

RESOLUTION NO. 95-82
A RESOLUTION OF THE CITY OF EL PASO DE ROBLES
PROVIDING FOR REIMBURSEMENT OF ABATEMENT COST
TO THE CITY OF PASO ROBLES FOR ABATEMENT OF NUISANCE
AT 2255 THEATER DRIVE, PASO ROBLES, CALIFORNIA
(OAKS DRIVE IN THEATER) APN 009-841-025

WHEREAS, on February 16, 1994, the City Council of the City of El Paso de Robles found it necessary to institute abatement of Nuisances that present potential dangers to the public; and

WHEREAS, the identified property owner or his/her agent was provided certified mail and on-site posting of a "Notice To Abate" letter informing them of the conditions existing on the property; and

WHEREAS, the property owner or his/her agent failed to abate the nuisance, the City Council of the City of El Paso de Robles by Resolution No. 94-67 (Attached Exhibit "A") directed the property owner or his/her agent to abate the property within the time prescribed by the Paso Robles Municipal Code Chapter 9.06 Section 9.06.055; and under this Resolution directed the Fire Chief to take those steps reasonably necessary to remove the nuisance and cause a tax lien upon the property for the amount of cost to the City incurred for abatement of the nuisance; and

WHEREAS, California Government Code Sections pertaining to Health, Safety, and City Government establishes the right of a City to enter upon a property and abate a nuisance showing potential threat to the public's safety and welfare, should the property owner(s) fail to do so, with the cost for such abatement becoming a lien against the property; and

WHEREAS, the following costs have been or will be incurred in the process of abating the described nuisance (original invoices attached):

VAUGHAN SURVEYS	Benchmark Relocation Survey	\$50.00
1101 Riverside Avenue		
Paso Robles, CA 93446	Land Survey Benchmark Relocation Report	\$50.00
	VAUGHAN SURVEYS TOTAL	\$100.00
CITY OF PASO ROBLES		
Staff	Fire Marshal @ \$40.00 per hour x 12 hours	\$480.00
	Fire Chief @ \$45.00 per hour x 7 hours	\$315.00
	Fire Secretary @ \$11.00 per hour x 3 hours	\$33.00
Postage and Materials		\$12.50
	CITY OF PASO ROBLES TOTAL	\$840.50

NEGRANTI CONSTRUCTION
P.O. Box 198
Cayucos, CA 93430

Description	#	Unit	Rate	Total	Balance
Excavator	40.0	HR	120.00	4800.00	4800.00
Crane	24.0	HR	100.00	2400.00	7200.00
Loader	20.0	HR	95.00	1900.00	9100.00
Backhoe	24.0	HR	75.00	1800.00	10900.00
End Dumps	47.0	HR	65.00	3055.00	13955.00
Laborers	40.0	HR	40.00	1600.00	15555.00
Dump Fees—Debris	5.0	Load	180.00	900.00	16455.00
Dump Fees—Concrete	10.5	Load	100.00	1050.00	17505.00
Backfill Material	5.0	CY	8.00	40.00	17545.00
Septic Plumbing	1.0	LS	175.00	175.00	17720.00
Lowbed	12.0	HR	75.00	900.00	18620.00
Bonds	1.0	LS	477.00	477.00	19097.00
NEGRANTI CONSTRUCTION TOTAL					19097.00
GRAND TOTAL					\$20037.50

WHEREAS, the property owner has been legally noticed pursuant to Section 9.06.080 of the Paso Robles City Municipal Code; and

WHEREAS, _____, appeared and gave testimony at the hearing; or

WHEREAS, William Zappas, the property owner, did not appear to give evidence relating to the abatement of the declared nuisance;

NOW, THEREFORE, BE IT RESOLVED that:

1. The above recitals are true and correct.
2. The City Council determined that all costs relating to the abatement of the declared nuisance are accurate, justified and the assessment in the amount of \$ 20,037.50 is confirmed.
3. The City Clerk is to notify the property owner(s) to reimburse the City for those costs within fourteen working days of the date of a statement for those costs from the City, and that should the property owner(s) not make payment within the specified period, the City shall institute a tax lien against the property in question and collect all costs accrued for such abatement in the same manner as it will collect any other applicable taxes.

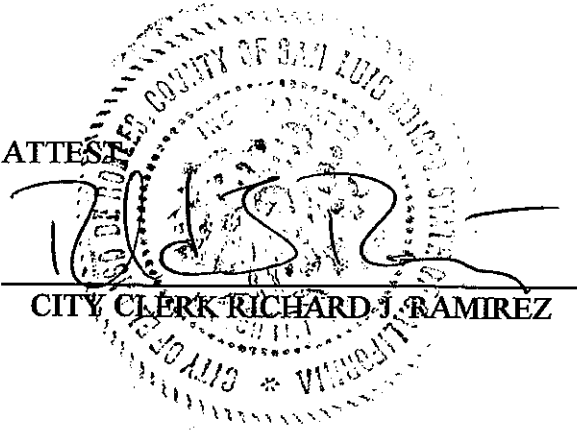
PASSED AND ADOPTED this 20th day of June, 1995, by the following roll call vote:

AYES: Heggarty, Iversen, Martin, Picanco and Macklin

NOES: None

ABSENT: None

ATTEST



CITY CLERK RICHARD J. RAMIREZ

Walter J. Macklin
MAYOR WALT MACKLIN

EXHIBIT A
COPY OF MAY 1994 RESOLUTION
AUTHORIZING ABATEMENT

RESOLUTION NO. 94-67
A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF EL PASO DE ROBLES
TO APPROVE ABATEMENT OF 2255 THEATRE DRIVE
OAKS DRIVE INN THEATRE - APN 009-841-025

WHEREAS, on February 16, 1994, inspectors from the Paso Robles Fire Department conducted an inspection at said property at the request of the Paso Robles Building Department and Citizen concerns; and

WHEREAS, the Fire Department has inspected the site and has determined that the site constitutes a serious potential fire and life safety hazard; and

WHEREAS, the unsightly appearance of the property may have adverse impacts on abutting and adjacent properties; and

WHEREAS, the Building Department has determined these conditions to be dangerous to human life, and detrimental to the public health and safety; and

WHEREAS, the property was posted with a "Notice of Nuisance" on February 4, 1994, with a "Notice to Abate Nuisance" on March 10, 1994; and

WHEREAS, no action had been taken by the property owners to abate said conditions; and

WHEREAS, the Paso Robles City Council conducted a hearing on May 3, 1994, to determine the condition of said property;

NOW, THEREFORE, BE IT RESOLVED, that City Council of the City of El Paso De Robles, finds that the following conditions exist at said property and constitute a nuisance:

1. Dangerous buildings as defined by Uniform Code for Abatement of Dangerous Building.
2. Unlawful accumulation of combustible rubbish and vegetation: Uniform Fire Code (U.F.C.) Sec. 11.302.
3. Unlawful continuance of a fire hazard U.F.C. Sec. 3.102.
4. Unsafe buildings as defined by U.F.C. Sec. 2.201(b).

BE IT FURTHER RESOLVED, that based on the above findings that City Council of the City of El Paso De Robles, does hereby direct the property owner to cause abatement by removal or repair of said structures creating the nuisance within the time prescribed by the Paso Robles Municipal Code Chapter 9.06 Section 9.06.055.

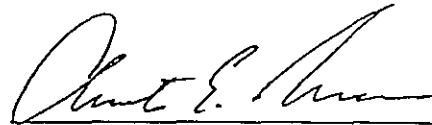
BE IT FURTHER RESOLVED, that based on the above findings that City Council of the City of El Paso De Robles, does hereby direct Department of Fire Services staff to either take all steps reasonably necessary to secure the structures ~~creating the nuisance~~ or cause abatement of said structure creating the nuisance by removal and cause a tax lien to be placed upon the property for the amount of City costs incurred for securing and/or abating said structure(s), should the property owner(s) not complete the abatement by removal or repair no later than June 6, 1994, and that all further abatement action be in compliance with applicable provisions of the Paso Robles Municipal Code and relevant provisions of State Law.

PASSED AND ADOPTED THIS 3rd day of May, 1994 by the following Roll Call Vote:

AYES: Heggarty, Macklin, Martin, Picanco, and Iversen

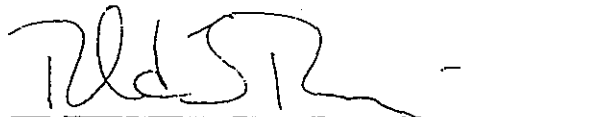
NOES: None

ABSENT: None



MAYOR CHRISTIAN E. IVERSEN

ATTEST:



RICHARD J. RAMIREZ, CITY CLERK