

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

2009 APR 30 PM 8:01

RESOLUTION NO. 82003 C.M.S.

Introduced by Councilmember _____

Oakland City Attorney's Office

RESOLUTION CONFIRMING ADMINISTRATIVE HEARING THAT DANGEROUS AND INSANITARY CONDITIONS EXISTS AT THE BUILDING SERVING THE PROPERTY KNOWN AS 1120 CENTER 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 25, 2008 and January 21, 2009, ordered abatement of the dangerous and insanitary sewer conditions which exist at the building sewer serving the property known as 1120 Center Street; and

WHEREAS, the owners of record, Ellington Credit Fund 1 USA, Inc., of said property failed or neglected to comply with the order to abate; and

WHEREAS, on January 8, 2009, findings were rendered that a dangerous and insanitary condition(s) continue to exist at the building sewer on said premises; and

WHEREAS, on January 28, 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 February 10, 2009; and

WHEREAS, on February 10, 2009, an Administrative Hearing was held; and

WHEREAS, the owner of record, Ellington Credit Fund 1 USA, Inc., 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 1120 Center 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, MAY 19 2009, 20

PASSED BY THE FOLLOWING VOTE:

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

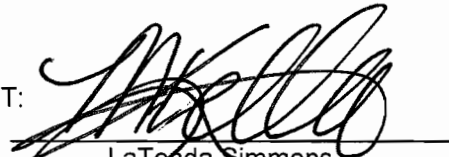
NOES - 0

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