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CITY COUNCIL MEETING

AUGUST 18, 1982

PUBLIC HEARINGS

Notice thereof having been published and posted in accordance with law and affidavit of publication and posting being on file in the Office of the City Clerk, Mayor Reid called for the Public Hearing pursuant to Resolution No. 82-84 which declared weeds a public nuisance and initiated abatement proceedings on the following parcels:

- a) 18 South Main Street, Lodi
- b) 1780 South Hutchins Street, Lodi
- c) 317 East Kettleman Lane, Lodi

The matter was introduced by City Clerk Reimche, who responded to questions as were posed by the Council.

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

WEED ABATEMENT
VARIOUS PARCELS
THROUGHOUT CITY

Following additional discussion, on motion of Councilman Pinkerton, Murphy second, Council adopted Resolution No. 82-89 and 82-89A ordering the removal of the subject weeds and determining that the cost of such removal shall be assessed upon the following subject property from which the weeds are removed and that the cost for such abatement or removal shall constitute a lien upon such land until paid.

RES. NO. 82-89
28-89A

- 1) 18 South Main Street - Cost \$105.00
- 2) 1780 South Hutchins Street - Cost \$130.00
- 3) 317 East Kettleman Lane - Cost \$110.00

RESOLUTION NO. 82-84

RESOLUTION DECLARING WEEDS A PUBLIC NUISANCE
AND INITIATING ABATEMENT PROCEEDINGS

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 referenes in these proceedings to superintendent means that person.

5. August 18, 1982 at the hour of 8:00 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.

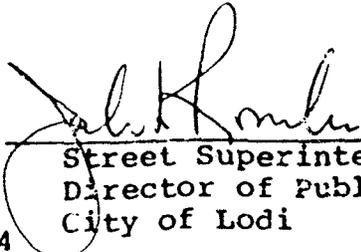
6. The superintendent shall prepare notices as follows: The heading of the notice shall be "Notice to destroy weeds and remove rubbish, refuse and dirt" in letters not less than 1" in height. The notice shall be substantially in the following form:

**NOTICE TO DESTROY WEEDS AND REMOVE
RUBBISH, REFUSE AND DIRT**

Notice is hereby given that on the 4th day of August, 1982, 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 18, 1982, at the hour of 8:00 o'clock p.m., when their objections will be heard and given due consideration.

Dated this 4th day of August, 1982.



Street Superintendent
Director of Public Works
City of Lodi

82-84

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-foot frontage and 100-foot 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 on August 4, 1982 by the following vote:

Ayes: Council Members - Olson, Snider, Pinkerton,
Murphy and Reid

Noes: Council Members - None

Absent: Council Members - None

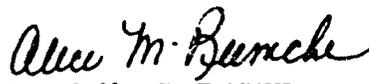

ALICE M. REIMCHE
City Clerk

EXHIBIT "A"

- a) 18 South Main Street, Lodi
Assessor's Parcel No. 043-072-11
Lyle Shelton - Delmar Supplies
1141 North Citrus
Orange, California 92669

- b) 1780 South Hutchins Street, Lodi
Assessor's Parcel No. 057-370-15
Ken Snyder
P.O. Box 629
Manteca, California 95336

- c) 317 East Kettleman Lane, Lodi
Assessor's Parcel No. 047-270-18
Pitro's Pizza Parlor, Inc.
467 Cernon Street
Vacaville, California 95688

NOTICE TO DESTROY WEEDS AND REMOVE
RUBBISH, REFUSE AND DIRT

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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 18, 1982, at the hour of 8:00 o'clock p.m., when their objections will be heard and given due consideration.

Dated this 4th day of August, 1982

ALICE M. REIMCHE
City Clerk

NOTICE TO DESTROY WEEDS AND REMOVE
RUBBISH, REFUSE AND DIRT

Notice is hereby given that on the 4th day of August, 1982, 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 18, 1982, at the hour of 8:00 o'clock p.m., when their objections will be heard and given due consideration.

Dated this 4th day of August, 1982

Street Superintendent
Director of Public Works
City of Lodi

F-4 4111

RESOLUTION CONFIRMING THE COST OF
ABATEMENT AND PROVIDING FOR COLLECTION

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 Bill.

RESOLUTION NO. 82-89A

The city council adopted Resolution No. 82-84 on August 4, 1982, 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. 82-89 on August 18, 1982, 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. 82-84 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. 82-89 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, 1982. 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 August 18, 1982, by the following vote:

Ayes:	Council Members - Murphy, Olson, Snider, Pinkerton, and Reid
Noes:	Council Members - None
Absent:	Council Members - None

Attest:

Alice M. Bensch
City Clerk

Res. No. 82-89-A

EXHIBIT A

	<u>ASSESSMENT</u>
a) 18 South Main Street, Lodi Assessor's Parcel No. 043-072-11 Lyle Shelton - Delmar Supplies 1141 North Citrus Orange, California 92669	\$105.00
b) 1780 South Hutchins Street, Lodi Assessor's Parcel No. 057-370-15 Ken Snyder P. O. Box 629 Manteca, California 95336	\$130.00
c) 317 East Kettleman Lane, Lodi Assessor's Parcel No. 047-270-18 Pitro's Pizza Parlor, Inc. 467 Cernon Street Vacaville, California 95688	\$110.00

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 FINE 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

September 13, 1982

Mr. Paul Heurlin
San Joaquin County Auditor-Controller
San Joaquin County Courthouse
Stockton, CA 95202

Dear Mr. Heurlin:

Enclosed herewith, please find certified copy of Resolution No. 82-89-A, "Resolution Confirming the Cost of Abatement and Providing for the Collection on the Regular Tax Bill" as it pertains to parcels listed on Exhibit "A" attached to the aforementioned Resolution No. 82-89-A.

You are hereby requested to enter the Assessments on the County Tax roll and to collect the total amount of the assessments at the time and in the manner as other ordinary municipal taxes.

Pursuant to a recent telephone conversation with your office regarding this matter, we understand that due to the late adoption of this resolution, these assessments will be held over to next year.

Should you have any questions, please do not hesitate to call.

Very truly yours,


Alice M. Reimche
City Clerk

AMR:jj
Enc.

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RESOLUTION OVERRULING OBJECTIONS AND PROCEEDING
WITH ABATEMENT

BEFORE THE CITY COUNCIL OF THE CITY OF LODI

IN THE MATTER OF:

Overruling Objections and De-
termining to Proceed with
Abatement.

RESOLUTION NO. 82-89

The City Council adopted Resolution No. 82-84 on August 4, 1982, 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 4, 1982, 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 August 18, 1982, 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. 82-84 adopted August 4, 1982.

(2) The council fixed August 18, 1983, at the hour of 8:00 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. 82-84 in the time, form and manner prescribed by law.

(3) The city council did hold a public hearing on August 18, 1982, 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 18, 1982.

(4) The superintendent is ordered to abate the nuisance declared by Resolution No. 82-84 by having the weeds, rubbish, refuse and dirt removed and for this purpose, 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 18, 1982, by the following vote:

Ayes:	Council Members - Olson, Snider, Pinkerton, Murphy, and Reid
Noes:	Council Members - None
Absent:	Council Members - None

Attest:

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Res. No. 82-89-A

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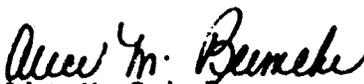
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You are hereby requested to enter the Assessments on the County Tax roll and to collect the total amount of the assessments at the time and in the manner as other ordinary municipal taxes.

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