

CITY OF SAN ANSELMO  
RESOLUTION NO. 735

A RESOLUTION ORDERING THE MINUTES OF THE CITY COUNCIL TO SHOW THE REASONS FOR THE EXERCISE OF THE POLICE POWER OF THE CITY OF SAN ANSELMO IN ORDERING THE DESTRUCTION BY BURNING OF A CERTAIN DWELLING HOUSE LOCATED AT 200 SAUNDERS AVENUE, CITY OF SAN ANSELMO.

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WHEREAS, a certain dwelling house located at 200 Saunders Avenue in the City of San Anselmo has been and now is owned by E. J. Murphy and Ruth E. Rankine of San Francisco, California, and

WHEREAS, said dwelling house, as originally constructed, was near the bank of the Corte Madera Creek, which said bank was unprotected by any retaining wall whatsoever, and

WHEREAS, over the course of the years, the flow of the creek waters gradually eroded the bank of the creek in back of said dwelling house until on the night of February 18th, 1958, said dwelling house had had the sub-surface soil eroded out from under said house to the extent of nearly one-half the total square foot area, and

WHEREAS, on said night there was practically no support for said dwelling to keep the same from sliding or falling into Corte Madera Creek, save and excepting the floor joists and mud sills and the weight of the building itself, and

WHEREAS, over the past two years the said owners of said dwelling house have maintained an indifferent attitude concerning the erosion of the soil underneath said house, and have done nothing practical whatsoever to protect their said land from erosion or to stabilize and maintain said dwelling house to keep it from becoming completely undermined, and

WHEREAS, because of extremely heavy rains over the past nineteen days, the said dwelling house was hanging precariously over said Corte Madera Creek and competent professional advice

to the City Council on the night of February 18th, 1958, was to the effect that said dwelling house would, in a short time, fall or slide into Corte Madera Creek, and

WHEREAS, said dwelling house was of sufficient size, if it fell into said creek, to have effectively dammed up said Corte Madera Creek, and

WHEREAS, in the event of such damming or obstructing, it was clearly evident that life, limb and property of a great many inhabitants of the City of San Anselmo would be seriously jeopardized, and

WHEREAS, during the day of February 18th, 1958, the City Manager of the City of San Anselmo contacted said owners of said property and notified them of the seriousness of the situation, and advising that the City might have to take overt steps by way of burning the dwelling to protect the inhabitants of the City, and

WHEREAS, neither of said owners appeared or expressed any concern over what might happen to their property or what might happen to the inhabitants of the City of San Anselmo, and

WHEREAS, on the night of February 18th, 1958, the City Council did meet in emergency session on said property and for two hours examined said dwelling and after obtaining competent professional advice did determine that the City Council should exercise its Police power in the interests of public health, safety and welfare by destroying said dwelling before it fell or slid into said creek, and

WHEREAS, the City Council did order the Fire Chief of the City of San Anselmo to forthwith set fire to said dwelling under the best controlled conditions and said Fire Chief executed said order after first removing as much movable personal property from said dwelling as was practical so to do, and

WHEREAS, said dwelling was thence burned in its entirety,

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

That the City Council of the City of San Anselmo did on the night of February 18, 1958, order the destruction of said dwelling by burning under the Police power vested in said City Council for the immediate preservation of public health, safety and welfare. That said action was taken by said City Council by the unanimous consent of all five City Councilmen after being advised by the City Engineer, John C. Oglesby, and the City Attorney, John G. Buresh, and the City Manager, Arthur W. Brewer.

That said City Council does now confirm its said action in that the destruction of said dwelling was necessary as an emergency measure to protect the inhabitants of the City of San Anselmo from serious personal injury and damage to their property, real and personal. That the City Council confirms that unless said house had been destroyed, it was apparent and obvious that a serious public calamity would ensue.

BE IT FURTHER RESOLVED that a copy of this Resolution be affixed to the minutes of the adjourned regular meeting of February 19, 1958 to become a permanent part of said minutes.

*Anita Gannon*  
CITY CLERK

I certify that the above and foregoing Resolution was duly passed and adopted at an adjourned regular meeting of the San Anselmo City Council held in said City on the 18th day of February, 1958 by the following vote:

AYES: COUNCILMEN: *Ball, Martin, Cullen, Menning, Smith*  
NOES: COUNCILMEN: *none*  
ABSENT: COUNCILMEN: *none*

*Anita Gannon*  
CITY CLERK.