

CITY COUNCIL MEETING
OCTOBER 3, 1984

Pg 265

0074

WEED ABATEMENT
ORDERED 713 SOUTH
SACRAMENTO STREET

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 Snider called for the Public Hearing regarding Weed Abatement at 713 South Sacramento Street, Lodi, California.

The matter was introduced by Staff, 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.

RES. NO. 84-148

Following discussion, on motion of Council Member Reid, Hinchman second, Council adopted Resolution No. 84-148 - Resolution overruling objections and proceeding with abatement and confirming the cost of the abatement and providing for the collection on the regular tax bill.

The motion carried by unanimous vote.

RESOLUTION NO. 84-133

RESOLUTION DECLARING WEEDS A PUBLIC NUISANCE AND
INITIATING ABATEMENT PROCEEDINGS - 713 SOUTH
SACRAMENTO 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 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, October 3, 1984 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.

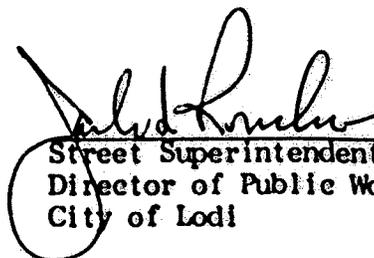
6. The superintendent shall prepare notices as follows: The heading of the notice shall be "Notice to destroy weeds and remove rubbish, refuse and dirt" in letters not less than 1" in height. The notice shall be substantially in the following form:

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

Notice is hereby given that on the 5th day of September, 1984, 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 October 3, 1984, at the hour of 7:30 o'clock p.m., when their objections will be heard and given due consideration.

Dated this 5th day of September, 1984.



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-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 5th day of September, 1984 by the following vote:

Ayes: Council Members - Hinchman, Reid, Olsor.
& Snider (Mayor)

Noes: Council Members - None

Absent: Council Members - Pinkerton

Alice M. Reinche
Alice M. Reinche
City Clerk

EXHIBIT "A"

**Parcel No. 045-240-07
Owner - Angelantonio De Rubes
2755 Ordway, N.W. 406
Washington, D.C. 20008**

**Situs Address
713 South Sacramento Street, Lodi**

RESOLUTION NO. 84-148

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. 84-148

The City Council adopted Resolution No. 84-133 on September 5, 1984 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 October 3, 1984 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 September 5, 1984, 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. 84-133 adopted September 5, 1984.

(2) The council fixed October 3, 1984 at the hour of 7:30 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. 84-083 in the time, form and manner prescribed by law.

(3) The city council did hold a public hearing on October 3, 1984 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 October 3, 1984.

(4) The superintendent is ordered to abate the nuisance declared by Resolution No. 84-133 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 October 3, 1984 by the following vote:

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

Noes: Council Members - None

Absent: Council Members - None

Attest:

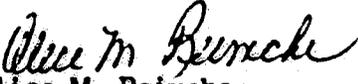

Alice M. Reimche
City Clerk

EXHIBIT "A"

Parcel No. 045-240-07

**Owner - Angelantonio De Rubes
2755 Ordway, N. W. 406
Washington, D.C. 20008**

**Situs Address
713 South Sacramento Street
Lodi, CA 95240**

Amount of Assessment - \$120.00

CITY COUNCIL

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

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. REIMCHE
City Clerk
RONALD M. STEIN
City Attorney

October 9, 1984

Mr. Paul Heurlin
County Auditor-Controller
San Joaquin County Courthouse,
222 East Weber Street, Room 101
Stockton, CA 95202

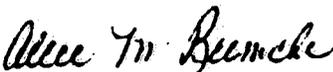
Dear Mr. Heurlin:

Enclosed herewith please find Certified copy of Resolution No. 84-148 and 84-148A "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. 84-148 and 84-148A.

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.

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

Very truly yours,


Alice M. Reimche
City Clerk

AMR:jj
Enc.

RESOLUTION NO. 84-148

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. 84-148

The City Council adopted Resolution No. 84-133 on September 5, 1984 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 October 3, 1984 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 September 5, 1984, 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. 84-133 adopted September 5, 1984.

(2) The council fixed October 3, 1984 at the hour of 7:30 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. 84-083 in the time, form and manner prescribed by law.

(3) The city council did hold a public hearing on October 3, 1984 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 October 3, 1984.

(4) The superintendent is ordered to abate the nuisance declared by Resolution No. 84-133 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 October 3, 1984 by the following vote:

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

Noes: Council Members - None

Absent: Council Members - None

Attest:

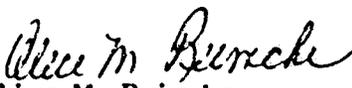

Alice M. Reimche
City Clerk

EXHIBIT "A"

Parcel No. 045-240-07

Owner - Angelantonio De Rubes
2755 Ordway, N. W. 406
Washington, D.C. 20008

Situs Address
713 South Sacramento Street
Lodi, CA 95240

Amount of Assessment - \$120.00

RESOLUTION NO. 84-148A

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. 84-148A

The City Council adopted Resolution No. 84-133 on September 5, 1984, 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. 84-148 and 84-148A on October 3, 1984, 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. 84-133 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. 84-133 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, 1985. 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 October 3, 1984 by the following vote:

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

Noes: Council Members - None

Absent: Council Members - None

Attest:


Alice M. Reimche
City Clerk