



STAFF REPORT

TOWN COUNCIL MEETING OF MAY 9, 2017

To: Honorable Mayor and Members of the Town Council
From: Joan L. Phillipe, Town Manager/Crickett Strock, Town Clerk
Subject: Resolution placing a lien on the property at 5474 King Road, Loomis, CA.
Date: April 27, 2017

RECOMMENDATION ACTION:

Adopt resolution confirming and ordering recordation in the office of the Placer County Recorder of a lien on 5474 King Road, Loomis, California, for unpaid abatement costs and administrative fees to abate a public nuisance and authorize Town Manager to sign Notice of Lien.

ISSUE STATEMENT AND DISCUSSION:

After a code enforcement action occurred and the Town 1) gave notice of the violation; 2) mailed several certified letters and provided numerous attempts to get the property owner to correct the violation; 3) confirmed continued non-compliance; and 4) an Administrative Hearing was held before the Town Manager, the property owner at 5474 King Road, Loomis, California failed to abate the public nuisance. Eventually, documents were filed with the County of Placer Superior Court for a warrant to inspect the property and abate the public nuisance and were served to the property owner.

The property owner, as listed in the attached Cost Report, was mailed an invoice advising them that a lien would be placed upon their property if abatements costs, fines, and administrative fees were not paid in full by a specific date. Finally, a notice of time when said Cost Report shall be heard by the Town Council for confirmation was served to the property owner, along with a copy of the Cost Report.

The Loomis Municipal Code Section 7.04.170 requires that the total cost for abating such nuisance, as so confirmed by the Town Council, shall constitute a special assessment against the respective parcel of land to which it relates, and upon recordation in the office of the County Recorder as so made and confirmed, shall constitute a lien on said property for the amount of such assessment until paid in full.

FINANCIAL IMPLICATIONS: None with the recommended action.

ATTACHMENTS: Cost Report, Resolution, Notice of Lien

TOWN OF LOOMIS

RESOLUTION 17 - ____

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOOMIS
CONFIRMING THE PLACEMENT, AND ORDERING RECORDATION AND FILING WITH
PLACER COUNTY, OF A LIEN ON THE REAL PROPERTY AT
5474 KING ROAD, LOOMIS, CALIFORNIA, ASSESSOR'S PARCEL NO. 044-051-064,
FOR UNPAID ABATEMENT COSTS AND ADMINISTRATIVE FEES
TO ABATE A PUBLIC NUISANCE**

WHEREAS, the Town Council, has adopted standards for property maintenance in the Municipal Code; and

WHEREAS, the Municipal Code standards are intended to maintain public health and safety and quality of life for Loomis residents; and

WHEREAS, violations of the Municipal Code are enforced through notices, citations, and fees issued and assessed by the Town's Code Enforcement; and

WHEREAS, liens are used as a legal mechanism to recover fees owed to the Town after code enforcement action has been necessary; and

WHEREAS, the Loomis Municipal Code Section 7.04.170 authorizes the Town of Loomis to record with the Placer County Recorder's Office a lien against the property at 5474 King Road, Loomis, California, for delinquent on payment of abatement costs and fees; and

WHEREAS, an account of the costs of abating such nuisance at 5474 King Road, Loomis, California, where the work was done by the Town has been established to ensure cost recovery for the Town (Cost Report, Exhibit A).

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Loomis as follows:

1. The Town Council overrules any objections and confirms the Cost Report as submitted.
2. The total cost for abating such nuisance is \$5,192.73, as so confirmed by the Town Council, and shall constitute a special assessment against the parcel at 5474 King Road, Loomis, California (APN. 044-051-064).
3. Upon recordation in the office of the Placer County Recorder or a Notice of Lien, as so made and confirmed, shall constitute a lien on said property for the amount of \$100.00 assessment until paid in full.

PASSED AND ADOPTED by the Town Council of the Town of Loomis on May 9, 2017 by the following vote:

AYES:
NOES:
ABSTAINED:
ABSENT:

Mayor

ATTEST:

Town Clerk

NOTICE OF LIEN

CLAIM OF TOWN OF LOOMIS

Pursuant to the authority vested by the provisions of Article Two of Ordinance No. 59 (Section 7.04.120 of the Loomis Municipal Code), the Town Manager of the Town of Loomis did on or about the 28th day of October, 2015, cause the property hereinafter described to be rehabilitated or the building or structure on the property hereinafter described, to be repaired or demolished in order to abate a public nuisance on said property; and the Town Council of the Town of Loomis did on the 9th day of May, 2017, assess the cost of such rehabilitation, repair or demolition upon the real property hereinafter described; and the same has not been paid; and that said Town of Loomis does hereby claim a lien on such rehabilitation, repair, or demolition in the amount of said assessment, to wit: the sum of \$100.00; and the same shall be a lien upon said real property until the same has been paid in full and discharged of record.

The real property hereinabove mentioned, and upon which a lien is claimed, is that certain parcel of land lying and being in the Town of Loomis, County of Placer, State of California, and particularly described as follows:

5474 King Road, Loomis, California 95650
APN. 044-051-064

Dated this ___ day of _____, 20__.

Joan Phillipe, Interim Town Manager
Town of Loomis

COST REPORT

RECOVERY OF ADMINISTRATIVE CITATION FINES, ADMINISTRATIVE FEES AND ABATEMENT COSTS

DATE	PROPERTY OWNER	ADDRESS	FINE	COSTS
6/8/14	Joyce Mowry	5474 King Road APN. 044-051-064	Certified letter	\$ 6.49
8/26/14	Joyce Mowry		Certified letter	\$ 6.49
9/25/14	Joyce Mowry		Certified letter	\$ 6.49
1/8/15	Joyce Mowry		Certified letter	\$ 6.49
			Administrative Citation	\$ 100.00
3/18/15	Joyce Mowry		Admin Hearing/Certified letter	\$ 6.49
3/31/15	Joyce Mowry		Hearing Decision/Certified letter	\$ 6.49
6/2/15	Joyce Mowry		Certified letter	\$ 6.49
10/9/15	Joyce Mowry		Attorney Fees for warrant	\$4,841.81
10/28/15	Joyce Mowry		Junk Removal & Hauling	\$ 399.00
12/8/15	Joyce Mowry		Certified letter to pay for abatement	\$ 6.49
			Total	\$5,392.73
3/17/16	Tony Mowry		Paid toward abatement cost	\$ 200.00-
			Total Costs:	\$5,192.73