

**RESOLUTION NO. 2019-09**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA AFTER A PUBLIC HEARING DECLARING THE CONDITION OF THE BUILDING AT 107 THIRD STREET, SAN JUAN BAUTISTA TO CONSTITUTE A PUBLIC NUISANCE AND ORDERING ABATEMENT OF SAID NUISANCE TO PROTECT CITIZENS AND THEIR PROPERTY FROM CONDITIONS THAT THREATEN PUBLIC HEALTH, SAFETY AND WELFARE AND ASSESSING THE COST OF ABATEMENT**

**WHEREAS**, at a public hearing held this date City staff presented evidence that affirmed the existence of violations of the Municipal Code and state law (see Attachment A) in and around the building located on the real property at 107 Third Street, San Juan Bautista, California (the "Property"), the Property is zoned Commercial and is also identified as San Benito County Assessor's Parcel 002-210-004, and

**WHEREAS**, a building and structure on the Property is listed on federal and state registers of historical buildings, and

**WHEREAS**, those violations of the Municipal Code and state statutes are as set forth in "Attachment A," incorporated herein by this reference; and

**WHEREAS**, the owners of record of the Property are Greg and Kristin Burda; and

**WHEREAS**, City staff has attempted to obtain the voluntary compliance of the owner, and the owner has had significant and reasonable time to correct all violations but has refused and/or failed to do so; and

**WHEREAS**, the Property was posted and a Notice to Abate was sent by registered mail to the owner in accordance with Municipal Code §5-22-105; and

**WHEREAS**, the owner has the legal responsibility for maintenance of the Property in conformance with applicable law, ordinance and rules, including abatement of all violations and compliance with all orders of the City; and

**WHEREAS**, based on the evidence and testimony presented at the hearing, which is incorporated herein by reference, there is substantial evidence that violations of the Municipal and state statutes still exist on the Property; and

**WHEREAS**, Code of Civil Procedure §731 and Municipal Code 13-1-215 permit civil actions to be brought in the name of the people of the state of California to abate public nuisances.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA HEREBY DETERMINES AND RESOLVES AS FOLLOWS:**

**SECTION 1.** That it is in the public interest for the City to take appropriate actions to protect its citizens and their property from conditions that threaten public health, safety and welfare.

**SECTION 2.** That the condition of the building and structure are hazardous, unsafe, unsanitary, unsightly and detrimental to the property of others and the public at large. That the building is substandard pursuant to Health & Safety Code §17920.3.

**SECTION 3.** That the Property be posted as unsuitable for human occupancy and the City Manager be directed to take all lawful actions to protect the public from harm due to the condition of the building and the premises.

**SECTION 4.** That the continuing violations existing on the Property constitute a public nuisance, the abatement of which is appropriate under the authority of the City of San Juan Bautista.

**SECTION 5.** That there are no objections to the proposed abatement of nuisance, the City Council orders the City Manager to abate the nuisance.

**THE FOREGOING RESOLUTION WAS ADOPTED** at a special meeting of the San Juan Bautista City Council on the 25<sup>th</sup> day of February, 2019, by the following vote:

**AYES:** Flores, DeVries, Edge, Freeman, Jordan

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

  
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**César E. Flores, Mayor**

**ATTEST:**

  
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**Laura Cent, City Clerk**

## ATTACHMENT A

The below listed conditions at 107 Third Street, San Juan Bautista, are being maintained in violation of the San Juan Bautista Municipal Code, the California Health and Safety Code, the California Building Code, the Uniform Code for the Abatement of Dangerous Buildings, and the California Historical Building Code, as adopted by the City:

1. Add supports to underside of balcony.
2. Add bracing to secure chimney.
3. Add full height plywood panel to interior side of each exterior wall and the middle interior wall.
4. Provide protection to the interior of the building from deterioration by the elements.