



Las Vegas

Agenda Item No.: 42.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF NOVEMBER 5, 2008

DEPARTMENT: NEIGHBORHOOD SERVICES
DIRECTOR: STEPHEN KUHARSIN

Consent Discussion

SUBJECT: BEYAN ITEM - 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 163-00-201-003) 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:** CANTON VIALLE 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 Levelx 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 Levelx 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
8. Rescheduled Hearing Notification

Motion made by STEVE WOLFSON to Approve Item 42 with an assessment of \$4,428; Item 43 with an assessment of \$3,853; Item 44 with an assessment of \$3,508; and civil penalties of \$65,000 to be divided equally between the parcels

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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 42-44.

DEVIN SMITH, Manager of Neighborhood Response, read the Purpose/Background and Recommendation sections.

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

The property owner was not present, ATTORNEY BOB OLSEN appeared on behalf of TOM GREMMITT, the court appointed receiver for the property owner, Corviale, LLC. ATTORNEY OLSEN explained that this property was sold at a foreclosure sale on April 29th, 2008. The two new owners are J and D Financial Services, Inc. and Cash Investments, Inc. A copy of the trustees deed was provided to staff. ATTORNEY OLSEN's concern was to ensure MR. GREMMITT was not held liable for any of the fines and penalties associated with this property.

CITY ATTORNEY BRAD JERBIC explained that the City followed the proper notice procedures. When notice regarding the above was given, the property owner on record was Corviale LLC. Since then, there was a transfer of title, and in his opinion, the new owner took title subject to the City's notice. The City is not responsible for incorrect property owner information on record, and the lien would remain on the title of the property. If the title was transferred from Corviale LLC to MR. GREMMITT then he is responsible for satisfying the lien. ATTORNEY OLSEN clarified that the title was never transferred to MR. GREMMITT; he was simply the court appointed receiver during litigations involving Corviale LLC.

MR. SMITH explained that upon notification that there was a title transfer, legal notification was sent to the new owner on record. A lien will be placed on the property, and it will be a civil issue between the new owner, the title company and Clark County.

COUNCILMAN WOLFSON thanked MR. HARSIN for briefing him on this matter, and he understands the City of Las Vegas followed the appropriate processes. The Council is to consider placing a lien on three adjacent properties, all owned by the same owner, in the amounts recommended by staff, and he did not believe today's action would have an impact upon MR. GREMMITT. The property owner has ignored the processes and has had an opportunity to abate these issues.

The Councilman decided to follow staff's recommendations relative to the assessed fees; a \$65,000 penalty would be equally divided amongst the three properties. Item 42 would be assessed the \$4,428 fee with an additional \$21,666.67 fine, totaling \$43,336.33; Item 43 would be assessed the \$3,853 fee with an additional \$21,666.67 fine, totaling \$25,519.67; and Item 44 would be assessed the \$3,508 fee with an additional \$21,666.67 fine, totaling \$25,174.67.

MAYOR GOODMAN declared the Public Hearing closed for Items 42-44.