



Las Vegas

Agenda Item No.: 80.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: AUGUST 18, 2010

DEPARTMENT: NEIGHBORHOOD SERVICES
DIRECTOR: STEPHEN KUHARSIN

☐ Consent ☒ Discussion

SUBJECT:

Public Hearing and possible action to consider a request for a waiver and/or reduction of fees and/or civil penalties for the property located at 1410 Pacific Avenue in the amount up to \$3,854.08. PROPERTY OWNERS: KUSH/DAVE - Ward 3 (Reese)

Fiscal Impact

☐

No Impact

☐ Augmentation Required

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Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

Today's hearing is a request from Joanne Lu, Agent for Kelly Williams Realty on behalf of Kush Dave, owner to consider a request for a waiver and/or reduction of fees imposed on the parcel at the City Council meeting November 18, 2009. The case was generated on March 19, 2009. There was one abatement conducted on this property on September 11, 2009. The lien was recorded at Clark County recorders office on November 24, 2009. Neighborhood Services received a Request for Waiver and/or Reduction of Civil Penalties Applications dated March 25, 2010 on behalf of the owner, Kush Dave, 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. Spreadsheet of Charges Accrued
5. Notice of Public Hearing

Motion made by GARY REESE to Approve an assessment of \$3,304.08 and civil penalties in the amount of \$4,255.00, payable within 30 days

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.

LISA MORRIS HIBBLER, Deputy Director of Neighborhood Services, updated the Council by stating an abatement was done on the property on September 11, 2009 amounting to \$3,304.08, and \$42,550.00 is owed for daily civil penalties. To date, the City has not received any payments. The total owed is \$45,858.08, which includes interest. Staff recommended recouping the abatement fees and 10 percent of the daily civil penalties, totaling \$7,559.08. Staff also recommended the applicant be given 30 days to make full payment; otherwise, the original lien would remain in effect.

(MALE SPEAKER) and JOANNE LU appeared on behalf of the owner and MR. ??? explained the work done in restoring the property and understands the City's position. MS. LU recalled the June 16, 2010 City Council meeting whereby an owner was granted a reduction to five percent in fees owed, so they asked for the Council's leniency with this matter and approve the same. She also noted that the property was purchased in March of this year, but they were not aware of the lien. The home has been cleaned up, and they have a potential buyer for the property.

MS. HIBBLER informed COUNCILMAN REESH that the property was purchased on March 23, 2010 by DAVE KUSH. Referring to the backup, COUNCILMAN WOLFSON read a portion of the applicant's application for a signed waiver and pointed out that, in this situation, the new owner learned of the lien after taking title of the property. MS. LU explained the circumstances to COUNCILMAN WOLFSON surrounding the sale as they used an independent third party to do the title search and not a title company. The Councilman did not feel the new property owner should be held accountable for the total fees as they are not the previous owners who allowed the property to be in disrepair.

Given the fact that more trustee sales will take place, COUNCILMAN ROSS pondered how the City can be proactive in recouping its costs. DEPUTY CITY ATTORNEY DAN STILL believed the potential new owner must do his/her due diligence; if not, one is subject to taking a risk when purchasing such a property. A preliminary title report can be obtained, which shows all recorded liens against the property, which is a red flag in itself. The responsibility does not fall upon the City in these situations.

ATTORNEY MICHAEL BROOKS, Board of Directors of the United Trustees, agreed that it is a buyer beware issue when purchasing these types of properties. He discussed with the Council and DEPUTY CITY ATTORNEY STILL this ongoing issue and what takes place after a trustee sale is noticed. It is a fact that there is sufficient time for a potential buyer to do some research prior to a sale, and ATTORNEY BROOKS believes the new owner did their research.

MAYOR GOODMAN stated that there are property owners who have appeared and indicated they have title insurance but the title search does not reveal the imposed lien; hence, they can sue the title company. ATTORNEY BROOKS agreed with that assessment but pointed out the

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importance of not discouraging people of good faith, as these new owners already have a potential tenant.

COUNCILMAN REESE recalled some similar experiences within his own ward and felt the City should be fervent in maintaining its goal in recouping these fees. He supported staffs recommendation made by MS. HIBBLER.

MAYOR GOODMAN declared the Public Hearing closed.

