

R-78-916
NOV 16 1977

RESOLUTION NO. 219716

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DECLARING THAT THERE ARE WEEDS, RUBBISH, REFUSE AND DIRT EXISTING UPON CERTAIN STREETS, SIDEWALKS AND PRIVATE PROPERTY IN THE CITY OF SAN DIEGO WHICH CONSTITUTE A PUBLIC NUISANCE AND DECLARING THE INTENTION OF THE COUNCIL TO ORDER THE ABATEMENT OF THE SAME.

WHEREAS, California Government Code Sections 39560 to 39588, inclusive, provide a comprehensive plan for weed and litter abatement; and

WHEREAS, a weed and litter abatement program has been established for The City of San Diego pursuant to said Government Code; and

WHEREAS, The City of San Diego has previously conducted a program and is prepared to again conduct said program; and

WHEREAS, there are weeds, as defined by Section 39561.5 of the California Government Code, growing or existing upon certain private property hereinafter described and upon the streets and sidewalks in front of said property; and

WHEREAS, there is rubbish, refuse and dirt upon said property and upon the streets and sidewalks in front of said property; and

WHEREAS, the presence of weeds, rubbish, refuse and dirt upon or in front of said property is a fire hazard and creates conditions which adversely affect the public health, safety and general welfare; and

WHEREAS, the private property together with the streets and sidewalks in front of same herein referred to is located in the

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the area of South Royal Oak Drive and Meadowbrook Drive in the City of San Diego, more particularly described as follows:"

PARCEL 1 - consisting of 3.83 acres of Tract 4495, Lot 3 of Highland Park Shopping Village and alley vacation adjacent, and old Parcel Number 586-111-01, now identified and located in the County Assessor's Book 586, Page 11, Parcel 02.

PARCEL 2 - consisting of 6.97 acres of Tract 4495, Lot 2 of Highland Park Shopping Village, now identified and located in the County Assessor's Book 586, Page 112, Parcel 02.

WHEREAS, the Solid Waste Division of the General Services Department of The City of San Diego has requested that the above-described conditions on the above-described property be declared a public nuisance and abated as such; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, as follows:

1. That the weeds, rubbish, refuse and dirt upon or in front of the real property hereinbefore described constitute and are hereby declared to be a public nuisance which shall be abated.

2. That the Solid Waste Superintendent of The City of San Diego is hereby designated to perform all the duties imposed upon the Superintendent as defined in the California Government Code, Sections 39560 to 39588, inclusive.

3. That the City Clerk of The City of San Diego is directed to mail written notice of the proposed abatement as required by Section 39567.1 of the California Government Code to all persons owning property described in this resolution and said notice shall be substantially in the following form, to wit:

NOTICE TO DESTROY WEEDS AND
REMOVE RUBBISH, REFUSE AND DIRT

The City of San Diego has passed a resolution declaring that noxious or dangerous weeds were growing upon or in front of the property described in this notice, and/or that rubbish, refuse and dirt were upon or in front of said property on certain streets in said city, and more particularly described in the resolution, and that they constitute a fire hazard or public nuisance which must be abated by the removal of said weeds, brush, rubbish, refuse and dirt, otherwise they will be removed and the nuisance abated by City authorities and the cost of removal assessed upon the land from or in front of which the weeds, brush, rubbish, refuse and dirt are removed, and such cost will constitute a lien upon such lots or lands until paid. Reference is hereby made to said resolution which is on file in the office of the City Clerk.

All property owners having any objections to the proposed removal of weeds, brush, rubbish, refuse and dirt are hereby notified that they may attend a meeting of the San Diego City Council, 12th floor, City Administration Building, 202 C Street, San Diego, California, on _____ (date) at _____ (time) when their objections will be heard and given due consideration. If the property owners do not want to present objections to the proposed removal of the weeds, brush, rubbish, refuse and dirt, they need not appear at the above-mentioned hearing.

Dated: _____

CITY CLERK
THE CITY OF SAN DIEGO

4. That at 2:00 p.m. on January 11, 1978,
in the Council Chamber, City Administration Building, 202 C Street, San Diego, California, the City Council will hear and give due consideration to any and all property owners having objections to the aforesaid proposed removal of weeds, rubbish, refuse and dirt. At said hearing, property owners may show

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cause why same should not be removed in accordance with this resolution. At the conclusion of said hearings on January 11, 1978; or if the Council has continued the hearings from time to time on whatever date said hearings are concluded, the Council will allow or overrule any objections and order the Superintendent to abate the nuisance by having the weeds, rubbish, refuse and dirt removed at the expense of the property owners.

5. The above-detailed notice shall be mailed by the City Clerk of The City of San Diego at least five (5) days prior to the protest hearing date.

APPROVED: JOHN W. WITT, City Attorney

By  _____
David W. Ryan, Deputy

DWR:cav
11/16/77
Or.Dept.GS
556.1

Passed and adopted by the Council of The City of San Diego on
by the following vote:

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| Councilmen | Yeas | Nays | Excused | Absent |
|---------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| Gil Johnson | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Maureen F. O'Connor | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Lee Hubbard | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Leon I. Williams | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Floyd L. Morrow | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Tom Gade | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Joel M. Strobl | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Jess D. Haro | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Mayor Pete Wilson | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By Allyn D. Newitt, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **219716** Adopted **NOV 16 1977**