

P-225
RES
cc-14(a)

CITY COUNCIL MEETING

JULY 7, 1982

PROTEST HEARING SET
RE PROPERTY AT 18
SOUTH MAIN STREET

Council adopted the following Resolution:

RESOLUTION NO. 82-61

RES. NO. 82-61

RESOLUTION SETTING PROTEST HEARING REGARDING
PROPERTY AT 18 SOUTH MAIN STREET, LODI, PURSUANT TO
ABATEMENT OF DANGEROUS BUILDING CODE - 1979 EDITION
FOR THE REGULAR COUNCIL MEETING OF AUGUST 4, 1982
at 8:00 p.m.

FJ. 7/7

CITY COUNCIL

FRED M. REID, Mayor
ROBERT G. MURPHY,
Mayor Pro Tempore
EVELYN M. OLSON
JAMES W. PINKERTON, Jr.
JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
POST OFFICE BOX 320
LODI, CALIFORNIA 95241
(209) 334-5634

HENRY A. GLAVES, Jr.
City Manager

ALICE M. REIMCHE
City Clerk

RONALD M. STEIN
City Attorney

July 7, 1982

NOTICE OF CITY COUNCIL HEARING

Mr. Lyle Shelton
Del Mar Supplies
1141 North Citrus
Orange, CALIFORNIA 92669

NOTICE OF CITY COUNCIL HEARING REGARDING
NOTICE OF PUBLIC NUISANCE PROPERTY LOCATED
AT 18 SOUTH MAIN STREET, LODI (ASSESSOR'S
PARCEL 043-072-11)

Public records indicate that you are the current legal owner
of the real and improved property in the City of Lodi,
County of San Joaquin, State of California described as
follows:

18 South Main Street, Lodi
(Que Pasa Casa Hotel)
Assessors Parcel No. 043-072-11

and more particularly described as "Lot 7, Block 27, City
of Lodi".

On January 26, 1982, the predecessor-in-interest of the
property at 18 South Main Street, Lodi, was sent a letter
stating that there was a violation of the Fire Code Section
11.414.

Subsequent letters were sent to the new owner and on or about
May 27, 1982, a letter was sent to Mr. Lyle Shelton, Del
Mar Supplies, 1141 North Citrus, Orange, California 92669,
expressing the City's concern regarding the violation. The
City did not receive any response. The City then contacted
C. Edward Jones and Company, Lodi and had that firm repair
the building at a cost of \$2,342.40.

Now Therefore, pursuant to Sections 1101 (b.4) and 1501 of said Housing Code, you are hereby notified that Jack Ronsko, Public Works Director of the City of Lodi will bring the matter of said property and the findings listed above before the City Council of the City of Lodi at its regular meeting of Wednesday, August 4, 1982 at 8:00 p.m. in the City Hall Council Chambers, 221 West Pine Street, Lodi, declaring the structure unsafe and a public nuisance, in need of repair, and subsequently ordering that the charge of \$2,342.40 for such repairs shall be assessed against the property, causing the same to be recorded on the assessment roll, and thereafter said assessment shall constitute a special assessment against and a lien upon the property.

For information concerning this matter, please contact the office of the City Clerk of the City of Lodi.

Alice M. Reimche,
City Clerk

AMR/lf

1.F.
COUNCIL COMMUNICATION

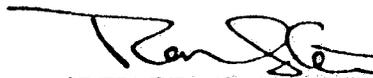
TO: THE CITY COUNCIL	DATE	NO.
FROM: THE CITY MANAGER'S OFFICE	JUNE 23, 1982	
SUBJECT: Securing of Property at 18 South Main Street, Lodi		

Attached hereto is a copy of an invoice which the City of Lodi received from C. Edward Jones & Co., Inc. for the securing of a hotel at 18 South Main Street, Lodi.

Pursuant to Chapter 9 of the Abatement of Dangerous Buildings Code, the City of Lodi may recover the cost of repairs or demolition of a building by a hearing procedure and may then lien the property with an assessment for the cost of repairs which the City has had made.

On January 26, 1982, the predecessor-in-interest of the property at 18 South Main Street was sent the attached letter stating that there was a violation of the Fire Code Section 11.414. Subsequent letters were sent to the new owner and on or about May 27, 1982, a letter was sent to Mr. Lyle Shelton (copy attached) expressing the City's concern regarding the violation. The City did not receive any response and we then contacted C. Edward Jones & Co. and had that firm repair the building.

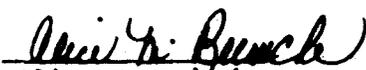
The recommended action herein is for the City to set a protest hearing so that Mr. Shelton, the property owner, can object to the lien which will be assessed on his property for the repairs to the property billed to the City of Lodi.


RONALD M. STEIN
CITY ATTORNEY

RMS:vc

attachments

It is recommended that this matter be set for hearing at the regular meeting of the City Council to be held Wednesday, August 4, 1982.


Alice M. Reinche
City Clerk

CITY COUNCIL

FRED M REID, Mayor
ROBERT G. MURPHY,
Mayor Pro Tempore
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City Clerk

RONALD M. STEIN
City Attorney

May 27, 1982

Mr. Lyle Shelton
Del Mar Supplies
1141 North Citrus
Orange, CA 92669

RE: 18 South Main Street, Lodi, California

Dear Mr. Shelton:

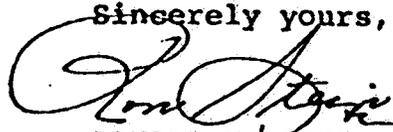
Enclosed herewith please find a copy of the Invoice of C. Edward Jones & Co., Inc. in the amount of \$1980.00. As you are aware, this invoice covers the costs of securing your property at 18 South Main Street, Lodi, the securing of which property was necessitated because the property was in violation of Lodi Fire Code Section 11.414, as we have previously discussed.

Please forward your check to cover this amount, made payable to the City of Lodi Finance Department. For your convenience, we have enclosed a stamped, self-addressed envelope.

If we have not received your check by Friday, June 11, 1982, it is the intent of this office to place a lien of assessment on the property, to be collected with your property taxes, as was explained to you in my letter to you dated May 4, 1982 with attachments.

If you have any questions in this regard, please don't hesitate to contact me. Thank you.

Sincerely yours,



RONALD M. STEIN
CITY ATTORNEY

RMS:vc

enclosure

cc: Building Inspector
Fire Marshal

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
POST OFFICE BOX 320
LODI, CALIFORNIA 95241
(209) 334-5634

HENRY A. CLAVES, Jr.
City Manager

ALICE M. REIMICHE
City Clerk

RONALD M. STEIN
City Attorney

May 4, 1982

Mr. Lyle Shelton
Del Mar Supplies
1141 North Citrus
Orange, CA 92669

Re: 18 South Main Street, Lodi (Que Pasa Casa Hotel)

Dear Mr. Shelton:

Attached hereto are copies of my February 23, April 6, and April 23, 1982 letters regarding the above-referenced property and violations of Lodi Fire Code Section 11.414. We have been advised by Fairway Group, the former owner of said property, that as of February 1982, the property was deeded to you. The letters are self-explanatory as to the reason for this letter.

As stated, we have contacted a contractor who is prepared to start work and we can no longer permit this hazardous condition to go unattended. We would appreciate your check in the amount of \$1,980.00 to cover the costs of securing the building. If we do not receive your check or an explanation of any extenuating circumstances by Monday, May 10, 1982, it is the intention of this office to order the work started at once by the contractor.

I must impress upon you that the hazardous condition of this property must immediately be corrected. Please, let me hear from you by Monday, May 10, 1982.

Sincerely yours,


RONALD M. STEIN
CITY ATTORNEY

RMS:vc

attachments

cc: Building Inspector
Fire Marshal

Chapter 9

RECOVERY OF COST OF REPAIR OR DEMOLITION

Account of Expense, Filing of Report: Contents

Sec. 901. The director of public works shall keep an itemized account of the expense incurred by this jurisdiction in the repair or demolition of any building done pursuant to the provisions of Section 701 (c) 3 of this code. Upon the completion of the work of repair or demolition, said director shall prepare and file with the clerk of this jurisdiction a report specifying the work done, the itemized and total cost of the work, a description of the real property upon which the building or structure is or was located, and the names and addresses of the persons entitled to notice pursuant to Subsection (c) of Section 401.

Report Transmitted to Council—Set for Hearing

Sec. 902. Upon receipt of said report, the clerk of this jurisdiction shall present it to the legislative body of this jurisdiction for consideration. The legislative body of this jurisdiction shall fix a time, date and place for hearing said report and any protests or objections thereto. The clerk of this jurisdiction shall cause notice of said hearing to be posted upon the property involved, published once in a newspaper of general circulation in this jurisdiction, and served by certified mail, postage prepaid, addressed to the owner of the property as his name and address appear on the last equalized assessment roll of the county, if such so appear, or as known to the clerk. Such notice shall be given at least 10 days prior to the date set for hearing and shall specify the day, hour, and place when the legislative body will hear and pass upon the director's report, together with any objections or protests which may be filed as hereinafter provided by any person interested in or affected by the proposed charge.

Protests and Objections—How Made

Sec. 903. Any person interested in or affected by the proposed charge may file written protests or objections with the clerk of this jurisdiction at any time prior to the time set for the hearing on the report of the director. Each such protest or objection must contain a description of the property in which the signer thereof is interested and the grounds of such protest or objection. The clerk of this jurisdiction shall endorse on every such protest or objection the date it was received by him. He shall present such protests or objections to the legislative body of this jurisdiction at the time set for the hearing, and no other protests or objections shall be considered.

Hearing of Protests

Sec. 904. Upon the day and hour fixed for the hearing the legislative body of this jurisdiction shall hear and pass upon the report of the director together with any such objections or protests. The legislative body may make such revision, correction or modification in the report or the charge

as it may deem just; and when the legislative body is satisfied with the correctness of the charge, the report (as submitted or as revised, corrected or modified) together with the charge, shall be confirmed or rejected. The decision of the legislative body of this jurisdiction on the report and the charge, and on all protests or objections, shall be final and conclusive.

Personal Obligation or Special Assessment

Sec. 905. (a) General. The legislative body of this jurisdiction may thereupon order that said charge shall be made a personal obligation of the property owner or assess said charge against the property involved.

(b) Personal Obligation. If the legislative body of this jurisdiction orders that the charge shall be a personal obligation of the property owner, it shall direct the attorney for this jurisdiction to collect the same on behalf of this jurisdiction by use of all appropriate legal remedies.

(c) Special Assessment. If the legislative body of this jurisdiction orders that the charge shall be assessed against the property it shall confirm the assessment, cause the same to be recorded on the assessment roll, and thereafter said assessment shall constitute a special assessment against and a lien upon the property.

Contest

Sec. 906. The validity of any assessment made under the provisions of this chapter shall not be contested in any action or proceeding unless the same is commenced within 30 days after the assessment is placed upon the assessment roll as provided herein. Any appeal from a final judgment in such action or proceeding must be perfected within 30 days after the entry of such judgment.

Authority for Installment Payment of Assessments with Interest

Sec. 907. The legislative body of this jurisdiction, in its discretion, may determine that assessments in amounts of \$500.00 or more shall be payable in not to exceed five equal annual installments. The legislative body's determination to allow payment of such assessments in installments, the number of installments, whether they shall bear interest, and the rate thereof shall be by a resolution adopted prior to the confirmation of the assessment.

Lien of Assessment

Sec. 908. (a) Priority. Immediately upon its being placed on the assessment roll the assessment shall be deemed to be complete, the several amounts assessed shall be payable, and the assessments shall be liens against the lots or parcels of land assessed, respectively. The lien shall be subordinate to all existing special assessment liens previously imposed upon the same property and shall be paramount to all other liens except for state, county and property taxes with which it shall be upon a parity. The lien shall continue until the assessment and all interest due and payable thereon are paid.

(b) Interest. All such assessments remaining unpaid after 30 days from the date of recording on the assessment roll shall become delinquent and shall bear interest at the rate of 7 percent per annum from and after said date.

Report to Assessor and Tax Collector: Addition of Assessment to Tax Bill

Sec. 909. After confirmation of the report, certified copies of the assessment shall be given to the assessor and the tax collector for this jurisdiction, who shall add the amount of the assessment to the next regular tax bill levied against the parcel for municipal purposes.

Filing Copy of Report with County Auditor

Sec. 910. If the county assessor and the county tax collector assess property and collect taxes for this jurisdiction, a certified copy of the assessment shall be filed with the county auditor on or before August 10th. The descriptions of the parcels reported shall be those used for the same parcels on the county assessor's map books for the current year.

Collection of Assessment: Penalties for Foreclosure

Sec. 911. The amount of the assessment shall be collected at the same time and in the same manner as ordinary property taxes are collected; and shall be subject to the same penalties and procedure and sale in case of delinquency as provided for ordinary property taxes. All laws applicable to the levy, collection and enforcement of property taxes shall be applicable to such assessment.

If the legislative body of this jurisdiction has determined that the assessment shall be paid in installments, each installment and any interest thereon shall be collected in the same manner as ordinary property taxes in successive years. If any installment is delinquent, the amount thereof is subject to the same penalties and procedure for sale as provided for ordinary property taxes.

Repayment of Repair and Demolition Fund

Sec. 912. All money recovered by payment of the charge or assessment or from the sale of the property at foreclosure sale shall be paid to the treasurer of this jurisdiction who shall credit the same to the repair and demolition fund.

C. EDWARD JONES & CO., INC.

GENERAL CONTRACTOR

STATE LICENSE NO. 382662

900 EAST VICTOR ROAD

LODI, CALIFORNIA 95240

(209) 334-2964

May 18, 1982

City of Lodi
Building Dept.
221 West Pine St.
P.O. Box 320
Lodi, California 95240

INVOICE

Invoice #1982-20

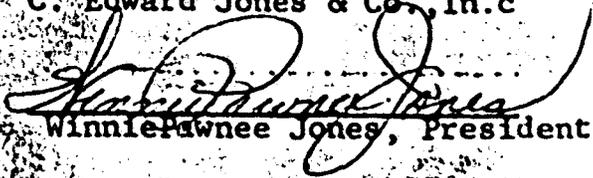
Re: Burned out hotel at 18 South Main St., Lodi

Total work completed

Amount Now Due \$1,980.00

Thank you

C. Edward Jones & Co., Inc.


WinniePawnee Jones, President

