



Legislation Text

File #: 20-99, Version: 1

Memorandum

Date: March 3, 2020

To: The Honorable Moke Simon, Chair, Lake County Board of Supervisors

From: Scott DeLeon, Community Development Director
Andrew Williams, Code Enforcement Manager
Marcus Beltramo, Code Enforcement Officer

Subject: Notice of Lien Hearing for James and Kathleen Mooney; 2810 Merced St. Nice

Exhibits:

1. Notice of Assessment, Certified Mail Receipt, Legal Notice
2. Photos Before Abatement
3. Grant Deed
4. Notice of Nuisance and Order to Abate 5-4-2017
5. Certified Mail Returned to Sender
6. Permission to Enter and Abate 10-17-2019
7. Property Tax Delinquency
8. Asbestos Report and Invoice
9. Coleman Environmental Engineering Invoice
10. Photos After Abatement
11. Task Sheet

Executive Summary: (include fiscal and staffing impact narrative):

I. PROPERTY DESCRIPTION:

Property Owner: Mooney, James (deceased) and Kathleen (alive)
Property Address: 2810 Merced St., Nice CA (property)
APN: 031-172-320
Zoning: R1, Single Family Residential District
Existing Conditions: Located on the property was a manufactured home and shed; currently the property is a vacant lot with no existing structures.

II. SUBJECT/PURPOSE:

Staff is requesting confirmation by the Board to prepare and record a "Notice of Lien" against the property in accordance with LCCO Chapter 13, Article VI, Section 13-43.1. In accordance with Chapter 13, Article IV, Section 13-42.1, the Board shall hear and consider the account and proposed

assessment.

If the Board provides confirmation, then pursuant LCCO Chapter 13, Article VI, Section 13-43.3, the "Notice of Lien" shall be delivered to the County Auditor who shall enter the amount of the lien on the assessment roll as special assessments.

California Government Code 38773.5 (d) authorizes if the lien is not paid within three years, a city or the county may foreclose on non-residential and vacant residential property. *(The property is considered a vacant residential property.)*

III. NOTICE OF ASSESSMENT HEARING:

In accordance with Lake County Code Chapter, Chapter 13, Article VI, Section 13-41.1 (Notice of Assessment) and Section 13-41.2 (Hearing on Account and Proposed Assessment), a "Notice of Special Assessment" was prepared and mailed via certified mail to the property owners reflected on title per County records and posted on/at the property. In addition, the Notice of Special Assessment Lien was placed in the Lake County Recorder-Bee and Lake County News. ***(Exhibit 1)***

IV. ABATEMENT SUMMARY

Basis for Investigation/Complaints:

On October 13, 2016 a complaint was received alleging that in November of 2013 a tree fell onto the roof, trash on the property, high weeds/grass, and person(s) were living in the structure. On May 15, 2017, a complaint was received alleging "garbage/trash, hazards, safety issues, weeds & other." In addition, surrounding neighbors complained that a tree had fallen on the property creating an eyesore, causing an attractive nuisance for minors, and materials from the property were being blown around the neighborhood. ***(Exhibit 2-Photos before abatement action)***.

Property Owner:

According to County records, the property owner/responsible party was identified based on the grant deed and Tax Collector information as being James and Kathleen Mooney. James Mooney is deceased. ***(Exhibit 3)***

Formal Action:

On May 4, 2017, the property was deemed not to be in compliance with the County Code. A "Notice of Nuisance and Order to Abate" (NONOTA) was issued for the property. As of October 2019, the property was deemed to still not be in compliance with the Code and the violations cited in the May 4, 2017 NONOTA continued to persist. The NONOTA cited violations of:

- Open and Outdoor Storage of junk and/or household garbage in violation of Lake County Code section(s) 21-41.12.
- Substandard dwelling in violation of HS 17920.3. ***(Exhibit 4)***

Service:

Service of the NONOTA was conducted in accordance with Chapter 13, Section 13-6.2 (a) (1):

- On or about May 9, 2017, the NONOTA was mailed via certified mail to the property owners address listed with County records. The letter was returned to sender. ***(Exhibit 5)***

- After extensive efforts were made to contact Kathleen Mooney, Code Enforcement was finally able to locate and contact her. On October 17, 2019, Mooney signed a "Permission to Enter and Abate" form. (**Exhibit 6**)

Note of Interest:

Delinquent property taxes exist on the property starting in 2015 to 2018 that reasonably indicate the property owner has abandoned the property. (**Exhibit 7**)

Corrective Action:

The property owner failed to correct the issues cited in the NONOTA or failed to contact this Department to formulate a plan of progression to achieve compliance.

Abatement Action:

It was determined by management the property needed to be demolished. Lake County Air Quality required an asbestos test prior to any demolition work. On September 9, 2019, Code Enforcement requested quotes for an asbestos test from Adam Laboratories Inc. (ADI) and Ci Environmental Consultants, Inc. (CEC). The quote received from ADI was accepted. It was determined that the property contained asbestos. (**Exhibit 8**)

Coleman Environmental Engineering, Inc. (CEE) was contracted to perform the demolition of the structure (**Exhibit 9**). On December 12, 2019, a warrant was signed by a Lake County judge and executed in order to access the property. The structure was demolished and all items on the property were removed, including all materials containing asbestos, and the property was restored to a vacant lot. (**Exhibit 10**)

Action taken by the Board will result in a Notice of Lien recorded with the County Recorder and a Special Assessment entered by the County Auditor. Recordation of the Special Assessment provides priority over all private liens, regardless of the time of their creation, including the prior recorded mortgages against the identified real property.

- 1 Shall be subject to the same penalties and interest and to the same procedures for foreclosure and sale in case of delinquency, as is provided for ordinary county taxes, and all laws applicable to the levy, collection and enforcement of county taxes are hereby made applicable to such assessment.
- 2 The NONOTA issued met the criteria set forth in Chapter 13, Article I, Section 13-6.1.
- 3 Such notice shall be deemed properly served if a copy thereof is either; (2) Sent by certified or registered mail addressed to every responsible party at the last known address with return receipt requested, and posted at the site.
- 4 Property taxes for 2019 do not reflect as being outstanding or unpaid at this time, but most likely will be recorded as not being paid.
- 5 California Revenue & Taxation Code §§ 2192.1, 3712; California Government Code § 53935

If not budgeted, fill in the blanks below only:

Estimated Cost: **\$19,441.14** Amount Budgeted: _____ Additional Requested: _____ Future Annual Cost: _____

Consistency with Vision 2028 and/or Fiscal Crisis Management Plan (check all that apply):

- | | | | |
|---|--|---|--|
| <input checked="" type="checkbox"/> Well-being of Residents | <input checked="" type="checkbox"/> Public Safety | <input type="checkbox"/> Infrastructure | <input type="checkbox"/> Not applicable |
| <input checked="" type="checkbox"/> Economic Development | <input type="checkbox"/> Disaster Recovery | <input type="checkbox"/> County Workforce | <input type="checkbox"/> Technology Upgrades |
| <input checked="" type="checkbox"/> Community Collaboration | <input type="checkbox"/> Business Process Efficiency | <input type="checkbox"/> Clear Lake | <input type="checkbox"/> Revenue Generation |
| | | | <input type="checkbox"/> Cost Savings |

If request for exemption from competitive bid in accordance with County Code Chapter 2 Sec. 2-38, fill in blanks below:

Which exemption is being requested?
How long has Agreement been in place?
When was purchase last rebid?
Reason for request to waive bid?

Recommended Action:

Staff recommends the Board of Supervisors confirm the assessment of **\$19,441.14**, and direct staff to Record a Notice of Special Assessment Lien against the property. The cost of abatement services was **\$18,475 + \$850**. The administrative costs on this case amounted to **\$116.14**.