



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Communications (August 26, 1993 through September 8, 1993)

MEETING DATE: September 15, 1993

PREPARED BY: City Clerk

RECOMMENDED ACTION:

AGENDA ITEM

RECOMMENDATION

That the City Council set this matter for public hearing at the October 20, 1993 regular City Council meeting.

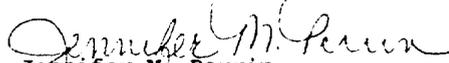
BACKGROUND INFORMATION:

The following communication was received between the dates of August 26, 1993 and September 8, 1993:

A letter of appeal has been received from Steven J. Cottrell, Attorney, on behalf of Maurice O. Ray, regarding Notice of Public Nuisance and Order to Abate on the property located at 1201 North Edgewood Drive, Lodi.

It is recommended that the City Council set this matter for public hearing at the October 20, 1993 City Council meeting.

FUNDING: None required.


Jennifer M. Perrin
City Clerk

COUNCOM8/TXTA.02J/COUNCOM

APPROVED: _____

THOMAS A. PETERSON
City Manager



Law Offices of
STEVEN J. COTTRELL
A Professional Law Corporation

125 NORTH PLEASANT AVENUE
P.O. BOX 2677
LODI, CALIFORNIA 95241-2677
(209) 369-8212
FAX (209) 369-5068

August 30, 1993

City Council of Lodi
c/o Lodi City Clerk
221 West Pine Street
Lodi, CA 95240

Re: Appeal of NOTICE OF PUBLIC NUISANCE AND ORDER TO ABATE.

A.P.N.: 039-273-33
Property Address: 1201 North Edgewood Drive Lodi, CA
Property Owner: Maurice O. Ray Jr.

Ladies and Gentlemen:

Please be advised that this office has been retained to represent the interests of Maurice O. Ray Jr. in reference to the above entitled matter.

This letter is being served upon you, in response to the NOTICE OF PUBLIC NUISANCE AND ORDER TO ABATE which was served by certified mail dated August 20, 1993, and received by Maurice O. Ray, Jr., on August 21, 1993. The subject matter of said notice was Mr. Ray's residence located at 1201 North Edgewood Drive, Lodi, California. The council should be advised that the property which is subject to the NOTICE OF PUBLIC NUISANCE AND ORDER TO ABATE has been Mr. Ray's personal residence for the past 29 years.

The NOTICE OF PUBLIC NUISANCE AND ORDER TO ABATE involves various improvements that have been made to Mr. Ray's personal residence, which include a spa, spa/pool house, storage shed and a second story deck. The spa, spa/pool house and storage shed were constructed well over 10 years ago, and the second story deck was constructed over 5 years ago. Mr. Ray has lived continuously in his residence, and there has never been a problem, difficulties, or complaints from his adjoining neighbors regarding these improvements to his personal residence.

Appeal of the NOTICE OF PUBLIC NUISANCE AND ORDER TO ABATE
involving Maurice O. Ray, Jr.
August 30, 1993
Page 2

The council should also be advised, that there are other residents in Mr. Ray's neighborhood, who have outbuildings or improvements that encroach on set-back requirements and/or easements.

This letter is intended to comply with the requirements of section 501 of the DANGEROUS BUILDING CODE as amended by Lodi city ordinance number 15.28.070 which provides for the preservation of rights and a stay of the ORDER OF ABATEMENT pending an administration hearing before the Lodi City Council. Mr. Ray is appealing the NOTICE OF PUBLIC NUISANCE AND ORDER TO ABATE as issued by the office of ROGER G. HOUSTON, Chief Building Inspector which does declare that Mr Ray's spa, spa/pool house, storage shed and second story deck are dangerous and subject to abatement.

Mr. Ray does realize that this matter must be scheduled for a hearing within the near future. He would request that the undersigned be contacted regarding the date and time to schedule this matter for public hearing. During the intervening time, Mr. Ray plans on reviewing this entire situation, and having our office contact the City Attorney, to hopefully reach an agreeable resolution of this matter.

Very truly yours,


STEVEN J. COTTRELL *SJC*

DICTATED BY THE WRITER; SIGNED
IN HIS ABSENCE TO AVOID DELAY.

SJC/ks
cc: Maurice O. Ray, Jr.

CITY OF LODI
221 WEST PINE STREET
LODI, CALIFORNIA 95240

ADVERTISING INSTRUCTIONS

SUBJECT: NOTICE OF PUBLIC HEARING - STEVEN J. COTTRELL ON BEHALF OF
MAURICE O. RAY

PUBLISH DATES: SATURDAY, SEPTEMBER 18, 1993

TEAR SHEETS WANTED: THREE

AFFIDAVIT AND BILL TO:

JENNIFER M. PERRIN, CITY CLERK

DATED: SEPTEMBER 15, 1993

ORDERED BY: *Peggy Nicolini*
PEGGY NICOLINI
DEPUTY CITY CLERK

DECLARATION OF MAILING

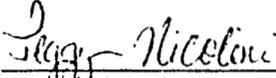
On September 16, 1993 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "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.

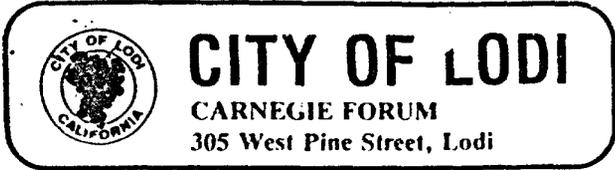
I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 16, 1993, at Lodi, California.

Jennifer M. Perrin
City Clerk



Peggy Nicolini
Deputy City Clerk



NOTICE OF PUBLIC HEARING
Date: October 20, 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

October 20, 1993

NOTICE IS HEREBY GIVEN that on Wednesday, at the hour of 7:00p.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) appeal from Steven J. Cottrell, Attorney, on behalf of Maurice O. Ray, regarding Notice of Public Nuisance and Order to Abate on the property located at 1201 North Edgewood Drive, Lodi.

Information regarding this item may be obtained in the office of the Community Development Director at 221 West Pine Street, Lodi, California. 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 15, 1993

Approved as to form:
Bobby W. McNatt
Bobby W. McNatt
City Attorney

EXHIBIT B

M A I L I N G L I S T

APPEAL FROM STEVEN J. COTTRELL, ATTORNEY, ON BEHALF OF MAURICE O. RAY, JR.
REGARDING NOTICE OF PUBLIC NUISANCE AND ORDER TO ABATE ON THE PROPERTY
LOCATED AT 1201 NORTH EDGEWOOD DRIVE, LODI

Mr. Maurice O. Ray, Jr.
1201 N. Edgewood Drive
Lodi, California 95240

Steven J. Cottrell
Attorney at Law
P. O. Box 2677
Lodi, California 95241-2677

JIM SCHROEDER
Community Development Director
City of Lodi