

CITY COUNCIL MEETING  
AUGUST 21, 1985

PUBLIC HEARINGS

PUBLIC HEARING  
FOR HEARING ALL  
OBJECTIONS TO  
THE PROPOSED  
REMOVAL OF WEEDS,  
RUBBISH, REFUSE  
AND DIRT ON  
PARCEL LOCATED  
AT 205 FLORA  
AVENUE, LODI, CA

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 Pro Tempore Reid called for the public hearing to hear all objections to the proposed removal of weeds, rubbish, refuse and dirt on a parcel located at 205 Flora Avenue, Lodi.

City Clerk Reimche reported that in checking into information regarding the property owner, it was determined that Mr. Clarence Endicott, the property owner listed on the last assessors rolls, has passed away and that his wife is presently in a convalescent hospital. The estate is presently under the control of the Public Conservators Office in Stockton. In a telephone conversation with that office they advised that if the \$250.00 bill for the removal of weeds on the subject property was sent to their office, it would be paid from the trust account for the Endicott estate.

There were no persons in the audience wishing to speak on the matter, and the public portion of the hearing was closed.

Following discussion, with questions being directed to the City Clerk and the City Attorney, Council, on motion of Council Member Snider, Olson second, overruled objections, ordered the abatement, terminated the proceedings at this point, and directed the City Clerk to report to the Council at the next meeting as to whether or not the Conservator of the property owners estate has paid the \$250.00 charges incurred for the abatement of weeds on the subject parcel.

0024

## COUNCIL COMMUNICATION

TO: THE CITY COUNCIL	DATE	NO.
FROM: THE CITY MANAGER'S OFFICE	August 21, 1985	
SUBJECT: Weed Abatement Proceedings - 205 Flora Street, Lodi		

Council will recall that at the July 24, 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 205 Flora Street, Lodi, because of an accumulation of weed growth in vacant areas on that parcel. The property owner has not responded in any way to these notices nor to a letter regarding the matter sent by the City Attorney on June 5, 1985.

Following receipt of this information, the Lodi City Council adopted Resolution No. 85-89 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 p.m., Wednesday, August 21, 1985.

It should be noted that a Notice regarding these proceedings was published, posted on the subject parcel, and mailed to the property owner. The property owner has not responded to this notification.

Because of the hazardous conditions involved, the City has proceeded with the clearing of the subject parcel at a cost of \$250.00.

Section 39560 et seq of the Government Code of the State of California provides that the legislative body at this hearing shall hear and consider all objections to the proposed removal of weeds, etc. By motion action, at the conclusion of the hearing, the legislative body shall allow or overrule any objections presented.

Further, the code provides that an itemized written report showing the cost of abatement shall be prepared and shall be posted for at least three days prior to its submission to the legislative body on or near the chamber door of the legislative body with a notice of the time of submission. 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. It may modify the report if it is deemed necessary. The legislative body shall then confirm the report by motion action. The cost of the abatement constitutes a special assessment against that parcel, and after the assessment is made and confirmed, it is a lien on the parcel.

**RECOMMENDED ACTION:** At the conclusion of the hearing to hear and consider all objections to the proposed removal of weeds on the subject parcel, by motion action, Council shall allow or overrule any objections.

If Council overrules the objections, it is recommended that Council set September 4, 1985 at 7:30 pm as the time fixed for receiving and considering the report setting forth the cost of abatement and to hear any objections of the property owners liable to be assessed for the abatement.

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

RESOLUTION NO. 85-89

RESOLUTION DECLARING WEEDS A PUBLIC NUISANCE AND  
INITIATING ABATEMENT PROCEEDINGS - 205 FLORA STREET,  
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 parcel 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 21, 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 24th 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 21, 1985, at the hour of 7:30 o'clock p.m. when their objections will be heard and given due consideration.

Dated this 24th 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-footfrontage; not more than 2 notices to each separately owned parcel of property of between 50-feetfrontage and 100-feetfrontage; 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 this 24th day of July, 1985 by the following vote:

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

Noes: Council Members - None

Absent: Council Members - None

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

EXHIBIT "A"

Parcel No. 047-192-37  
Owner - Clarence Endicott  
c/o Royal Oaks Convalescent Hospital

144 F Street  
Galt, California 95632

Situs Address  
205 Flora Street  
Lodi, California

NOTICE TO DESTROY WEEDS  
AND REMOVE RUBBISH, REFUSE AND DIRT

SITUS ADDRESS: 205 Flora Street  
Lodi, California

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Dated this 24th day of July, 1985

*Alice M. Reimche*

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.  
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

August 23, 1985

Ms. Emma Haas  
Conservator  
Public Conservator's Office  
1212 N. California Street  
Stockton, California 95202

Subject: Weed Abatement Charges for parcel located at 205 Flora  
Avenue, Lodi, CA

Dear Ms. Haas:

Pursuant to our recent telephone conversation, this letter is being sent to you advising that charges in the amount of \$250.00 have been incurred by the City of Lodi in abating weeds on a parcel located at 205 Flora Avenue, Lodi, California.

It is our understanding that your office serves as the conservator of the estate of Mrs. Clarence Endicott, the current owner of this parcel.

We would ask that your office prepare a check in the amount of \$250.00 payable to the City of Lodi to cover the abatement charges. Please forward this payment to my attention.

At the August 21, 1985 Public Hearing held before the Lodi City Council regarding this matter, I apprised the Council of our telephone conversation and your commitment that this bill would be paid in a very timely matter, once it was forwarded to your office.

I appreciate your cooperation in this matter. Should you have any questions, please do not hesitate to call me.

Very truly yours,

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