

RESOLUTION NO. 12-164

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES CONFIRMING EXISTENCE OF A PUBLIC NUISANCE BY REASON OF KEEPING WEEDS OR NOXIOUS GROWTH ON PROPERTIES WITHIN THE CITY BOUNDARY, THEREFORE CREATING A POTENTIAL FIRE HAZARD ON VARIOUS PROPERTIES THROUGHOUT THE CITY AND ORDERING THE SUPERINTENDENT TO ABATE THE NUISANCE

WHEREAS, the City Council of El Paso de Robles (“City”) on September 18, 2012, adopted Resolution 12-157 “A Resolution of the City Council of the City of Paso Robles Making Declaration of Public Nuisances Relating to Weed Abatement Within the City and Setting Public Hearing for 2012 Weed Abatement” which set a hearing for October 2, 2012 to consider all objections to the abatement of the nuisance (herein “Declaration of Nuisance”); and

WHEREAS, the Declaration of Nuisance, among other things:

- Declared that weeds or noxious growth growing on certain properties within the City to be a nuisance.
- Directed the Fire Chief to give written Notice (herein “Notice to Abate”) to the property owners of each property, wherein the weeds and noxious growth were declared to be a nuisance, of a public hearing scheduled for October 2, 2012 at 7:30 p.m. for consideration of objections to the City’s Declaration of Nuisance; and

WHEREAS, the Superintendent, subsequent to the City Clerk providing the Notice to Abate, did conduct an inspection of the affected properties to determine whether or not said property owners had abated the weeds and noxious growth pursuant to the City Clerk’s Notice to Abate; and

WHEREAS, the Superintendent has determined that the weeds and noxious growth on those properties identified in Exhibit “A” have not been abated and create a fire hazard; and

WHEREAS, the City Council held a public hearing on October 2, 2012 and considered all objections to the proposed abatement of weeds and noxious growth.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED that the City Council of the City of El Paso de Robles, hereby confirms the immediate existence of a public nuisance on those parcels listed in the attached Exhibit “A” (incorporated herein by this reference) and pursuant to Govt. Code § 39571 orders the Superintendent to abate the nuisance by having the weeds and noxious growth removed.

BE IT FURTHER RESOLVED that the City Council authorizes the Superintendent to proceed with the abatement as follows:

1. Before the Superintendent arrives, any property owner may remove the weeds and noxious growth at his own expense. In that case, the assessment and lien shall be

limited to the costs incurred by the City in enforcing abatement upon the parcels, including investigation, boundary determination, measurement, clerical and other related costs.

2. The Superintendent may abate the nuisance(s) by City forces or hiring of contractors.
3. The Superintendent shall keep an account of the cost of abatement in front of or on each separate parcel of land where the work is done by him or his agents and employees. The Superintendent shall submit to the City for confirmation and itemized written report ("Report") showing such cost.
4. A copy of the Report shall be posted for at least three (3) days prior to its submission to the City on or near the chamber doors of the City Council, with a notice of the time of submission.
5. Return to City Council for the levy of abatement costs and the placement of said costs as a property tax lien.
6. The above recitals including references to the California Govt. Code, the Declaration of Nuisance and the Notice to Abate, are incorporated herein by reference and constitute further findings in support of the City's approval of the Orders contained herein.

PASSED by the City Council of the City of Paso Robles at its regular meeting on the 2nd day of October, 2012, by the following vote:

AYES: Strong, Gilman, Steinbeck, Hamon, Picanco

NOES:

ABSTAIN:

ABSENT:



Duane Picanco, Mayor

ATTEST:



Caryn Jackson, Deputy City Clerk

EXHIBIT A

<u>A.P.N.</u>	<u>PROPERTY ADDRESS</u>	<u>OWNER</u>
008-304-002	240 16 th Street	Edward R. Pimentel
025-603-002	428 Montebello Oaks	Federal Home Loan Mortgage