

RESOLUTION NO. 97- 30
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 1619/1621 PINE STREET, PASO ROBLES, CALIFORNIA
APN 008-288-012

WHEREAS, on October 16, 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. 96-132 (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	Building Official 12 hrs. at \$48.39 per hour	\$ 580.68
	Emergency Services Chief 5 hrs. at \$45.00 per hour	\$ 225.00
	Fire Marshal 16 hrs. at \$40.00 per hour	\$ 640.00
	Fire Secretary 3 hrs. at \$11.00 per hour	\$ 33.00
	Postage, Materials and Publishing	<u>\$ 43.80</u>
CITY OF PASO ROBLES TOTAL		\$1,522.48

BRETT'S TRACTOR SERVICE

605 3rd Street

Paso Robles, CA 93446

BRETT'S TRACTOR SERVICE TOTAL

\$1,600.00

GRAND TOTAL

\$3,122.48

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, David A. Burden, 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 \$3,122.48 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 4th day of March, 1997, by the following vote:

AYES: Baron, Iversen, Macklin, Swanson, and Picanco
NOES: None
ABSENT: None

Madelyn Paasch
ATTEST:

Madelyn Paasch, City Clerk

Duane J. Picanco
Duane J. Picanco, Mayor

RESOLUTION NO. 96-132
A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF EL PASO DE ROBLES
ORDERING ABATEMENT OF 1619/1621 PINE STREET
APN 008-288-012

WHEREAS, on August 26, 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 August 28, 1996, and the property was posted with a "Notice to Abate Nuisance" on October 1, 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 October 16, 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 accumulation of combustible rubbish and vegetation; UFC Section 1103.1.

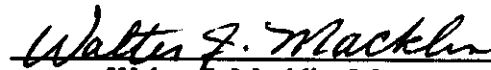
BE IT FURTHER RESOLVED AND ORDERED, that based on the above findings, the City Council of the City of El Paso de Robles does hereby direct and order the property owner to cause abatement by removal of the materials creating the nuisance within 15 days, but not less than 15 days per Paso Robles Municipal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

BE IT FURTHER RESOLVED AND ORDERED, that, in the event such abatement is not commenced, prosecuted and completed within 15 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.

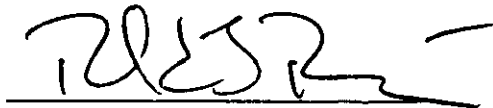
BE IT FURTHER RESOLVED AND ORDERED, that this Order of Abatement of the Council of the City of El Paso de Robles shall be served as provided in Section 9.06.110 of Paso Robles Municipal Code, and the time limits set by the City Council shall not commence until the order is served as provided therein.

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

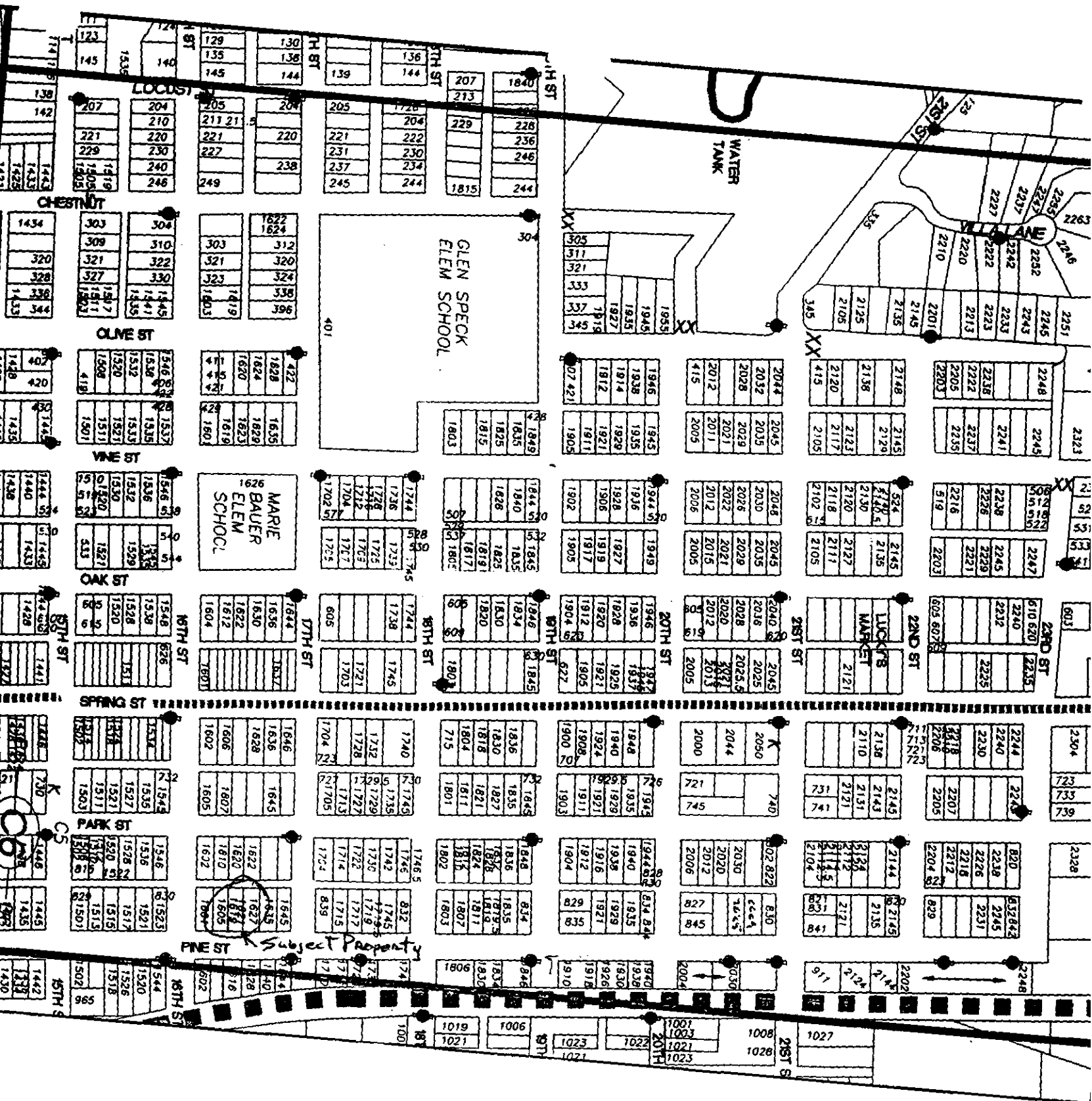
AYES:	Heggarty, Iversen, Martin, and Macklin
NOES:	None
ABSENT:	Picanco


Walter J. Macklin, Mayor

ATTEST:



Richard J. Ramirez, City Manager/City Clerk



1619/1621 Pine Street Nuisance Abatement
Lien Repayment Schedule

<u>Fiscal Year</u>	<u>Interest Rate</u>	<u>Principal Balance</u>	<u>Principal Payable</u>	<u>Interest Payable</u>	<u>Total Payable</u>
1997-98	10%	3,122.48	624.50	312.25	936.74
1998-99	10%	2,497.98	624.50	249.81	874.30
1999-00	10%	1,873.49	624.50	187.35	811.84
2000-01	10%	1,248.99	624.50	124.90	749.40
2001-02	10%	624.50	624.50	62.44	686.94
			3,122.48	936.74	4,059.22

RECORDING REQUESTED BY and
WHEN RECORDED RETURN TO:

Doc No: 1997-017448

Rec No: 00022723

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

Official Records
San Luis Obispo Co.
Julie L. Rodewald
Recorder

Apr 08, 1997
Time: 10:58

[8]

NF 0.00

TOTAL 0.00

NOTICE OF ABATEMENT LIEN

WHEREAS, a duly noticed public hearing was conducted on the question of whether or not a continuing violation of Chapter 9.06 of the Paso Robles Municipal Code existed at the property located at 1619/1621 Pine Street in the City of El Paso de Robles (Assessors Parcel Number 008-288-012), and

WHEREAS, it was determined that such violation did exist and such violation was ordered abated on October 16, 1996 by Resolution 96-132 of the City Council of the City of El Paso de Robles, and

WHEREAS the violation was abated by the City of Paso Robles on November 14, 1996, and

WHEREAS the cost of such abatement amounted to Three Thousand One Hundred Twenty Two Dollars and Forty-Eight Cents (\$3,122.48),

NOW THEREFORE be it known that an Abatement Lien exists on the property owned by David A. Burden, 8295 Highway 41, Paso Robles, California 93446 and described as follows:

Lot 4, Block 34 of the City of Paso Robles, County of San Luis Obispo, State of California according to map recorded October 25, 1889 in Book A, Page 169 of maps.

The amount of such lien shall be \$3,122.48 plus interest and other costs which may hereafter become due.

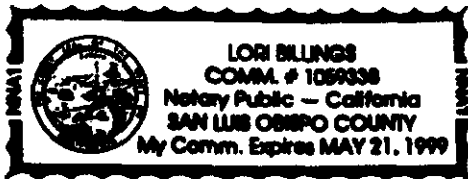
Dated: 4-1-97

Madelyn Paasch
Madelyn Paasch, City Clerk
City of El Paso de Robles

ALL PURPOSE ACKNOWLEDGMENT

State of California)
) ss.
County of San Luis Obispo)

On April 1, 1997, before me, the undersigned Lori Billings, a Notary Public in and for said State, personally appeared Madelyn Paasch, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity and that by her signature on the instrument the person, or entity on behalf of which the person acted, executed the instrument.



WITNESS my hand and official seal.

Lori Billings

Title Or Type Of Document: Notice of Abatement Lien

Document Date: April 1, 1997 **Number of pages:** 1

Signer(s) Other Than Named Above: None

Capacity Claimed by Signers: City Clerk

Signer is Representing: City of Paso Robles
1000 Spring Street
Paso Robles, CA 93446