

COUNCIL COMMUNICATION

TO: THE CITY COUNCIL
FROM: THE CITY MANAGER'S OFFICE

COUNCIL MEETING DATE:
SEPTEMBER 5, 1990

SUBJECT: PUBLIC HEARING CONFIRMING THE COST OF WEED ABATEMENT FOR 1990 AND PROVIDING FOR COLLECTION

RECOMMENDED ACTION: Following the public hearing, Council adopt Resolution No. 90-142- Resolution Confirming The Cost of Weed Abatement for 1990 and Providing for Collection.

Council will recall that several months ago the Council initiated weed abatement proceedings on various parcels throughout the City. According to the Government Code of the State of California legal noticing, including letters to the subject property owners, publications, and postings were made regarding the matter. Various public hearings regarding the program were conducted by the City Council.

Ultimately, the City abated weeds on the following parcels:

1. 2320 Grenoble Drive, Lodi Amount \$250.00
APN 027-270-05
Chris and La Veta Keszler
317 West Lodi Avenue
Lodi, CA 95240
2. 924 Interlaken Drive, Lodi Amount \$200.00
APN 027-270-15
Chris and La Veta Keszler
317 West Lodi Avenue
Lodi, CA 95240
3. 1403 South Lakeshore Drive, Lodi Amount \$175.00
APN 058-160-26
Lodi Delta Eye Medical
1617 St. Marks Plaza
Stockton, CA 95207
4. 713 South Sacramento Street, Lodi Amount \$300.00
APN 045-240-07
Angelantonio De Rubis
2755 Ordway Street, N.W. 406
Washington, D.C. 20008

The Government Code provides that the City Council shall set a public hearing to receive a report of the cost of abatement in front of or on each separate parcel of land where the work was done by the City. The City Council set this matter for public hearing at this meeting.

Pursuant to the State Government Code, at the time fixed for receiving and considering the Report, the legislative body shall hear it with any objections of the property owners liable to be assessed for the abatement. After confirmation of the report by the Council, a copy shall be forwarded to the County Assessor and Tax Collector who shall add the amount

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of the assessments to the next regular tax bill levied against the parcels for municipal purposes.

Notice of this hearing was published pursuant to law (see Exhibit "B" attached) and a copy of the notice was forwarded to the property owner under Declaration of Mailing.

Attached you will find the report of the Street Superintendent indicating the cost of the City Weed Abatement Program for 1990 (see Exhibit "A" attached).

Alice M. Reimche
Alice M. Reimche
City Clerk

AMR/jmp

EXHIBIT A

REPORT OF THE STREET SUPERINTENDENT
CITY OF LODI
REGARDING COST OF CITY WEED ABATEMENT PROGRAM
FOR 1990

1. Weed Abatement - 2320 Grenoble Drive, Lodi
APN 027-270-05
Chris and La Veta Keszler
317 West Lodi Avenue
Lodi, CA 95240

Amount: \$250.00

2. Weed Abatement - 924 Interlaken Drive, Lodi
APN 027-270-15
Chris and La Veta Keszler
317 West Lodi Avenue
Lodi, CA 95240

Amount: \$200.00

3. Weed Abatement - 1403 South Lakeshore Drive, Lodi
APN 058-160-26
Lodi Delta Eye Medical
1617 St. Marks Plaza
Stockton, CA 95207

Amount: \$175.00

4. Weed Abatement - 713 South Sacramento Street, Lodi
APN 045-240-07
Angelantonio De Rubis
2755 Ordway Street, N.W. 406
Washington, D.C. 20008

Amount: \$300.00



Jack L. Ronsko
Public Works Director
Street Superintendent

Date: 8-28-90

LEGAL NOTICE**NOTICE OF PUBLIC HEARING BY THE LODI CITY COUNCIL
CALLED PURSUANT TO GOVERNMENT CODE SECTION 39576 TO RECEIVE
A REPORT OF THE COST OF ABATING WEEDS IN FRONT OF
OR ON EACH SEPARATE PARCEL OF LAND WHERE THE WORK WAS DONE
BY THE CITY OF LODI**

WHEREAS, the Government Code provides that the City Council shall set a public hearing to receive a report of the cost of the abatement of weeds in front of or on each separate parcel of land where the work was done by the City of Lodi; and

WHEREAS, at the time fixed for receiving and considering the report, the legislative body shall hear it with any objections of the property owners liable to be assessed for the abatement. The Council may modify the report if it is deemed necessary. The legislative body shall then confirm the report by resolution.

WHEREAS, after confirmation of the report by the legislative body, a copy shall be forwarded to the County Assessor and Tax Collector who shall add the amount of assessment to the next regular tax bill levied against the parcel for municipal purposes.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lodi does hereby set a public hearing to receive the report of the cost of City of Lodi Weed Abatement Program for 1990 to be held at 7:30 p.m. on Wednesday, September 5, 1990 in the Carnegie Forum, 305 West Pine Street, Lodi, California.

Information regarding this item may be obtained in the office of the City Clerk at 221 West Pine Street, Lodi, California. All interested persons are invited to present their views regarding this matter.

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

Alice M. Reimche
Alice M. Reimche
City Clerk

Dated: August 1, 1990

WEEDS/13
TXTA.02D

DECLARATION OF MAILING

On September 7, 1990 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 7, 1990, at Lodi, California.

Alice M. Reimche
City Clerk

Jennifer M. Perrin

Jennifer M. Perrin
Deputy City Clerk

CITY COUNCIL

JOHN R. (Randy) SNIDER, Mayor
DAVID M. HINCHMAN
Mayor Pro Tempore
EVELYN M. OLSON
JAMES W. PINKERTON, Jr.
FRED M. REID

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
CALL BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 334-5634
TELECOPIER (209) 333-6795

THOMAS A. PETERSON
City Manager
ALICE M. REIMCHE
City Clerk
BOB McNATT
City Attorney

September 7, 1990

San Joaquin County Auditor-Controller
Attention: Betty
San Joaquin County Courthouse
222 East Weber Avenue, Room 103
Stockton, CA 95202

Dear Mr Heurlin:

Enclosed herewith, please find certified copy of Resolution No. 90-142 "Resolution Confirming The Cost Of Weed Abatement For 1990 and Providing For Collection" which was adopted by the Lodi City Council at its regular meeting of September 5, 1990.

You are hereby requested to enter the assessment on the County tax roll and to collect the total amount of the assessment at the time and in the manner as other ordinary municipal taxes.

Should you have any questions, please do not hesitate to call this office.

Very truly yours,

Alice M. Reimche
Alice M. Reimche
City Clerk

AMR/jmp

cc: Robert H. Holm, Finance Director
San Joaquin County Tax Collector
San Joaquin County Tax Assessor

WEEDS/07
TXTA.02J/WEEDS

RESOLUTION NO. 90-142

RESOLUTION CONFIRMING THE COST OF WEED ABATEMENT
FOR 1990 AND PROVIDING FOR COLLECTION

BEFORE THE CITY COUNCIL OF THE CITY OF LODI

IN THE MATTER OF:

Resolution Confirming the Cost
of Weed Abatement for 1990 and RESOLUTION NO. 90-142
Providing for the Collection on
the Regular Tax Bill

WHEREAS, the Lodi City Council adopted Resolution No. 90-33 on March 7, 1990, electing to proceed under Government Code Sections 39501-39588 and declared a public nuisance all weeds growing upon streets, sidewalks and private property in the city; and

WHEREAS, the Lodi City Council adopted Resolution No. 90-61 on April 18, 1990 following the holding of a public hearing, and did overrule objections and determined to proceed with the abatement of weeds growing upon public ways and private property in the city; and

WHEREAS, the Street Superintendent has abated the nuisance declared by Resolution No. 90-33 and has kept an account of the cost of abatement and has submitted it to the City Council for confirmation;

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

(1) The City Council ordered the superintendent to abate the nuisance declared by Resolution No. 90-33 by having the weeds, rubbish, refuse and dirt removed and thereafter the superintendent entered upon private property more particularly hereafter described to abate the nuisance and the superintendent kept an account of the cost of abatement and has submitted it to the council for confirmation in the form of an itemized written report showing the cost and a copy of the report has been posted in the time and manner required by Government Code Section 39575. No objections were filed or made by the property owner liable for assessment for the abatement and the report as set forth in Exhibit "A" is confirmed.

(2) Cost of the abatement as set forth in Exhibit "A" constitutes a special assessment against that parcel and is a lien on the parcel.

(3) The City Clerk is directed to transmit a certified copy of this resolution to the San Joaquin County Assessor, County Tax Collector, County Auditor, on or before September 1, 1990. The County Auditor is requested to enter the assessment on the county tax roll and to collect the total amount of the assessment at the time and in the manner as other ordinary municipal taxes, all in the manner provided by Government Code Sections 39560-39587.

Adopted by the City Council of the City of Lodi on this 5th day of September, 1990 by the following vote:

Ayes: Council Members - Olson, Pinkerton, Reid and Snider
(Mayor)

Noes: Council Members - None

Absent: Council Members - Hinchman

Alice M. Reimche
Alice M. Reimche
City Clerk

~~SENT TO RECORDER:~~

~~RETURNED FROM RECORDER:~~

~~RECORDED: 1. DATE:
2. INSTRUMENT NO.:~~

~~ENCLOSURES: 1.
2.~~

90-142

RES90142/TXTA.02J