



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing To Receive A Report Of The Cost Of Abatement Of The Weeds In The City Of Lodi During 1997 And To Hear Any Objections To The Property Owners Liable To Be Assessed For The Abatement

MEETING DATE: January 7, 1998

PREPARED BY: City Clerk

RECOMMENDED ACTION: That following a Public Hearing regarding the matter, the City Council adopt the attached resolution confirming the cost of weed abatement in the City of Lodi during 1997 and providing for collection through the San Joaquin County Auditor's office.

BACKGROUND INFORMATION: The City 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. Public Hearings regarding the program were conducted by the City Council.

Ultimately, the City abated the weeds on the parcels listed on the next page. 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. 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.

Therefore, it is recommended that following the Public Hearing the City Council adopt the attached resolution confirming the cost of weed abatement in the City of Lodi during 1997 and provide for collection through the San Joaquin County Auditor's office.

Both the Purchasing Officer and the Fire Marshal will be at the January 7, 1998 City Council meeting to present the staff report and answer any questions the Council may have.

FUNDING: None required.

Alice M. Reimche
Alice M. Reimche
City Clerk

Prepared by Joel Harris, Purchasing Officer

cc: Fire Marshal

APPROVED: _____
H. Dixon Flynn -- City Manager

REPORT OF COST OF ABATING WEEDS 1997			
Property Address	Cost	Administrative Fee	Total
811 South Pleasant Ave. (APN 045-180-19)	\$100.00	\$46.15	\$146.15
804 East Black Diamond Way (APN 049-170-22)	\$150.00	\$32.06	\$182.06
810 East Black Diamond Way (APN 049-170-21)	\$150.00	\$32.06	\$182.06
3 South Commerce (APN 049-190-01)	\$350.00	\$50.90	\$400.90
508 South Central (APN 047-342-03)	\$100.00	\$41.35	\$141.35

MEMORANDUM, Finance Department, Purchasing Division

TO: City Clerk
FROM: Purchasing Officer
DATE: November 18, 1997
SUBJECT: Report of the Cost of Weed Abatement - 1997

Following is a summary of the costs of abating weeds as authorized by City Council Resolution 97-95 adopted July 2, 1997. The summary indicates the cost of abatement, administrative fees, and total cost.

<u>Property Address</u>	<u>Cost + Administrative Fees = Total Cost</u>
811 South Pleasant Ave Lodi CA 95240 (APN 045-180-19) (James Sheridan Quinn 811 South Pleasant Ave Lodi CA 95240)	\$100.00 + \$46.15 = \$146.15
804 East Black Diamond Way Lodi CA 95240 (APN 049-170-22) (John Donovan 225 West Elm Street Lodi CA 95240)	\$150.00 + \$32.06 = \$182.06
810 East Black Diamond Way Lodi CA 95240 (APN 049-170-21) (John and Joanne Donovan 225 West Elm Street Lodi CA 95240)	\$170.30 + \$32.06 = \$182.06
3 South Commerce Lodi CA 95240 (APN 049-190-01) (Edlund J. Loo 915 Black Diamond Way Lodi CA 95240)	\$350.00 + \$50.90 = \$400.90
508 South Central Lodi CA 95240 (APN 047-342-03) (Gladys Bowles 5828 East Fairlane Acampo CA 95220)	\$100.00 + \$41.35 = \$141.35

DRAFT

RESOLUTION NO. 98-08

A RESOLUTION OF THE LODI CITY COUNCIL CONFIRMING THE COST OF WEED ABATEMENT FOR 1997 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 1997 and
Providing for the Collection on
the Regular Tax Bill

RESOLUTION NO. 98-08

The City Council adopted Resolution No. 97-70 on June 4, 1997 electing to proceed under Government Code Section 39501-59588 and declared a public nuisance all weeds growing upon streets, sidewalks and private property in the City;

The City Council adopted Resolution No. 97-95 on July 2, 1997 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. 97-70 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. 97-95 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. 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 §§39560-39587.

Dated: January 7, 1998

I hereby certify that Resolution No. 98-08 was passed and adopted by the City Council of the City of Lodi in a regular meeting held January 7, 1998, by the following vote:

AYES: COUNCIL MEMBERS -

NOES: COUNCIL MEMBERS -

ABSENT: COUNCIL MEMBERS -

ABSTAIN: COUNCIL MEMBERS -

ALICE M. REIMCHE
CITY CLERK

EXHIBIT A*Cost Report of City Weed Abatement Program - 1997*

REPORT OF COST OF ABATING WEEDS 1997			
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508 South Central (APN 047-342-03)	\$100.00	\$41.35	\$141.35



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: January 7, 1998

Time: 7:00 p.m.

For information regarding this notice please contact:

Alice M. Reimche

City Clerk

Telephone: (209) 333-6702

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, January 7, 1998** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) to receive a report of the cost of abatement of the weeds in the City of Lodi during 1997 and to hear any objections to the property owners liable to be assessed for the abatement.

All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

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, P.O. Box 3006, at or prior to the Public Hearing.

Alice M. Reimche
City Clerk

Dated: December 17, 1997

Approved as to form:

Randall A. Hays
City Attorney



CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

SUBJECT: Set Public Hearing for Wednesday, January 7, 1998 at 7:00 p.m. to receive a report of the cost of the abatement of weeds in the City of Lodi during 1997 and to hear any objections of the property owners liable to be assessed for the abatement

PUBLISH DATES: SATURDAY, DECEMBER 20, 1997

TEAR SHEETS WANTED: ONE

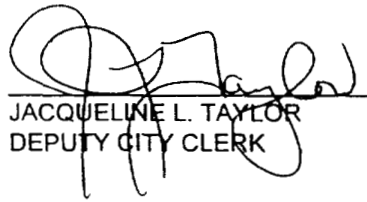
AFFIDAVIT AND BILL TO:

ALICE M. REIMCHE
CITY CLERK

DATED: DECEMBER 18, 1997

ORDERED BY:

JENNIFER M. PERRIN
DEPUTY CITY CLERK



JACQUELINE L. TAYLOR
DEPUTY CITY CLERK

SUSAN SEWARD-LAKE
ADMINISTRATIVE CLERK

Faxed to the Lodi News Sentinel at 369-1084 at _____ (time) on _____ (date).



DECLARATION OF MAILING

REVIEW COST REPORT - CITY WEED ABATEMENT PROGRAM, 1997

On Thursday, December 18, 1997, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.


There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 18, 1997, at Lodi, California.

ORDERED BY:

**ALICE M. REIMCHE
CITY CLERK**



Jacqueline L. Taylor
Deputy City Clerk

Jennifer M. Perrin
Deputy City Clerk

Susan Seward-Lake
Administrative Clerk

**1997 CITY WEED ABATEMENT PROGRAM
MAILING LIST**

Property Owner
811 South Pleasant Avenue
Lodi, CA 95240

Responsible: James Sheridan Quinn
811 South Pleasant Avenue
Lodi, CA 95240

Property Owner
804 East Black Diamond Way
Lodi, CA 95240

Responsible: John Donovan
225 West Elm Street
Lodi, CA 95240

Property Owner
810 East Black Diamond Way
Lodi, CA 95240

Responsible: John and Joanne Donovan
225 West Elm Street
Lodi, CA 95240

Property Owner
3 South Commerce
Lodi, CA 95240

Responsible: Edlund J. Loo
915 Black Diamond Way
Lodi, CA 95240

Property Owner
508 South Central
Lodi, CA 95240

Responsible: Gladys Bowles
5828 East Fairlane
Acampo, CA 95220

MAILING LIST - WEED ABATEMENT, 1997

James Sheridan Quinn
811 South Pleasant Avenue
Lodi, CA 95240

John Donovan
225 West Elm Street
Lodi, CA 95240

John & Joanne Donovan
225 West Elm Street
Lodi, CA 95240

Edlund J. Loo
915 Black Diamond Way
Lodi, CA 95240

Gladys Bowles
5828 East Fairlane
Acampo, CA 95220

RESOLUTION NO. 98-08

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The Superintendent has abated the nuisance declared by Resolution No. 97-70 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. 97-95 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 is 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. 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 §§39560-39587.

Dated: January 7, 1998

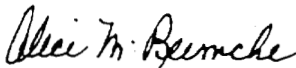
I hereby certify that Resolution No. 98-08 was passed and adopted by the City Council of the City of Lodi in a regular meeting held January 7, 1998, by the following vote:

AYES: COUNCIL MEMBERS - Land, Mann, Pennino, Warner
and Sieglock (Mayor)

NOES: COUNCIL MEMBERS - None

ABSENT: COUNCIL MEMBERS - None

ABSTAIN: COUNCIL MEMBERS - None


ALICE M. REIMCHE
CITY CLERK

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CITY COUNCIL

JACK A. SIEGLOCK , Mayor
KEITH LAND
Mayor Pro Tempore
STEPHEN J. MANN
PHILLIP A. PENNINO
DAVID P. WARNER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6702
FAX (209) 333-6807

H. DIXON FLYNN
City Manager
ALICE M. REIMCHE
City Clerk
RANDALL A. HAYS
City Attorney

January 8, 1998

San Joaquin County
Auditor-Controller
24 S. Hunter, Room 103
Stockton, CA 95201

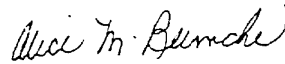
Re: City of Lodi Weed Abatement Program for 1997

Enclosed please find certified copy of Resolution No. 98-08 entitled, "A Resolution of the Lodi City Council Confirming the Cost of Weed Abatement for 1997 and Providing for Collection" which was adopted by the City Council on January 7, 1998.

The Resolution sets forth that 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.

Should you have any questions regarding the matter, please do not hesitate to give me a call.

Sincerely,



Alice M. Reimche
City Clerk

AMR/JMP

Enclosure

cc: San Joaquin County Assessor