

RESOLUTION NO. 2017-_____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS
CONFIRMING THE WEED & NUISANCE ABATEMENT ITEMIZED COST
REPORT FOR 1417 PINE HEIGHTS WAY (A.P.N. 228-120-14-00) AND
AUTHORIZING PLACEMENT OF THE SAME AS A SPECIAL
ASSESSMENT AND LIEN ON THE COUNTY TAX ROLLS AGAINST
SUCH PROPERTY FOR THE COST OF EACH ABATEMENT

WHEREAS, pursuant to San Marcos Municipal Code (“SMMC”) Chapter 8.64, weeds, shrubs, dead and/or overgrown trees and other waste matter located on private property within the City of San Marcos (“City”) can present a danger to the public health & safety;

WHEREAS, there were such weeds, shrubs, dead and/or over grown trees and other waste matter located within and upon certain real property located within the City at 1417 Pine Heights Way, further identified as Assessor’s Parcel Number 228-120-14-00 (the “Property”);

WHEREAS, despite repeated notices sent to the owner of the Property from March 2016 through July 2016, the Property owner and its occupant took no action to clear all dead and overgrown landscaping which included the trimming of an overgrown eucalyptus tree in the southwest corner of the Property;

WHEREAS, after due notice and hearing as required by law, the San Marcos Fire Department was authorized by order issued by the San Diego Superior Court to abate such nuisance conditions and seek recovery of the same by such manner as may be authorized by the City Council;

WHEREAS, the Fire Department has caused the weed and nuisance conditions existing within and upon the Property to be abated;

WHEREAS, an accounting of the costs and expenses associated with abating such nuisances within and upon the Property has been complained by the Fire Department and this Weed & Nuisance Abatement Itemized Cost Report is attached to this Resolution as Exhibit “A” and is presented to the Council for confirmation;

WHEREAS, this hearing has been set and noticed to confirm such compilation and hear any and all objections to said accounting and assessment proposal; and

WHEREAS, the City Council has duly considered the Weed and Nuisance Abatement Itemized Cost Report and any objections thereto.

NOW, THEREFORE, BE IT RESOLVED:

1. The forgoing recitals are true and correct.
2. The City Council finds that the Weed & Nuisance Abatement Itemized Cost Report, reflecting costs and expenses incurred by the Fire Department in abating nuisance conditions on the Property, as outlined in Exhibit "A" is complete and correct, that the costs set forth are reasonable, that said Weed & Nuisance Abatement Itemized Cost Report is confirmed, and that the recovery of such costs and expenses is in the best interests of the City and its residents.
3. The City Council further finds that the costs and expenses set forth on the Weed & Nuisance Abatement Itemized Cost Report shall constitute a special assessment against the Property and are a lien on the property for the amount of the respective assessment.
4. All written or oral protests or objections to said report, if any, are overruled or denied.
5. The unpaid amounts reflected on the Weed & Nuisance Abatement Itemized Cost Report shall be entered upon the tax roll against the Property and shall be collected at the same time and in the same manner as general City taxes, be subject to the same interest and penalties, and be subject to the same procedure and sale in case of a delinquency. All laws and ordinances applicable to the levy, collection and enforcement of City taxes are hereby made applicable to this special assessment.

6. Staff is authorized to deliver this Resolution and accompanying Exhibit “A” (Weed & Nuisance Abatement Itemized Cost Report) to the County of San Diego Tax Assessor and the Treasure-Tax Collector as applicable, with such entities being authorized and requested to impose such costs and expenses in the same amount shown on Exhibit A against the real property located at 1417 Pine Heights Way, San Marcos, Assessor’s Parcel Number 228-120-14-00, as a special assessment.

PASSED, APPROVED AND ADOPTED by the City Council of the City of San Marcos this ____ day of _____, 2017 by the following roll call votes:

AYES: COUNCILMEMBERS

NOES: COUNCILMEMBERS

ABSENT: COUNCILMEMBERS

ATTEST:

James M. Desmond, Mayor
City of San Marcos

Phillip Scollick, City Clerk
City of San Marcos