



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

For Meeting of: February 20, 2024
□ Consent Item; ■ Public Hearing Item

To: Mayor and Members of the City Council
From: Mary Clark; Community Service Officer
Through: Greg Allen, Chief of Police
Date: February 14, 2024
Subject: Public Hearing on the Cost Recovery for the Abatement of 289 Berkeley Street,
Rio Dell, California 95562 APN# 053-163-002

Recommendation:

1. Open the Public Hearing
2. Receive any testimony/evidence concerning the cost recovery for the abatement conducted at 289 Berkeley Street
3. Close the Public Meeting
4. Discuss the matter
5. Approve the Findings and Order Confirming Accounts and Assessment for the abatement of 289 Berkeley Street

Background and Discussion

On April 6, 2021, a Notice of Violation was served on the owner of the parcel that includes both addresses of 267 and 289 Berkeley Street. No significant progress was made on clearing the violations and a Notice of Nuisance and Order to Abate was served to the owner on June 1, 2021. This document was recorded at the Humboldt County Recorder's Office. Most of the original violations were located in proximity to the residence addressed 289 Berkeley and were cleared however, additional trash and solid waste began to accumulate at 267 Berkeley.

In September of 2023, City staff confirmed with the owner that this residence had been abandoned by the former occupants and there were excessive amounts of solid waste, household garbage, and other debris both inside and outside of the structure. In addition, the residence was unsecured and was an attractive nuisance. The Notice of Nuisance and Order to Abate was amended to include

violations of City Code dealing with substandard housing and this was served to the owner on October 25, 2023. The owner was unable to conduct the cleanup of the parcel and did not contest the abatement process. On November 13, 2023, an abatement warrant was obtained from the Humboldt Superior Court to remove the solid waste, a violation listed on the original Notice of Nuisance and Order to Abate. On November 14, 2023, the abatement was commenced. Due to the large amount of solid waste and unexpected debris, two additional days were required by the contractor to remove all of the solid waste and the abatement was completed on November 17, 2023. In all, 98 yards of solid waste, mattresses, tires, appliances, green waste, hazardous materials and e-waste were removed from the Property. The City's costs for the abatement were determined to be \$10,650.70. The cost recovery assessment was provided to the property owner in person on November 21, 2024 and sent via mail on November 27, 2024. The property owner has not made any attempt to pay or make a plan with the City for this debt.

On November 20, 2023, City staff received a Notice of Trustee Sale for the parcel. This document informed staff that the mortgage holder intended to auction the property on December 18, 2023. The owner was contacted and agreed to waive the thirty-day period that Rio Dell City Code allows to pay the cost of the abatement as he does not have the resources to do so.

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.

Attachments:

- Notice of Public Meeting and Hearing Regarding Nuisance Abatement Cost Recovery
- Findings and Order Confirming Account and Assessment



**FINDINGS AND ORDER
CONFIRMING ACCOUNT AND ASSESSMENT**

In Re: Cost Recovery Hearing
City of Rio Dell vs Edison Petranoff
289 Berkeley Street, Rio Dell, California
AP# 053-163-002

February 20, 2024

On February 20, 2024, 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 addresses located at 267 and 289 Berkeley Street, Rio Dell, California are located in an Urban Residential zone within the City of Rio Dell, Humboldt County, California and are referred to as Assessor's Parcel Number 053-163-002; 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), solid waste; and Section 8.10.030(7), nuisances; and
3. The property owner was served with a Notice of Violation dated April 13, 2021, pursuant to Rio Dell Municipal Code Section 8.10.230, describing the violations and ordering abatement of those conditions; and
4. Due to violations not being corrected, the property owner was served with a Notice of Nuisance and Order to Abate dated June 1, 2021, pursuant to Rio Dell Municipal Code Section 8.10.260, giving the property owner additional, significant, and reasonable amount of time to correct the violations; and
5. The majority of violations at 289 Berkeley were cleared however, in September of 2023 an excessive amount of solid waste started accumulating in front of 267 Berkeley; and
6. On October 25, 2023, the Notice of Nuisance and Order to Abate was amended to reflect the current violations present on the property and served to the property owner; and
7. The property owner did not contest the imposition of the amended Notice of Nuisance and Order to Abate; and
8. The property owner refused and/or failed to meet the deadlines imposed by the amended Notice of Nuisance and Order to Abate; and
9. On November 13, 2023, an abatement warrant was obtained from Humboldt Superior Court; and
10. On November 14-17, 2023, the City of Rio Dell did, in fact, abate said nuisances; and
11. 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
12. The property owner was served with a Cost Recovery Assessment outlining the costs incurred by the City and the amount of the assessment proposed to be levied against the property; and

13. The property owner provided signed documentation stating he waived his right to have thirty days to pay the cost of the abatement and allowing the City to move forward with the establishment of a lien on the property in a timely manner; and
14. The costs of the abatement as set forth in the Cost Recovery 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 \$10,650.70 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"/>
Councilmember 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



*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

December 21, 2023

Via Certified Mail

To: Edison Petranoff
289 Berkeley Street
Rio Dell, California 95562

Location: AP# 053-163-002
289 Berkeley Street
Rio Dell, California

This Notice of Public Meeting and Hearing Regarding Nuisance Abatement Cost Assessment follows the Notice of Violation, served on April 13, 2021; the Amended Notice of Nuisance and Order to Abate, served on October 25, 2023; and the Notice of Abatement Cost issued on November 21, 2023. Notice is hereby given that the City of Rio Dell ("City") has completed the abatement of the nuisance conditions on the Property located at 289 Berkeley Street, Rio Dell, California, known as Assessor's Parcel Number 053-163-002, under the authority of the Section 8.10.290 of the Rio Dell Municipal Code. The total amount of the assessment to be levied against the property, to wit, \$10,650.70. 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 January 2, 2024 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 February 20, 2024. If the costs of abatement are imposed by the City Council following the February 20, 2024, 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 February 20, 2024 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.

Mary Clark
Community Service Officer
Rio Dell Police Department.