

RESOLUTION NUMBER R-269272

ADOPTED ON September 14, 1987

RESOLUTION TO ALLOW THE CITY TO ABATE THE
NUISANCE AT 1307, 1309 FERN STREET AND 3034
"A" STREET

WHEREAS, on July 30, 1986, August 8, 1986, September 29, 1986, October 29, 1986, March 4, 1987 and May 6, 1987, representatives of the Fire Department of The City of San Diego inspected certain real property located at 1307, 1309 Fern Street and 3034 "A" Street, San Diego, California, more specifically described as follows:

Lots 8, 9, and 10 in Block 33 of South Park Addition in the City of San Diego, County of San Diego, State of California, according to the Map thereof No. 630, filed in the Office of the Recorder of said San Diego County, May 2, 1890;

and

WHEREAS, the inspectors observed on the premises an accumulation of broken furniture, newspapers, rags, cardboard boxes, scrap wood, old mattresses, rugs, used tires, and old rusted washing machines, stoves and refrigerators; and

WHEREAS, the accumulation of such materials poses a fire hazard in violation of the Uniform Fire Code Section 11.201(a), as adopted by San Diego Municipal Code Section 55.01, which prohibits accumulation of flammable waste materials; and

WHEREAS, the accumulation of such materials poses a health hazard in violation of San Diego Municipal Code Section 44.350 which prohibits harborages for rats and vermin; and

WHEREAS, the inspectors have documented their findings in written reports and have compiled a photographic exhibit of the hazards and violations existing on the properties; and

WHEREAS, the Fire Department issued notices of correction to the owner, Mr. Edward Kinney, on July 30, 1986, August 22, 1986, September 29, 1986, October 29, 1986, and March 4, 1987; and

WHEREAS, the premises described above has been found by inspectors of the Fire Department of The City of San Diego to be in violation of the San Diego Municipal Code and to constitute a hazard to public safety and welfare; and

WHEREAS, the owner, Mr. Edward Kinney, has failed to correct the violations; and

WHEREAS, the Fire Chief has determined that conditions on the above-described property constitute a public nuisance as defined by San Diego Municipal Code Section 11.16, and has caused a written notice to be issued to the owner to abate such nuisance by June 7, 1987; and on June 11, 1987, a reinspection by the Fire Department revealed that the owner failed to correct the conditions described in the notice by the date specified;

NOW, THEREFORE, BE IT RESOLVED, by the Council of The City of San Diego, that the residential premises described above are declared to be a public nuisance.

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized and directed to administratively abate the nuisance by


removal of all combustibile materials, junk, and debris existing on the residential premises located at 1307, 1309 Fern Street and 3034 "A" Street pursuant to San Diego Municipal Code section 11.16; and

BE IT FURTHER RESOLVED, that the abatement of the nuisance at 1307, 1309 Fern Street and 3034 "A" Street shall be accomplished by the City within 30 days after the processing of this resolution.

BE IT FURTHER RESOLVED, that an amount not to exceed \$1,920.00 from the Fire Department budget (Department 120, Account 4222, Job Order 3100) is hereby authorized to be expended for cleanup work.

BE IT FURTHER RESOLVED, that a record of cost of all such work performed shall be transmitted to the property owner, Mr. Edward Kinney and also to the City Council, which shall consider the same to be levied as a special assessment against the property.

APPROVED: JOHN W. WITT, City Attorney

By 
Diane Contreras
Deputy City Attorney

DC:lbc
07/14/87
Rev.09/30/87
Or.Dept:Fire
Aud.Cert:8800061
R-88-103
Form=r.none

00640

The City of San-Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE AC 8800061

ORIGINATING DEPT. NO. 120

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount \$ 1,920.00 Fund 100

Purpose Authorizing expenditure of funds for contractual costs (Abatement of Public Nuisance at 1307, 1309 Fern Street and 3034 "A" Street)

Date July 8, 19 87

By: Lillian Pease
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
1			120		4222	003100				\$1,920.00
TOTAL AMOUNT										\$1,920.00

FUND OVERRIDE

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said moneys now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed \$ _____

Vendor _____

Purpose _____

Date _____, 19____

By: _____
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT										

AC-361 (REV 3-86)

R-269272

SEP 14 1987

FUND OVERRIDE

NOTE: Contingent upon adoption of FY'88 Appropriations Ordinance

00641800061

SEP 14 1987

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

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
District 4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> VACANT
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Celia Ballesteros	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *June G. Blackell*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-269272 Adopted SEP 14 1987

RECEIVED
CITY CLERK'S OFFICE
1987 OCT -7 AM 11:29
SAN DIEGO, CALIF.

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