

**TOWN OF SAN ANSELMO
RESOLUTION NO. 3327**

**A RESOLUTION OF THE TOWN OF SAN ANSELMO DECLARING THE
PROPERTY LOCATED AT ASSESSOR'S PARCEL NO. 7-241-61 (379 OAK
AVENUE) SAN ANSELMO, CALIFORNIA, 94960, TO BE A PUBLIC
NUISANCE AND ORDER THE REMOVAL OF UNAUTHORIZED
CONSTRUCTION WORK PERFORMED WITHOUT PROPER PERMITS**

WHEREAS, permission to enlarge the actual house at 379 Oak Avenue beyond that approved on September 8, 1992, was denied by the Planning Commission on September 20, 1993, and upheld by the Town Council on October 25, 1994, per Town Council Resolution No. 3283; and

WHEREAS, the property owner initiated construction on portions of the house at 379 Oak Avenue without the benefit of permits, in violation of the San Anselmo Municipal Code and Uniform Building Code, and a Stop Work order was posted on the property on March 11, 1994; and

WHEREAS, the property owner of record has been duly notified of the problems associated with the property according to Municipal Code procedures, and has received a Notice of Abatement dated April 10, 1995; and

WHEREAS, the potential health and life safety violations have not been corrected within the specified time frame and the property is in a potentially dangerous condition, and constitutes a public nuisance as set forth in the San Anselmo Municipal Code; and

WHEREAS, the following documents were introduced and made part of the official record as follows:

Exhibit "A" August 30, 1994 letter
Exhibit "B" April 10, 1995 Notice of Abatement
Exhibit "C" October 3, 1995 Notice of Hearing

WHEREAS, the following persons testified: Ann Chaney, Town Planning Director, testified that construction was performed without authorization and that this construction has not been removed by the property owner as requested and that such construction may constitute a health and safety hazard to the public and is in violation of the Municipal Code and Uniform Building Code. Individuals testifying in opposition to Nuisance Abatement action: John Wilson-Bugbee and Theodore Posthuma.

THEREFORE, IT IS HEREBY RESOLVED:

1) That the property located at Assessor's Parcel Number 7-241-61 in the Town of San Anselmo, by reason of its potential safety hazard as delineated in the above documents is a public nuisance:

Description of Nuisance: An unfinished steel frame structure and second floor exterior door which were constructed without permits. There is no documentation of the structural stability of this construction.

2) The property owner is directed to cause the removal of unauthorized construction to the house at 379 Oak Avenue and that said removal be commenced within 15 days from the date of Town Council action and be completed within 45 days from the date of Town Council action.

3) The Town Administrator is directed to cause to be conspicuously posted a copy of this Resolution on the subject property and to mail a copy of the Resolution to the property owner.

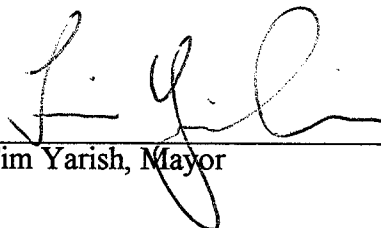
4) The property owner or other interested person wishing to contest the validity of these proceedings in a court of law must do so within thirty (30) days after passage of this Resolution or all objections shall be deemed waived and all legal action thereafter barred.

I hereby certify that Resolution No. 3327 was duly passed and adopted at a regular meeting of the Town Council held on October 10, 1995 by the following vote:

Ayes: Council members Breen, Chignell, Kroot, and Yarish.

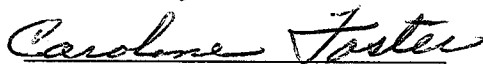
Noes: None.

Absent: Council member Hodgins



Tim Yarish, Mayor

ATTEST:



Caroline Foster, Town Clerk