

RESOLUTION NO. 96- 134
A RESOLUTION OF THE CITY OF EL PASO DE ROBLES
PROVIDING FOR REIMBURSEMENT OF ABATEMENT COST
TO THE CITY OF PASO ROBLES FOR ABATEMENT OF NUISANCE
AT 1030 TURTLE CREEK, PASO ROBLES, CALIFORNIA
APN 009-781-015

WHEREAS, on August 6, 1996, the City Council of the City of El Paso de Robles found it necessary to institute abatement of Nuisances that present potential dangers to the public; and

WHEREAS, the identified property owner or his/her agent was provided certified mail and on-site posting of a "Notice To Abate" letter informing them of the conditions existing on the property; and

WHEREAS, the property owner or his/her agent failed to abate the nuisance, the City Council of the City of El Paso de Robles by Resolution No. 96-94 (Attached Exhibit "A") directed the property owner or his/her agent to abate the property within the time prescribed by the Paso Robles Municipal Code Chapter 9.06 Section 9.06.140; and under this Resolution directed the Chief of Emergency Services to take those steps reasonably necessary to remove the nuisance and cause a tax lien upon the property for the amount of cost to the City incurred for abatement of the nuisance; and

WHEREAS, California Government Code Sections pertaining to Health, Safety, and City Government establishes the right of a City to enter upon a property and abate a nuisance showing potential threat to the public's safety and welfare, should the property owner(s) fail to do so, with the cost for such abatement becoming a lien against the property; and

WHEREAS, the following costs have been or will be incurred in the process of abating the described nuisance (original invoices attached):

CITY OF PASO ROBLES		
Staff	Fire Marshal @ \$40.00 per hour x 6 hours	\$240.00
	Emergency Services Chief @ \$45.00 per hour x 2 hours	\$90.00
	Fire Secretary @ \$11.00 per hour x 3 hours	\$33.00
Postage and Materials		\$42.84
	CITY OF PASO ROBLES TOTAL	\$405.84
 BRETT'S TRACTOR SERVICE		
605 3rd Street		
Paso Robles, CA 93446		
	BRETT'S TRACTOR SERVICE TOTAL	\$ 1,250.00
	GRAND TOTAL	\$1,655.84

WHEREAS, the property owner has been legally noticed pursuant to Section 9.06.160 of the Paso Robles City Municipal Code; and

WHEREAS, _____, appeared and gave testimony at the hearing; or

WHEREAS, Jim Hughes, the property owner, did not appear to give evidence relating to the abatement of the declared nuisance;

NOW, THEREFORE, BE IT RESOLVED that:

1. The above recitals are true and correct.
2. The City Council determined that all costs relating to the abatement of the declared nuisance are accurate, justified and the assessment in the amount of \$ 1,655.84 is confirmed.
3. The City Clerk is to notify the property owner(s) to reimburse the City for those costs within fourteen working days of the date of a statement for those costs from the City, and that should the property owner(s) not make payment within the specified period, the City shall institute a tax lien against the property in question and collect all costs accrued for such abatement in the same manner as it will collect any other applicable taxes.

PASSED AND ADOPTED by the City Council of the City of Paso Robles, this 16th day of **October, 1996**, by the following vote:

AYES: Heggarty, Iversen, Martin, and Macklin
NOES: None
ABSENT: Picanco



 Walter J. Macklin, Mayor

ATTEST:


 Richard J. Ramirez, City Manager/City Clerk

RESOLUTION NO. 96-94
A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF EL PASO DE ROBLES
ORDERING ABATEMENT OF 1030 TURTLE CREEK
APN 009-781-015

WHEREAS, on June 4, 1996, inspectors from the Paso Robles Department of Emergency Services conducted an inspection at said property at the request of concerned citizens; and

WHEREAS, the Department of Emergency Services has inspected the site and has determined that the site constitutes a serious violation of Municipal and Uniform Fire Codes; and

WHEREAS, the unsightly appearance of the property may have adverse impacts on abutting and adjacent properties; and

WHEREAS, the Department of Emergency Services has determined these conditions to be *dangerous to human life, and detrimental to the public health and safety*; and

WHEREAS, the property owner was sent a "Notice of Nuisance" on June 7, 1996, and the property was posted with a "Notice to Abate Nuisance" on July 17, 1996; and

WHEREAS, the City has complied with all notice requirements set forth in Section 9.06.110 and 9.06.120 of the Paso Robles Municipal Code; and

WHEREAS, no action has been taken by the property owners to abate said conditions; and

WHEREAS, the Paso Robles City Council conducted a hearing on August 6, 1996, to *determine the condition of said property*.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of El Paso de Robles, finds that the following conditions exist at said property and constitute a nuisance:

1. Conditions causing a blighted condition detrimental to property values in the neighborhood or otherwise detrimental to the health, safety and welfare of the public; PRMC 9.06.030(9)(11).
2. Unlawful continuance of a fire hazard; UFC Section 103.4.4.
3. Unlawful accumulation of combustible rubbish and vegetation; UFC Section 1103.1.

BE IT FURTHER RESOLVED AND ORDERED, that based on the above findings, the City Council of the City of El Paso de Robles *does hereby direct and order the property owner to cause abatement by removal of the materials creating the nuisance within 30 days, but not less than 15 days per Paso Robles Municipal Code Section 9.06.140.*

BE IT FURTHER RESOLVED AND ORDERED, that, in the event such abatement is not commenced, prosecuted and completed within 30 days, then the City Council of the City of El Paso de Robles, does hereby direct and order Department of Emergency Services staff to take all steps reasonably necessary to remove the materials creating the nuisance and cause a tax lien to be placed upon the property for the amount of City costs incurred for removing and abating said nuisance.

BE IT FURTHER RESOLVED AND ORDERED, that this Order of Abatement of the Council of the City of El Paso de Robles shall be served as provided in Section 9.06.110 of Paso Robles Municipal Code, and the time limits set by the City Council shall not commence until the order is served as provided therein.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles, this 6th day of August, 1996 by the following vote:

AYES: Heggarty, Iversen, Martin, Picanco, and Macklin
NOES: None
ABSENT: None


Walter J. Macklin, Mayor

ATTEST:



Richard J. Ramirez, City Manager/City Clerk

Exhibit B-1

RECORDING REQUESTED BY:

City of El Paso de Robles

WHEN RECORDED, RETURN TO:

City Clerk
City of El Paso de Robles
1000 Spring Street
Paso Robles, CA 93446

NOTICE OF LIEN
(Claim of City of El Paso de Robles)

(APN 009-781-015)

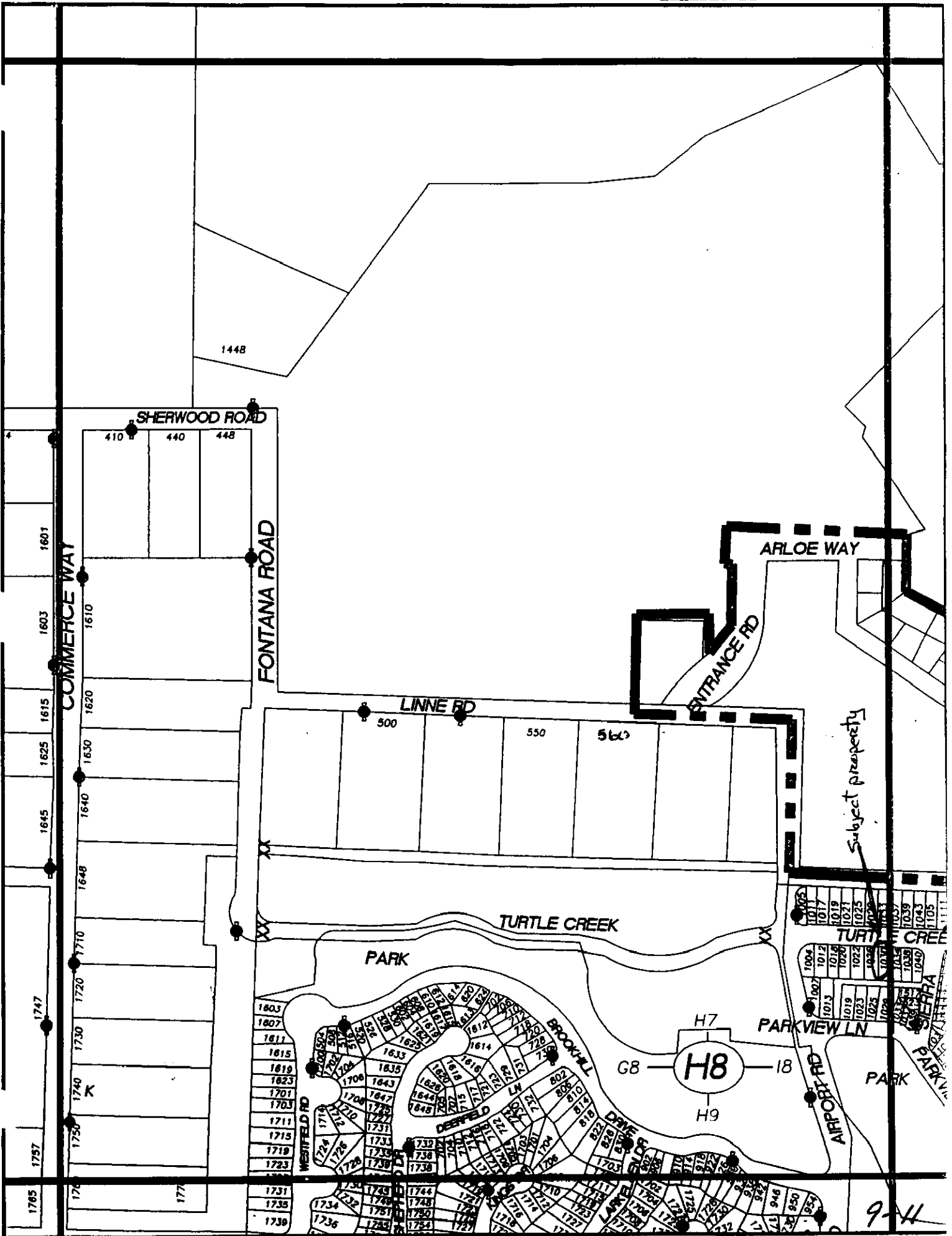
Pursuant to the authority granted by the laws of the State of California and Ordinances of the City of El Paso de Robles, and in compliance with the provisions of Chapter 9.06 of the Paso Robles Municipal Code, the City has expended the sum of One Thousand Six Hundred Fifty Five Dollars and Eighty Four Cents (\$1,655.84) to abate a public nuisance upon the hereinafter described real property, the City Council of said City has adopted Resolution No. 96-134, confirming the assessment for cost of abatement and incorporated herein by this reference, and said sum now constitutes a special assessment and lien upon said real property until said sum has been paid in full and discharged of record.

Said real property is situated within the City of El Paso de Robles, County of San Luis Obispo, State of California, at 1030 Turtle Creek, Assessor's Parcel Number (APN) 009-781-015, more particularly described on Exhibit "B2" attached hereto, and incorporated herein by this reference.

Dated: October 16th, 1996



Richard J. Ramirez, City Clerk
City of El Paso de Robles



9-4