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*675 Wildwood Avenue  
Rio Dell, CA 95562-1597  
(707) 764-5642 Hall*

**For Meeting of: August 5, 2025**

☐ Consent Item; ☒ Public Hearing Item

To: City Council

From: Mary Clark, Community Service Officer

Through: Kyle Knopp, City Manager

Date: August 5, 2025

Subject: Public Hearing on the Cost Recovery for the Abatement of 520 First Avenue

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**Recommendation:**

1. Open the Public Hearing
2. Receive any testimony/evidence concerning the cost recovery for the abatement conducted at 520 First Avenue
3. Close the Public Meeting
4. Discuss the matter
5. Approve the Findings and Order Confirming Accounts and Assessment for the abatement of 520 First Avenue

**Background and Discussion**

On December 7, 2021 and December 8, 2021, an abatement warrant was executed at 520 First Avenue for excessive solid waste and junk vehicles. On July 7, 2023, the violations on the Property were determined to be excessive for an additional time. The City and multiple allied agencies made attempts to work with the occupants in clearing the violations however, were unsuccessful. Due to no compliance received in clearing the violations, an abatement warrant was executed on March 18, 2025 and March 19, 2025. The City's costs for the abatements were determined to be \$8,977.22. This cost assessment was sent via certified mail to the property owner and occupants on May 5, 2025. There has not been any attempts to pay or make a plan with the City for this debt.

Rio Dell Municipal Code (RDMC) Sections 8.10.310 through 8.10.330 cover the cost recovery process. RDMC Section 8.10.330 references the California Government Code Section 38773.5 which spells out the process for establishing taxes and assessments. This process requires two meetings, a public meeting followed by a public hearing.

Attachment(s): Findings and Order Confirming Account and Assessment

Notice of Public Meeting and Hearing Regarding Nuisance Abatement Cost Recovery



**FINDINGS AND ORDER  
CONFIRMING ACCOUNT AND ASSESSMENT**

In Re: Cost Recovery Hearing  
City of Rio Dell v, The Estate of Jo An Tolley  
520 First Avenue, Rio Dell, California  
AP# 053-095-015

August 5, 2025

On August 5, 2025, the Rio Dell City Council convened a hearing under Rio Dell Municipal Code Section 8.10.320 for the assessment of costs related to nuisance abatement activities at the subject premises recited above.

At said hearing the Council considered the evidence presented to it concerning the subject premises, including relevant documents, writings, codes, ordinances, as well as oral testimony at the hearing, and now, therefore, it makes the following:

**FINDINGS:**

1. The property located at 520 First Avenue, Rio Dell, California is located in an Urban Residential zone within the City of Rio Dell, Humboldt County, California and is referred to as Assessor's Parcel Number 053-095-015; and
2. The Rio Dell Police Department received a complaint concerning the existence of violations on the property, to wit: Property use in violation of Rio Dell Municipal Code Section 8.10.020(a)(1), improper disposal of solid waste; and Section 8.10.020(c), junk vehicles; and
3. The property owner and/or occupants, were served with a Notice of Violation dated November 25, 2020, pursuant to Rio Dell Municipal Code Section 8.10.230, describing the violations and ordering abatement of those conditions; and
4. The property owner and occupants had significant and reasonable time to correct all violations and refused and/or failed to meet the deadlines prescribed by the Notice of Violation; and
5. The property owner and/or occupants were served with a Notice of Nuisance and Order to Abate dated March 25, 2021 pursuant to Rio Dell Municipal Code Section 8.10.260, giving the property owner and occupants additional, significant, and reasonable amount of time to correct the violations; and

6. The property owner did not contest the imposition of the Notice of Violation and Order to Abate; and
7. The property owner refused and/or failed to meet the deadlines imposed by the Notice of Violation and Order to Abate; and
8. On March 18, 2025 and March 19, 2025, the City of Rio Dell did, in fact, abate said nuisance; and
9. The City of Rio Dell maintained an accurate and itemized account of the cost of the abatement, pursuant to Rio Dell Municipal Code Section 8.10.310; and
10. The property owner was served with a Cost Recovery Assessment outlining the costs incurred by the City and requesting that payment be made within thirty days; and
11. The property owner has refused and/or failed to make payment to the City for the cost of the abatement within the time allotted; and
12. The property owner was served with a Notice of Assessment, pursuant to Rio Dell Municipal Code Section 8.10.320, specifying the work done; an itemized account of the cost and receipts of performing the abatement; the amount of the assessment proposed to be levied against the property, the time and place where the Rio Dell Police Department would submit the account to the Rio Dell City Council for confirmation; and a statement that the City Council would hear and consider objections and protests to said account and proposed assessment; and
13. The costs of the abatement as set forth in the Notice of Assessment were necessarily incurred and are reasonable.

Following the said meeting and hearing, the City Council for the City of Rio Dell does hereby ordain and declare as follows:

**ORDER:**

1. That the account and proposed assessment of \$8,977.22 be, and is hereby, confirmed in full; and
2. That the Rio Dell Police Department shall cause to be prepared and recorded in the Office of the County Recorder, a Notice of Lien, which shall contain the identity of the property, a description of the proceedings under which the assessment was made (including this Order Confirming Assessment), the amount of the assessment, and a claim of lien on the described premises.

The City Council votes are tabulated as follows:

Mayor Debra Garnes:	Yes <input type="checkbox"/> ; No <input type="checkbox"/>
Mayor Pro Tem Amanda Carter:	Yes <input type="checkbox"/> ; No <input type="checkbox"/>
Councilmember Frank Wilson:	Yes <input type="checkbox"/> ; No <input type="checkbox"/>
Councilmember Robert Orr:	Yes <input type="checkbox"/> ; No <input type="checkbox"/>
Councilmember Julie Woodall:	Yes <input type="checkbox"/> ; No <input type="checkbox"/>

DATED: \_\_\_\_\_

\_\_\_\_\_  
Mayor of the City of Rio Dell

DATED: \_\_\_\_\_

\_\_\_\_\_  
Clerk of the City of Rio Dell



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*Rio Dell Police Department  
675 Wildwood Avenue  
Rio Dell, CA 95562-1597  
(707) 764-5642*

## **Notice of Public Meeting and Hearing Regarding Nuisance Abatement Cost Assessment**

June 6, 2025

Via Certified Mail

To: The Estate of Jo An Tolley  
520 First Avenue  
Rio Dell, California 95562

Location: AP# 053-095-015  
520 First Avenue  
Rio Dell, California

This Notice of Public Meeting and Hearing Regarding Nuisance Abatement Cost Assessment follows the Notice of Violation, served on November 20, 2024; the Notice of Nuisance and Order to Abate, served on March 25, 2021; and the Notice of Abatement Cost issued on May 5, 2025. Notice is hereby given that the City of Rio Dell ("City") has completed the abatement of the nuisance conditions on the property located at 520 First Avenue, Rio Dell, California, known as Assessor's Parcel Number 053-095-015, under the authority of the Section 8.10.290 of the Rio Dell Municipal Code. Attached is a cost recovery assessment, which specifies the work done, including an itemized account of the costs and receipts for the performing the abatement, and the total amount of the assessment to be levied against the property, to wit, \$8,977.22. Pursuant to Rio Dell Municipal Code Section 8.10.320, you have already been provided over thirty (30) days to pay this sum to the City.

Notice is further given that, on June 17, 2025 at its regular public meeting scheduled for 6:00 PM or as soon thereafter as the matter can be heard, the Rio Dell City Council, located at 675 Wildwood Avenue, Rio Dell, California, will schedule a public hearing on whether to impose a lien on your property in an amount equal to the City's nuisance abatement costs. The public hearing will be scheduled for August 5, 2025. If the costs of abatement are imposed by the City Council following the June 17, 2025, public hearing, the City will impose the costs of abatement as a special assessment against your real property; and the special assessment may be collected at the same time and in the same manner as is provided for the collection of ordinary County

taxes; and shall be subject to the same penalties, interest, under the same procedure for foreclosure and the sale in the case of delinquency as is provided for in ordinary County taxes.

Notice is further given that at public hearing on June 17, 2025 the City Council will hear and consider any objections and protests to the assessment. You may appear with an attorney or other representative, call and cross-examine witnesses, and present evidence on your behalf. Should the assessment be levied, the property may be sold after three years by the tax collector for unpaid delinquent assessments in accord with Rio Dell Municipal Code Section 8.10.330 and California Government Code Section 38773.5.

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Mary Clark  
Community Service Officer  
Rio Dell Police Department

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Date