

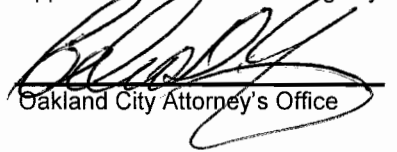
FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2009 APR 30 PM 8:01

OAKLAND CITY COUNCIL

RESOLUTION NO. 82001 C.M.S.

Approved as to Form and Legality

  
Oakland City Attorney's Office

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

**RESOLUTION CONFIRMING ADMINISTRATIVE HEARING THAT DANGEROUS AND INSANITARY CONDITIONS EXISTS AT THE BUILDING SERVING THE PROPERTY KNOWN AS 1229 - 77<sup>TH</sup> AVENUE**

**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 September 7, 2006, ordered abatement of the dangerous and insanitary sewer conditions which exist at the building sewer serving the property known as 1229 – 77<sup>th</sup> Avenue; and

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

**WHEREAS**, on February 11, 2009, findings were rendered that a dangerous and insanitary condition(s) exists at the building sewer on said premises; and

**WHEREAS**, on February 26, 2009, the Director of the Community and Economic Development Agency duly notified the owners or person in possession of said property of an Administrative Hearing schedule for March 4, 2009; and

**WHEREAS**, on March 4, 2009, an Administrative Hearing was held; and

**WHEREAS**, the owner of record, Eduardo Pacheco, 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 1229 – 77<sup>th</sup> Avenue 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, MAY 19 2009, 20      

**PASSED BY THE FOLLOWING VOTE:**

AYES - ~~BRUNNER~~, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, ~~QUAN, REID~~, and PRESIDENT BRUNNER - 5

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Quan, Reid, Brooks - 3

ATTEST:



LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California