

**AGENDA  
ITEM  
10**



# AGENDA STAFF REPORT

**DATE:** November 28, 2018

**TO:** Mayor and City Council

**APPROVED BY:** David Dale, City Manager *David Dale*

**PREPARED BY:** Ralph B. Morales, Building/Planning/Code Enforcement Manager *Ralph B. Morales*

**SUBJECT:** Deeming Property 940 4<sup>th</sup> Street a Nuisance

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## Recommendation:

That the City Council deem the properties at 940 4<sup>th</sup> street a nuisance as per the Calexico Municipal Code Chapter 15.18 Uniform Code for the Abatement of Dangerous Buildings, 1997 Abatement of Dangerous Buildings and Chapter 8.40.020 Weeds and Rubbish Nuisance. Direct staff to take the necessary legal steps to raze the fire damaged housing structure and clean the property by removing the over grown weeds, brush and trees which are creating a nuisance and a fire and safety condition.

## Background:

Properties located at 940 E. 4<sup>th</sup> street has been abandon for years creating a nuisance situation consisting of weeds, brush, trash along with a dilapidated fire damage housing structure. Staff have expired all means of locating the property owners to no avail. All this time the properties have become an unpleasant sight to the neighborhood as well as a health and safety issue.

## Discussion & Analysis:

Several letters from 2014 to present have been mailed by Code Enforcement to the owner of 940 4<sup>th</sup> street regarding over grown vegetation weeds, brush as well as a fire damaged housing structure which was deemed dilapidated and creating a fire hazard as well as a health and safety issue.

On several occasions Code Enforcement was requested by both the Police and Fire Department to respond to the above address for a structural fire. Code Enforcement tagged the building with a "Danger Structure Do Not Enter" notices which have always been ignored.

Between 2011 through 2018 many attempts were made in contacting the owners, each time the property owner has promised to clean the property but never have come through with their promise



This property has created an uneasiness with the surrounding neighbors to the point that our office has received numerous complaining.

Due to the owners unwillingness to clean the property, staff is requesting that the city council deem it a nuisance as per Calexico Municipal Code Chapter 15.18 Uniform Code for the Abatement of Dangerous Buildings, 1997 Abatement of Dangerous Buildings and Chapter 8.40.020 Weeds and Rubbish Nuisance directing staff through the city attorney to move forward and legally file for an Abatement Warrant from the Courts to allow the City to take action in cleaning the property.

Options to clean the property would be to:

1. Bid out the clean-up and have a licensed contractor remove the dilapidated structure and clean the properties of all weeds, brush.
2. Have the city crew conduct the cleaning of the property.
3. Work with a Receivership to address the issue.

Please note that whatever decision the council makes the cost of cleaning of property plus staff time including attorney fees can be charged to the owner in form of tax lien on the property.

**Fiscal Impact:**

1. Estimated cost of contracting out to a licensed contractor including prevailing wages: \$ 30,000.
2. Cost of city staff time and materials to clean property not known at this.

**Attachment:**

Property Photographs



