

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

RESOLUTION NO. 2024-038

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA ORDERING THE ABATEMENT OF A DECLARED PUBLIC NUISANCE, A PRIVATELY-OWNED MONTEREY PINE TREE, LOCATED AT THE SOUTHEAST CORNER OF CASANOVA STREET AND ELEVENTH AVENUE

WHEREAS, Carmel Municipal Code (CMC) 17.48.130 indicates trees, shrubs, and other plants growing on private property may be declared a nuisance by the City Forester if the plants are infested, diseased, dead, or present any danger to persons or property; and

WHEREAS, a dead Monterey pine tree on the private property, located at the southeast corner of Casanova Street and Eleventh Avenue, has been identified by the City Forester to be unsafe and a public nuisance; and

WHEREAS, without a response from the property owner to remove the dead Monterey pine, following a Public Hearing on April 2, 2024, the City Council adopted Resolution 2024-025, declaring the tree to be a Public Nuisance; and

WHEREAS, as part of the Public Nuisance declaration, Council established a subsequent Public Hearing date of May 7, 2024 to provide an opportunity for any public objections to the tree's removal; and

WHEREAS, per CMC 17.48.130, the City Forester posted a notice to abate the Public Nuisance on the property no less than five days prior to the Public Hearing, and the Public Hearing was duly noticed by the City Clerk.

NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DOES HEREBY:

- 1) Overrule any public objections to the removal of the declared Public Nuisance.
- 2) Authorize the City Forester to remove the dead Monterey pine tree located on the Southeast corner of Casanova and Eleventh Avenue.
- 3) Establish a Public Hearing on June 4, 2024 to review and determine the final cost of removal and levy an assessment on the private property, if necessary, to recover the final cost to the City.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 7th day of May, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dave Potter, Mayor

Nova Romero, MMC, City Clerk