

RESOLUTION 2016-011

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK
APPROVING A STATEMENT OF COSTS AND ESTABLISHING A LIEN AGAINST
THE VACANT REAL PROPERTY LOCATED AT 1391 MIRAMONTE PL, ROHNERT
PARK CA, APN- 047-370-015
PURSUANT TO ROHNERT PARK MUNICIPAL CODE SECTIONS 1.24.200, AND
1.27.050 AND GOVERNMENT CODE SECTION 38773.1**

WHEREAS, On May 21, 2014, staff received a written complaint regarding lack of maintenance and the condition of property at 1391 Miramonte Place, Rohnert Park, California, Assessor Parcel No. 047-370-015 ("Property"); and

WHEREAS, City staff inspected the Property and identified several code violations that threatened the public's health, safety and welfare; and

WHEREAS, on June 24, 2014, the property owner was notified of nuisance violations on her property and requested to abate the violations; and

WHEREAS, on July 17, 2014, the City re-inspected the Property and the violations had not been abated. The property owner was served a Notice of Violation, ordering the violations abated; and

WHEREAS, on August 13, 2014, the violations had not been abated and the property owner was issued an administrative citation; and

WHEREAS, on September 30, 2014, the City re-inspected and found violations unresolved; and

WHEREAS, on January 27, 2015, pursuant to Chapter 1.26 of the Rohnert Park Municipal Code ("Code"), the property owner was notified of an administrative hearing on the unabated nuisance. The notice ordered the owner to attend the hearing to show cause why the City should not abate the nuisance and impose the costs of doing so on the owner; and

WHEREAS, February 10, 2015, the hearing for the unabated nuisance was held and the owner failed to appear, forfeiting the right to object to the City's nuisance abatement efforts;

WHEREAS, on February 10, 2015, the hearing officer confirmed the violation and served the property owner with the decision ordering the violations be corrected by March 1, 2015; and

WHEREAS, on March 10, 2015, the violation was not abated and the city hired a contractor and removed the violation; and

WHEREAS, the City of Rohnert Park is authorized, pursuant to the Rohnert Park Municipal Code 1.24.190, to recover all costs associated with nuisance abatement including, but limited to notices, inspections, hearings and attorney fees; and

WHEREAS, the City of Rohnert Park is authorized, pursuant to Rohnert Park Municipal Code 1.24.030, 1.27.050 and Government Code 38773.1 to adopt a statement of costs for the nuisance abatement efforts and place a lien against vacant real property for recovery of those nuisance abatement costs; and

WHEREAS, on January 26, 2016, pursuant to Rohnert Park Municipal Code 1.24.200, the City Council held a duly noticed public hearing to consider the statement of costs and expenses of the abatement and the lien to be imposed on the owner's property, at which time, all interested parties were given an opportunity to be heard and present evidence.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROHNERT PARK

Section 1. Recitals and Findings. The above recitals are true and correct and material to this Resolution and in making this finding, the Council relied upon and hereby incorporates by reference all staff reports, presentations, and other documentation presented to the Council.

Section 2. Determination of the Cost of Abatement. Pursuant to Rohnert Park Municipal Code Section 1.24.200, the City Council hereby confirms the assessment in the amount of eight thousand, three hundred three dollars and sixty four cents (\$8,303.64) on the property located at 1391 Miramonte Place, Rohnert Park, California, Assessor Parcel No. 047-370-015, based on the accounting of the costs incurred by the City in connection with the nuisance abatement on Property and as presented in Exhibit A, which is attached hereto and incorporated by this reference.

Section 3: Lien. Pursuant to Rohnert Park Municipal Code Section 1.27.050, the abatement costs in Exhibit A shall be imposed as a nuisance abatement lien upon the property located at 1391 Miramonte Place, Rohnert Park, California, Assessor Parcel No. 047-370-015 as provided for in Rohnert Park Municipal Code Chapter 1.27.

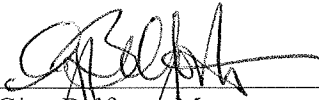
Section 4: Recordation of Pending Lien. Upon adoption of this Resolution, the City Clerk is hereby directed to record a notice of pending lien against the Property with the County of Sonoma Records Office in substantially similar form as Exhibit B, attached hereto and incorporated by this reference.

Section 5. Recordation of Lien. In the event that the costs established in this Resolution are not repaid within 45 calendar days of the adoption of this Resolution, the City Clerk is hereby directed to record a notice of lien against the property with the County of Sonoma Records Office in substantially similar form as Exhibit C, attached hereto and incorporated by this reference.

Section 6. Satisfaction. Once payment in full is received by the city, the director of finance shall either record a notice of satisfaction or provide the property owner with a notice of satisfaction so they may record this notice with the County of Sonoma Records Office. Such notice of satisfaction shall cancel the city's lien.

DULY AND REGULARLY ADOPTED by the City Council of the City of Rohnert Park this 26th day of January, 2016.

CITY OF ROHNERT PARK



Gina Belforte, Mayor

ATTEST:

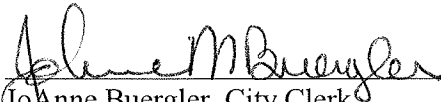

JoAnne Buergler, City Clerk

Exhibit A: Statement of Costs

Exhibit B: Notice of Pending Lien

Exhibit C: Notice of Lien

AHANOTU: Aye CALLINAN: Aye STAFFORD: Aye MACKENZIE: Aye BELFORTE: Aye
AYES: (5) NOES: (0) ABSENT: (0) ABSTAIN: (0)

Exhibit A to Resolution



City of Rohnert Park
130 Avram Ave
Rohnert Park, CA 94928

Statement of Costs

1391 Miramonte Place, Rohnert Park, CA
APN #047-370-015
Case # 14-0161 Date Opened: 5/21/14
Case # 15-0585 Date opened: 9/24/15

DATE	DESCRIPTION	PERSONNEL	HOURS	RATE	BALANCE
5/14-8/15	37 Inspections	D Hearn	4.15	\$51.00/hr	\$211.65
5/14-8/15	9 Letters Sent	D Hearn	4.0	\$51.00/hr	\$204.00
5/14-8/15	4 Phone Calls	D Hearn	.74	\$51.00/hr	\$37.74
5/14-8/15	5 Conferences	D Hearn	2.62	\$51.00/hr	\$133.62
5/14-8/15	Case Preparation	D Hearn	5.0	\$51.00/hr	\$255.00
10/15-12/15	Case Preparation	J Selberg	4.0	\$46.00/hr	\$184.00
2/10/15	Abatement Hearing	3 Staff	3.0	\$214.21/hr	\$642.63
8/3/14	Citation				\$4800.00
3/10/15	Contractor cost/abatement				\$500.00
5/14-2/16	Office Supplies and postage				\$100.00
1/16-2/15	Case Preparation	J Selberg	5.0	\$46.00/hr	\$230.00
1/16-2/15	Case Preparation	MG Pawson	5.0	\$201.00/hr	\$1005.00
Total					\$8303.64

Dout Hearn
Code Compliance Officer
RGS/Rohnert Park
Jette Selberg
Code Compliance Officer
Rohnert Park

Exhibit B to Resolution

RECORDING REQUESTED BY:
CITY OF ROHNERT PARK

WHEN RECORDED MAIL TO:

CODE COMPLIANCE DIVISION

130 Avram Ave.

Rohnert Park, CA 94928

SPACE ABOVE THIS LINE FOR RECORDER'S USE

NOTICE OF PENDING LIEN

APN#: 047-370-015

AKA: 1391 MIRAMONTE PL SAN RAFAEL CA 94903-2448

Notice is hereby given that, pursuant to the provisions of Chapter 1.24 of the Rohnert Park Municipal Code (RPMC), the City of Rohnert Park has incurred the cost of inspections and abatement of the property described below. The City of Rohnert Park intends to impose a lien against the property described below to recover the cost of such inspections, plus appropriate fees and fines, as authorized by RPMC Sections 1.24.170, 1.24.180, 1.24.190, and 1.27.050 upon confirmation of the City Council.

For further information regarding this notice and the status of Department proceedings, please contact **Jette Selberg** of the Code Compliance Division between 9:00 a.m. and 4:30 p.m., Monday through Friday.

Telephone Number: (707) 588-2249

Office Location: 130 Avram Avenue, Rohnert Park

The property subject to this Notice of Pending Lien is that certain real property in the City of Rohnert Park, County of Sonoma, State of California, described as follows:

[INSERT LEGAL DESCRIPTION]

THIS NOTICE WILL CONTINUE IN FULL FORCE AND EFFECT UNTIL THE CITY OF ROHNERT PARK RECORDS A SUBSEQUENT NOTICE OF TERMINATION OF PENDING LIEN OR A NOTICE OF LIEN.

DATED: This _____ Day of _____, 2016.

OWNER(S):

HASSMAN PATRICIA J

383 HOLLY DR

SAN RAFAEL CA, 94903-2448

CITY OF ROHNERT PARK

Jette Selberg

City of Rohnert Park, Code Compliance Officer

Development Services

By _____

Jette Selberg



**CITY OF ROHNERT PARK
DEVELOPMENT SERVICES**

130 Avram Avenue
Rohnert Park, CA 94928
Phone: (707) 588-2249
Web: www.rpcity.org

PROOF OF SERVICE BY MAIL

I am a citizen of the United States and employed in the County of Sonoma, State of California, and over the age of eighteen (18) years: my business address is City Hall, 130 Avram Avenue, Rohnert Park, California 94928. I am familiar with the practice of the City of Rohnert Park for collection and processing of correspondence for mailing with the United States Postal Service. It is the practice that correspondence is deposited with the United States Postal Service the same day it is submitted for mailing.

On _____ (DATE), I served the following person:

_____ (NAME)

_____ (LOCATION)

by mailing a true copy of: Notice of Lien - Pending

I declare under penalty of perjury that the foregoing identified envelope was sealed and mailed first class and register postage fully prepaid placed thereon, in the United States mail at Rohnert Park, California.

Executed at Rohnert Park, California, on the _____ day of _____, 2016.

Signed: _____

RECORDING REQUESTED BY:
CITY OF ROHNERT PARK

Exhibit C to Resolution

WHEN RECORDED MAIL TO:

CODE COMPLIANCE DIVISION
130 Avram Ave.
Rohnert Park, CA 94928

SPACE ABOVE THIS LINE FOR RECORDER'S USE

NOTICE OF LIEN

APN#: 047-370-015

AKA: 1391 MIRAMONTE PL SAN RAFAEL CA 94903-2448

Pursuant to the authority vested by the provisions of Sections 1.24.190, 1.24.200, 1.24.210 and 1.24.230 of the Rohnert Park Municipal Code and pursuant to the confirmation of the City Council on [INSERT DATE OF CITY COUNCIL HEARING], the City of Rohnert Park hereby claims a lien in the sum \$_____, plus daily interest at the legal rate set forth in California Code of Civil Procedure section 685.010 from [INSERT DATE OF CITY COUNCIL HEARING], against the property described below to recover inspection costs, plus appropriate fees and fines, incurred in relation to the property.

The property subject to this Notice of Lien is that certain real property in the City of Rohnert Park, County of Sonoma, State of California, described as follows:

[INSERT LEGAL DESCRIPTION]

**THIS LIEN WILL CONTINUE IN FULL FORCE AND EFFECT UNTIL THE
CITY OF ROHNERT PARK RECORDS A SUBSEQUENT RELEASE OF LIEN.**

DATED: This _____ Day of _____, 2016.

OWNER(S):
HASSMAN PATRICIA J
383 HOLLY DR
SAN RAFAEL CA, 94903-2448

CITY OF ROHNERT PARK
Jette Selberg
City of Rohnert Park, Code Compliance Officer
Development Services

By _____
Jette Selberg



**CITY OF ROHNERT PARK
DEVELOPMENT SERVICES**

130 Avram Avenue
Rohnert Park, CA 94928
Phone: (707) 588-2249
Web: www.rpcity.org

PROOF OF SERVICE BY MAIL

I am a citizen of the United States and employed in the County of Sonoma, State of California, and over the age of eighteen (18) years: my business address is City Hall, 130 Avram Avenue, Rohnert Park, California 94928. I am familiar with the practice of the City of Rohnert Park for collection and processing of correspondence for mailing with the United States Postal Service. It is the practice that correspondence is deposited with the United States Postal Service the same day it is submitted for mailing.

On _____ (DATE), I served the following person:

_____ (NAME)

_____ (LOCATION)

by mailing a true copy of: Notice of Lien

I declare under penalty of perjury that the foregoing identified envelope was sealed and mailed first class and register postage fully prepaid placed thereon, in the United States mail at Rohnert Park, California.

Executed at Rohnert Park, California, on the _____ day of _____, 2016.

Signed: _____