



*Las Vegas*

Agenda Item No.: 41.

**AGENDA SUMMARY PAGE  
CITY COUNCIL MEETING OF FEBRUARY 6, 2008**

**DEPARTMENT:** NEIGHBORHOOD SERVICES  
**DIRECTOR:** STEPHEN KUHARSIN

Consent  Discussion

**SUBJECT:** Public Hearing to consider the report, expenses to recover costs for mitigation abatement of vacant or abandoned building and assess legal penalties located at 3705 San Joaquin Avenue. PROPERTY OWNER: WALTER & SHIRLEY MERZEL (\$12,287 General Fund) - Ward 1 (Tarkanian)

**Fiscal Impact**

- No Impact
- Budget Funds Available
- Augmentation Required

**Amount:** \$12,287  
**Funding Source:** General Fund  
**Dept./Division:** Neighborhood Services/Response

**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&W Enterprises. To date, there have been twenty-nine (29) inspections conducted at this location. The value of the property based on the sale date of May 2005 was \$150,000.

**RECOMMENDATION:**

That the City Council: Approve the report of expenses in the amount of \$12,287 for work completed by C&W Enterprises.

**BACKUP DOCUMENTATION:**

1. Agenda Memo
2. Location Maps
3. Report of Expenses
4. Contractor Disclosure
5. Notice of Public Hearing
6. Chronological List of Events
7. Copy of the Notice and Claim of Lien
8. Submitted after final agenda Letter by Snell and Wilmer Law Offices

Motion made by LOIS TARKANIAN to Approve as recommended

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1  
RICKI Y. BARLOW, LOIS TARKANIAN, LARRY BROWN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-OSCAR B. GOODMAN)

## CITY COUNCIL MEETING OF: FEBRUARY 6, 2008

Minutes:

MAYOR PRO TEM REESE declared the Public Hearing open.

A videotape was shown depicting the condition of the property, but a copy was not submitted for the minutes.

BRIAN REEVE, Attorney, Law Firm of Smith & Wilmer, 3883 Howard Hughes Parkway, Ste. 1100, appeared on behalf of ADA MERKEL, daughter of the property owners.

DEVIN SMITH, Manager of the Neighborhood Response Division, detailed the Purpose/Background and Recommendation sections, including the work performed by C&W Enterprises to clear the property.

ATTORNEY REEVE explained that he is the probono counsel for MS. MERKEL, who lived on the property, moved out and has not re-occupied the property. Her parents passed away before these proceedings were started and ownership of the property is in dispute and the property is in probate. In 2005, MS. MERKEL discovered construction on the property and they informed her that they were working for WILLIAM RAY, represented to the workers that he is the true owner of the property.

ATTORNEY REEVE stated that WILLIAM RAY fraudulently took over the property and he is trying to assist MS. MERKEL, the only surviving of Walter and Shirley Merkel, who had offspring from previous marriages. MS. MERKEL has not had the money to clean up the property, and she is requesting that \$700 in alleged roof repairs be reduced from the total expenses, because she noticed that no repairs were made to the roof. Also, MS. MERKEL is requesting that all or part of the administrative and inspection fees be waived, that the Council not impose any civil penalties and that no further action be taken for at least 180 days so that probate could be completed.

MAYOR PRO TEM REESE stated the neighbors are complaining about the condition of the property and someone has to take care of it.

COUNCILMAN BARLOW sympathized with MS. MERKEL. However, he commented that the mature areas of the City have a lot of properties that have not been maintained. He could not support granting the requests, especially when staff works very hard to clean them up at the taxpayers' expense.

COUNCILWOMAN TARKANIAN concurred with the comments of COUNCILMAN BARLOW, adding that staff could not be expected to do the work, and then not have the support of the Council. She supported not imposing civil penalties, but said that MS. MERKEL had to take responsibility and pay for the abatement expenses incurred thus far.

MAYOR PRO TEM REESE declared the Public Hearing closed.