

Lompoc City Council Agenda Item



City Council Meeting Date: February 1, 2011

TO: Laurel M. Barcelona, City Administrator

FROM: Arleen T. Pelster, AICP, Community Development Director

Subject: Approval of Resolution 5692(11), A Resolution of the Council of the City of Lompoc, County of Santa Barbara, State of California, Assessing Costs of Nuisance Abatement (409 South C Street)

RECOMMENDATION:

City Council:

- 1) Approve Resolution 5692(11), A Resolution of the Council of the City of Lompoc, County of Santa Barbara, State of California, Assessing Costs of Nuisance Abatement; and
- 2) Authorize imposition of a lien as follows:

<u>Description</u>	<u>Amount</u>
Abatement	\$2,917.00
In-House and Incidental Fees	\$629.22
Attorney's Fees	\$3,572.76
Total Costs of Abatement	\$7,118.98

BACKGROUND:

On July 6, 2010, the City Council adopted Resolution 5658(10), declaring its intent to conduct a public hearing to declare the property located at 409 South C Street, Lompoc, CA, APN 085-294-001 (the "Property") a public nuisance. The owner and all other responsible parties for the property were provided proper notice of the public hearing by mail and by posting on the Property.

On August 3, 2010, a Public Hearing was held and no objections having been received, the City Council adopted Resolution 5664(10), declaring the Property a public nuisance

and authorizing abatement of the nuisance if the Property was not voluntarily abated by August 17, 2010.

On August 23, 2010, the City Prosecutor obtained an Abatement Warrant from the Lompoc Branch of the Santa Barbara Superior Court. The Warrant was served on the Property by posting on August 23, 2010. An extension of the Abatement Warrant was obtained on September 3, 2010, which was posted on the Property on September 7, 2010. The nuisance abatement of the property, which included repairing dilapidated fences, removing all overgrown grass and weeds, and removing all junk, trash and debris, was completed on September 8, 2010.

The costs of the abatement are itemized in the attached Memorandum of Costs and summarized as follows:

<u>Description</u>	<u>Amount</u>
Abatement	\$2,917.00
In-House and Incidental Fees	\$629.22
Attorney's Fees	\$3,572.76
Total Costs of Abatement	\$7,118.98

DISCUSSION

Lompoc Municipal Code § 17.140.110 provides for the assessment of total costs of abatement against the property to which the abatement relates as follows:

- (A) The total cost of abating such nuisance, as so confirmed by the City Council, shall constitute a special assessment against the respective lot or parcel of land to which it relates and upon recordation in the office of the County Recorder of a notice of lien, as so made and confirmed, shall constitute a lien on said property for the amount of such assessment.
- (B) After such confirmation and recordation, a copy may be turned over to the Tax Collector for the County, whereupon it shall be the duty of said Tax Collector to add the amounts of the respective assessments to the next regular tax bills levied against said respective lots and parcels of land for municipal purposes, and thereafter, said amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure for foreclosure and sale in case of delinquency as provided for ordinary municipal taxes; or after such recordation, such lien may be

foreclosed by judicial or other sale in the manner and means provided by law.

Prior to adopting the Resolution, the Council is required to conduct a cost confirmation hearing to review an itemized lien report and consider any objections by the property owner subject to the lien. The Council may modify the cost report, if necessary. The owner of record of 409 South C Street is David George Brown, who was provided notice of the hearing.

SUMMARY

Staff recommends adoption of Resolution 5692(11), A Resolution of the Council of the City of Lompoc, County of Santa Barbara, State of California, Assessing Costs of Nuisance Abatement.

Arleen T. Pelster, AICP
Community Development Director

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL:

Laurel M. Barcelona, City Administrator

ATTACHMENTS:

Attachment 1: [Resolution 5692\(11\), A Resolution of the Council of the City of Lompoc County of Santa Barbara, State of California, Assessing Costs of Nuisance Abatement](#)

Attachment 2: [Memorandum of Costs](#)

Attachment 3: [Draft Notice of Abatement Lien](#)

Attachment 4: [Notice of Hearing](#)