



Las Vegas

Agenda Item No.: 74.

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**AGENDA SUMMARY PAGE**  
**CITY COUNCIL MEETING OF AUGUST 2, 2006**

DEPARTMENT: NEIGHBORHOOD SERVICES  
DIRECTOR: STEPHEN HARSIN

Consent  Discussion

**SUBJECT:**

ABEYANCO ITEM - Public Hearing to consider the report of expenses to recover costs for abatement of an abandoned building and assess civil penalties located at 3220 Mariner Bay Street. PROPOSED OWNERS: CONGREGATION EPHRAIM ISRAEL - Ward 2 (Wolfson)

**Fiscal Impact**

No Impact

Augmentation Required

Budget Funds Available

Dept./Division: Neighborhood- Services/Response

**Amount:** \$3,678.85

**Funding Source:** General Fund

**PURPOSE/BACKGROUND:**

The condition of the property was a public hazard and an attractive nuisance. The Department of Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken nor an appeal filed the Department of Neighborhood Services hired C.H. Construction, LLC to remove refuse, waste, trash, debris, dead/dry/overgrown vegetation and post No Trespassing, No Dumping, No Vehicles signs on site. To date, there have been twenty-two (22) inspections conducted at this location. The value of the property based on the sale date of October 2004 was \$355,000.00.

**RECOMMENDATION:**

That the City Council: 1. Approve the report of expenses in the amount of \$3,678.85 in order that the above charges be filed and recorded against the property, constituting a special assessment and lien. 2. Authorize that the Notice and Lien of Assessment be duly recorded with the County Treasurer.

**BACKUP DOCUMENTATION:**

1. Agenda Memo
2. Location Map
3. Report of Expenses
4. Contractor Disclosure
5. Notice of Public Hearing
6. Chronological List of Events
7. Notification Letter from City Attorney
8. Revised Report of Expense Letter and Memorandum
9. Copy of the Notice and Claim of Lien

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Motion made by STEVE WOLFSON to Approve the assessment in the amount of \$5,896.35 plus an additional penalty of \$500 per day for five days totaling \$2,500 for a grand total of 8,396.35

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 1; Excused: 0

LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-LOIS TARKANIAN); (Excused-None)

Minutes:

A video was shown but not submitted.

MAYOR GOODMAN declared the Public Hearing open.

STEPHEN HARSIN, Director of Neighborhood Services, noted the case was held in abeyance from the previous meeting and has been active since January 9, 2006 with a total of 23 visits conducted. He noted the property transferred ownership and closed escrow June 26, 2006. Since the last meeting, MR. HARSIN verified that ATTORNEY JOHN HANSON submitted a plan proving all work requested has been completed and the property has been in compliance since August 1, 2006.

MR. HARSIN requested the City Council approve the report of expenses and assess civil penalties in the amount of \$5,896.35; \$1,749 to CH Construction; \$435 for inspection fees; \$262.35 in administrative fees and \$3,450 in civil penalty fees related to the eight failed inspections. He noted that the Council may assess the daily civil penalties after the sixth failed inspection for a total of 21 days at \$500 per day amounting to \$10,500 and an additional \$6,500 of civil penalties could be assessed for the additional 13 days until August 1, 2006 when the property became in compliance. He recommended that the above charges be filed and recorded against the property as a special assessment and lien and that the Notice and Lien of Assessment be filed and recorded with the County Treasurer's Office.

MAYOR GOODMAN commended ATTORNEY HANSON for assisting in resolving this matter. ATTORNEY HANSON corrected his comments from the previous meeting by stating that he is assisting the new owners. Since they have spent so much money to clean the property, he agreed to work the case free of charge. ATTORNEY HANSON clarified that the previous owners had allowed the property to fall into disrepair. Because the new owners have reached compliance in such a timely manner, he requested the Council extend leniency toward the amount of fees.

COUNCILMAN WOLFSON pointed out that the video displayed pertained to the dates between March and June. MR. HARSIN referenced pictures of the current status of the property. COUNCILMAN WOLFSON expressed satisfaction in the property's progression to compliance, and thanked MR. HARSIN and Code Enforcement Officer KELLY OLIVARES for their persistence to see this matter resolved. He noted that the video shown confirmed that the improvement to the property has enhanced the entire neighborhood.

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After several inquiries, ATTORNEY HANSON noted he is unaware of the history or previous ownership. COUNCILMAN WOLFSON discussed the amount of assessment requested by the City and MR. HARSIN detailed the total. DEPUTY CITY MANAGER BETSY FRETWELL confirmed that the \$500 daily penalty has been imposed accordingly upon one other property owner.

COUNCILMAN WOLFSON commended the representative for his pro bono work and discussed negotiations regarding the daily \$500 fee. MR. HARSIN clarified his suggestion was that fees be imposed beginning June but that the daily fee is imposed at the discretion of the Council. COUNCILMAN WOLFSON pointed out that it is unfortunate that the previous owner is relieved of the fee they incurred since the property has been sold. The new owners have been cooperative and COUNCILMAN WOLFSON queried if the City is able to transfer the fees to the appropriate responsible party. DEPUTY CITY ATTORNEY BRYAN SCOTT explained that the liens and penalties were attached to the properties and not its owners. The Council has the ability to impose a fee ranging from zero dollars up to \$500 a day. MR. HARSIN added that the original notice had been recorded with the Clark County Recorder; therefore, the title company and the new owners would have been aware of the situation.

COUNCILMAN WOLFSON acknowledged that the new owners have acted in good faith and did not wish to assess such tremendous fees after their cooperation. DEPUTY CITY ATTORNEY SCOTT indicated there is no current remedy to seek relief from previous owners.

MAYOR GOODMAN declared the Public Hearing closed.