

RESOLUTION NO. 4120-2018

**RESOLUTION OF THE FORT BRAGG CITY COUNCIL
SETTING A PUBLIC HEARING ON SEPTEMBER 24, 2018 REGARDING: 1)
DELINQUENT NUISANCE ABATEMENT CHARGES RELATED TO 119
PINE STREET; AND 2) IMPOSITION OF A LIEN AGAINST NATIONSTAR /
MR. COOPER IN THE AMOUNT OF \$23,415.49**

WHEREAS, on January 20, 2018, 119 Pine Street was partially burned to the ground; and

WHEREAS, the City of Fort Bragg engaged in many hours of code enforcement abatement activities with the property owner (Nationstar / Mr. Cooper) upon the foreclosure of the property and its transfer to the bank; and

WHEREAS, City of Fort Bragg scheduled a hearing with the City Manager to address the nuisance conditions and the property owner did not attend the hearing; and

WHEREAS, the City of Fort Bragg continued to try to work with the property owner to get the partially destroyed building and the many tons of accumulated debris removed from the property with no response from the property owner; and

WHEREAS, on July 10, 2018, the City of Fort Bragg began fining the property owner under Fort Bragg Municipal Code Chapter 6.12 (Nuisances) and Chapter 1.12 (General Penalty); and

WHEREAS, the City Council of the City of Fort Bragg has caused the abatement of a nuisance within the City of Fort Bragg under Fort Bragg Municipal Code Chapter 6.12; and

WHEREAS, the City sent a demand letter to Nationstar and Mr. Cooper's attorney on August 16, 2018; and

WHEREAS, to date the owner of the parcel has not paid charges, costs and fines related to the nuisance abatement due to the City which total \$23,415.49.

NOW, THEREFORE, the City Council of the City of Fort Bragg does resolve as follows:

Section 1. The City Manager is directed to prepare and submit to the City Council a report of nuisance abatement costs and charges against the owner of the parcel at 119 Pine Street located in the City of Fort Bragg that have remained unpaid, said report to include an itemized record of the delinquent charges and costs.

Section 2. The City Council hereby sets a public hearing to be held on September 24, 2018 at the Fort Bragg Town Hall, located at 363 N. Main St., Fort Bragg, on or after the hour of 6:00 p.m., to consider the imposition of a lien or special assessment on the parcel of property within the City of Fort Bragg located at 119 Pine Street because of delinquent nuisance abatement costs and fines that have remained unpaid.

Section 3. Notice of the hearing shall be given to the owner of record as shown on the report by certified, return receipt mail to the address of the owner as shown on the last equalized assessment roll of the County of Mendocino, or as otherwise known to the City, or the owner's representative, at least ten (10) days prior to the hearing.

Section 4. Any interested person may appear at the hearing and protest the imposition of nuisance abatement costs and fines.

Section 5. The City Council may, after the hearing, and after considering any objections or protests of the landowner liable to be liened or subject to a special assessment recorded against the property for recovery of costs and fines to abate a nuisance, adopt a resolution establishing a special assessment on the property tax roll on the property.

Section 6. Notice of the Public Hearing shall be posted in public places within the City and published once in a newspaper of general circulation, circulated in the City of Fort Bragg, not less than ten (10) days before the hearing.

The above and foregoing Resolution was introduced by Councilmember Norvell, seconded by Councilmember Cimolino and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 10th day of September, 2018.

**AYES: Councilmembers Cimolino, Lee, Norvell, Turner and Mayor Peters.
NOES: None.
ABSENT: None.
ABSTAIN: None.
RECUSED: None.**



LINDY PETERS
Mayor

ATTEST:



June Lemos, CMC
City Clerk