

COUNCIL COMMUNICATION

TO THE CITY COUNCIL
FROM THE CITY MANAGER'S OFFICE

DATE
JUNE 3, 1987

NO.

SUBJECT: PUBLIC HEARING TO HEAR ALL PROPERTY OWNERS HAVING ANY OBJECTIONS TO THE PROPOSED REMOVAL OF THE WEEDS, RUBBISH, REFUSE AND DIRT ON VARIOUS PARCELS THROUGHOUT THE CITY AS SET FORTH IN RESOLUTION NO. 87-52 DECLARING WEEDS A PUBLIC NUISANCE ADOPTED BY THE LODI CITY COUNCIL ON MAY 6, 1987

RECOMMENDED ACTION: That following the Public Hearing and receipt of public testimony, the Council adopt Resolution No. 87-61 - Resolution Overruling Objections and Proceeding with Abatement (See Exhibit A attached)

At the City Council meeting of May 6, 1987, the Lodi City Council adopted Resolution No. 87-52 - Resolution Declaring Weeds a Public Nuisance and Initiating Abatement Proceedings - Various Parcels, Lodi, California. 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 all property owners having any objections to the proposed abatement to be heard and given due consideration.

We have been advised by the Fire Department that since the adoption of Resolution No. 87-52 numerous property owners have abated the weeds on their property. We will provide Council with a list of the parcels that are not in compliance following a final inspection by the Fire Inspector on Tuesday, June 2, 1987. This document will then serve as the Exhibit referred to in the body of Resolution No. 87-61 (See Exhibit A attached)

Following the Public Hearing and receipt of public testimony regarding the matter, it would be in order for the Council to adopt Resolution No. 87-61 - Resolution Overruling Objections and proceeding with Abatement (See Exhibit A attached)

Alice M. Reimche
Alice M. Reimche
City Clerk

COUNCOM2
TXTA.02D

PROOF OF PUBLICATION

(2015.5 C.C.P.)

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:

May 20, 27,

all in the year 1987

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

Dated at Lodi, California, this 27th day of

May, 1987

Signature: Alice Claerbout

This space is for the County Clerk's Filing Stamp

Proof of Publication of

Notice to Destroy Weeds and Remove

Rubbish, Refuse and Dirt

NOTICE TO DESTROY WEEDS AND REMOVE RUBBISH, REFUSE AND DIRT

Notice is hereby given that on the 6th day of May, 1987, the City Council of the City of Lodi passed a resolution declaring that noxious or dangerous weeds were growing upon or in front of the property on rubbish, refuse and dirt were upon or in front of property on these streets, 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.

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 Lodi City Council Chambers, Lodi, California, on June 3, 1987, at the hour of 7:30 o'clock in the afternoon when their objections will be heard and considered.

Dated this 6th day of May, 1987

JACK RONSKO Street Superintendent Director of Public Works City of Lodi

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

May 20, 27, 1987 -7520

WEED ABATEMENT NOTICES POSTED
5/25/87

1. A1-05.87 041-410-01 Arnaiz Dev. Co.
Nokelumne Village Parcel 1-A
2. A1-25.87 041-274-56 Carl Yearing
521 N. Cherokee Ln. (vacant area to the west)
3. A1-29.87 049-180-27 John Donovan, etal
511 N. Cluff Ave.
4. A1-30.87 049-180-12 John Donovan, etal
507 N. Cluff Ave.
5. A1-31.87 049-180-13 John Donovan, etal
1127 Black Diamond Way (corner lot)
6. A1-32.87 049-180-14 Jeffrey Wolfe
431 N. Cluff Ave.
7. A1-33.87 049-180-15 Founders Title
425 N. Cluff Ave.
8. A1-34.87 049-180-16 Founders Title
419 N. Cluff Ave.
9. A1-35.87 049-180-47 LaVor Thompson
320 N. Cluff Ave. (south of 330 N. Cluff Ave.)
10. A1-38.87 049-180-06 Founders Title (Balco?)
1033 Black Diamond Way (unpaved area)
11. A1-39.87 049-180-22 Helmuth Hoffman, trs.
1026 Black Diamond Way
12. A1-30.87 049-180-05 Founders Title
1027 Black Diamond Way
13. A1-42.87 049-180-04 Founders Title
1021 Black Diamond Way
14. A1-44.87 049-180-03 Founders Title
1015 Black Diamond Way
15. A1-46.87 049-180-02 Founders Title
1007 Black Diamond Way
16. A1-48.87 049-180-01 Founders Title
1001 Black Diamond Way
17. A1-49.87 049-170-12 Founders Title
933 Black Diamond Way

18. A1-56.87 049-170-21 Founders Title
810 Black Diamond Way (corner lot)
19. A1-57.87 049-170-22 John Deaovaa
804 Black Diamond Way (corner lot)
20. A2-02.87 047-020-12 Albert & Teresa Garibaldi
309 S. Stockton St.
21. A2-03.87 047-342-03 James Bowles
508 S. Central Ave. (lot & foundation)
22. A2-04.87 047-450-17 Lodi Associates
K-Mart Shopping Center, 520 S. Cherokee Ln. (vacant areas)
23. A2-15.87 049-070-50 Robert Woods tr., etal
880 S. Beckman Rd. (all vacant areas around building)
24. A2-16.87 062-060-42 Atlantic Richfield
800 E. Kettleman Ln. - Don's Mini Mart (vacant area to south)
25. A2-59.87 062-060-20 Darrell Fandrich
1721 S. Cherokee Ln. - northwest corner of Almond Dr.
(vacant area)
26. A2-61.87 047-280-12 Richard Sandborn
1210 S. Cherokee Ln. (vacant area northeast of Sanborn Chev.)
27. A2-62.87 047-280-16 Daryl Geweke
1150 S. Cherokee Ln. (all vacant areas)
28. A2-63.87 047-450-27 Washington Savings & Loan
Northeast corner of Cherokee Ln. and Hale Rd. - formerly
720 S. Cherokee Ln. (vacant area)
29. A3-03.87 062-020-28 Daryl Geweke
1918 S. Church St. (vacant area south of 1916 S. Church St.)
30. A3-08.87 060-056-09 Ray Contractors
1602 Brandywine Ct. (vacant corner lot & foundation)
31. A3-09.87 060-056-10 Ray Contractors
1214 Brandywine Dr. (vacant lot & foundation west of 1208
Brandywine; duplex foundation with 1602 Brandywine Ct.)
32. A3-14.87 060-080.01 Redeemer Lutheran Church
1811 S. Ham Ln. - 1845 S. Ham Ln. & 1315 Chablis Dr.
(all vacant areas)
33. A3-139.87 058-160-26 Thomas Luckey Construction
1403 S. Lakeshore Dr. (vacant area, southwest corner,
Lakeshore Dr. & Kettleman Ln.)
34. A3-140.87 058-160-27 Thomas Luckey Construction
1710 W. Kettleman Ln. (vacant area west of
1403 Lakeshore Dr.)

35. A3-141.87 058-160-29 Thomas Luckey Construction
1812 W. Kettleman Ln. (vacant area east of
1822 W. Kettleman Ln.)
36. A3-142.87 058-160-28 Thomas Luckey Construction
1716 W. Kettleman Ln. (vacant area west of 1423 Lakeshore
Dr., near lake)
37. A3-143.87 058-160-81 Thomas Luckey Construction
1806 W. Kettleman Ln. (vacant area west of 1716 W. Kettleman
Ln.; near lake)
38. A4-03.87 045-240-07 Angelantonio De Rubis
713 S. Sacramento St. (vacant lot and building south of
711 S. Sacramento St.; NOTE: This property was declared an
emergency and is being cleared due to the high, dry weeds and
the fact it is surrounded on 3 sides by homes)
39. A4-19.87 033-040-43 First Financial Corp.
1330 West Tokay St. (vacant area west of Bank of Lodi, 701 S.
Ham Ln.)
40. A4-108.87 033-100-04 Garland Stroup
513 S. Fairmont Ave. (vacant lot south of 507 S. Fairmont)
41. A5-20.87 041-290-05 John Cope
257 Royal Oaks Ct. (vacant lot, west end of cul-de-sac)
42. A5-21.87 041-290-04 Rivergate Development Co.
258 Royal Oaks Ct. (vacant lot, west end of cul-de-sac)
43. A5-22.87 041-290-03 Roy Irick
250 Royal Oaks Ct. (vacant lot, west end of cul-de-sac)
44. A6-03.87 029-290-68 Park West
501 N. Lower Sacramento Rd. (vacant corner lot)
45. A6-18.87 029-290-38 Park West
2557 Amberwood Dr. (vacant lot)
46. A6-25.87 029-290-47 Park West
602 Glen Oak Dr. (vacant lot, northeast corner)
47. A6-31.87 029-290-51 Park West
507 N. Lower Sacramento Rd. (vacant lot, southwest corner)
48. A6-32.87 029-290-48 H & M Builders
601 N. Lower Sacramento Rd. (vacant lot, northwest corner)
49. A6-33.87 029-290-49 Park West
607 N. Lower Sacramento Rd. (vacant lot)
50. A6-84.87 029-300-26 Park West
415 Applewood Dr. (vacant lot south of 421 Applewood Dr.)
51. A6-85.87 029-270-17 Kirk Robinson
409 Applewood Dr. (vacant lot north of 415 Applewood Dr.)

RESOLUTION NO. 87-61

RESOLUTION OVERRULING OBJECTIONS AND PROCEEDING WITH ABATEMENT

BEFORE THE CITY COUNCIL OF THE CITY OF LODI IN THE MATTER OF

Overruling Objections and)
Determining to Proceed with) RESOLUTION NO. 87-61
Abatement)

The City Council adopted Resolution No. 87-52 on May 6, 1987 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 June 3, 1987 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 May 6, 1987, 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. 87-52 adopted May 6, 1987.

(2) The council fixed June 3, 1987 at the hour of 7:30 o'clock p.m., in the city council chambers, 221 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. 87-52 in the time, form and manner prescribed by law.

(3) The city council did hold a public hearing on June 3, 1987 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 June 3, 1987.

(4) The superintendent is ordered to abate the nuisance declared by Resolution No. 87-52 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 39574.

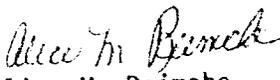
Adopted by the City Council of the City of Lodi on June 3, 1987 by the following vote:

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

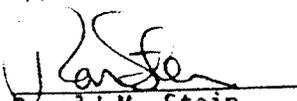
Noes: Council Members - None

Absent: Council Members - None

Attest:


Alice M. Reimche
City Clerk

Approved as to form


Ronald M. Stein
City Attorney