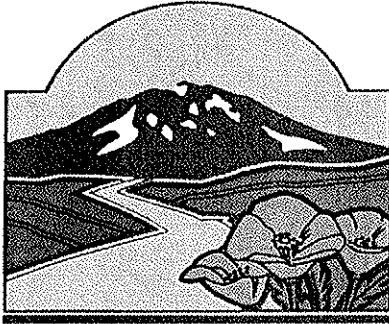


CITY OF  
ANDERSON



# AGENDA ITEM

February 16, 2010, City Council Meeting

Approved for Submittal By:

City Manager

A handwritten signature in black ink, appearing to read "Dana Shigley".

To Be Presented By:

John Stokes

A handwritten signature in black ink, appearing to read "John Stokes".

To: Honorable Mayor and Members of the Anderson City Council

Through: Dana Shigley, City Manager  
Telephone 378-6646

From: John Stokes, Planning Director  
Telephone 378-6636

Date: February 16, 2010

## SUBJECT

Place lien on property tax rolls to recover City expenses in abating nuisance.

## RECOMMENDATION

The Planning Director recommends that the City Council:

**Move to adopt the resolution finding the costs incurred by the City to be reasonable, levying an assessment against the property in the amount of \$6,057.85 and providing for collection of the assessment on the tax rolls.**

## FISCAL IMPACT

This assessment may result in the City being able to recover approx. \$6,000 in expenses.

## **DISCUSSION and BACKGROUND**

The City has now completed the nuisance abatement procedure provided in our Municipal Code to clean up the weeds and trash around the abandoned residence located at 2646 Barney Street and to board up the building to prevent vandalism and protect public safety.

The Planning Director has completed a list of the expenses incurred by the City and it is attached. The Code requires him to present this list to the City Council in a hearing so the property owner has the opportunity to comment or object. Notice of the hearing has been posted on the property and mailed to everyone known to the City to have a potential legal interest in the property.

The Council's role is to listen to any public input during the hearing and then make a determination whether all or part of the expenses listed are reasonable. Whatever the amount the Council determines to be reasonable can then be approved by resolution. The resolution can also levy an "assessment" in that amount and direct that the assessment be collected on the County tax rolls.

## **ATTACHMENTS**

1. City Expenses
2. Resolution

City of Anderson 2646 Barney Street - EXPENSES - Case No. 08-004				
Name	Title	Hours Spent	Billable rate per hour	Total Cost
John Stokes	Planning Director	10	\$ 87.78	\$ 877.80
Marty Mofield	Building Inspector/Code Enforcement	6	\$ 58.18	\$ 349.08
Darla Tilley	Administrative Assistant	3	\$ 43.22	\$ 129.66
Mike Fitzpatrick	City Attorney	6	\$ 150.00	\$ 900.00
<b>Staff Totals</b>		<b>25</b>		<b>\$ 2,256.54</b>
Steve Ayers	Code Enforcement /Building Inspector	0.5	\$ 52.55	See below
		0.5	\$ 52.55	Walked perimeter checking for signs of activity, took pictures 9-16-08
		0.25	\$ 52.55	Noticed activity onsite, windows broken and inside vandalized 9-26-08
		0.5	\$ 52.55	Walked perimeter, interior looking for signs of squatters 12-1-08
		1	\$ 52.55	Spoke w/ City Manager about boarding up with City funds 2-23-09
		1	\$ 52.55	Worked on Title search for property owners 3-10-09
		0.5	\$ 52.55	Search of photos and reviewed Title Guarantee we received 3-17-09
		0.5	\$ 52.55	Worked on notice of non-compliance 3-18-09
		1	\$ 52.55	Finished notice of non-comp. and organized photos/files 3-19-09
		0.25	\$ 52.55	Worked on staff report for City Council meeting 3-25-09
		0.5	\$ 52.55	Took care of a neighbor complaint by phone 3-30-09
		0.5	\$ 52.55	Walked property, took pictures 4-6-09
		1	\$ 52.55	Started first notice to abate 5-8-09
		1	\$ 52.55	Tracked owner(s) of building 5-9-09
		0.5	\$ 52.55	Sent five letters to known owners by certified mail at \$5.54 each 5-14-09
		0.5	\$ 52.55	Phone call with Fran McKenzie of the Tax Collector's office 6-1-09
		0.5	\$ 52.55	Meeting w/ Mike Fitzpatrick about abatement & boarding by City 7-2-09
		0.5	\$ 52.55	Onsite inspection & noticed activity in building, vandalism 7-2-09
		1	\$ 52.55	Onsite inspection & took current photos for Mike Fitzpatrick 7-16-09
		0.5	\$ 52.55	Created information packet for Mike Fitzpatrick 7-17-09
		1.5	\$ 52.55	Worked on photos & files for City Attorney 7-20-09
		0.25	\$ 52.55	Drove to Redding to meet with City Attorney and drop off info. 7-21-09
		0.25	\$ 52.55	E-mail message sent to City Manager & City Attorney 8-10-09
		0.25	\$ 52.55	Checked property onsite 8-21-09
		0.25	\$ 52.55	Posted Notice of Hearing on front door 9-1-09
		0.5	\$ 52.55	Worked on City Council report for Juanita Barnett, City Clerk 9-9-09
		0.25	\$ 52.55	Organized photos 9-11-09
		3	\$ 52.55	Council meeting for abatement order
		0.5	\$ 52.55	Posted Resolution notice & walked property inside & out 9-18-09
		0.5	\$ 52.55	Called by neighbors to investigate new issue of mattresses, chest of drawers and debris strewn on property 10-12-09
		0.5	\$ 52.55	Took photos of building now boarded up 11-10-09
		3	\$ 52.55	Preparing lien information, post building, working with City Clerk 2-1-10

Name	Title	Hours Spent	Billable rate per hour	Total Cost	Notes
		0.5	\$ 52.55		Walked property to check on secured windows and doors, re-attached red tags and paperwork 1-26-10
		2	\$ 52.55		Phone calls to Assessor's Office, Tax Collector and Coroner's Office
		1	\$ 52.55		Time spent at Shasta County Assessor's Office researching ownership
	<b>Steve Ayers' Totals</b>	<b>26.5</b>		<b>\$ 1,392.58</b>	
Phil Valdez	Maintenance Supervisor	8	\$ 78.28	\$ 626.24	Board up cost for house + yard. Clean up
Greg Pasley	Maintenance Worker	8	\$ 78.28	\$ 626.24	Board up cost for house + yard. Clean up
James Seabolt	Maintenance Worker	4	\$ 78.28	\$ 313.12	Board up cost for house + yard. Clean up
Scott Kavert	Maintenance Worker	2	\$ 78.28	\$ 156.56	Board up cost for house + yard. Clean up
David Duff	Maintenance Worker/Landscaping	1	\$ 78.28	\$ 78.28	Board up cost for house + yard. Clean up
	<b>Maintenance Worker Totals</b>	<b>23</b>		<b>\$ 1,800.44</b>	
Equipment Use	To board up house	2	\$ 10.00	\$ 20.00	Sweeper, pick-ups, dump truck, backhoe, 1/s trailer
Materials	To board up house	n/a	n/a	\$ 207.89	Plywood, 2x4x10, carriage bolts, nuts and washers
Mailing notices	First and Finals	n/a	n/a	\$ 55.40	Notification to owner(s)
Litigation Guarantee		n/a	n/a	\$ 325.00	Paid by City
	<b>Totals for equipment and materials</b>	<b>2</b>		<b>\$ 608.29</b>	
	<b>Total Cost</b>			<b>\$ 6,057.85</b>	

**RESOLUTION NO. 10-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANDERSON  
CONFIRMING COSTS INCURRED IN NUISANCE ABATEMENT OF PROPERTY  
LOCATED AT 2646 BARNEY STREET, ANDERSON, CALIFORNIA  
LEVYING AN ASSESSMENT, AND PROVIDING FOR ITS COLLECTION  
ON THE PROPERTY TAX ROLLS OF SHASTA COUNTY**

**WHEREAS**, following extensive nuisance abatement efforts relating to conditions on the property located at 2646 Barney Street in Anderson, California, abatement proceedings were initiated under Chapter 8.28 of the Anderson Municipal Code; and

**WHEREAS**, the Anderson City Council, after notice and hearing on September 15, 2009, declared the property a public nuisance and ordered that abatement actions be taken by the property owner and warned the owner that the City would undertake such actions and levy an assessment and impose a tax lien for his or her failure to comply with the City's Notice to Abate; and

**WHEREAS**, the City's action was then posted and served in accordance with law; and

**WHEREAS**, City staff then came onto the property and cleaned up weeds and trash and boarded up the abandoned residential structure and the work done consisted of the following:

*Inspection of Premises, Conduct of Hearing, Posting of Property, Weed and Trash Disposal, Boarding of Windows, Securing the Property and Related Safety Measure; and*

**WHEREAS**, the City incurred costs in the amount of \$6,057.85 in staff time in abating such nuisance conditions; and

**WHEREAS**, the property itself is identified as follows:

**Legal Description:** All that portion of the P.B. Reading Grant described as follows:

Beginning at the most easterly corner of the 0.325 acre parcel shown on the Map recorded in the Office of the County Recorder May 29, 1947 in Book 8 of Land Surveys at Page 46, Shasta County Records; Thence, along the southwesterly line of State Highway 99 as shown on said Map, South 48 deg., 02' east 60 feet; thence, leaving said State Highway, South 41 deg. 50' 50" West 169.62 feet; thence, North 53 deg. 07' 20" West 60.66 feet to the Southerly corner of said 0.325 acre parcel; thence, along the Southeasterly line of said 0.325 acre parcel North 41 deg. 58' East 175.00 feet to the point of beginning.

**Assessor Parcel Number:** 202-180-020

**Address:** 2646 Barney Street, Anderson, California 96007

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ANDERSON DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

1. The recitals contained herein are true and correct, the Nuisance Abatement Order being dated September 15, 2009; and

2. The amount of \$6,057.85 is confirmed as a reasonable charge for the work performed by City staff; and

3. An assessment in the amount of \$6,057.85 is hereby levied upon the owner, last known as Michael James Montague (last known addresses: P.O. Box 235, Bella Vista, CA. 96008-0235 and 5837 Bear Valley Trail, Redding, CA 96003) and upon the subject property; and

4. Payment of the Assessment shall be due immediately upon deposit of a copy of this Resolution in the mail addressed to the Owner at his address as set forth in the last equalized assessment tax roll of Shasta County for the subject property; and

5. Collection and enforcement of these charges through the tax rolls of Shasta County is hereby authorized.

**PASSED AND ADOPTED** by the City Council of the City of Anderson on this 16th day of February, 2010.

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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Norma Connick, Mayor of the City of Anderson

ATTEST:

APPROVED AS TO FORM:

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Juanita Barnett, City Clerk

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Michael C. Fitzpatrick, City Attorney