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CC 24
Pg. 499

PUBLIC HEARINGS

WEED ABATEMENT
847 CHENEY COURT,
LODI

Notice thereof having been published and posted in accordance with law and affidavits of publication and posting being on file in the office of the City Clerk, Mayor Hinchman called for the public hearing to hear all objections to the proposed removal of weeds, rubbish, refuse and dirt on parcel located at 847 Cheney Court, Lodi.

City Clerk Reimche reported that, in checking the records on this particular parcel, it reflected a new property owner since the prior notices and letters were sent and the notice pertaining to this public hearing was sent to the new owner. The new owner, James Roesler, contacted the City Clerk by telephone several days after receiving the notice of hearing indicating that the previous owner had not informed him of the earlier contacts by the City; therefore he had no knowledge of the matter.

Because of the hazardous conditions involved the City had proceeded with the clearing of the subject lot at a cost of $110.00. The City has now been reimbursed by Mr. Roesler for the cost of clearing the lot. Therefore, it would be in order for the Council to terminate these proceedings.

There were no persons in the audience wishing to speak on the matter and the subject hearing was closed.

On motion of Council Member Pinkerton, Reid second, Council terminated the Weed Abatement Proceedings on the subject parcel.

COUNCIL COMMUNICATION

TO: THE CITY COUNCIL FROM: THE CITY MANAGER'S OFFICE	DATE August 7, 1985	NO.

SUBJECT: Weed Abatement Proceedings - 847 Cheney Court, Lodi

Council will recall that, at the July 3, 1985 Council Meeting, the City Clerk reported that she had been advised by the City Attorney that the Lodi Fire Marshal had sent notices of violation of the City of Lodi Fire Code to the owner of property located at 847 Cheney Court, Lodi, because of an accumulation of weed growth in vacant areas on that parcel. (It should be noted that property owners are determined from information provided by the County Tax Assessor's Office.) The property owner, as shown on the records at that time, did not respond in any way to these notices nor to the letter regarding the matter sent by the City Attorney on May 28, 1985.

Following receipt of this information the Lodi City Council adopted Resolution No. 85-72 declaring weeds a public nuisance and initiating abatement proceedings on the subject parcel setting the Public Hearing to hear objections concerning the matter for 7:30 pm on Wednesday, August 7, 1985.

The law provides that a notice concerning the Council's action be posted on the subject property, be advertised, and be mailed to the property owner. It has been my practice over the years to once again check the records for the name and address of the current property owner prior to the mailing of this notice.

In checking the records on this particular parcel, it reflected a new property owner and the notice was sent to that person. The new owner James Roesler contacted me by telephone several days later indicating that the previous owner had not informed him of the earlier contacts by the City; therefore he had no knowledge of the matter.

Because of the hazardous conditions involved the City had proceeded with the clearing of the subject lot at a cost of $110.00. The City of Lodi has now been reimbursed by Mr. Roesler for the cost of clearing the lot. Therefore, it will be in order for the Council to terminate these proceedings.

RECOMMENDED ACTION: That the City Council, by motion action, terminate the Weed Abatement Proceedings previously initiated for the parcel located at 847 Cheney Court, Lodi, CA.

Alice M. Reimche

ALICE M. REIMCHE
City Clerk

IN THE MATTER OF DESTRUCTION OF WEEDS
AND REMOVAL OF RUBBISH, REFUSE AND DIRT

AFFIDAVIT OF POSTING NOTICE

GayeLynn McDaniel, says in accordance with the instructions contained in Resolution No. 8572 by the City Council of the City of Lodi and in accordance with the provisions of Section 39501-39588 to declare as a public nuisance and abate 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, she caused notice to be posted on 847 Cheney Court.

That said posting was completed on the 18th day of July 1985, at least five (5) days prior to the date of hearing as set in said Resolution and as contained in said notices, whereupon she made and filed this affidavit.

Signed:

GayeLynn McDaniel
GayeLynn McDaniel
Public Works intern

Subscribed and sworn to be before me the 31st day of July, 1985

Alice M. Reimche
Alice M. Reimche
City Clerk of the City of Lodi, CA

RESOLUTION NO. 85-72

RESOLUTION DECLARING WEEDS A PUBLIC NUISANCE AND INITIATING ABATEMENT PROCEEDINGS - 847 CHENEY COURT LODI, CALIFORNIA

RESOLVED, by the City Council of the City of Lodi that:

1. The Council elects to proceed under Government Code section 39501-39588 to declare as a public nuisance and abate

a) all weeds growing upon streets, sidewalks and private property in the city and

b) all rubbish, refuse and dirt upon parkways, sidewalks and private property in the city.

In this resolution and in all subsequent proceedings, weeds means weeds which when mature bear wingy or downy seeds which will attain such a large growth as to become a fire menace when dry, or which are otherwise noxious or dangerous, and includes sagebrush, chapparel, poison oak and poison ivy, when the conditions of growth are such as to constitute a menace to the public health, dry grass, stubble, brush, litter and all other flammable material which endangers the public safety by creating a fire hazard.

2. The council declares as a public nuisance:

a) all weeds growing upon the streets, sidewalks and private property in the city and

b) all rubbish, refuse and dirt upon parkways, sidewalks and private property in the city.

3. The property upon which or in front of which the nuisance declared in paragraph 2 exist are described in EXHIBIT "A" attached hereto and made a part of this reference. The council finds and declares that weeds on or in front of the parcels specified in EXHIBIT "A" are seasonal and recurrent in nature. In accordance with section 39562.1 the seasonal and recurrent nuisances shall be abated under sections 39501-39588 and upon the second and subsequent occurrence in the same calendar year, no further hearings will be held and notice shall be by mailing a post card as provided in section 39562.1.

4. The director of public works is the person designated to perform the duties imposed by Government Code sections 39560-39588 upon the superintendent, and all references in these proceedings to superintendent means that person.

5. Wednesday, August 7, 1985 at the hour of 7:30 o'clock p.m. at the Lodi City Council Chambers, California, is fixed as the time and place for hearing all objections to the proposed removal of weeds, rubbish, refuse and dirt.

6. The superintendent shall prepare notices as follows: The heading of the notice shall be "Notice to destroy weeds and remove rubbish, refuse and dirt" in letters not less than 1" in height. The notice shall be substantially in the following form:

NOTICE TO DESTROY WEEDS AND REMOVE
RUBBISH, REFUSE AND DIRT

Notice is hereby given that on the 3rd day of July, 1985, 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.

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 7, 1985, at the hour of 7:30 o'clock p.m., when their objections will be heard and given due consideration.

Dated this 3rd day of July, 1985

_____
Street Superintendent
Director of Public Works
City of Lodi

7. The superintendent is instructed to cause copies of the notice to be conspicuously posted on or in front of the property on or in front of which the nuisance exists. He shall post the notice at least 5 days before the time fixed for hearing objections by the council. He shall post 1 notice to each separately owned parcel of property of not over 50-foot frontage; not more than 2 notices to each separately owned parcel of property of between 50-feet frontage and 100-feet frontage; and notices at not more than 100 feet apart if the frontage of the parcel is greater than 100 feet.

8. In addition to posting, the city clerk shall mail written notice of the proposed abatement to all persons owning property described in paragraph 4 of this resolution. The notice shall be mailed to each person to whom the property is assessed as shown on the last equalized assessment roll. The clerk shall mail the notice at least 5 days before the time set for the hearing. The notice shall be in substantially the form described above which is posted on the property, except that the notice shall be signed by the city clerk and the notice need not contain the heading in 1" letters.

Adopted by the City Council of the City of Lodi 3rd day of July, 1985, by the following vote:

Ayes:	Council Members -	Pinkerton, Olson, Reid, Snider, & Hinchman (Mayor)
Noes:	Council Members -	None
Absent:	Council Members -	None

Alice M. Reimche
Alice M. Reimche
City Clerk

EXHIBIT "A"

Parcel No. 033-250-05
Owner - James A. and M. Roesler
409 East Flora Street
Lodi, CA 95240

Situs Address
847 Cheney Court
Lodi, CA 95240

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

CITY OF LODI

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

THOMAS A. PETERSON
City Manager
ALICE M. REIMCHE
City Clerk
RONALD M. STEIN
City Attorney

N/C
6/4/85
R/STEIN

Johnson (Naturescape) hired 6-7-85 to disc under. SR

May 28, 1985

Mr. Herman Hance
7723 North Pershing Avenue
Stockton, California 95207

Re: Notice of Fire Hazard

Dear Mr. Hance:

This office has received information that on April 30 and May 15, 1985, you were issued Notices Nos. 850118 and 850215 respectively stating that your property was in violation of the City of Lodi Fire Code (copies attached). These Notices were issued because of an accumulation of weed growth in vacant areas of your premises located at 847 Cheney Court, Lodi, California. In said Notice 850215, you were advised by the Lodi Fire Department that you are legally liable for any damage should a fire occur in the interim because of said conditions.

This letter is to advise you that you are in violation of Lodi Fire Code Section 11-201(a), since you have not complied in the removal of the remainder of dried weeds as requested. If said removal has not been completed within 5 days of the date of this letter, a citation will be issued to you. Further, the City has the authority to abate the above-referenced nuisance and place a lien on your property taxes for the costs thereof, in order to recoup the expenses of said abatement. Please comply so that this will not become necessary.

If you have any questions in this regard, please do not hesitate to contact me.

Sincerely yours,

RONALD M. STEIN
CITY ATTORNEY

vc

attachments

cc: Fire Marshal

1. $110.- invoice passed on to Bob Halm for payment
2. Ck for $110.- rec'd from Jim Roesler & passed on to Bob Halm

Weed Ab 2

MEMORANDUM

DATE: July 8, 1985

TO: Jack L. Ronsko
Public Works Director

FROM: Alice M. Reimche
City Clerk

SUBJECT: Weed Abatement Procedure
847 Cheney Court, Lodi

Attached is a copy of the Notice to Destroy Weeds and Remove Rubbish, Refuse and Dirt - Situs Address: 847 Cheney Court, Lodi, which procedure was initiated by the Lodi City Council at its Regular Meeting of July 3, 1985.

Pursuant to State of California Government Code Section 39501 et seq, the Superintendent of Streets is instructed to cause copies of the notice to be conspicuously posted on or in front of the property on or in front of which the nuisance exists: He shall post the notice on or at least 5 days before the time fixed for hearing objections by the Council. He shall post 1 notice to each separately owned parcel of property of not over 50-foot frontage; not more than 2 notices to each separately owned parcel of property of between 50-feet frontage and 100-feet frontage; and notices at not more than 100 feet apart if the frontage of the parcel is greater than 100 feet.

Upon the completion of the posting, please complete and return to my office a Declaration of Posting.

NOTICE TO DESTROY WEEDS AND REMOVE
RUBBISH, REFUSE AND DIRT

Jack - letters must be in letters not less than 1" in height

SITUS ADDRESS: 847 CHENEY COURT, LODI

Notice is hereby given that on the 3rd day of July, 1985, 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.

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 7, 1985, at the hour of 7:30 o'clock p.m., when their objections will be heard and given due consideration.

Dated this 3rd day of July, 1985

Street Superintendent
Director of Public Works
City of Lodi

Enclosure

NOTICE TO DESTROY WEEDS AND REMOVE
RUBBISH, REFUSE AND DIRT

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Dated this 3rd day of July, 1985

ALICE M. REIMCHE
City Clerk
City of Lodi

CITY COUNCIL

DAVID M. HINCHMAN, Mayor
FRED M. REID
Mayor Pro Tempore
EVELYN M. OLSON
JAMES W. PINKERTON, Jr.
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CITY OF LODI

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CALL BOX 3006
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(209) 334-5634

THOMAS A. PETERSON
City Manager

ALICE M. REIMCHE
City Clerk

RONALD M. STEIN
City Attorney

August 13, 1985

James A. and M. Roesler
409 East Flora Street
Lodi, CA 95240

Dear Mr. Roesler:

Please be advised that the Lodi City Council, at its regular meeting of August 7, 1985, was apprised of the receipt of your check in the amount of $110.00 covering the cost of the abatement of weeds on a parcel located at 847 Cheney Court, Lodi. Council was informed of the sequence of events that took place regarding this matter.

By motion action, the Lodi City Council terminated the weed abatement proceedings on the subject parcel.

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

Very truly yours,

Alice M. Reimche

Alice M. Reimche
City Clerk

AMR:jj

RESOLUTION NO. 85-72

RESOLUTION DECLARING WEEDS A PUBLIC NUISANCE AND INITIATING ABATEMENT PROCEEDINGS - 847 CHENEY COURT LODI, CALIFORNIA

RESOLVED, by the City Council of the City of Lodi that:

1. The Council elects to proceed under Government Code section 39501-39588 to declare as a public nuisance and abate

a) all weeds growing upon streets, sidewalks and private property in the city and

b) all rubbish, refuse and dirt upon parkways, sidewalks and private property in the city.

In this resolution and in all subsequent proceedings, weeds means weeds which when mature bear wingy or downy seeds which will attain such a large growth as to become a fire menace when dry, or which are otherwise noxious or dangerous, and includes sagebrush, chapparel, poison oak and poison ivy, when the conditions of growth are such as to constitute a menace to the public health, dry grass, stubble, brush, litter and all other flammable material which endangers the public safety by creating a fire hazard.

2. The council declares as a public nuisance:

a) all weeds growing upon the streets, sidewalks and private property in the city and

b) all rubbish, refuse and dirt upon parkways, sidewalks and private property in the city.

3. The property upon which or in front of which the nuisance declared in paragraph 2 exist are described in EXHIBIT "A" attached hereto and made a part of this reference. The council finds and declares that weeds on or in front of the parcels specified in EXHIBIT "A" are seasonal and recurrent in nature. In accordance with section 39562.1 the seasonal and recurrent nuisances shall be abated under sections 39501-39588 and upon the second and subsequent occurrence in the same calendar year, no further hearings will be held and notice shall be by mailing a post card as provided in section 39562.1.

4. The director of public works is the person designated to perform the duties imposed by Government Code sections 39560-39588 upon the superintendent, and all references in these proceedings to superintendent means that person.

5. Wednesday, August 7, 1985 at the hour of 7:30 o'clock p.m. at the Lodi City Council Chambers, California, is fixed as the time and place for hearing all objections to the proposed removal of weeds, rubbish, refuse and dirt.

6. The superintendent shall prepare notices as follows: The heading of the notice shall be "Notice to destroy weeds and remove rubbish, refuse and dirt" in letters not less than 1" in height. The notice shall be substantially in the following form:

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RUBBISH, REFUSE AND DIRT

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Dated this 3rd day of July, 1985

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Street Superintendent
Director of Public Works
City of Lodi

7. The superintendent is instructed to cause copies of the notice to be conspicuously posted on or in front of the property on or in front of which the nuisance exists. He shall post the notice at least 5 days before the time fixed for hearing objections by the council. He shall post 1 notice to each separately owned parcel of property of not over 50-foot frontage; not more than 2 notices to each separately owned parcel of property of between 50-feet frontage and 100-feet frontage; and notices at not more than 100 feet apart if the frontage of the parcel is greater than 100 feet.

8. In addition to posting, the city clerk shall mail written notice of the proposed abatement to all persons owning property described in paragraph 4 of this resolution. The notice shall be mailed to each person to whom the property is assessed as shown on the last equalized assessment roll. The clerk shall mail the notice at least 5 days before the time set for the hearing. The notice shall be in substantially the form described above which is posted on the property, except that the notice shall be signed by the city clerk and the notice need not contain the heading in 1" letters.

Adopted by the City Council of the City of Lodi 3rd day of July, 1985, by the following vote:

Ayes:	Council Members -	Pinkerton, Olson, Reid, Snider, & Hinchman (Mayor)
Noes:	Council Members -	None
Absent:	Council Members -	None

Alice M. Reimche
City Clerk

EXHIBIT "A"

Parcel No. 033-250-05
Owner - James A. and M. Roesler
409 East Flora Street
Lodi, CA 95240

Situs Address
847 Cheney Court
Lodi, CA 95240

3/4 8/9

MEMORANDUM

DATE: July 8, 1985

TO: Jack L. Ronsko
Public Works Director

FROM: Alice M. Reimche
City Clerk

SUBJECT: Weed Abatement Procedure
847 Cheney Court, Lodi

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Upon the completion of the posting, please complete and return to my office a Declaration of Posting.

NOTICE TO DESTROY WEEDS AND REMOVE
RUBBISH, REFUSE AND DIRT

SITUS ADDRESS: 847 CHENEY COURT, LODI

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Dated this 3rd day of July, 1985

Street Superintendent
Director of Public Works
City of Lodi

NOTICE TO DESTROY WEEDS AND REMOVE
RUBBISH, REFUSE AND DIRT

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Dated this 3rd day of July, 1985

ALICE M. REIMCHE
City Clerk
City of Lodi