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OAKLAND
2008 OCT -2 PM 3:37

OAKLAND CITY COUNCIL

RESOLUTION No. 81617 C.M.S.

Introduced by Councilmember _____

Approved as to Form and Legality


Attorney's Office

RESOLUTION CONFIRMING ADMINISTRATIVE HEARING THAT DANGEROUS AND INSANITARY CONDITION EXISTS AT THE BUILDING SERVING THE PROPERTY KNOWN AS 728 APGAR 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 September 7, 2006, ordered abatement of the dangerous and insanitary sewer conditions which exist at the building sewer serving the property known as 728 Apgar Street; and

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

WHEREAS, on November 17, 2006, 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 November 29, 2006; and

WHEREAS, on November 29, 2006, an Administrative Hearing was held; and

WHEREAS, on May 3, 2007, the owner of record, Deutsch Bank National Trust Co. TR, was duly notified that a dangerous and insanitary condition(s) exists at the building sewer on said premises; and

WHEREAS, on March 28, 2008, the current owner of record, Judy T. Chau, was duly notified that a dangerous and insanitary condition(s) exists at the building sewer on said premises; and

WHEREAS, on August 20, 2008, the owner in possession of said property was duly notified of an Administrative Hearing scheduled for September 4, 2008; and

WHEREAS, the owner of record, Judy T. Chau, 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 728 Apgar Street are hereby confirmed; and be it

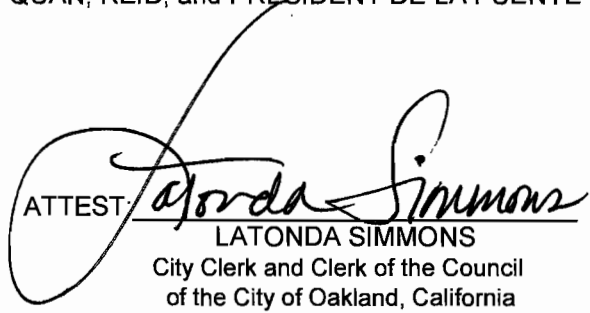
FURTHER RESOLVED: That the Director of the Community and Economic Development Agency is hereby directed to file a lien with the Recorder of the County of Alameda for the parcels delineated in said REPORT OF ASSESSMENT; and be it

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