

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: SEPTEMBER 18, 2013

DEPARTMENT: BUILDING AND SAFETY

DIRECTOR: CHRIS KNIGHT

☐ Consent ☒ Discussion

SUBJECT:

ABEYANCE ITEM - Public Hearing for possible action to consider a request for a waiver and/or reduction of fees totaling \$4,909.55 in out of pocket costs, and \$76,800 in daily civil penalties for a total of \$81,709.55 recorded against the property located at 1792 North Rancho Drive. PROPERTY OWNER: M B REO-NV LAND LLC - Ward 5 (Barlow)

Fiscal Impact

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No Impact

☐

Augmentation Required

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Budget Funds Available

Amount:

Funding Source:

Dept./Division: Building and Safety/Code Enforcement

PURPOSE/BACKGROUND:

Today's hearing is a request from M B REO-NV Land LLC, owner, to consider a request for a waiver and/or reduction of fees in regard to the parcel at the City Council meeting on October 5, 2011. There was one abatement action conducted on this property August 1, 2011. The liens were recorded at Clark County Recorder's Office on October 12, 2011 for \$2,074 in out of pocket costs, and on April 25, 2012 for \$77,250 in daily civil penalties. In addition, there is a 4% tax roll fee for \$3,236.91, minus a payment of \$570 in out of pocket expenses and \$450 in daily civil penalties for a total balance due of \$81,709.55. Building and Safety received a Request for Waiver and/or Reduction of Civil Penalties Application dated April 25, 2013 from M B REO-NV Land LLC, owner, requesting the fees and civil penalties be waived. The estimated value of the property based on Zillow.com is \$86,322. This item was held in Abeyance from the August 21, 2013 City Council Meeting.

RECOMMENDATION:

That the City Council deny the request for a waiver and/or reduction of fees.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Request for Waiver and Reduction Application
3. Information Report
4. Location Maps
5. Staff Report
6. Notice of Public Hearing
7. Submitted at Meeting Site Photos by Staff

Motion made by RICKI Y. BARLOW to Approve the previously assessed expense costs of \$4,909.55 plus 10 percent in daily civil penalties of \$7,680.00 for a total of assessment of 12,589.55 to be paid within 30 days

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Passed For: 5; Against: 0; Abstain: 0; Did Not Vote: 1; Excused: 1

BOB COFFIN, RICKI Y. BARLOW, LOIS TARKANIAN, CAROLYN G. GOODMAN, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-STAVROS S. ANTHONY); (Excused-BOB BEERS)

Minutes:

MAYOR GOODMAN declared the Public Hearing open.

While photos of the site that were submitted as back up were shown, VICKY OZUNA, Code Enforcement Supervisor, summarized the Purpose/Background and Recommendation sections of the Agenda Summary Page.

VAL MURAOKA, REO Director at Colony AMC, appeared on behalf of MARRY McCOMBS, who filed the waiver/reduction application. She explained the waiver is being requested given that violations against the property pre-dated ownership by M B REO and proper notice of the violations was not given. The property was acquired on 9/6/2011, and once the acquiring company became aware of the violations, it hired a contractor and relied on that contractor to maintain the property, toward which a substantial amount of money was spent. Subsequently, a contractor was hired to maintain the property quarterly, but the company is willing to have the contractor maintain the property monthly.

TODD FARLOW, Las Vegas resident, suggested taking the revenue from the billboard to maintain the property.

ANTHONY HODGES verified that this is commercial property, which should bring in some revenue once it is cleaned up.

MS. MURAOKA advised COUNCILMAN BARLOW that the billboard on the site is not owned by the acquiring company. She indicated that the owner was not given proper notice of the abatement because the property foreclosed on 9/6/2011 and notice was issued in April, 2011, to the previous borrower. The code violation was recorded with the title after the property was purchased by M B REO.

MS OZUNA commented that the Notice and Order was recorded on the property on 4/18/2011 and the abatement process was completed 8/3/2011. The trustee filed on 9/30/2011, so when the abatement case came before the Council, staff had no idea the property had changed ownership. The lien was recorded on 10/5/2011.

MS. MURAOKA remarked that M B REO was informed about the potential violations and that some remediation might have to be done through one of the contractors sometime in September, 2012, and the necessary work was authorized at that time.

MS. OZUNA advised COUNCILMAN BARLOW that staff went forward with the cleanup on 8/3/2011 because it was unaware that ownership had changed, noting that staff has not had to issue notice or perform additional abatement since the abatement of 8/3/2011.

MAYOR GOODMAN declared the Public Hearing closed.