

CITY COUNCIL MEETING  
AUGUST 6, 1986

28

WEED ABATEMENT

RES. NO. 86-121

CC-24 (b)

Notice thereof having been published and posted according to law, affidavits of which are on file in the office of the City Clerk, Mayor Reid called for the Public Hearing to hear objections and give due consideration to the proposed abatement of weeds upon or in front of property located throughout the City of Lodi as depicted in detail on documents on file in the office of the City Clerk.

The matter was introduced by City Clerk Reimche who presented background information regarding the matter and outlined the weed abatement procedure pursuant to Government Code Section 39500 et seq.

There being no persons in the audience wishing to speak on the matter, Mayor Reid closed the public portion of the hearing.

On motion of Council Member Pinkerton, Hinchman second, Council adopted Resolution No. 86-121 - Resolution Overruling Objections and Proceeding with Abatement Proceedings on various parcels throughout the City.

RESOLUTION NO. 86-121

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. 86-121  
Abatement

The City Council adopted Resolution No. 86-93 on July 2, 1986 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 August 6, 1986 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 July 2, 1986, 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. 86-93 adopted July 2, 1986.

(2) The council fixed August 6, 1986 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. 86-93 in the time, form and manner prescribed by law.

(3) The city council did hold a public hearing on August 6, 1986 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 August 6, 1986.

(4) The superintendent is ordered to abate the nuisance declared by Resolution No. 86-93 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 August 6, 1986 by the following vote:

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

Noes: Council Members - None

Absent: Council Members - None

Attest:

*Alice M. Reimche*  
Alice M. Reimche  
City Clerk

# COUNCIL COMMUNICATION

TO: THE CITY COUNCIL	DATE	NO.
FROM: THE CITY MANAGER'S OFFICE	August 6, 1986	
SUBJECT: PUBLIC HEARING REGARDING WEED ABATEMENT, VARIOUS PARCELS THROUGHOUT THE CITY OF LODI		

At the City Council Meeting of July 2, 1986, the Lodi City Council adopted Resolution No. 86-93 - Resolution Declaring Weeds a Public Nuisance and Initiating Abatement Proceedings - Various Parcels, Lodi, California. Exhibit A of Resolution No. 86-93 depicts the subject parcels.

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.

We have been advised by the Lodi Fire Department that several of the property owners have abated the weeds on their property. Attached is a list of those properties where weed abatement has not been completed as of Tuesday, July 29, 1986 as determined by the Lodi Fire Department.

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 included with this Council Communication for Council consideration a draft resolution entitled, "Resolution Overruling Objections and Proceeding with Abatement" (See Exhibit I). Under this Resolution, the City would abate the weeds, keeping an accounting of the costs on each parcel for submittal to the Council. However, prior to the City doing the work, the property owner would have the right to remove the weeds.

We have included the following exhibits for your information:

Exhibit I - Resolution No. 86-121 - Resolution Overruling Objections and Proceeding with Abatement.

Exhibit II - Resolution No. 86-93 - Resolution Declaring Weeds a Public Nuisance and Initiating Abatement Proceedings - Various Parcels, Lodi, California.

Exhibit III - Affidavit of Publication

Exhibit IV - Declaration of Mailing

Exhibit V - Declaration of Posting

**RECOMMENDED ACTION:** Following the Public Hearing and receipt of public testimony regarding the matter, adopt Resolution Overruling Objections and Proceeding with Abatement on various parcels as determined by the City Council.

*Alice M. Reimche*  
ALICE M. REIMCHE  
City Clerk

5/6  
3/12

*Alice*

RECEIVED

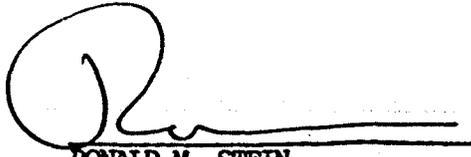
July 29, 1986

1986 JUL 29 PM 3:12

ALICE M. REIMCHE  
CITY CLERK  
CITY OF LODI

Re: Weed Abatement Posting at Southern Pacific right-of-way

This morning, Sharon Blaufus of Public Works came into my office to ask whether it would be necessary to post the entire length of the Southern Pacific right-of-way where the City will be abating weeds. It is my understanding that under the law, it is required that property to be abated, be posted every 300 feet. In the case of Southern Pacific, we have given them notice of a public hearing to be held on the subject weed abatement. Further, I do not believe that the posting is a legal requirement. I would suggest, however, that a copy of the Notice to Southern Pacific be kept, in case there are any questions later on.



RONALD M. STEIN  
CITY ATTORNEY

cc: City Clerk  
Administrative Asst. Blaufus

Exhibit III  
**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 20th, 1933, Case Number 65990; that the notice, of which the annexed is a printed copy (set in type not smaller than non-parall), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

July 11,  
.....  
86  
all in the year 19.....

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

Dated at Lodi, California, this ..... 11th day of July 86

*[Signature]*  
Signature

1. Dr. Gordon B. Roger, 310 South Foreman Ave., Lodi, CA 93240; Dr. Gordon B. Roger, P. O. Box 13, Ashby, ND 58111; RE: 310 South Foreman Avenue (053-050-77)  
2. First Northside, Sacramento, 9520 South Saffordville Blvd. Los Angeles, CA, 90025; RE: 1233 Lakelands Drive (059-160-25) (These have been cut but not removed; job has been removed.)  
3. Mr. Angelomonte Dabkowski, 725 Oakley Street, NW 406, Washington, DC 20004; RE: 715 South Sacramento Street (045-340-07)  
4. J. L. and Helen Mee, 1579 Cleveland Road, Glendale, CA, 91222; RE: 408 East Laurel Street (043-113-04)  
July 11, 1986

**PROOF OF PUBLICATION**

This space the County Clerk's Filing Stamp

RECEIVED

1985 JUL 11 PM 4:47

Alice M. Reiniche,  
CITY CLERK  
CITY OF LODI

Proof of Publication of

NOTICE TO DESTROY WEEDS AND REMOVE RUBBISH, REFUSE AND DIRT

**NOTICE TO DESTROY WEEDS AND REMOVE RUBBISH AND DIRT**  
STATUS ADDRESS: VANDERBILT PARKERS  
LODI, CALIFORNIA

Go to Subpart "A" attached hereto and thereby make a part of, hereby plan that on the 2nd day of July, 1986, the City Council of the City of Lodi passed a resolution ordering that weeds and dirt on private property owned by the City of Lodi on the property on this street, of the City of Lodi, California, and dirt were torn or left on the sidewalk, on this street, and more particularly described in the resolution, and that they are hereby ordered 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 be paid in full 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, 221 West First Street, Lodi, California.

All property owners having any objections to the proposed removal of the weeds, rubbish, refuse and dirt are hereby notified to obtain a meeting of the City Council of the City of Lodi to be held at the Lodi City Council Chambers, Lodi, California, on August 6, 1986, at the hour of 7:30 o'clock p.m. when their objections will be heard and given due consideration.

Dated this 2nd day of July, 1986  
s: Jack Torralba  
City of Lodi  
Director of Public Works

EXHIBIT "A"  
LODI FIRE DEPARTMENT  
WEED ABATEMENT LIST  
July 2, 1986

- This list supersedes previous ones:
- 1. Search Development, 520 South Cherokee Lane, Lodi, CA, 93240; RE: 209 East Kerkhamen Lane - Kerkhamen Station (043-040-19)
  - 2. Southern Pacific Railroad, J.H. Becker, Superintendent, P. O. Box 2024, Bakersfield, CA, 93304; Attn: J.R. Maxwell; Adv. Exp. year: RE: Southern Pacific mobile and new track area in Lodi (Work started south of Kerkhamen Lane on 7/1; job incomplete.)
  - 3. Southern Pacific spur line to Geneva Mills and east to Cliff Avenue (Work started from Pleasant to Hom Lane only; job incomplete.)
  - 4. 824 North Sacramento Street (041-180-25) (Non-compliance).
  - 5. The Lundry Company, P. O. Box 7424, Stockton, CA, 95207; RE: vacant area, Kerkhamen Lane, south side, west of Lakelands Drive (vacant parcel number) (Weeds have been cut but not removed; job incomplete.)
  - 6. 1804 West Kerkhamen Lane (028-160-20), 1812 West Kerkhamen Lane (028-160-27), 1710 West Kerkhamen Lane (028-140-27), 1716 West Kerkhamen Lane (028-140-29), 1403 West Kerkhamen Lane (028-140-24), Shiva A (028-160-77)

CITY OF LODI  
221 W. Pine Street  
Lodi, California 95240

ADVERTISING INSTRUCTIONS

Subject: NOTICE TO DESTROY WEEDS AND REMOVE RUBBISH, REFUSE AND DIRT

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Publish Dates: FRIDAY, JULY 11, 1986

Tear Sheets Wanted: Three

Affidavit and Bill to: ALICE M. REIMCHE, CITY CLERK

Date: 7/8/86

Ordered by:

*Alice M. Reimche*  
ALICE M. REIMCHE  
CITY CLERK

NOTICE TO DESTROY WEEDS  
AND REMOVE RUBBISH, REFUSE AND DIRT

SITUS ADDRESS: VARIOUS PARCELS  
LODI, CALIFORNIA  
(See Exhibit "A"  
attached hereto  
and thereby made a  
part hereof)

Notice is hereby given that on the 2nd day of July, 1986, 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 this street, and that rubbish, refuse and dirt were upon or in front of property on this street, 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, 221 West Pine Street, Lodi, California.

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 August 6, 1986, at the hour of 7:30 o'clock p.m. when their objections will be heard and given due consideration.

Dated this 2nd day of July, 1986.

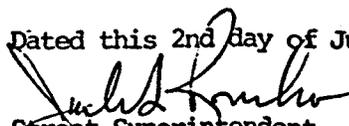
  
Street Superintendent  
Director of Public Works  
City of Lodi

EXHIBIT "A"

L O D I F I R E D E P A R T M E N T

WEED ABATEMENT LIST

July 2, 1986

This list supersedes previous one:

1. Search Development  
920 South Cherokee Lane  
Lodi CA 95240

RE: 350 East Kettleman Lane - Kettleman Station  
(062-060-10)

2. Southern Pacific Railroad  
J. H. Bachar, Superintendent  
P. O. Box 3036  
Bakersfield CA 93385

Attn: J. B. Maxwell, Admin. Engineer

- RE: a. Southern Pacific mainline and spur track areas in  
Lodi (Work started south of Kettleman Lane only,  
job incomplete.)  
b. Southern Pacific spur lines to General Mills and  
east to Cluff Avenue (Work started from Pleasant to  
Ham Lane only, job incomplete.)  
c. 856 North Sacramento Street (041-180-25)  
(Non-compliance)

3. The Luckey Company  
P. O. Box 7428  
Stockton CA 95207

RE: vacant areas, Kettleman Lane, south side, west of  
Lakeshore Drive (multiple parcel numbers)  
(Weeds have been cut but not removed, job incomplete.)

1806 West Kettleman Lane (058-160-30)  
1812 West Kettleman Lane (058-160-29)  
1710 West Kettleman Lane (058-160-27)  
1716 West Kettleman Lane (058-160-28)  
1403 West Kettleman Lane (058-160-26)  
Situs A (058-160-77)

4. Dr. Gordon B. Roget  
510 South Fairmont Ave.  
Lodi CA 95240
- Dr. Gordon B. Roget  
P. O. Box 13  
Ashley ND 58413

RE: 510 South Fairmont Avenue (033-080-27)

5. First Nationwide Savings  
9800 South Sepulveda Blvd.  
Los Angeles CA 90045

RE: 1423 Lakeshore Drive (058-160-25)  
(Weeds have been cut but not removed, job incomplete.)

6. Mr. Angelantonio DeRubes  
2755 Ordway Street, NW 406  
Washington DC 20008

RE: 713 South Sacramento Street (045-240-07)

7. Jake and Julia Main  
1529 Cleveland Road  
Glendale CA 91202

RE: 408 East Locust Street (043-113-04)

RESOLUTION NO. 84-148A

BEFORE THE CITY COUNCIL OF THE CITY OF LODI

IN THE MATTER OF:

Resolution Confirming the Cost  
of Abatement and Providing for  
the Collection on the Regular  
Tax Lill.

RESOLUTION NO. 84-148A

The City Council adopted Resolution No. 84-133 on September 5, 1984, 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. 84-148 and 84-148A on October 3, 1984, 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. 84-133 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. 84-133 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 up 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 and county auditor on or before September 1, 1985. 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 October 3, 1984 by the following vote:

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

Noes: Council Members - None

Absent: Council Members - None

Attest:

*Alice M. Reimche*  
Alice M. Reimche  
City Clerk

EXHIBIT "A"

Parcel No. 045-240-07

Owner - Angelantonio De Rubes  
2755 Ordway, N. W. 406  
Washington, D.C. 20008

Situs Address  
713 South Sacramento Street  
Lodi, CA 95240

Amount of Assessment - \$120.00

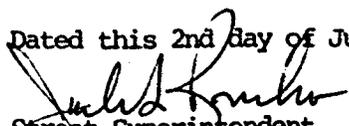
NOTICE TO DESTROY WEEDS  
AND REMOVE RUBBISH, REFUSE AND DIRT

SITUS ADDRESS: VARIOUS PARCELS  
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Dated this 2nd day of July, 1986

  
Street Superintendent  
Director of Public Works  
City of Lodi

L O D I F I R E D E P A R T M E N T

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July 2, 1986

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