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2008 OCT -2 PM 3:37

Approved as to Form and Legality

# OAKLAND CITY COUNCIL

  
Attorney's Office

RESOLUTION No. 81619 C.M.S.

Introduced by Councilmember \_\_\_\_\_

## RESOLUTION CONFIRMING ADMINISTRATIVE HEARING THAT DANGEROUS AND INSANITARY CONDITION EXISTS AT THE BUILDING SERVING THE PROPERTY KNOWN AS 552 – 30<sup>th</sup> STREET

**WHEREAS**, pursuant to the provisions of Chapter 13.08.240 of the Oakland Municipal Code (OMC) the Director of the Community and Economic Development Agency, on December 24, 2007, ordered abatement of the dangerous and insanitary sewer conditions which exist at the building sewer serving the property known as 552 – 30th Street; and

**WHEREAS**, on March 6, 2008, the Director of the Community and Economic Development Agency duly notified the previous owners or person in possession of said property of an Administrative Hearing scheduled for May 28, 2008; and

**WHEREAS**, on May 28, 2008, an Administrative Hearing was held; and

**WHEREAS**, the owner of record of said property failed or neglected to comply with the order to abate; and

**WHEREAS**, on April 25, 2008, findings were rendered that a dangerous and insanitary condition(s) exists at the building sewer on said premises; and

**WHEREAS**, on May 12, 2008, the new owner of record in possession of said property, Deutsche Bank National Trust Co. TR was ordered to abate the dangerous and insanitary sewer conditions which exist at the building sewer at said property; and

**WHEREAS**, on May 12, 2008, the Director of the Community and Economic Development Agency duly notified the new owner or persons in possession of said property of an Administrative Hearing scheduled for May 28, 2008; and

**WHEREAS**, on May 28, 2008, an Administrative Hearing was held; and

**WHEREAS**, the owner of record, Deutsche Bank National Trust Co. TR, failed or neglected to comply with the order to abate; and

**WHEREAS**, pursuant to Section 13.08.270 of the OMC, said findings were presented to the City Council for confirmation, now, therefore be it

**RESOLVED:** That the finding and reports of the Director of the Community and Economic Development Agency that dangerous and insanitary sewer conditions which exist at the building sewer serving the property known as 552 – 30th Street are hereby confirmed; and be it

**FURTHER RESOLVED:** That the Director of the Community and Economic Development Agency is hereby directed to file a lien with the Recorder of the County of Alameda for the parcels delineated in said REPORT OF ASSESSMENT; and be it

**FURTHER RESOLVED:** That this Council hereby directs the abatement of said dangerous and insanitary condition in accordance with Section 13.08.270 of the OMC. In the event that owners or occupants do not do so within the time allowed by the law, the Director of Community and Economic Development Agency shall, at the owner's expense, cause the same abated. All sums, which may be necessarily expended by the Director of Community and Economic Development Agency in abating, said sewer conditions shall be paid by owners.

IN COUNCIL, OAKLAND, CALIFORNIA, OCT 21 2008, 20    

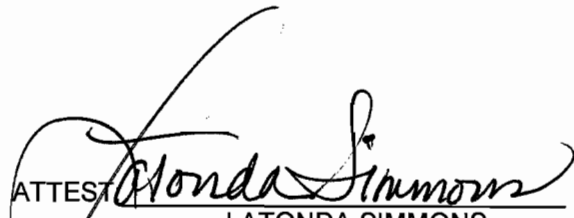
**PASSED BY THE FOLLOWING VOTE:**

AYES - ~~Brooks~~, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE - 7

NOES - 0

ABSENT - Brooks - 1

ABSTENTION - 0

ATTEST   
LATONDA SIMMONS  
City Clerk and Clerk of the Council  
of the City of Oakland, California