



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE. Public Hearing Regarding Weed Abatement Proceedings Involving Two Additional Parcels Within the City of Lodi to Allow The Subject Property Owners Having Objections to the Proposed Removal of Weeds to Be Heard and Given Lue Consideration

MEETING DATE: September 16, 1992

PREPARED BY: City Clerk

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

BACKGROUND INFORMATION: At the City Council meeting of August 19, 1992 the Lodi City Council adopted Resolution NO. 92-149 - Resolution Declaring Weeds a Public Nuisance and Initiating Abatement Proceedings On Two Additional Parcels in the City of Lodi as set forth below:

Parcel 1. 424 South School Street
Owner: Viola O. Fahrner
AF' 045-201-0018

Parcel 2. 706 S. Garfield Street
Owner: Maribel Munoz
APN 047-323-0003

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.

Alice M. Reimche
Alice M. Reimche
City Clerk

WEEDS#02/TXTA.02J/WEEDS

APPROVED. _____

THOMAS A. PETERSON
City Manager



RESOLUTION NO. 92-164

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

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Overruling Objections and
Determining to Proceed with
Abatement

RESOLUTION NO. 92-164

The City Council adopted Resolution No. 92-149 on August 19, 1992 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 16, 1992 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 August 19, 1992 the 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. 92-149 adopted August 19, 1992.

(2) The Council fixed September 16, 1992 at the hour of 7:30 o'clock p.m., in the 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. 92-149 in the time, form and manner prescribed by law.

(3) The City Council did hold a public hearing on September 16, 1992 at 7:30 p.m. 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 16, 1992.

(4) The Superintendent is ordered to abate the nuisance declared by Resolution No. 92-149 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 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 29574.

Dated: September 16, 1992

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Adopted by the City Council of the City of Lodi on September 16, 1992 by the following vote:

Ayes: Council Members - Hinchman, Pennino, Sieglock, Snider and
Pinkerton (Mayor)

Noes: Council Members - None

Absent: Council Members - None

Attest:


Alice M. Reimche
City Clerk

**TWO ADDITIONAL PARCELS TO BE INCLUDED IN THE
CITY OF LODI'S 1992 WEED ABATEMENT PROGRAM**

**Parcel 1. 424 South School Street
Owner: Viola O. Fahrner
APN 045-201-0018**

**Parcel 2. 706 S. Garfield Street
Owner: Maribel Munoz
APN 047-323-0003**