City of Las Vegas

Agenda Item No.: **41.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 15, 2008

DEPARTMENT: NEIGHBORHOOD SERVICES
DIRECTOR: STEPHEN K. HARSIN

☐**Consent** ☒ **Discussion**

SUBJECT:
Public Hearing to consider the report of expenses to recover costs for abatement of nuisance at the vacant lot located North of Buffalo Road and Oakey Boulevard (APN 163-03-201-003) in the amount of $4,428 (General Fund) and assess a maximum of $65,550 in daily civil penalties. PROPERTY OWNER: TRUSTEE CLARK COUNTY TREASURER C/O CORVIALE LLC - Ward 2 (Wolfson)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**

☐ **Budget Funds Available**

Amount: $4,428
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 Levelex Inc. To date, there have been five (5) inspections conducted at this location. The value of the property based on the sale date of December 2003 was $820,000.

RECOMMENDATION:
That the City Council: Approve the report of expenses to include $3,000 invoice for Levelex Inc. services in addition to other fees assessed for a total of $4,428 and consider assessing a maximum of $65,550 in daily civil penalties.

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

Motion made by STEVE WOLFSON to Hold in abeyance Items 41-43 to 11/5/2008

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0
RICKI Y. BARLOW, LOIS TARKANIAN, LARRY BROWN, OSCAR B. GOODMAN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:
MAYOR GOODMAN declared the Public Hearing open for Items 41-43.

A videotape was shown, but a copy was not submitted.

COUNCILMAN REESE questioned if a record was kept on the number of bank owned properties and if the banks could be held responsible for improving the landscaping prior to the properties being sold. MR. SMITH replied that staff is making contact with the applicable banks and if no response or action is taken, staff will proceed with their own course of action.

MR. SMITH continued by reading the Purpose/Background and Recommendation sections related to the subject property. He gave a breakdown, indicating that the fees in the amount of $4,428 related to Item 41; fees in the amount of $3,853 related to Item 42; and fees in the amount of $3,508 related to Item 43.

ATTORNEY BOB OLSON, Greenberg Traurig, appeared on behalf of TOM GREMMITT, who was the court appointed receiver for the property owner, Carvia, LLC. ATTORNEY OLSON explained that this property had foreclosed and was sold on April 29, 2008. The purchaser was J and D Financial Services, 87.5 percent interest, and Fisher Investments, Inc., 12.5 percent interest. The land is vacant and given the economical decline, MR. GREMMITT was unable to sell the property and as a result, the lenders purchased the property at the foreclosure sale. ATTORNEY OLSON was not sure if the lenders were provided copies of this information, but he was provided a copy of the deed.

CITY ATTORNEY BRAD JERBIC confirmed for MAYOR GOODMAN that the lenders are ultimately responsible for the existing condition of the property. Although he could not confirm ATTORNEY OLSON'S assessment, he was sure that staff followed the statutes. MR. SMITH clarified that staff is aware of Clark County having a lien against the property due to delinquent taxes but could not verify the property was ever sold.

COUNCILMAN WOLFSON agreed with MAYOR GOODMAN that an abeyance was appropriate and confirmed with MR. SMITH that two weeks would suffice so staff can review and/or verify what has been asserted at this meeting.

MAYOR GOODMAN declared the Public Hearing closed for Items 41-43.