

# CITY OF OAKLAND

## AGENDA REPORT

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2009 APR 30 PM 8:01

TO: Office of the City Administrator  
ATTN: Dan Lindheim  
FROM: Community and Economic Development Agency  
DATE: May 12, 2009

RE: **Resolutions Confirming Administrative Hearings That Dangerous And Insanitary Conditions Exist At The Buildings Serving The Properties Known As 6629 Deakin Street, 2318 – 11<sup>th</sup> Avenue, 1229 – 77<sup>th</sup> Avenue, 2103 – 89<sup>th</sup> Avenue, 1120 Center Street, 1908 – 47<sup>th</sup> Avenue, 1628 – 86<sup>th</sup> Avenue and 1771 – 83<sup>rd</sup> Avenue**

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### SUMMARY

Resolutions have been prepared pursuant to Section 13.08.270 of the Oakland Municipal Code (OMC) confirming the finding of the Director of the Community and Economic Development Agency after administrative hearing on the abatement, and directing the abatement of dangerous and insanitary conditions at the building sewers serving the properties shown in *Attachment A*.

City Maintenance staff has determined that dangerous and insanitary conditions exist at the subject locations. Staff conducted hearings with the property owners and directed them to abate the dangerous and insanitary conditions. The property owners failed to promptly abate said dangerous and insanitary conditions existing at the building sewers indicated.

### FISCAL IMPACT

The costs to abate the dangerous and insanitary conditions at each of these properties are estimated between \$6,000.00 and \$15,000.00. Funds are available in the Sewer Service Fund (Fund 3100) Right of Way Management (Org 88343), Building Sewer Revolving Project (Code C08400) and the Safety and Liability Program (IP40). Upon completion of the work, a lien will be assessed on the property for the actual construction contract plus an administrative fee of \$541.00 for a voluntary agreement of abatement or \$1,339.00 for mandatory abatement done on the sewer lateral.

### BACKGROUND

Oakland Municipal Code Section 13.08.120 requires property owners to take responsibility for building sewer maintenance. The owners of the subject properties were notified that a dangerous and insanitary condition existed and were directed to make repairs. The owners have failed to make the necessary repairs, which resulted in continuing dangerous and insanitary conditions.

Item: \_\_\_\_\_  
Public Works Committee  
May 12, 2009

## KEY ISSUES AND IMPACTS

City maintenance staff tests confirmed that the defective building sewers have undermined the properties and/or streets in front of the locations listed above and on *Attachment A*. These conditions represent a significant health and safety hazard. City maintenance staff and Alameda County health staff have been working unsuccessfully with the owners to resolve these conditions.

In accordance with Oakland Municipal Code Section 13.08.100 these dangerous and insanitary conditions should be abated by the City to protect public health and safety. The owners have the right to appeal the decision of the Director to the City Council, but no appeals were received.

## SUSTAINABLE OPPORTUNITIES

*Economic:* Repairs will create job opportunities for Oakland contractors and residents.

*Environmental:* A repair to the building sewer eliminates a potential source of polluted water into the storm sewer system, and potential fines imposed on the City by the Regional Water Quality Control Board.

*Social Equity:* The repair creates and maintains a healthy and safe environment for citizens of Oakland to live and work.

## DISABILITY AND SENIOR CITIZEN ACCESS

This resolution pertains to the confirmation of defective sewer laterals however; the contractor will be required to provide temporary alternate access ramps or paths of travel if work requires obstruction of sidewalk.

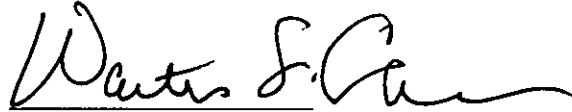
## RECOMMENDATION AND RATIONALE

Staff recommends that the resolutions be approved to protect the public's health.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council adopt the resolutions ordering abatement.

Respectfully submitted,

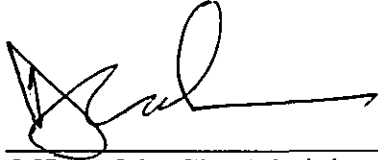


Walter S. Cohen, Director  
Community and Economic Development Agency

Reviewed by:  
Michael Neary, P.E., Deputy Director,  
CEDA, Department of Engineering and Construction

Prepared by:  
Marcel Uzegbu, P.E., Supervising Civil Engineer  
Engineering Design and R.O.W. Management Division

APPROVED AND FORWARDED TO THE  
PUBLIC WORKS COMMITTEE:



Office of the City Administrator

Item: \_\_\_\_\_  
Public Works Committee  
May 12, 2009

**“ATTACHMENT A”**

ADDRESS	Administrative Hearing Date
6629 Deakin Street	February 17, 2009
2318 – 11 <sup>th</sup> Street	February 17, 2009
1229 – 77 <sup>th</sup> Avenue	March 4, 2009
2103 – 89 <sup>th</sup> Avenue	March 4, 2009
1120 Center Street	February 10, 2009
1908 – 47 <sup>th</sup> Avenue	February 18, 2009
1628 – 86 <sup>th</sup> Avenue	March 3, 2009
1771 – 83 <sup>rd</sup> Avenue	March 3, 2009

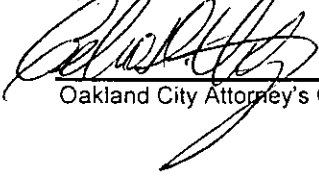
FILE **OAKLAND CITY COUNCIL**  
OFFICE OF THE CITY CLERK  
OAKLAND

RESOLUTION NO. \_\_\_\_\_ C.M.S.

2009 APR 30 PM 8:01

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

Approved as to Form and Legality

  
Oakland City Attorney's Office

**RESOLUTION CONFIRMING ADMINISTRATIVE HEARING THAT DANGEROUS AND INSANITARY CONDITIONS EXISTS AT THE BUILDING SERVING THE PROPERTY KNOWN AS 6629 DEAKIN 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 October 14, 2008, ordered abatement of the dangerous and insanitary sewer conditions which exist at the building sewer serving the property known as 6629 Deakin Street; and

**WHEREAS**, the owners of record, Joann Kim and Jason D. Daffner, of said property failed or neglected to comply with the order to abate; and

**WHEREAS**, on January 28, 2009, findings were rendered that a dangerous and insanitary condition(s) exists at the building sewer on said premises; and

**WHEREAS**, on February 3, 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 17, 2009; and

**WHEREAS**, on February 17, 2009, an Administrative Hearing was held; and

**WHEREAS**, the owner of record, Joann Kim and Jason D. Daffner, 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 6629 Deakin 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, \_\_\_\_\_, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

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

NOES -

ABSENT -

ABSTENTION -

ATTEST:

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

FILED  
OFFICE OF THE  
OAKLAND CITY CLERK

2009 APR 28 PM 8:01

**OAKLAND CITY COUNCIL**

Approved as to Form and Legality

Attorney's Office

RESOLUTION No. \_\_\_\_\_ C.M.S.

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

**RESOLUTION CONFIRMING ADMINISTRATIVE HEARING THAT DANGEROUS AND INSANITARY CONDITIONS EXISTS AT THE BUILDING SERVING THE PROPERTY KNOWN AS 2318 – 11<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 June 13, 2007, ordered abatement of the dangerous and insanitary sewer conditions which exist at the building sewer serving the property known as 2318 – 11<sup>th</sup> Avenue; and

**WHEREAS**, on June 13, 2007, the Director of the Community and Economic Development Agency duly notified the previous owners or person in possession of said property; and

**WHEREAS**, on January 28, 2009, findings were rendered that a dangerous and insanitary condition(s) continue to exists at the building sewer on said premises; and

**WHEREAS**, on February 3, 2009, the Director of the Community and Economic Development Agency duly notified Hoang V. Nguyen, new owner in possession of said property of an Administrative Hearing scheduled for February 17, 2009; and

**WHEREAS**, on February 17, 2009, an Administrative Hearing was held; and

**WHEREAS**, the owner of record, Hoang V. Nguyen, 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 condition which exist at the building sewer serving the property known as 2318 – 11<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, \_\_\_\_\_, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

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

NOES -

ABSENT -

ABSTENTION -

ATTEST:

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



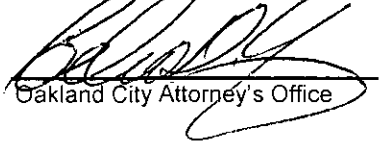
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**OAKLAND CITY COUNCIL**

RESOLUTION No. \_\_\_\_\_ C.M.S.

Approved as to Form and Legality

  
Oakland City Attorney's Office

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

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**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, \_\_\_\_\_, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

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

NOES -

ABSENT -

ABSTENTION -

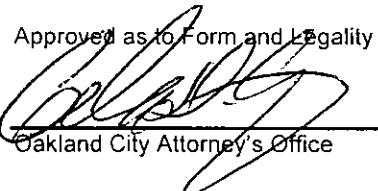
ATTEST:

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

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

Approved as to Form and Legality

  
Oakland City Attorney's Office

**RESOLUTION CONFIRMING ADMINISTRATIVE HEARING THAT  
DANGEROUS AND INSANITARY CONDITIONS EXISTS AT THE  
BUILDING SERVING THE PROPERTY KNOWN AS 2103 – 89<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 July 17, 2007 and on April 18, 2008, ordered abatement of the dangerous and insanitary sewer conditions which exist at the building sewer serving the property known as 2103-89<sup>th</sup> Avenue; and

**WHEREAS**, the owners of record Salvadore P. and Maria G. Orozco, 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 25, 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, Salvadore P. and Maria G. Orozco, 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 2103-89<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, \_\_\_\_\_, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

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

NOES -

ABSENT -

ABSTENTION -

ATTEST:

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

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

OAKLAND CITY COUNCIL

2009 APR 30 PM 8:01

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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

Approved as to Form and Legality

  
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, \_\_\_\_\_, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

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

NOES -

ABSENT -

ABSTENTION -

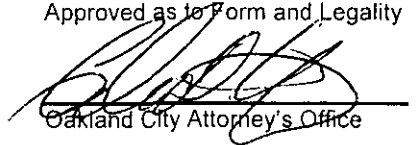
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LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

**OAKLAND CITY COUNCIL**

Approved as to Form and Legality



Oakland City Attorney's Office

2009 APR 30 PM 8:01

RESOLUTION No. \_\_\_\_\_ C.M.S.

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

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**RESOLUTION CONFIRMING ADMINISTRATIVE HEARING THAT DANGEROUS AND INSANITARY CONDITIONS EXISTS AT THE BUILDING SERVING THE PROPERTY KNOWN AS 1908 – 47<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 June 19, 2008, ordered abatement of the dangerous and insanitary sewer conditions which exist at the building sewer serving the property known as 1908 – 47<sup>th</sup> Avenue; and

**WHEREAS**, the owners of record, US Bank National Association, TR., of said property failed or neglected to comply with the order to abate; and

**WHEREAS**, on January 29, 2009, findings were rendered that a dangerous and insanitary condition(s) continue to exist at the building sewer on said premises; and

**WHEREAS**, on February 4, 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 18, 2009; and

**WHEREAS**, on February 18, 2009, an Administrative Hearing was held; and

**WHEREAS**, the owner of record, US Bank National Association, 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 1908 – 47<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, \_\_\_\_\_, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

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

NOES -

ABSENT -

ABSTENTION -

ATTEST:

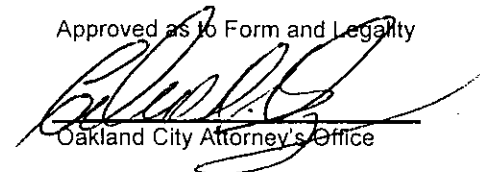
\_\_\_\_\_  
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California



FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

**OAKLAND CITY COUNCIL**

Approved as to Form and Legality



Oakland City Attorney's Office

2009 APR 30 PM 8:02

RESOLUTION No. \_\_\_\_\_ C.M.S.

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

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**RESOLUTION CONFIRMING ADMINISTRATIVE HEARING THAT DANGEROUS AND INSANITARY CONDITIONS EXISTS AT THE BUILDING SERVING THE PROPERTY KNOWN AS 1628 – 86<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 January 2, 2008, ordered abatement of the dangerous and insanitary sewer conditions which exist at the building sewer serving the property known as 1628 – 86<sup>th</sup> Avenue; and

**WHEREAS**, the owners of record, Opal Waters, 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) continue to exist at the building sewer on said premises; and

**WHEREAS**, on February 25, 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 3, 2009; and

**WHEREAS**, on March 3, 2009, an Administrative Hearing was held; and

**WHEREAS**, the owner of record, Opal Waters 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 1628 – 86<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, \_\_\_\_\_, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

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

NOES -

ABSENT -

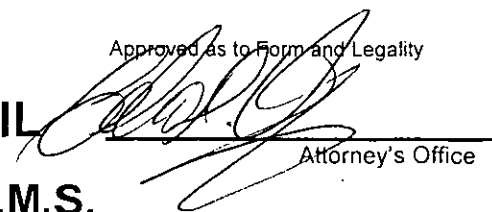
ABSTENTION -

ATTEST:

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LaTonda Simmons  
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**OAKLAND CITY COUNCIL**

  
Attorney's Office

**RESOLUTION No. \_\_\_\_\_ C.M.S.**

2009 APR 30 PM 8:02  
Introduced by Councilmember \_\_\_\_\_

**RESOLUTION CONFIRMING ADMINISTRATIVE HEARING THAT DANGEROUS AND INSANITARY CONDITIONS EXISTS AT THE BUILDING SERVING THE PROPERTY KNOWN AS 1771 – 83<sup>RD</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 6, 2006, ordered abatement of the dangerous and insanitary sewer conditions which exist at the building sewer serving the property known as 1771 – 83rd Avenue; and

**WHEREAS**, on September 6, 2006, the Director of the Community and Economic Development Agency duly notified the previous owners or person(s) in possession of said property; and

**WHEREAS**, on April 16, 2008, findings were rendered that a dangerous and insanitary condition(s) continue to exists at the building sewer on said premises; and

**WHEREAS**, on April 30, 2008, the Director of the Community and Economic Development Agency duly notified the owners or person(s) in possession of said property; and

**WHEREAS**, the new owner(s) of record, Kimberly Morales, of said property failed or neglected to comply with the order to abate; and

**WHEREAS**, on February 25, 2009, the Director of the Community and Economic Development Agency duly notified Kimberly Morales, new owner in possession of said property of an Administrative Hearing scheduled for March 3, 2009; and

**WHEREAS**, on March 3, 2009, an Administrative Hearing was held; and

**WHEREAS**, the owner of record, Kimberly Morales, 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 condition which exist at the building sewer serving the property known as 1771 – 83rd 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, \_\_\_\_\_, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

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

NOES -

ABSENT -

ABSTENTION -

ATTEST:

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