



10.3

DEPARTMENT OF  
FINANCE

REVENUE DIVISION

CITY OF SACRAMENTO  
CALIFORNIA

June 1, 1994  
RA94096:MLF:ldm

CITY HALL  
ROOM 104  
915 I STREET  
SACRAMENTO, CA  
95814-2696

REVENUE  
ADMINISTRATION  
916-264-5724

City Council  
Sacramento, California

Honorable Members in Session:

**SUBJECT: WEED ABATEMENT LIEN HEARING - 1993**

**LOCATION AND COUNCIL DISTRICT: City-wide**

**STAFF RECOMMENDATION**

**APPROVED**  
BY THE CITY COUNCIL

JUN 14 1994

OFFICE OF THE  
CITY CLERK

It is recommended that the City Council:

1. Receive any protests regarding the proposed special assessment liens for unpaid costs for weed abatement work performed in 1993;
2. Close the hearing for all unprotested, unpaid costs for weed abatement work performed in 1993;
3. Direct staff to conduct an investigation of each protest and report the findings of fact regarding the protests to the City Council on July 26, 1994; and
4. Approve staff's recommendation in the event no protests or objections are heard and adopt the attached resolution (page 4) declaring unpaid costs of weed abatement work as special assessments on the properties which were abated.

**CONTACT PERSONS**

Carole L. Laurenty, Revenue Supervisor, 264-5856  
Gary Atchley, Nuisance Abatement Officer, 264-5948

**FOR COUNCIL MEETING OF**

June 14, 1994

## **SUMMARY**

This report recommends that the City Council conduct the protest hearing for the unpaid costs of weed abatement work performed in 1993.

## **COMMITTEE/COMMISSION ACTION**

None.

## **BACKGROUND INFORMATION**

On May 24, 1994 the City Council adopted Resolution No. 94-303 which established June 14, 1994 as the date to hear and consider all protests, if any, regarding the placing of the unpaid costs for weed abatement in 1993 as special assessment liens on the properties where the weed abatement work was performed. The City Council directed staff to notify each property owner of record of the proposed special assessment lien and the date, time, and place of the protest hearing.

On May 25, 1994 staff mailed notices of the proposed special assessment liens, including the date, time, and place of the protest hearing to 658 property owners. A listing of the currently unpaid costs per property owner has been placed on file with the City Clerk. Staff is available to assist the City Council to receive protests, to conduct the investigation of the protests, and to report the findings of fact to the City Council at its meeting scheduled for July 26, 1994.

## **FINANCIAL CONSIDERATIONS**

The total delinquent billing for weed abatement work performed is now \$98,553.10. The lien process hearing is utilized for all invoices remaining unpaid on June 14, 1994.

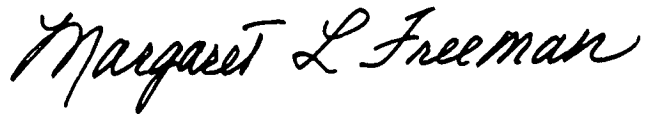
## **POLICY CONSIDERATIONS**

City Council Resolution No. 86-764 established City policy to conduct hearings to consider the levy of special assessment liens for unpaid and delinquent weed abatement charges. This hearing for weed abatement liens is consistent with that policy.

**MBE/WBE EFFORTS**

There is no requirement for purchase of goods or services associated with this item.

Respectfully submitted,



Margaret L. Freeman  
Revenue Manager

**RECOMMENDATION APPROVED:**

  
WILLIAM H. EDGAR, City Manager

Attachment

# RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

RESOLUTION DETERMINING THE REASONABLE COSTS AND FINDINGS OF FACT FOR WEED ABATEMENT WORK FOR 1993 AS SHOWN ON LISTS SUBMITTED IN ACCORDANCE WITH CHAPTER 13, SECTION 39500 ET SEQ OF THE CALIFORNIA GOVERNMENT CODE AND PLACING LIENS ON THE PROPERTIES BY THE CITY FOR THE COSTS THEREOF

WHEREAS, heretofore the City Council, by Resolution No. 94-303, set public hearings for June 14, 1994 in the City Council Chambers to hear and consider all protests, if any, and then affirm or reject the placing of the unpaid costs of weed abatement work for 1993 upon the described real properties as liens; and

WHEREAS, notice of the time and place of said hearings was given in the manner provided by law; and

WHEREAS, the City Council held hearings thereon and it was established by competent evidence that in each case the work had been performed by private contractor; and

WHEREAS, the City Council has found the total cost for each such work to be a reasonable cost.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

1. That the reasonable costs in the aggregate amount of \$98,553.10 for unpaid weed abatement for 1993 is the sum set forth in aforementioned lists.
2. That, as provided in Section 39577 of the California Government Code, the City of Sacramento is entitled to and hereby attaches special assessment liens upon the described properties upon recordation in the Office of the County Recorder of the County of Sacramento.

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FOR CITY CLERK USE ONLY

RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

3. That the City Clerk shall transmit a certified copy of this resolution to the Sacramento County Auditor/Controller.

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MAYOR

ATTEST:

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CITY CLERK

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FOR CITY CLERK USE ONLY

RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

May 2, 1994

Michael A Jones  
7788 Southland CT  
Sacramento, CA 95828

City Clerk  
Room 304  
915 "I" Street  
Sacramento, CA 95814

RE: Weed Abatement

Weed abatement has been completed at 7502 Amherst ST  
parcel number 048-0201-005-0000. Dates that weed alleviation  
occurred , March the 29th, 30th, April the 7th, 19th, May  
the 18th. I will continue observation at this location on a  
weekly bases.

Yours Sincerely,

Michael A Jones.

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF SACRAMENTO  
JUN 6 8 38 AM '94

# EXECUTIVE OFFICE

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF SACRAMENTO

MAY 20 10 10 AM '94  
2716 OCEAN PARK BLVD., SUITE 3006  
SANTA MONICA, CALIFORNIA 90405-5207

PHONE (310) 396-4514

FAX (310) 399-0062

May 16, 1994

City Clerk  
City of Sacramento  
915 I Street Room 304  
Sacramento, CA 95814

Re: Weed Abatement  
Parcel #237-0022-033-0000  
Grace Avenue - 1994 Tax Bill

Dear Sir or Madam:

In March of this year, we received notification concerning the above-referenced parcel, copy herewith. After checking our files and consulting with our office manager, we understood that weeding service was billed each year on our tax bill, automatically.

A call made to 916/264-5948 on or about April 1, 1994 confirmed the above information. We were also told that the City does not provide a list of those in the area who perform weeding services. So, it made sense to continue to have the service performed and billed accordingly.

Within the past week, however, we received the enclosed delinquent notice. Apparently the service was performed on or about June 23, 1993. We have no record of having been officially billed prior to receipt of the notice.

A second call was placed, this time to 916/264-5685. It came as a surprise that the \$315.50 allocated to the 1993-1994 tax bill actually covered 1992 weeding. We were then advised that the hearing scheduled for June 14, 1994 will determine whether or not the 1993 delinquent notice would be the basis of a lien against our property.

To clarify our concerns:

- #1 We have no record of receiving a billing for 6/23/93, prior to receipt of the delinquent notice last week.
- #2 We are under the impression that 1993 services were billed to us as a service, not as a lien, on the attached 1993-1994 Tax Bill. (Your office

RECEIVED  
CITY CLERKS OFFICE  
CITY OF SACRAMENTO

reported that the \$315.30 charge was for <sup>MAY 20 1 48 PM 1994</sup> 1992 weed abatement, not 1993).

- #3 Other California cities supply a list of those who perform weeding services. This list affords us alternatives in complying with city regulations.

Due to our current investigations, we ask that you take our concerns into consideration during your hearing on June 14, 1994. In the meantime, we would appreciate written clarification concerning your procedures and our responsibilities, so that we can plan accordingly.

Very truly yours,

GAIN CORPORATION

By: 

Ros Cirlin

RC:rfc  
enc.



## WEED ABATEMENT NOTICE

Dear Property Owner:

The City of Sacramento is authorized by California Government Code Section 39500, to require you to clean up and remove any weeds and/or junk and debris on your property (Weed Abatement Program). You are receiving this early notice in order for you to make arrangements to have your property mowed or disced, and cleaned up **BY APRIL 15TH**, for the first time. A second disc and /or mow will be required to remove regrowth.

After this date, we will be conducting inspections of all properties that received abatement notices. Any properties not abated at that time will be assigned to a City designated contractor for weed abatement and clean-up. **Property owners of those lots will then be billed for the cost of the contractor's work in addition to a City Administrative charge.** These bills, if not paid within 30 days, could end up being a lien on your property.

## STANDARDS FOR MAINTENANCE OF LOTS

All abatement work must conform to the following standards. The abatement work which must be initially completed by April 15th, weather permitting, will also most likely require a second discing later in the year. Lots on which weeds, dry grass, etc., are mowed shall be cut to a height not to exceed 2 inches and maintained so as to not constitute a fire hazard or nuisance throughout the year. Dry grass and/or weeds so mowed shall be removed from the property.

Weeds and/or grass which are disced, cultivated or rototilled should be performed with equipment that will cut the sod growth loose and bury under any growth existing at the time. Each discing should leave the property reasonably smooth and clean.

Eradication of weeds by chemical spraying should be done when the green growth is no higher than six (6) or eight (8) inches in height. Weeds that are sprayed and become a fire hazard will be required to be removed from the property.

ALL SIDEWALKS AND PARKWAYS are the responsibility of the property owner for proper maintenance. Property adjacent to sidewalks, parkways and fence lines must be mowed or trimmed to acceptable standards.

**ALL PARCELS UP TO FIFTEEN (15) ACRES MAY BE REQUIRED TO BE TOTALLY ABATED. PARCELS OVER FIFTEEN (15) ACRES SHALL HAVE A ONE HUNDRED FIFTY (150) FOOT WIDE FIRE BREAK DISCED OR SCRAPED AROUND THE PERIMETER (REVISED 1991).**

If the property contains an occupied or unoccupied structure, the property shall be disced, mowed, or sprayed as often as necessary to eliminate fire hazards and nuisances.

AGRICULTURAL LAND: If you have a valuable crop planted on this parcel, please inform this office at once. A fifty (50) foot fire break must be maintained on agricultural land that abuts buildings, wooden fences, roads, etc.

### \*\*\*\*\*IMPORTANT INFORMATION\*\*\*\*\*

UNLIKE PREVIOUS YEARS, YOU DO NOT HAVE TO REPLY TO THIS NOTICE

- ABATEMENT WORK MUST CONFORM TO THE STANDARDS ON THIS NOTICE
- ABATEMENT MUST BE COMPLETED (FOR THE FIRST TIME) BY APRIL 15, WEATHER PERMITTING.
- MOST PROPERTIES WILL REQUIRE A SECOND DISCING OR MOWING LATER IN THE YEAR.
- LOTS MUST BE KEPT REASONABLY FREE OF JUNK AND DEBRIS AT ALL TIMES.
- IF FOR ANY REASON YOU ARE UNABLE TO ARRANGE ABATEMENT WORK ON THE PROPERTY, THE CITY OF SACRAMENTO WILL DO THE ABATEMENT. CHARGES FOR ABATEMENT OF LOTS WILL BE DETERMINED BY COMPETITIVE BIDDING THROUGH SEALED PROPOSALS ISSUED BY THE CITY TO A CERTIFIED LIST OF WEED ABATEMENT CONTRACTORS.

**NOTICE TO DESTROY WEEDS AND REMOVE RUBBISH, LITTER AND/OR DIRT**

Notice is hereby given that on March 08, 1994 the Council of the City of Sacramento passed a resolution declaring that weeds of a seasonal and recurrent nature were growing upon or in front of the parcel(s) designated below. Any weeds, rubbish, litter and/or dirt upon or in front of the property in Sacramento, California and more particularly described in the resolution, constitute a public nuisance which must be abated. Otherwise, the nuisance(s) will be abated by the City of Sacramento, as authorized by the California Government Code, Section 39500 et. seq., at your expense. Reference is hereby made to said resolution for further particulars. A copy of the resolution is on file in the Office of the City Clerk of the City of Sacramento, City Hall, Sacramento, California.

Resolution Number: 94-134

**NOTE: IF THE CITY DOES THE ABATEMENT WORK ON YOUR LOT, YOU WILL BE CHARGED FOR ACTUAL COST INCURRED PLUS AN ADMINISTRATIVE CHARGE.**

All property owners having any objection to the proposed removal of such weeds, rubbish, litter and/or dirt, may submit a written objection to the City Clerk, 915 "I" Street, Room 304, Sacramento, California 95814, or the Sacramento Fire Department, Weed Abatement Section, 1231 "I" Street, Suite 401, Sacramento, California 95814, and/or attend a meeting of the Council of the City of Sacramento at 915 "I" Street on MARCH 29, 1994 at the hour of 07:30 o'clock p.m. or as soon thereafter as the matter can be heard, when your objections will be heard and given due consideration.

DATED: 03/11/94

VALERIE BURROWES  
City Clerk

GARY COSTAMAGNA, Chief  
Sacramento Fire Department

CITY OF SACRAMENTO  
FIRE DEPARTMENT  
Fire Prevention Division  
1231 I Street, Suite 401  
Sacramento, CA 95814-2979  
(Address Correction Requested)

FIRST CLASS MAIL  
U.S. POSTAGE  
PAID 1.0z.  
PERMIT No. 338  
Sacramento, CA

GAIN CORPORATION  
2716 OCEAN PARK BL 300  
SANTA MONICA CA 90405

-- THIS NOTICE PERTAINS TO THE PARCEL(S) LISTED BELOW --

PARCEL NO. 237-0022-033-0000

LOCATION: GRACE AV



**CITY OF SACRAMENTO 009 23700220330000 00000031500**  
**NUISANCE ABATEMENT BILL (WEED)**  
**DELINQUENT NOTICE**

LEGAL OWNER	PARCEL NUMBER	SERVICE LOCATION	YEAR
GAIN CORPORATION	237-0022-033-0000	GRACE AV	1994

DATE DUE	AMOUNT DUE	AMOUNT PAID
06-14-94	\$315.00	

GAIN CORPORATION  
 2716 OCEAN PARK BL 300  
 SANTA MONICA CA 90405

Make Check Payable To: CITY OF SACRAMENTO  
 Mail or deliver to:  
 City Hall - Room 104, 915 I Street  
 Sacramento, CA 95814

PLEASE WRITE YOUR PARCEL NUMBER ON YOUR CHECK

DETACH AND RETURN THIS PORTION OF THE BILL WITH YOUR PAYMENT

RETAIN THIS PORTION FOR YOUR RECORDS

**CITY OF SACRAMENTO - NUISANCE ABATEMENT BILL (WEED)**

LEGAL OWNER	PARCEL NUMBER	SERVICE LOCATION	YEAR
GAIN CORPORATION	237-0022-033-0000	GRACE AV	1994

1ST DISK/MOW	\$260.00	06-23-93
ADMIN FEES	\$55.00	
-- TOTAL DUE	\$315.00	

**- FOR MORE INFORMATION -**

**Services**

For more information about the work performed, call the Nuisance Abatement Division at:

(916) 264-5948

**Billing**

For more information about your bill, call the Revenue Division at:

(916) 264-5685

If an address correction is needed, indicate on upper portion.

**-IMPORTANT NOTICE-**

This delinquent bill is due and payable by the date indicated. The City Council has determined to hold a hearing on JUN 14, 1994 at 7:30 p.m. in the City Council Chambers, 915 I Street, Sacramento, California, to place the above unpaid costs of the Weed Abatement for 1994 on the property as a special assessment lien. You are hereby notified of that meeting.

In the event you dispute the billing:

1. Contact us (264-5685) at Room 104, 915 I Street, Sacramento, California, prior to the hearing date on JUN 14, 1994 to clarify the matter, or
2. Appear in person at the time, date and place the hearing is scheduled, or
3. File a written protest with the City Clerk, Room 304, 915 I Street, Sacramento, California prior to the time and date of the hearing.

In the event you do not dispute the billing:

1. Pay the amount due prior to JUN 14, 1994 and avoid the placement of a special assessment lien against the property, or
2. Not pay the amount due which will result in a special assessment lien against the property.

0022-033-0000 BILL NUMBER 93139165 CODE AREA 03252 AGENT BRANCH 9004

**ACRAMENTO COUNTY** JOHN DARK  
 CURED PROPERTY TAX BILL 1993-1994 TAX COLLECTOR  
 FISCAL YEAR BEGINNING JULY 1, 1993 AND ENDING JUNE 30, 1994

TAXING AGENCY	TAX RATE	TAX AMOUNT
COUNTY WID 1 PCT	1	1.00000
ROBLA USD GOB 1992-A	1	.04220
SAC CITY BONDS	1	.00470
COUNTY BONDS	1	.00060
REGIONAL SAN BDS	2	.01290



**ANNUAL TAX BILL**

PROPERTY LOCATION  
 \*\*\* NO NAME \*\*\*

ASSESSED ON JUNE 30, 1993 TO  
 GAIN CORPORATION

TO  
 GAIN CORPORATION  
 C/O BOLLENBACHER/KELTO  
 2716 OCEAN PARK BL 3006  
 SANTA MONICA CA 90405

CODE	DIRECT LEVY NAME	AMOUNT
0168	SACRAMENTO AREA FLOOD CONTROL	300.12
0791	AMERICAN RIVER FLOOD ZONE A	314.26
0203	SACTO CITY WEED ABATEMENT (1992)	315.30

*Chase*

**\*\*\* ATTENTION \*\*\***  
 PLEASE NOTE  
 YOU WILL NOT RECEIVE A  
 SEPARATE BILL OR REMINDER  
 NOTICE FOR THE 2ND INSTALLMENT  
 LOAN ID Glenwood Park site.  
 100

**IMPORTANT INFORMATION ON REVERSE SIDE**

ASSESSOR	
GENERAL INFORMATION (916) 440-5271	TAX COLLECTOR
HOMEOWNERS EXEMPTION (916) 440-7389	
ASSESSED VALUES (916) 440-5231	CURRENT YEAR PAYMENTS (916) 440-6622
	PRIOR YEAR DELINQUENCIES (916) 440-6622

DIRECT LEVY TOTAL		929.68
DESCRIPTION	ASSESSED VALUE	TAX AMOUNT
LAND IMPROVEMENTS	17416	184.68
FIXTURES		
PERSONAL PROPERTY		
<b>VALUES AND TAXES SUBTOTAL</b>	<b>17416</b>	<b>184.68</b>
LESS. HOMEOWNERS EXEMPTION		
OTHER EXEMPTION		
<b>NET VALUES AND TAXES</b>	<b>17416</b>	<b>184.68</b>
<b>DIRECT LEVY TOTAL</b>		<b>929.68</b>
<b>ADJUSTMENT TO MAKE BILL EVEN</b>		

FIRST INSTALLMENT DUE 11/1/93 — **557.18** SECOND INSTALLMENT DUE 2/1/94 — **557.18** TOTAL DUE — **1114.36**

To: City of Sacramento  
City Clerk  
Room 304, 915 I Street  
Sacramento, CA 95814

From: Patrick S. Quinn  
4851 Marysville Blvd.  
Sacramento, CA 95838-1911  
Parcel # 226-0260-003-000

Date: Saturday, June 11, 1994

Re: "Weed abatement" bill, due 6/14/94 **FORMAL PROTEST**, see below

RECEIVED  
JUN 11 4 22 PM '94

**BACKGROUND:** The City of Sacramento failed to first, determine if a weed nuisance existed, by inspecting the parcel. A notice to homeowner reporting that an inspection by the city proved the existence of nuisance weeds, and to give him a deadline for correcting the nuisance, was never sent, no doubt because there was never an inspection. An individual with a tractor and disk, who later could not produce identification or any legal notice of any kind to support his actions, entered the property from the rear, through a fence, at a point most distant from inhabited structures, intending to disk up two fenced pasture areas without notifying homeowner first. Aside from being illegal, his attempted hit & run weed job caused substantial property damage, for which the city is liable.

A "form letter" notice of a weed nuisance on the property is mailed by the city every year, regardless of the actual conditions on the property. Every year except 1993, we had all weeds mowed flat long before the notice arrived. Our field mower had a blown engine last year, and the parts were back-ordered. That notice is arbitrary, and not the result of an inspection or a complaint filed by a witness, or any other criteria other than address. To perform an abatement legally, you must first prove the very existence of a nuisance, notify the homeowner of this fact, and, you must give him a reasonable length of time to take care of the problem himself, **BEFORE** taking actions making him liable for abatement fees, which constitute taxation.

- ▶ That one "form letter" notice was the **ONLY** item received from the city regarding weeds in 1993, before someone showed up unannounced, with a tractor and disk, who entered at the rear of the property and went to work without first attempting to notify anyone who he was, and why he was there. His actions, combined with his lack of any documentation, and his incompetence to operate the equipment, constitute illegal acts that resulted in substantial property damage, and the receipt of a bill for "services" and "admin. fees", in the form of a tax lien on the property.
- ▶ **The city of Sacramento failed to exercise DUE PROCESS, and illegally inflicted damage to private property, and is now trying to collect an improperly levied tax against the property.**
  1. The city failed to make contact with homeowner by any means regarding an on-site inspection, or to announce the findings of that inspection, or to give him a deadline to abate any nuisance discovered, before the city would proceed with the abatement at homeowner's expense.
  2. That single mailing, since it goes out every year, weeds or no weeds, is not legal notice of any kind for any purpose. Its only legitimate purpose, as used, is that of a reminder to homeowners to keep their weeds down to reduce fire hazards in warm weather, or something.
  3. Being that nothing else came in the mail, no one came to the door, and no one phoned, it was logically presumed that we still had plenty of time to complete repairs on our mowing machine, that we had not yet been visited by an inspector.
  4. If an unannounced inspection had been made, we should have been notified of the results, and given a reasonable deadline for completing any abatement work ourselves. we were never notified of a violation, or of a deadline to correct, or that a "no-knock" tractor raid was next. The actions of your contractor were negligent as well as illegal. He went to great lengths to avoid alerting anyone here of his presence or intent. He had to cross private property to access this parcel from the rear, so he got their permission to cross their property! The house is about 800 feet from the rear of the property, so no one heard his tractor at first. By the time the noise got close enough to cause someone to look outside, he had torn up about 5/8 of the pasture area, along with the irrigation piping, which was 1" pipe, buried deep enough only to prevent injury to livestock. The weeds were not turned under, just flattened. Watered by the leaking pipes, the weeds had to be mowed a week later.
  5. If your contractor had come to the door, as required by law, he would not have been allowed to use a disk under any circumstances. Since he proceeded without consent, and as we later determined, **without any written, legal order from any govt. agency or court** authorizing him to cut vegetation on this property by any means, **HE, HIS EMPLOYERS (the city), AND THE ADJACENT PROPERTY OWNER, are fully liable for the resulting property damage.**

The manner in which the city conducted this whole affair was entirely illegal and incompetent. Since you presume to charge \$55 for administration fees, you have no option but to keep homeowner **FULLY INFORMED** of all proceedings, such as date and time of each inspection, giving him the option of being present. He also has the right to be fully informed as to any deadlines he must meet, and as to

the consequences of missing those deadlines. None of this was done, so this fee was NOT earned, and you did not incur any expense as a result.

The unannounced visit by the contractor, and his deliberate avoidance of homeowner contact, his conspiracy with adjacent property owner to avoid detection upon entry, constitute a sequence of events that were the direct cause of substantial property damage, and a botched attempt to abate weeds.

If the property owner were to disc his weeds himself, and he left them lay where they fell, AS YOUR EMPLOYEE DID, you would charge him with failure to abate the nuisance. Your employee did just that- - - did not abate a nuisance, just made a mess that was far more hazardous than anything he might have seen upon arrival.

### CONCLUSIONS:

1. The city did not perform any of the administrative duties charged for, and required by law when engaging in actions against a citizen which subject him to taxation, and violate the security of his property. No notice of pending inspection, with a written explanation as to what was the PROBABLE CAUSE for that inspection, and the scheduled date and time for it. It remains unknown to us if there ever WAS an inspection at all. No notice was sent announcing that AN INSPECTION OF THE PROPERTY FOUND A WEED NUISANCE PRESENT, with instructions to homeowner as to appropriate actions, and deadlines for completing same. The city did nothing at all except send out their annual form letter. That we WILL NOT PAY YOU FOR.
2. The weed disking was done illegally, as well as ineffectively. Setting aside the property damage for a moment, the weeds were not turned under, just knocked down. The water lines that he dug up, in pieces, were under full pressure, and about 50,000 gallons of water leaked out all over the property, watering the weeds, causing sinkholes, as well as bulges in the surface. No business or person hired to mow this property would collect a cent for a job so badly done, and they would be sued for the property damage they caused. This person was your employee or agent, so you are fully responsible for the botched job and damages. The disking did not remove the weeds, and it tore up the ground, and caused massive flooding where the water pipes were hit by the disk. You cannot seriously expect to be paid for this kind of activity!

There is the matter of the damage done to the irrigation system, the destruction of the once smooth surface of the ground [by improper setup and operation of disk], and the appearance of high and low areas at points where broken pipes leaked underground. The results of all this damage include ground rendered nearly impassable to mowing equipment, loss of natural drainage off a majority of 2+ acres into Magpie Creek, and no means of keeping the pasture grass green for grazing purposes.

It would appear that you are in no position to demand payment of either item billed. Your efforts need to be redirected toward restitution for the property damage you have caused. It is about time that a city inspector viewed and confirmed the damages in question, giving you a basis for a settlement offer. Given the current state of the economy, and the city budget, going to full litigation to settle the matter seems unwise, and should be avoided.

We are willing to be reasonable by minimizing the use of contractor labor, and to reasonable pro-rating of the pipe and fittings that must be replaced, for time in service vs. expected lifetime. A bare minimum estimate, materials only, is \$620. Add one day's rental of a tractor with a blade, about \$200 more. If you want to add legal fees, and about 80 man-hours of labor charges to the bill, that is your prerogative.

(signed)



Patrick S. Quimm 06/11/94

Received 6-16-94

EXECUTIVE OFFICE

2716 OCEAN PARK BLVD., SUITE 3006  
SANTA MONICA, CALIFORNIA 90405-5207  
PHONE (310) 396-4514  
FAX (310) 399-0062

June 14, 1994

City Clerk  
City of Sacramento  
915I Street Room 304  
Sacramento, CA 95814

Re: Weed Abatement  
Parcel #237-0022-033-0000  
Grace Avenue - 1994 Tax Bill

Dear Sir or Madam:

This will confirm our call to 916/264-5685 and to Mr. Gary Atchley this morning (message left), concerning the payment of \$315.00 against 1993 discing. Our check #8481 was put in the mail at 10:30 this morning.

Since we did not receive confirmation of our standing on this matter until June 10th, although we put through a rush check request that day, signatures could not be obtained until late Monday afternoon.

We trust that this matter will not go to lien, and have instituted a September follow-up concerning 1994 and future weed abatement billings.

Thank you for your assistance.

Very truly yours,

GAIN CORPORATION

By: Ros Cirlin  
Ros Cirlin

RC:rfc  
enc.

6-14-94, 10.3