



Las Vegas

Agenda Item No.: 54.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 6, 2010

DEPARTMENT: NEIGHBORHOOD SERVICES
DIRECTOR: STEPHEN KUHARSIN

☐ Consent ☒ Discussion

SUBJECT:

Public Hearing to consider the report, expenses to recover costs for abatement of nuisance located at 1124 Navajo Alley in the amount of \$4,690 (General Fund) and assess a maximum of \$43,550 in daily civil penalties. **PROPERTY OWNER:** BAO SHUXIN - Ward 1 (Tarkanian)

Fiscal Impact

☐ No Impact ☐ Augmentation Required
☐ Budget Funds Available

Amount: 4,690

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 GraEagle Construction to remove all trash and high vegetation from all yard areas and post No Trespassing signs. To date, there have been ten (10) inspections conducted at this location. The value of the property based on the sale date of August 2009 was \$125,000.

RECOMMENDATION:

That the City Council: Approve the report of expenses to include \$800 invoice for GraEagle Construction services in addition to other fees assessed for a total of \$4,690 and consider assessing a maximum of \$43,550 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 LOIS TARKANIAN to Hold in abeyance to 1/20/2010

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

RICKI Y. BARLOW, LOIS TARKANIAN, STEVE WOLFSON, OSCAR B. GOODMAN,
GARY REESE, STEVEN D. ROSS, STAVROS S. ANTHONY; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

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Minutes:

MAYOR GOODMAN declared the Public Hearing open.

DEVIN SMITH, Manager of Neighborhood Response, read the Purpose/Background and Recommendation Sections. He added that he has been in contact with the person who purchased the property after the Notice and Order was filed, and he purchased the property without the title company informing him about the Notice and Order. MR. SMITH indicated that he has had discussions with DEPUTY CITY ATTORNEY DAN STILL to have the new property owner forward to the City documentation proving that they received a clear title on the property. MR. SMITH indicated he explained to the new property owner that he would be recommending for the \$4,690 amount and would not be recommending the \$43,550 in civil penalties based upon them being able to prove the clear title.

The property owner was not present.

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

DIANA WILLINGHAM-LEER, ERG, Broker for Hot Home Realty, LLC, stated she was informed of this on December 27, 2009. She represents the buyer, as well as her company because they were the listed and selling agent on this property. On March 19, 2009, a notice was sent out to the owner at the time. The property was listed on July 2, 2009, and on July 30, 2009, the property was sold and closed at a late sale. Her company never received any notices and the title company did not notify them. However, the buyer paid \$827 for title insurance.

MAYOR GOODMAN stated there is something wrong with the system. A letter was sent out to all title companies explaining the abatement process. Apparently, someone is dropping the ball at the expense of many innocent people.

FRANCES COX, Broker and CEO for USA Real Estate and Property Management, appeared on behalf of MR. SHUXIN, and stated that MR. SHUXIN hired her company three months ago to manage this property. MR. SHUXIN did not become the owner of record until August 28, 2009, five months after the notice was recorded and two months after the work was completed. There are many errors that should have been discovered. The lender that foreclosed on the property should have been made aware of the notices. The new lender, the title company, both selling and listing agent, have a fiduciary duty to check this out. She asked for relief from the civil penalties and the charges for the work that was done prior to MR. SHUXIN'S ownership. MAYOR GOODMAN stated the City will not get involved in the legal issues as to who is responsible. The City is out money and it needs to recoup the money.

ANTHONY HODGES, Las Vegas resident, stated that mailing a letter does not work. Title companies are responsible to make sure that the property being sold has a clear title.

MAYOR GOODMAN recommended holding the item in abeyance with the hope that the issue might be resolved within two weeks.

MAYOR GOODMAN declared the Public Hearing closed.