

**RESOLUTION NO. 6567(23)**

**A Resolution of the City Council of the City of Lompoc  
Authorizing and Directing Recovery of Previously Approved  
Costs of Nuisance Abatement at 1128 N. A Street, Lompoc,  
California, via Recordation of a Lien and Collection via  
Special Assessment**

**WHEREAS**, Lompoc Municipal Code Chapter 17.628 establishes provisions for declaring property nuisances, and sets forth procedures by which the City of Lompoc (City) may abate such nuisances and recover the costs of the abatement via recordation of a lien, and collection via special assessment; and

**WHEREAS**, pursuant to Lompoc Municipal Code Section 17.628.040, the City served a Notice and Order to Abate, dated October 18, 2022, directing the property owner of 1128 North A Street, Lompoc, California (APN 087-021-018) to abate nuisance conditions—an overhanging tree, weeds, and debris obstructing sight lines and travel through the public alleyway—with the Notice and Order to Abate being served by posting at the property, and via certified mail to the property owner at the address listed in documents recorded with the County of Santa Barbara Clerk, Recorder, Assessor & Elections Department; and

**WHEREAS**, the property owner had up to and including November 2, 2022, to respond and abate the described nuisance conditions, or file a written request to the City Clerk appealing the determination set forth in the Notice and Order to Abate; and

**WHEREAS**, the City Clerk did not receive a written request appealing the determination set forth in the Notice and Order to Abate, from the property owner; and

**WHEREAS**, on December 6, 2022, the City obtained an abatement warrant issued by the Santa Barbara County Superior Court, the Honorable James F. Rigali, Superior Court Judge; and

**WHEREAS**, on December 20, 2022, the City abated the public nuisance pursuant to the abatement warrant, which included removing the overhanging tree, and clearing out the weeds and debris from the alleyway; and

**WHEREAS**, Lompoc Municipal Code Section 17.628.090(A)(1) authorizes recovery of costs, including attorney's fees and incidental expenses for abating any public nuisance on the parcel where the work is done, upon preparation of an itemized report to the City Council; and

**WHEREAS**, the itemized report, attached to this Resolution as a Memorandum of Costs, shows the cost of abatement and the rehabilitation, demolition, removal, or repair of the premises. Further, incidental expenses include the actual and overhead expenses and cost of the City to prepare notices, specifications and contracts, and to inspect the work, and the costs of printing and mailing required; and

**WHEREAS**, pursuant to Lompoc Municipal Code 17.628.090(A)(2), the Memorandum of Costs was posted at the subject property and mailed to the address listed in documents recorded with the County of Santa Barbara Clerk, Recorder, Assessor & Elections Department, along with a notice of the date and time of the City Council meeting during with the Memorandum of Costs would be considered, on February 2, 2023; and

**WHEREAS**, pursuant to Lompoc Municipal Code 17.628.090(B), the City Council considered the Memorandum of Costs, together with any objections or protests made, at a regularly noticed meeting on February 21, 2023, at least 10 days after service and posting of the Memorandum of Costs.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOMPOC, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:**

**SECTION 1. Assessment of Costs as a Lien.**

The Memorandum of Costs considered and approved at the February 21, 2023, regular meeting of the City Council is hereby assessed as a lien upon the subject property, and the Community Development Director is directed to prepare and record a Notice of Lien, in accordance with Lompoc Municipal Code 17.628.090(C)(1)(b), with the County of Santa Barbara Clerk, Recorder, Assessor & Elections Department.

**SECTION 2. Collection as Special Assessment.**

The City Clerk is hereby authorized to direct the collection of the amount set forth in the recorded Notice of Lien by the County of Santa Barbara, at the same time and in the same manner as ordinary property taxes are collected, and subject to the same penalties and procedures under foreclosure and sale in case of delinquency as provided for such taxes, in accordance with Lompoc Municipal Code 17.628.090(C)(2).

**SECTION 3. Effective Date.** This Resolution is effective on the day of its adoption.

The foregoing Resolution was proposed by Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, and was duly passed and adopted by the Council of the City of Lompoc at its regular meeting on March 21, 2023, by the following vote:

AYES: Council Member(s):  
NOES: Council Member(s):  
ABSENT: Council Member(s):

\_\_\_\_\_  
Jenelle Osborne, Mayor  
City of Lompoc

ATTEST:

\_\_\_\_\_  
Stacey Haddon, City Clerk  
City of Lompoc

Attachment: Memorandum of Costs

# MEMORANDUM OF COSTS

Aleshire & Wynder, LLP

## Matter Ledger Report

10/12/2022 to 1/6/2023

Code	Name	Date	Code	Hours	Unbilled Time			Text
					\$ Value	Task	Ref #	
RKM	Robyn K. Moore, Paralega	11/22/22	B	0.50	70.00	16P2276	(1128 N. A ST.) REVISED APPLICATION FOR ABATEMENT WARRANT; EMAILED PARALEGAL SCHWAB REGARDING SAME	
RMH	Robert M. Hensley	11/28/22	B	0.60	129.00	16P4107	(1128 N. A ST.) DEVELOPMENT AND REFINEMENT OF FURTHER HANDLING STRATEGIES REGARDING CIVIL ABATEMENT AND FILING COMPLAINT IN COURT TO ACHIEVE CODE COMPLIANCE	
RKM	Robyn K. Moore, Paralega	11/29/22	B	1.10	154.00	16P5492	(1128 N. A ST.) GATHERED AND ORGANIZED EXHIBITS IN SUPPORT OF APPLICATION FOR ABATEMENT WARRANT; DRAFTED PROPOSED WARRANT FOR ABATEMENT; PREPARED ALL FOR FILING	
RMH	Robert M. Hensley	11/29/22	B	0.80	172.00	16P6394	(1128 N. A ST.) SUPERVISE PREPARATION AND FILING	
RKM	Robyn K. Moore, Paralega	12/05/22	B	0.20	28.00	16P9887	(1128 N. A ST.) REVISED PROPOSED ORDER PURSUANT TO COURT'S INSTRUCTIONS	
RKM	Robyn K. Moore, Paralega	12/07/22	B	0.30	42.00	16Q6097	(1128 N. A ST.) RECEIVED AND REVIEWED SIGNED ABATEMENT ORDER; EMAILED SAME TO PARALEGAL SCHWAB; CALENDARED DEADLINE FOR CITY'S ABATEMENT AND FILING OF RETURN TO WARRANT; RECEIVED AND REVIEWED PROOF OF POSTING OF ABATEMENT WARRANT ON PROPERTY FROM PARALEGAL SCHWAB	
RMH	Robert M. Hensley	12/07/22	B	0.30	64.50	16Q6153	(1128 N. A ST.) RECEIPT AND ANALYSIS OF SIGNED ABATEMENT ORDER ISSUED BY COURT; DIRECT FURTHER HANDLING RE SAME	
GRT	George "Ross" Trindle	12/08/22	B	0.30	64.50	16Q6700	(1128 N. A ST.) DIRECT FOLLOW UP RE ORDER AND NOTICE OF CASE ASSIGNMENT AND CASE MANAGEMENT CONFERENCE	
RKM	Robyn K. Moore, Paralega	12/16/22	B	0.20	28.00	16R2742	(1128 N. A ST.) EMAILED PARALEGAL SCHWAB REGARDING STATUS OF EXECUTION OF ABATEMENT WARRANT BY CITY; EXCHANGED EMAILS WITH PARALEGAL SCHWAB REGARDING SCHEDULED ABATEMENT; CALENDARED FOLLOW UP	
RKM	Robyn K. Moore, Paralega	12/19/22	B	0.30	42.00	16R3995	(1128 N. A ST.) EMAILED PARALEGAL SCHWAB REGARDING STATUS OF CITY'S ABATEMENT; EXCHANGED EMAILS WITH PARALEGAL SCHWAB REGARDING SAME; RECEIVED AND REVIEWED PHOTOGRAPHS OF SAME; CALENDARED FOLLOW UP	
RKM	Robyn K. Moore, Paralega	12/20/22	B	0.20	28.00	16R5494	(1128 N. A ST.) EMAILED PARALEGAL SCHWAB REGARDING STATUS OF COMPLETION OF CITY'S ABATEMENT OF PROPERTY; EXCHANGED EMAILS WITH PARALEGAL SCHWAB REGARDING SAME	
RKM	Robyn K. Moore, Paralega	12/21/22	B	1.00	140.00	16R6532	(1128 N. A ST.) EMAILED PARALEGAL SCHWAB REGARDING NEED FOR DETAILS OF COMPLETED ABATEMENT BY CITY IN ORDER TO DRAFT RETURN TO WARRANT; BEGAN DRAFTING RETURN TO WARRANT; EMAILED SAME TO PARALEGAL SCHWAB FOR REVIEW	
RKM	Robyn K. Moore, Paralega	12/22/22	B	0.30	42.00	16R7072	(1128 N. A ST.) FINALIZED RETURN TO WARRANT AND SUPPORTING EXHIBITS FOR FILING	
RMH	Robert M. Hensley	12/22/22	B	0.80	172.00	16R7274	(1128 N. A ST.) RECEIPT AND ANALYSIS OF SIGNED ABATEMENT WARRANT FROM THE COURT; PLAN AND DIRECT FURTHER HANDLING OF ABATEMENT EFFORTS INCLUDING PREPARATION AND FILING OF RETURN TO ABATEMENT WARRANT	
<b>Total Unbilled Time:</b>				<b>6.90</b>	<b>\$1,176.00</b>			

Code	Description	Date	Ck #	Ck Date	Unbilled Expenses		Text
					\$ Value	Ref #	
068	COURT SERVICES	12/13/22	35966	12/14/2022	115.00	16R1138	16Q5768-(1128 N. A STREET, TO SANTA BARBARA SC, ASAP, 11/29/22);Check#35966
<b>Total Unbilled Time:</b>					<b>\$115.00</b>		

## MEMORANDUM OF COSTS

Code	Name	Date	Code	Hours	Billed Time			Text
					\$ Value	Task	Ref #	
RKM	Robyn K. Moore, Paralega	10/12/22	B	0.80	112.00	16L2070	(1128 N. A	ST.) REVISED MEMORANDUM REGARDING ABATEMENT OPTIONS FOR CITY'S ABATEMENT OF VIOLATIONS; EMAILED SAME TO PARALEGAL SCHWAB; CALENDARED FOLLOW UP; RECEIVED AND REVIEWED EMAIL FROM PARALEGAL SCHWAB REGARDING CITY MANAGER'S INSTRUCTIONS REGARDING PURSUIT OF ABATEMENT WARRANT; DRAFTED NOTICE AND ORDER TO ABATE
RMH	Robert M. Hensley	10/12/22	B	0.30	64.50	16L3098	(1128 N. A	ST.) COMMUNICATION WITH CITY RE ABATEMENT OPTIONS AND INSTRUCTIONS RE MOVING FORWARD WITH ABATEMENT
JMM	Jeff M. Malawy	10/12/22	B	0.40	86.00	16L4455	(1128 NORTH A STREET)	REVIEW AND COMMENT ON DRAFT NOTICE AND ORDER TO ABATE NUISANCE ON PROPERTY
GRT	George "Ross" Trindle	10/13/22	B	0.20	43.00	16L5623	(1128 N. A	ST.) REVIEW OF UPDATE FROM MS. SCHWAB RE CITY MANAGER RECOMMENDATION FOR ABATEMENT WARRANT; DIRECT FOLLOW UP RE PREPARATION OF ABATEMENT WARRANT AND EXECUTION BY CITY PERSONNEL
GRT	George "Ross" Trindle	10/17/22	B	0.30	64.50	16L5625	(1128 N. A	ST.) REVIEW REVISE NOTICE TO ABATE; DIRECT FOLLOW UP RE SERVICE
RKM	Robyn K. Moore, Paralega	10/18/22	B	0.30	42.00	16L4664	(1128 N. A	ST.) FURTHER REVISED NOTICE AND ORDER TO ABATE; EMAILED PARALEGAL SCHWAB NOTICE AND ORDER TO ABATE TO BE MAILED TO PROPERTY OWNER; CALENDARED DEADLINE FOR ABATEMENT
RKM	Robyn K. Moore, Paralega	10/27/22	B	0.10	14.00	16M4969	(1128 N. A	ST.) EXCHANGED EMAILS WITH PARALEGAL SCHWAB REGARDING NOTICE TO ABATE RETURNED UNDELIVERABLE AND NEXT COURSE OF ACTION REGARDING NOTICING REQUIREMENTS
RKM	Robyn K. Moore, Paralega	10/31/22	B	0.30	42.00	16M8421	(1128 N. A	ST.) STRATEGIZED NEXT COURSE OF ACTION DUE TO NOTICE TO ABATE BEING RETURNED UNDELIVERABLE AND NOT RECEIVED BY PROPERTY OWNER; EMAILED PARALEGAL SCHWAB REGARDING SAME; CALENDARED FOLLOW UP
GRT	George "Ross" Trindle	10/31/22	B	0.30	64.50	16M8648	(1128 N. A	ST.) REVIEW OF STATUS OF SERVICE; DIRECT FOLLOW UP RE ADDITIONAL SERVICE METHODS AND COMPLIANCE WITH LOMPOC MUNICIPAL CODE
RKM	Robyn K. Moore, Paralega	11/04/22	B	0.20	28.00	16N4827	(1128 N. A	ST.) RECEIVED AND REVIEWED EMAIL, PHOTOGRAPHS AND PROOF OF POSTING OF NOTICE TO ABATE FROM PARALEGAL SCHWAB
RKM	Robyn K. Moore, Paralega	11/10/22	B	0.20	28.00	16N8934	(1128 N. A	ST.) EMAILED PARALEGAL SCHWAB REGARDING STATUS OF COMPLIANCE FOLLOWING DEADLINE PROVIDED IN NOTICE AND ORDER TO ABATE; RECEIVED AND REVIEWED EMAIL AND PHOTOGRAPH FROM PARALEGAL SCHWAB CONFIRMING VIOLATIONS REMAIN ON PROPERTY
RKM	Robyn K. Moore, Paralega	11/16/22	B	2.10	294.00	16O4195	(1128 N. A	ST.) DRAFTED APPLICATION FOR ABATEMENT WARRANT, SUPPORTING DECLARATION
GRT	George "Ross" Trindle	11/16/22	B	0.70	150.50	16O4690	(1128 N. A	ST.) REVIEW AND REVISE APPLICATION FOR ABATEMENT WARRANT; DIRECT FOLLOW UP RE FINAL REVISIONS AND CORRECTIONS AND TRANSMITTAL TO MS. SCHWAB FOR EXECUTION OF DECLARATION AND FILING

**Total Billed Time: 6.20 \$1,033.00**

End of Report

**MEMORANDUM OF COSTS**

**MILLER LANDSCAPING & MAINTENANCE**



**1321 East Ocean Ave.  
Lompoc, CA 93436  
(805) 736-5299**

Randy@LompocLandscaping.com

**Invoice**

DATE	INVOICE NO.
1/1/2023	62254

City of Lompoc  
Attention: Accounts Payable  
100 Civic Center Plaza  
Lompoc, CA 93436

P.O. NO.	TERMS
R230226	Due on receipt

DESCRIPTION	AMOUNT
128 North A Street: Remove trees, weeds and debris from alleyway	3,027.00
Sales Tax	0.00
Thank you for your business.	
<b>Total</b>	<b>\$3,027.00</b>