City of Las Vegas

Agenda Item No.:

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MAY 5, 2010

DEPARTMENT: NEIGHBORHOOD SERVICES
DIRECTOR: STEPHEN K. HARSIN ☐Consent ☒ Discussion

SUBJECT:
Public hearing and possible action to consider a request for a waiver and/or reduction of fees and/or daily civil penalties for the property located at 222 West Van Buren Avenue in the amount up to $37,767.88. PROPERTY OWNERS: DEUTSCHE NATIONAL BANK TR CO TRS - Ward 5 (Barlow)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**

Amount:
Funding Source:
Dept./Division: Neighborhood Services/Response

PURPOSE/BACKGROUND:
Today's hearing is a request from Carrington Mortgage Services to consider a request for a waiver and/or reduction of fees imposed on the parcel at the City Council meeting on April 1, 2009 in the amount of $37,767.88. The case was generated on June 16, 2008. There was an abatement conducted on this property on October 10, 2008. The lien was recorded at Clark County recorders office on April 23, 2009. Neighborhood Services received a Request for Waiver and/or Reduction of Civil Penalties Application dated February 5, 2010 from Carrington Mortgage Services requesting the civil penalties be waived.

RECOMMENDATION:
No Recommendation.

BACKUP DOCUMENTATION:
1. Agenda Memo
2. Request for Waiver and Reduction Application
3. Location Maps
4. Notice of Public Hearing
5. Spreadsheet of Charges Accrued
6. Hearing Notification Letter
7. Copy of the Notice and Claim of Lien

Motion made by RICKI Y. BARLOW to Approve an assessment of $3,717.88 with civil penalties in the amount of $3,405 for a total of $7,122.88

Passed For: 5; Against: 0; Abstain: 0; Did Not Vote: 2; Excused: 0

CITY COUNCIL MEETING OF: MAY 5, 2010

RICKI Y. BARLOW, LOIS TARKANIAN, OSCAR B. GOODMAN, GARY REESE, STAVROS S. ANTHONY; (Against-None); (Abstain-None); (Did Not Vote-STEVE WOLFSON, STEVEN D. ROSS); (Excused-None)
Minutes:
MAYOR GOODMAN declared the Public Hearing open.

LISA MORRIS HIBBLER, Deputy Director of Neighborhood Services, paraphrased the Purpose/Background Section and noted that, to date, payment has not been made. The total amount due is $37,767.88, which includes the abatement costs and daily civil penalties. Staff's recommendation was to assess $3,717.88 in abatement fees, which includes interest, and 10 percent of the civil penalties in the amount of $3,405.00, totaling $7,122.88. In addition, the overgrown and dead vegetation be cleaned up within one week.

GREG HUBLEY, Deutsche Bank, explained that a gentleman by the name of MR. BLANKENSHIP was the owner of record during the time that all of the violations occurred on the property. His client purchased this property at a foreclosure sale and had this information been disclosed, his client would not have purchased the property. MR. HUBLEY wondered how the lien would exist with the foreclosure because the Deed of Trust was the senior document. There is no equity in the property, so the lien should have been void. He understands the Code allows for the City to pursue recovering abatement costs; however, his client purchased the property after the violations occurred.

The Mayor explained that in these types of situations, the question arises if the title insurance omitted the prior lien that was imposed by the City prior to the sale. MR. HUBLEY was not sure and explained that his client would like to market this property in hopes of having a new owner upgrade the property and enhance the neighborhood. The potential fines, if imposed, would exceed the value of the property, so MR. HUBLEY requested that the fees be waived, with the exception of the abatement costs.

Given the hot temperatures during the summer, TODD FARLOW believed the trees should be spared. He confirmed with MAYOR GOODMAN that there is not a City requirement enforcing the property owner to maintain trees on these foreclosed properties.
ANTHONY HODGES believed payment should be made.

COUNCILMAN BARLOW requested that overgrown and dead vegetation must be cleaned up within one week.

MAYOR GOODMAN declared the Public Hearing closed.