

C O U N C I L C O M M U N I C A T I O N

TO: THE CITY COUNCIL
FROM: THE CITY MANAGERS OFFICE

COUNCIL MEETING DATE:
AUGUST 17, 1988

SUBJECT: PURSUANT TO STATE OF CALIFORNIA 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

RECOMMENDED ACTION: Following the public hearing, Council adopt the attached resolution (see Exhibit "B" attached) Resolution No. 88-116 - Resolution Confirming The Cost Of Weed Abatement For 1988 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 parcel:

1. A4-G3.87, 713 South Sacramento Street, Lodi Amount \$275.00
P.N. 045-240-07
Angelantonio DeRubis
2755 Ordway Street, NW 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 the regular meeting of July 20, 1988.

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 of the assessment to the next regular tax bill levied against the parcel for municipal purposes.

Notice of this hearing was published pursuant to law (see Exhibit "C" 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 1988 (see Exhibit "A" attached)

Alice M. Reimche
Alice M. Reimche
City Clerk

AMR:jj

COUNC016
TXTA.02D

EXHIBIT B

RESOLUTION NO. 88-116

RESOLUTION CONFIRMING THE COST OF WEED ABATEMENT
FOR 1988 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 1988 and RESOLUTION NO. 88-116
Providing for the Collection of
the Regular Tax Bill

The City Council adopted Resolution No. 88-15 on February 3, 1988 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;

The City Council adopted Resolution No. 58-54 on April 20, 1988, 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;

The superintendent has abated the nuisance declared by Resolution No. 88-15 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. 88-15 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 parcei and is a lien on the parcel.

88-116

(3) The City Clerk is directed to transmit a certified copy of this resolution to the County Assessor, County Tax Collector, County Auditor, on or before September 1, 1988. 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 August 17, 1988 by the following vote:

Ayes: Council Members -
Noes: Council Members -
Absent: Council Members -

Alice M. Reimche
City Clerk

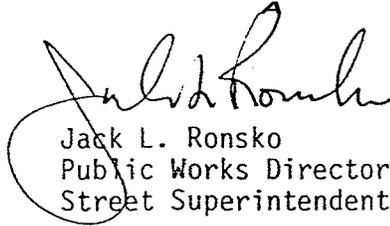
88-116

RES88////TXTA.01V

EXHIBIT A

REPORT OF THE STREET SUPERINTENDENT, CITY OF LODI,
REGARDING COST OF THE CITY WEED ABATEMENT PROGRAM FOR 1988

1. A4-03.87, 713 South Sacramento Street, Lodi
P.N. 045-240-07
Angelantonio DeRubis
2755 Ordway Street, NW 406 Amount - \$275.00
Washington, D. C. 20008


Jack L. Ronsko
Public Works Director
Street Superintendent

Dated: July 20, 1988

PROOF OF PUBLICATION

(2015.5 C.C.P.)

This space is for the County Clerk's Dating Stamp

STATE OF CALIFORNIA,

County of San Joaquin.

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the Lodi News-Sentinel, a newspaper of general circulation, printed and published daily, except Sundays and holidays, in the City of Lodi, California, County of San Joaquin, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court, Department 3, of the County of San Joaquin, State of California, under the date of May 26th, 1953, Case Number 65990; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

August 4, 11,

all in the year 1988

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Lodi, California, this 11th day of August 1988

Signature of Fred Weyler

Proof of Publication of

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

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 doer hereby set a public hearing to receive the report of the cost of the City of Lodi Weed Abatement Program for 1988 on the following parcel to be held at 7:30 p.m. on Wednesday, August 17, 1988 in the Chambers of the Lodi City Council at 221 West Pine Street, Lodi, California:

- 1. A4-03-87, 713 South Sacramento Street Lodi P.N. 045-240-07 Angelantonio DeRubis 2755 Ordway Street, NW406 Washington, O.C. 20008

Information regarding this item may be obtained in the office of the City Clerk at 311 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, Lodi, at or prior to the public hearing.

By Order of the Lodi City Council s: ALICE M. REIMCHE City Clerk

Dated: July 20, 1988 Approved as to form: s: BOBBY W. McNATT City Attorney

Aug. 4, 11, 1988

-8823

**RESOLUTION CONFIRMING THE COST OF WEED ABATEMENT
FOR 1988 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 1988 and
Providing for the Collection of
the Regular Tax Bill

RESOLUTION NO. 88-116

The City Council adopted Resolution No. 88-15 on February 3, 1988 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;

The City Council adopted Resolution No. 88-54 on April 20, 1988, 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;

The superintendent has abated the nuisance declared by Resolution No. 88-15 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. 88-15 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.

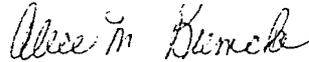
(3) The City Clerk is directed to transmit a certified copy of this resolution to the County Assessor, County Tax Collector, County Auditor, on or before September 1, 1988. The County Auditor is requested to enter the assessment on the county tax roll and to collect the total amount of the assessment 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 August 17, 1988 by the following vote:

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

Noes : Council Members - None

Absent: Council Members - None



Alice M. Reimche
City Clerk

EXHIBIT A

REPORT OF THE STREET SUPERINTENDENT, CITY OF LODI,
REGARDING COST OF THE CITY WEED ABATEMENT PROGRAM FOR 1988

- i. A4-03.87, 713 South Sacramento Street, Lodi
P.N. 045-240-07
Angelantonio DeRubis
2755 Ordway Street, NW 406 Amount - \$275.00
Washington, D. C. 20008


Jack L. Ronsko
Public Works Director
Street Superintendent

Dated: July 20, 1988

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.

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P.N. 045-240-07
Angelantonio DeRubis
2755 Ordway Street, NW 406
Washington, D. C. 20008

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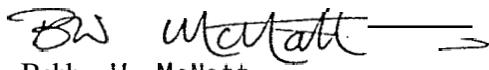
If you challenge the subject matter in court you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, Lodi, at or prior to, the public hearing.

By Order of the Lodi City Council


Alice M. Reimche
City Clerk

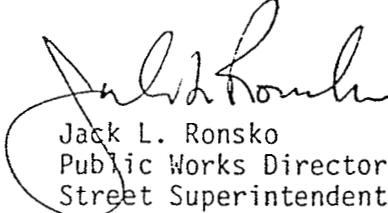
Dated: July 26, 1988

Approved as to form:


Bobby W. McNatt
City Attorney

REPORT OF THE STREET SUPERINTENDENT, CITY OF LODI,
REGARDING COST OF THE CITY WEED ABATEMENT PROGRAM FOR 1988

1. A4-03.87, 713 South Sacramento Street, Lodi
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Jack L. Ronsko
Public Works Director
Street Superintendent

Dated: July 20, 1988