

CITY COUNCIL MEETING
NOVEMBER 19, 1986

10

PUBLIC HEARING
CALLED PURSUANT TO
GOVERNMENT CODE
SECTION 39576
RE COST OF ABATING
WEEDS IN CITY

RES. NO. 86-173

CC-24(b)

Notice thereof having been published according to law, and a copy of the subject affidavit being on file in the office of the City Clerk, Mayor Reid called for the public hearing to receive the report of the cost of the City of Lodi Weed Abatement Program for 1986.

City Clerk Reimche reminded the Council that several months ago, it had 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.

Ultimately, the City abated weeds on a parcel at 713 South Sacramento Street, and on various parcels owned by the Southern Pacific Company. Council was presented with a report of the cost of abatement of weeds on the heretofore listed parcels.

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

On motion of Mayor Pro Tempore Olson, Reid second, Council adopted Resolution No. 86-173 - Resolution Confirming the Cost of Weed Abatement for 1986 and Providing for the Collection. Further the City Clerk was directed to submit a certified copy of the subject Resolution to the County Assessor, County Tax Collector, County Auditor, and the State Board of Equalization.

COUNCIL COMMUNICATION

TO: THE CITY COUNCIL
FROM: THE CITY MANAGER'S OFFICE

DATE:
November 19, 1986

NO.

SUBJECT:

PUBLIC HEARING TO REVIEW COST REPORT OF CITY WEED ABATEMENT PROGRAM FOR 1986

RECOMMENDED ACTION: Following the public hearing, Council adopt the attached resolution (see Exhibit "C" attached) Resolution No. 86-173 - Resolution Confirming the Cost of Weed Abatement for 1986 and Providing for Collection.

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 weeds on a parcel at 713 South Sacramento Street, and on various parcels owned by the Southern Pacific Transportation Company.

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. Council set this matter for Public Hearing at the Regular Meeting of November 19, 1986.

Pursuant to the State Government Code, 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.

Notice of this hearing was published pursuant to law (see Exhibit "A" attached) and a copy of the notice was forwarded to each property owner under Declaration of Mailing, Certified Mail, return receipt requested.

Attached you will find the Report of the Street Superintendent indicating the cost of the City Weed Abatement Program for 1986 (see Exhibit "B" attached).

Alice M. Reimche
ALICE M. REIMCHE
City Clerk

LEGAL NOTICE

NOTICE OF PUBLIC HEARING BY THE LODI CITY COUNCIL
CALLED PURSUANT TO GOVERNMENT CODE SECTION 39576 TO RECEIVE
A REPORT OF THE COST OF ABATING WEEDS IN FRONT OF
OR ON EACH SEPARATE PARCEL OF LAND WHERE THE WORK WAS DONE
BY THE CITY OF LODI

WHEREAS, the Government Code provides that the City Council shall set a public hearing to receive a report of the cost of the abatement of weeds in front of or on each separate parcel of land where the work was done by the City of Lodi; and

WHEREAS, 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. The Council may modify the report if it is deemed necessary. The legislative body shall then confirm the report by resolution.

WHEREAS, after confirmation of the report by the legislative body, a copy shall be forwarded to the County Assessor and Tax Collector who shall add the amount of assessment to the next regular tax bill levied against the parcel for municipal purposes.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lodi does hereby set a public hearing to receive the report of the cost of City of Lodi Weed Abatement Program for 1986 to be held at 7:30 p.m. on Wednesday, November 19, 1986 in the Chambers of the Lodi City Council at 221 West Pine Street, Lodi, California.

Information regarding this item may be obtained in the office of the City Clerk at 221 West Pine Street, Lodi, California. All interested persons are invited to present their views regarding this matter.

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, 221 West Pine Street, Lodi, at or prior to, the Public Hearing.

By Order of the Lodi City Council:


ALICE M. REIMCHE
City Clerk

Dated: November 5, 1986

PROOF OF PUBLICATION

(2015.5 C.C.P.)

STATE OF CALIFORNIA,

County of San Joaquin.

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the Lodi News-Sentinel, a newspaper of general circulation, printed and published daily, except Sundays and holidays, in the City of Lodi, California, County of San Joaquin, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court, Department 3, of the County of San Joaquin, State of California, under the date of May 28th, 1953, Case Number 65990; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

November 8, 1986

all in the year 1986

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Lodi, California, this 8th day of

November 19, 1986

Signature of Jane Battilana

PROOF OF PUBLICATION

Exhibit "A"

This space for the County Clerk's Filing Stamp

RECEIVED

DATE: 11/12/86

ALICE M. REIMCHE CITY CLERK CITY OF LODI

Proof of Publication of

NOTICE OF PUBLIC HEARING BY THE LODI CITY COUNCIL CALLED PURSUANT TO GOVERNMENT CODE SECTION 39576 TO RECEIVE A REPORT OF THE COST OF ABATING WEEDS IN FRONT OF OR ON EACH SEPARATE PARCEL OF LAND WHERE THE WORK WAS DONE BY THE CITY OF LODI

LEGAL NOTICE NOTICE OF PUBLIC HEARING BY THE LODI CITY COUNCIL CALLED PURSUANT TO GOVERNMENT CODE SECTION 39576 TO RECEIVE A REPORT OF THE COST OF ABATING WEEDS IN FRONT OF OR ON EACH SEPARATE PARCEL OF LAND WHERE THE WORK WAS DONE BY THE CITY OF LODI.

WHEREAS, the Government Code provides that the City Council shall set a public hearing to receive a report of the cost of the abatement of weeds in front of or on each separate parcel of land where the work was done by the City of Lodi;

and WHEREAS, 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. The Council may modify the report if it is deemed necessary. The legislative body shall then confirm the report by resolution.

WHEREAS, after confirmation of the report by the legislative body, a copy shall be forwarded to the County Assessor and Tax Collector who shall add the amount of assessment to the next regular tax bill levied against the parcel for municipal purposes.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lodi does hereby set a public hearing to receive the report of the cost of City of Lodi Weed Abatement Program for 1986 to be held at 7:30 p.m. on Wednesday, November 19, 1986 in the Chambers of the Lodi City Council at 221 West Pine Street, Lodi, California.

Information regarding this item may be obtained in the office of the City Clerk at 221 West Pine Street, Lodi, California. All interested persons are invited to present their views regarding this matter.

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, 221 West Pine Street, Lodi, at or prior to, the Public Hearing.

By Order of the Lodi City Council: ALICE M. REIMCHE City Clerk

Dated: November 5, 1986.

REPORT OF THE STREET SUPERINTENDENT CITY OF LODI REGARDING COST OF CITY WEED ABATEMENT PROGRAM FOR 1986

1. Weed abatement - 713 S. Sacramento Street, Lodi, Parcel No. (045-240-07).

Mr. Angelantonio DeRubes, 2755 Ordway Street, NW 406, Washington, DC 20008. Amount - \$310.00.

2. Weed abatement - Southern Pacific Transportation Company rights-of-ways (Lodi City Limits).

Mr. J.V. Maxwell, Administrative Engineer, Southern Pacific Railroad, P.O. Box 3036, Bakersfield, CA. 93385.

Amount - \$13,870.00.

JACK L. RONSKO Public Works Director

Street Superintendent Dated: November 5, 1986

Nov 8 1986

-7053

CITY COUNCIL

FRED M. REID, Mayor
EVELYN M. OLSON
Mayor Pro Tempore
DAVID M. HINCHMAN
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

November 25, 1986

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

Dear Mr. Heurlin:

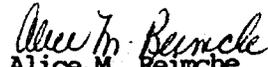
Enclosed herewith, please find certified copy of Resolution No. 86-173 "Resolution Confirming the Cost of Weed Abatement for 1986 and Providing for the Collection on the Regular Tax Bill".

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 our telephone conversation, we acknowledge that 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

cc: San Joaquin County Assessor
San Joaquin County Tax Collector
State Board of Equalization

COPY

RESOLUTION CONFIRMING THE COST OF WEED ABATEMENT
FOR 1986 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 1986 and
Providing for the Collection on
the Regular Tax Bill

RESOLUTION NO. 86-173

The city council adopted Resolution No. 86-93 on July 2, 1986, 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. 86-121 on August 6, 1986, 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. 86-93 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. 86-93 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, county auditor, and the State Board of Equalization on or before September 1, 1987. 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 November 19, 1986 by the following vote:

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

Noes: Council Members - None

Absent: Council Members - Hinchman

Alice M. Reinche
Alice M. Reinche
City Clerk

REPORT OF THE STREET SUPERINTENDENT, CITY OF LODI
REGARDING COST OF CITY WEED ABATEMENT PROGRAM FOR 1986

1. Weed abatement - 713 S. Sacramento Street, Lodi
Parcel No. (045-240-07)

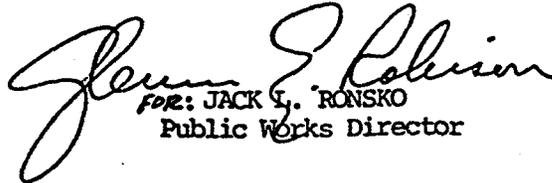
Mr. Angelantonio DeRubes
2755 Ordway Street, NW 406
Washington DC 20008

Amount -\$310.00

2. Weed abatement - Southern Pacific Transportation Company
rights-of-ways (Lodi City Limits)

Mr. J. V. Maxwell, Administrative Engineer
Southern Pacific Railroad
P. O. Box 3036
Bakersfield, CA 93385

Amount - \$13,870.00


FOR: JACK J. RONSKO
Public Works Director

Street Superintendent

Dated: November 5, 1986