

From: Ivaldo Lenci [REDACTED]
Sent: Monday, July 17, 2023 11:24 AM
To: Distrib- City Clerk <city.clerk@cityofsanrafael.org>
Cc: [REDACTED]
Subject: Point San Pedro Road Median Landscaping Please noter.....

Dear Clerk and Mayor please note:

tem B:
Point San Pedro Road Median Landscaping

Please include the landscaping maintenance of the land on City Property and sidewalk by the creek that is running from the corner of Point San Pedro and Summit Avenue into the canal in my back yard.

It has been neglected for years and caused Damage to my property and my boat dock.

Thank You for your assistance

God Bless You
Ivaldo Lenci Senior
[REDACTED]
San Rafael, CA 94901
[REDACTED]

Unable to attend due to others obligations in this time slot.
If you have any questions, please contact me to make an appointment to meet.
Best Regards

From: Ivaldo Lenci [REDACTED]

Sent: Monday, July 17, 2023 11:56 AM

To: [REDACTED]

Subject: Fwd: Photo of Marina Vista Canal that show where the catch basin was per Drainage Schematic City of San Rafael

For your information

Thank You for your patience

Best

Ivaldo Senior

[REDACTED]

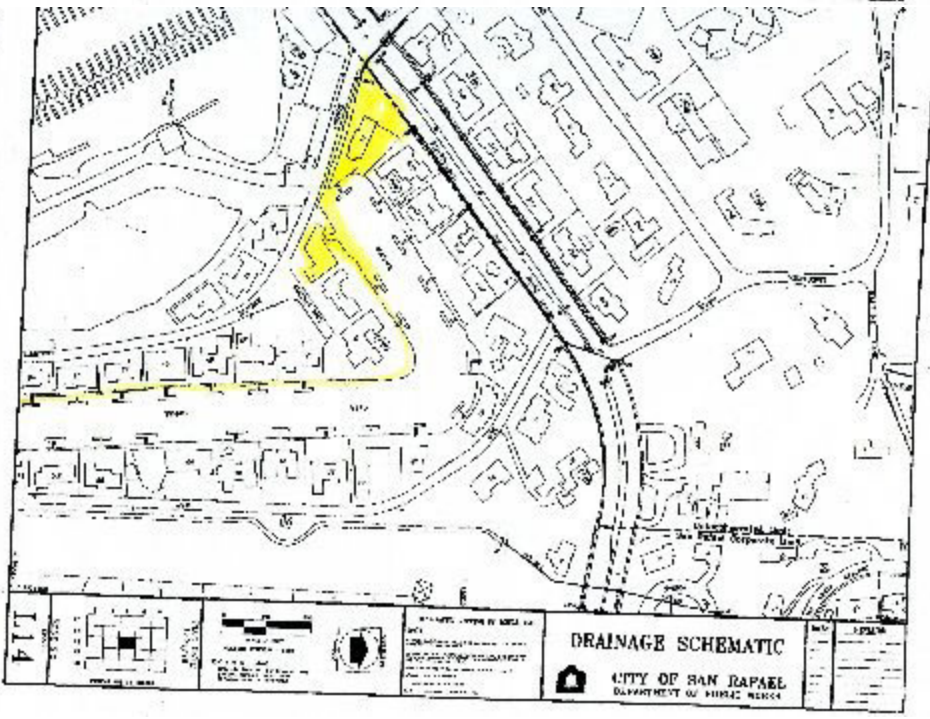
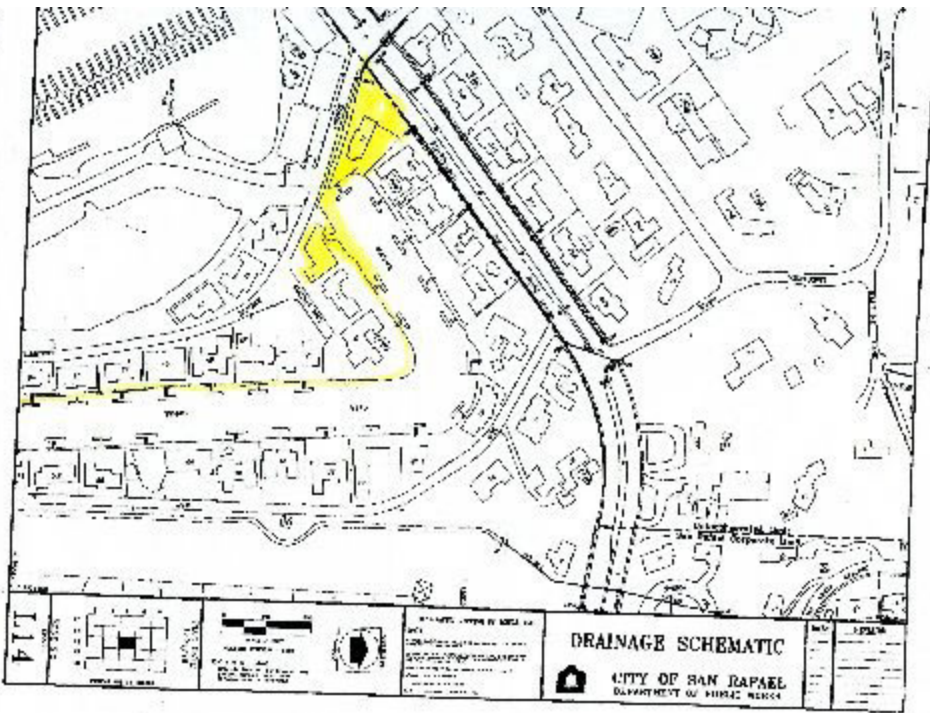


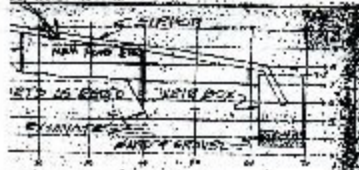
(c) Continuing Trespass or Nuisance.

(1) [§552] In General.

Where the defendant's act is not a "completed wrong," i.e., it does not immediately cause a permanent injury, a difficult problem confronts the plaintiff. He should not be forced to sue immediately upon the commission of any wrongful act of trespass or nuisance. The defendant may stop or abate the nuisance, so that it results in only temporary injury; or the possibility and extent of future damage may not be clear at the outset. In these situations of doubt as to the permanency of the injury, the better view gives the plaintiff an election (a) to sue for all present and prospective damages on the theory that a permanent injury has occurred; or (b) to treat the wrong as *continuing* but not necessarily permanent, and sue only for damages suffered up to the time of the action. The second election allows further suits on successive causes of action so long as the wrongful act continues to cause injury, and in any action recovery may be had for all damage suffered within 3 years of the filing of the complaint. (See *Kafka v. Bozio* (1923) 191 C. 746, 751, 218 P. 753; *Phillips v. Pasadena* (1945) 27 C.2d 104, 107, 162 P.2d 625 [dictum applying rule to time for filing claim against municipality: "Every repetition of a continuing nuisance is a separate wrong for which the person injured may bring successive actions for damages until the nuisance is abated, even though an action based on the original wrong may be barred"]; *Nelson v. Robinson* (1941) 47 C.A.2d 520, 529, 118 P.2d 350; *Spaulding v. Cameron* (1952) 38 C.2d 265, 268, 239 P.2d 625; *Polin v. Chung Cho* (1970) 8 C.A.3d 673, 678, 87 C.R. 591; *Mangini v. Aerojet-General Corp.* (1991) 230 C.A.3d 1125, 1142, 281 C.R. 827 [holding that plaintiffs could amend complaint to state facts showing continuing nuisance]; *United States v. Dickinson* (1947) 331 U.S. 745, 67 S.Ct. 1382, 1385, 91 L.Ed. 1789, 1794; Rest.2d, Torts §§899, Comment d, 930; 63 Harv. L. Rev. 1205; 24 A.L.R.2d 903 [encroachment]; 12 A.L.R.3d 1265; 19 A.L.R.4th 456 [air pollution]; but see *Baker v. Burbank-Glendale-Pasadena Airport Authority* (1985) 39 C.3d 862, 218 C.R. 293, 705 P.2d 866, *infra*, §553 [disagreeing with dictum stated in *Phillips*].)

In *Kafka v. Bozio*, the foundations of defendant's building sagged, the building tipped, and the upper part overhung plaintiffs' adjoining land, injuring plaintiffs' building. More than 3 years after the first encroachment, plaintiffs sued to abate the nuisance. *Held*, the action was timely; plaintiffs had "elected to treat the nuisance,



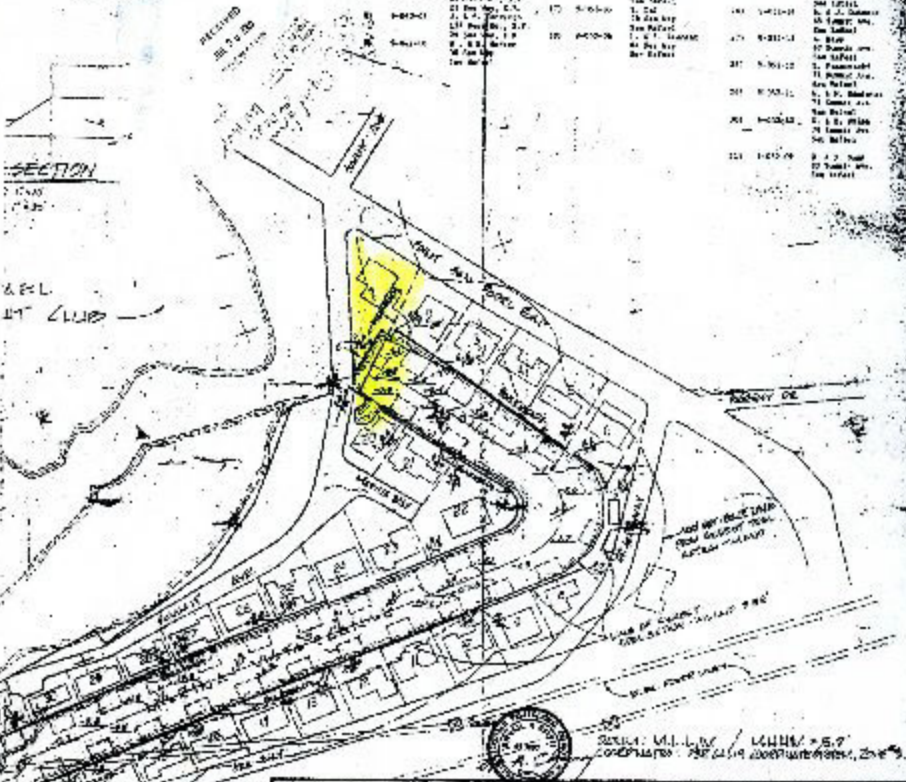


SECTION 1
SCALE: HORIZONTAL 1" = 20'
VERTICAL 1" = 2'

SECTION 2
SCALE: HORIZONTAL 1" = 20'
VERTICAL 1" = 2'

SECTION 3
SCALE: HORIZONTAL 1" = 20'
VERTICAL 1" = 2'

NO.	NAME	AGE	SEX	REL.	DATE	TIME	REMARKS
1-100-01	E. S. ...	...	...	...	...	...	...
1-100-02	F. ...	...	...	...	...	...	...
1-100-03	G. ...	...	...	...	...	...	...
1-100-04	H. ...	...	...	...	...	...	...
1-100-05	I. ...	...	...	...	...	...	...
1-100-06	J. ...	...	...	...	...	...	...
1-100-07	K. ...	...	...	...	...	...	...
1-100-08	L. ...	...	...	...	...	...	...
1-100-09	M. ...	...	...	...	...	...	...
1-100-10	N. ...	...	...	...	...	...	...
1-100-11	O. ...	...	...	...	...	...	...
1-100-12	P. ...	...	...	...	...	...	...
1-100-13	Q. ...	...	...	...	...	...	...
1-100-14	R.
1-100-15	S.
1-100-16	T.
1-100-17	U.
1-100-18	V.
1-100-19	W.
1-100-20	X.
1-100-21	Y.
1-100-22	Z.



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