLEY NORTH OF EAST LODI AVENUE, FROM CHEROKEE LANE TO
280 FEET WEST OF CHEROKEE LANE

BE IT RESOLVED by the Lodi City Council as follows:

Section 1. It is the intention of the Lodi City Council, acting in accordance with the provisions of Part 3 of Division 9 of the Streets and Highways Code of the State of California, to vacate, close, and abandon as a public alley the following alley situated in the City of Lodi, County of San Joaquin, State of California, more particularly described as follows:

The alley located north of 225 South Cherokee Lane, as shown on Exhibit A attached hereto.

Reserving, however, and excepting from the vacation of said alley, the permanent easement and the right therein to construct, maintain, repair and operate lines for public utilities, both publicly and privately owned, in, over, and across said alley.

Section 2. This matter is hereby referred to the Lodi Planning Commission.

Section 3. NOTICE IS HEREBY GIVEN that this City Council does hereby fix WEDNESDAY, OCTOBER 6, 1993 at the hour of 7:00 p.m. in the City Council Chambers, Carnegie Forum, Carnegie Forum, 305 West Pine Street, Lodi, California as the time and place when and where persons interested in or objecting to the vacation herein proposed may appear before this City Council and be heard.

Section 4. Upon adoption of this resolution, the Superintendent of Streets shall post, or cause to be posted, notice of such passage and of the time and place set forth herein for public hearing, in accordance with and in the time, form and manner as prescribed by law for the vacation of streets.

Section 5. This resolution shall be published one time in the "Lodi News Sentinel", a newspaper of general circulation printed and published in the City of Lodi, said publication to be completed at least fifteen days prior to said hearing.

Dated: September 1, 1993

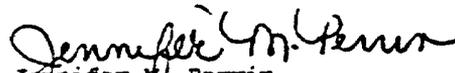
Resolution No. 93-107
September 1, 1993
Page Two

I hereby certify that Resolution No. 93-107 was passed and adopted by the Lodi City Council in a regular meeting held September 1, 1993 by the following vote:

Ayes: Council Members - Davenport, Mann, Sieglock, Snider
and Pennino (Mayor)

Noes: Council Members - None

Absent: Council Members - None


Jennifer M. Perrin
City Clerk

RES93107/TXTA.02J

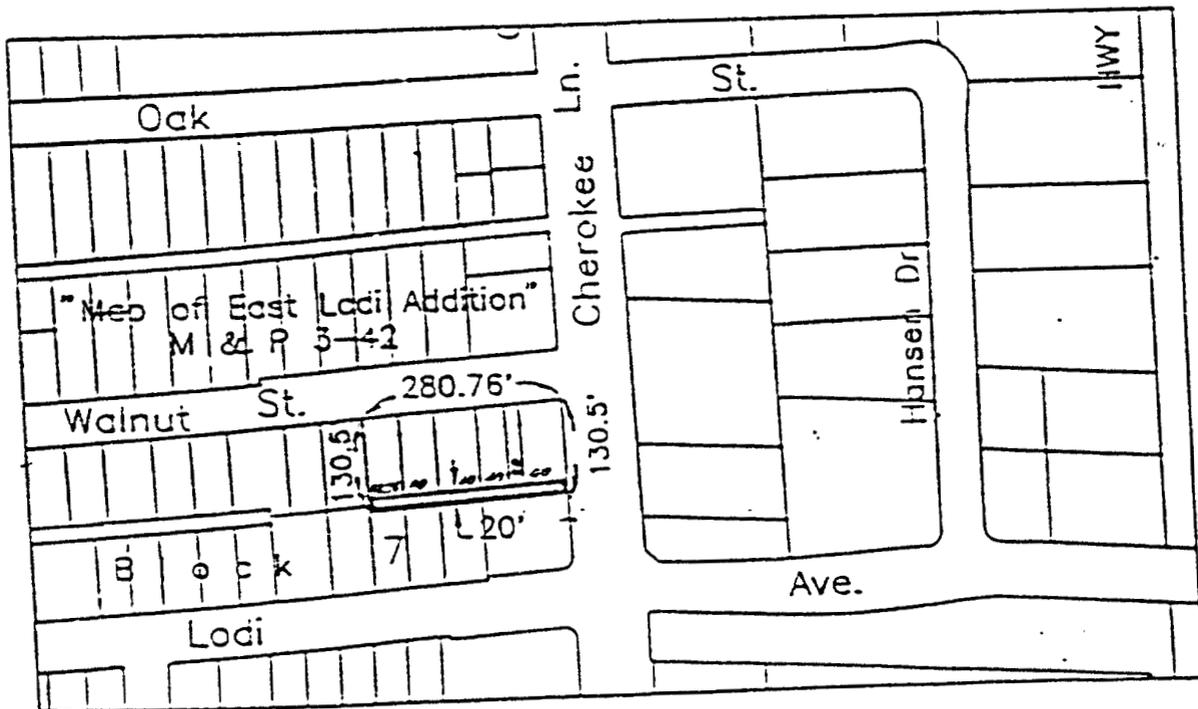


CITY OF LODI

PUBLIC WORKS DEPARTMENT

ENCLOSURE A

ALLEY ABANDONMENT



N.T.S.

DECLARATION OF POSTING

On September 20, 1993, in the City of Lodi, San Joaquin County, California, I, Mark Chamberlain, Engineering Technician Supervisor of the City of Lodi, served a copy of the attached notice by posting a copy upon the premises at the alley west of Washington Street, from East Vine Street to 150.3 feet north of East Vine Street, Lodi, California.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 22, 1993, at Lodi, California.

Mark Chamberlain
Engineering Technician Supervisor



/lm

cc: City Clerk

NOTICE OF VACATION

RESOLUTION NO. 93-108

DECLARING THE INTENTION OF THE LODI CITY COUNCIL
TO VACATE AN ALLEY WEST OF WASHINGTON STREET, FROM EAST VINE STREET
TO 150.3 FEET NORTH OF EAST VINE STREET

BE IT RESOLVED by the Lodi City Council as follows:

Section 1. It is the intention of the Lodi City Council, acting in accordance with the provisions of Part 1 of Division 9 of the Streets and Highways Code of the State of California, to vacate, close, and abandon as a public alley the following alley situated in the City of Lodi, County of San Joaquin, State of California, more particularly described as follows:

The alley located WEST OF 245 East Vine Street, as shown on Exhibit A attached hereto.

Reserving, however, and excepting from the vacation of said alley, the permanent easement and the right therein to construct, maintain, repair and operate lines for public utilities, both publicly and privately owned, in, over, and across said alley.

Section 2. This matter is hereby referred to the Lodi Planning Commission.

Section 3. NOTICE IS HEREBY GIVEN that this City Council does hereby fix WEDNESDAY, OCTOBER 6, 1993 at the hour of 7:00 p.m. in the City Council Chambers, Carnegie Forum, Carnegie Forum, 305 West Pine Street, Lodi, California as the time and place when and where all persons interested in or objecting to the vacation herein proposed may appear before this City Council and be heard.

Section 4. Upon adoption of this resolution, the Superintendent of Streets shall post, or cause to be posted, notice of such passage and of the time and place set forth herein for public hearing, in accordance with and in the time, form and manner as prescribed by law for the vacation of streets.

Section 5. This resolution shall be published one time in the "Lodi News Sentinel", a newspaper of general circulation printed and published in the City of Lodi, said publication to be completed at least fifteen days prior to said hearing.

Dated: September 1, 1993

RES93108/TXA.023

STREET

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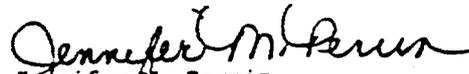
Resolution No. 93-108
September 1, 1993
Page Two

I hereby certify that Resolution No. 93-108 was passed and adopted by the Lodi City Council in a regular meeting held September 1, 1993 by the following vote:

Ayes: Council Members - Davenport, Mann, Sieglock, Snider
and Pennino (Mayor)

Noes: Council Members - None

Absent: Council Members - None


Jennifer M. Perrin
City Clerk

RES93108/TXIA.02J

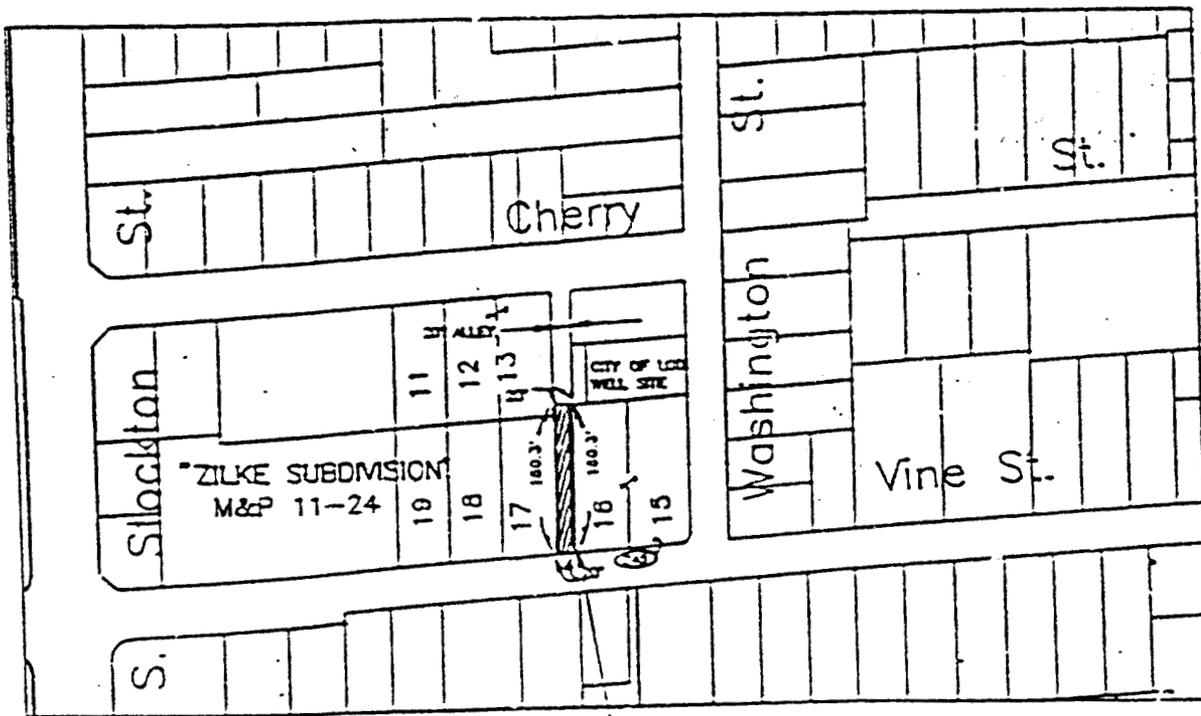


CITY OF LODI

PUBLIC WORKS DEPARTMENT

EXHIBIT A

ALLEY ABANDONMENT



TRUE POINT OF BEGINNING
Southwest corner of Lot 16
of "Zilke Subdivision"



N.T.S.

RESOLUTION NO. 93-118

=====

RESOLUTION OVERRULING OBJECTIONS AND PROCEEDING WITH ABATEMENT
BEFORE THE CITY COUNCIL OF THE CITY OF LODI IN THE MATTER OF
WEED ABATEMENT PROCEEDINGS

=====

Overruling Objections and
Determining to Proceed with
Abatement

RESOLUTION NO. 93-118

The City Council adopted Resolution No. 93-109 on September 1, 1993, which by its terms the Council elected to proceed under Government Code Sections 39501-39588 and did declare as a public nuisance all weeds growing upon streets, sidewalks and private property in the City and all rubbish, refuse and dirt upon parkways, sidewalks and private property in the City; and

A public hearing was held on September 15, 1993 and no objections to the proposed removal of weeds, rubbish, refuse and dirt were made or presented either in writing or orally;

NOW, THEREFORE, IT IS FOUND, DETERMINED AND ORDERED AS FOLLOWS:

(1) On September 1, 1993, the City Council elected to proceed under Government Code Sections 39501-39588 and did declare as a public nuisance all weeds growing upon the streets, sidewalks and private property in the city and all rubbish, refuse and dirt upon parkways, sidewalks and private property in the city, all as more particularly described in Resolution No. 93-109, adopted September 1, 1993.

(2) The Council fixed September 15, 1993 at the hour of 7:00 o'clock p.m., in the City Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, as the time and place for hearing all objections to the proposal of removal of weeds, rubbish, refuse and dirt, and the Director of Public Works was designated as the person to perform the duties imposed by Government Code Sections 39560-39588 upon the Superintendent, and he did prepare notices to destroy weeds and remove rubbish, refuse and dirt and did in the time and manner prescribed by law cause copies of the notice to be conspicuously posted on or in front of the property where the nuisance exists; the City did mail written notice of the proposed abatement to all persons owning property described in Resolution No. 93-109 in the time, form and manner prescribed by law.

(3) The City Council did hold a public hearing on September 15, 1993, and no objections, either written or oral to the proposed removal of weeds, rubbish, refuse and dirt were presented and the hearing was closed on September 15, 1993.

(4) The Superintendent is ordered to abate the nuisance declared by Resciution No. 93-109 by having the weeds, rubbish, refuse and dirt removed and for this purpose, on those parcels shown on the attached exhibit (Exhibit A), the Superintendent may enter upon private property to abate the nuisance. Before the Superintendent arrives, any property owner may remove the weeds, rubbish, refuse and dirt at his/her own expense.

(5) The Superintendent or the contractor awarded the work, as the case may be, shall keep an account of the cost of abatement in front of or on each separate parcel of land where the work is done and shall submit to the Council for consideration, hearing of objections, modification and confirmation, an itemized written report showing this cost, all as more particularly prescribed by Government Code section 39574.

Adopted by the City Council of the City of Lodi on September 15, 1993 by the following vote:

Ayes: Council Members - Davenport, Mann, Sieglock,
Snider, and Pennino (Mayor)

Noes: Council Members - None

Absent: Council Members - None

Attest:


JENNIFER M. PERRIN
City Clerk

Page No. 1
09/08/93

191 1-79.0	E DARRELL & JR WOLTKAMP 25821 N JACKTONE RD GALT CA 95632	A.P.N.: 049-190-27 66 COMMERCE STREET
196 1-87.0	FWS CONSTRUCTION PTP PO BOX 588 LOCKEFORD CA 95237	A.P.N.: 049-190-35 89 GUILD AVENUE
327 2-4.0	RICHARD LOZANO PO BOX 824 PALO ALTO CA 94302-824	A.P.N.: 047-210-26 610 S WASHINGTON ST