



City of Needles, California Request for City Council Action

CITY COUNCIL NPUA

Regular Special

Meeting Date: August 9, 2022

Title: City Council Resolution No. 2022-57
A Resolution of the City Council of the City of Needles, California Confirming and Adopting an Itemized Statement of Cost for Abatement of Property located at 1229 Desert Drive also known as APN 0650-423-04-0000.

Background: September 16, 2021, an abatement hearing was held declaring the dilapidated home and its contents and all miscellaneous debris on the property a public nuisance. The Administrative Hearing Officer further ordered staff to obtain an abatement warrant from the court, collect all fines and remove all debris from the property.

On March 25, 2022 an Abatement Warrant was issued (Case No. SBSW 22-01388) for the city to take the appropriate actions to remove and abate the aforementioned public nuisances on the property. The Court ruled in favor of the City awarding any fees and costs expended to date plus all costs of abatement to be placed as a lien on the property totaling \$18,972.79.

On or about April 19, 2022, the Property was returned to acceptable standards as established in the City's Municipal Code.

Fiscal Impact: The potential City reimbursement in the amount of \$18,972.79 upon sale of property.

Environmental Impact: N/A

Recommended Action: Approve City Council Resolution 2022-57, Confirming and adopting an itemized statement of cost for abatement of property located at 1229 Desert Drive also known as APN 0650-423-04-0000, file said resolution with the County Recorder placing a lien on the property.

Submitted By: Patrick Martinez, Assistant City Manager/Development Services

City Management Review: Rick

Date: 8/2/22

Approved: <input type="checkbox"/>	Not Approved: <input type="checkbox"/>	Tabled: <input type="checkbox"/>	Other: <input type="checkbox"/>
			Agenda Item: <u>10</u>

RESOLUTION 2022-57

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEEDLES
CALIFORNIA, CONFIRMING AND ADOPTING AN ITEMIZED
STATEMENT OF COST FOR ABATEMENT OF PROPERTY
LOCATED AT 1229 DESERT DRIVE, NEEDLES, CA 92363,
ALSO KNOWN AS APN 0650-423-04-0000**

WHEREAS, pursuant of Section 116 of the 2012 International Building Codes, property located at 1229 Desert Drive (Assessor’s Parcel No. 0650-423-04-0000) was declared to be a safety hazard/public nuisance and was ordered abated by Mark Marnati, serving as Hearing Officer; and

WHEREAS, proper notification to the property owner, Larry L Esquibel, to abate the nuisance was given on September 16, 2021; and

WHEREAS, the property owner did not, in fact, clean the premises as ordered; and thereby the City of Needles commenced to do the work with a total cost of eighteen thousand, nine hundred seventy-two dollars and seventy-nine cents (\$18,972.79) being charged to the property owner payable by said owner of the property, or by the beneficiary of any trust deed or by any other interest party; and

WHEREAS, On March 25, 2022 Case No. **SBSW 22-01388** was filed with the Superior Court of the State of California County of San Bernardino and an itemized statement of costs for work performed by the City is hereby attached to this Resolution for further particulars was submitted.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Needles California, hereby confirms and adopts the itemized statement in the amount of eighteen thousand, nine hundred seventy-two dollars and seventy-nine cents (\$18,972.79) for the work performed by the City of Needles. The City Council further resolves that the statement shall be paid by the owner of the premises, beneficiary of any trust deed concerning the premises, or any other party interested in the property; and

BE IT FURTHER RESOLVED, that if the said statement is not paid, said changes shall constitute a lien on the real property upon which the public nuisance was abated and shall be collected as a special assessment against the real property; and

BE IT FURTHER RESOLVED, that the property in this Resolution is located in the City of Needles, State of California, and more particularly described as Assessor’s Parcel No. 0650-423-04-0000, record of San Bernardino County; and

BE IT FURTHER RESOLVED, that the Assistant City Manager is hereby directed to file with the Assessor and Tax Collector of San Bernardino County, certified copies of this Resolution, and further the Director of Development Services shall record said Resolution with the San Bernardino County Recorder; and

BE IT FURTHER RESOLVED, that the Assistant City Manager Services should direct the San Bernardino County Assessor to enter the amount of the charge against the real property described in this Resolution on the current assessment rolls; and

BE IT FURTHER RESOLVED, that the San Bernardino County Tax Collector shall add the amount of the assessment to the next regular tax bill against the property for municipal purposes.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Needles, California, held on the 9th day of August 2022 by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mayor

(Seal)

Attest:

City Clerk

Approved as to form:

City Attorney

SBSW 22-01388



6/17/2022

1229 DESERT STREET COSTS FOR ABATEMENT

EMPLOYEE	POSITION	REASON	TIME	RATE	COST
Adrian Chavez	Sr. Code Enforcement	Initial Inspection Notice of Violation & Reporting	2	\$ 58.43	\$ 116.86
Adrian Chavez	Sr. Code Enforcement	Issue of First Administrative Citation & Reporting	2	\$ 58.43	\$ 116.86
Adrian Chavez	Sr. Code Enforcement	Issue of Second Administrative Citation & Reporting	2	\$ 58.43	\$ 116.86
Adrian Chavez	Sr. Code Enforcement	Issue of Third Administrative Citation & Reporting	2	\$ 58.43	\$ 116.86
Adrian Chavez	Sr. Code Enforcement	Admin Hearing Presentation Prep	1	\$ 58.43	\$ 58.43
Adrian Chavez	Sr. Code Enforcement	Admin Hearing	1	\$ 58.43	\$ 58.43
Patrick Martinez	Director of Dev. Services	Admin hearing	1	\$ 108.96	\$ 108.96
Rick Danials	City Manager	Admin Hearing	1	\$ 209.75	\$ 209.75
Cindy Semione	Associate Planner	Admin Hearing (Setup & Breakdown) Minute Recording	1.5	\$ 56.02	\$ 84.03
Hearing Officer	Admin. Hearing Officer	Admin Hearing	1	\$ 70.00	\$ 70.00
Set Free Church	Abatement	Abatement of 1229 Desert Street	N/A	N/A	\$ 950.00
Lena Wade	City Attorney	Drafting Documents, Abatement Hearing, Attending Court			\$ 3,929.80
Bosco Legal Services	City Attorney	Notice of Ex Parte Application; Declaration of Rick Daniels & Adrian Chavez			\$ 536.45
					\$ 6,473.29

ITEM	REASON	COST
Supplies	USPS Certified Mail Notice of Violation	\$ 8.25
Supplies	USPS Certified Mail 1st Follow Up Inspection Citation Issued	\$ 8.25
Supplies	USPS Certified Mail 2nd Follow Up Inspection Citation Issued	\$ 8.25
Supplies	USPS Certified Mail 3rd Follow Up Inspection Citation Issued	\$ 8.25
Supplies	USPS Certified Mail Notice to Appear Admin hearing	\$ 8.25
Supplies	USPS Certified Mail Minute Action	\$ 8.25
Total Material Costs		\$ 49.50

DATE	ITEM	REASON	COST
5/17/2021	A4225	14-32(c), 14-32(e), 14-32(f), 14-32(g), 14-32(h), 14-32(i), 14-32(k), 14-32(m), 14-32(p), 14-32(s), 14-32(t), 14-32(u), 14-32(v), 14-32(z), IMPC 301.3, IMPC 302.1, IMPC 308.1	\$900.00
6/1/2021	A4247	14-32(c), 14-32(e), 14-32(f), 14-32(g), 14-32(h), 14-32(i), 14-32(k), 14-32(m), 14-32(p), 14-32(s), 14-32(t), 14-32(u), 14-32(v), 14-32(z), IMPC 301.3, IMPC 302.1, IMPC 308.1	\$3,450.00
6/14/2021	A4268	14-32(c), 14-32(e), 14-32(f), 14-32(g), 14-32(h), 14-32(i), 14-32(k), 14-32(m), 14-32(p), 14-32(s), 14-32(t), 14-32(u), 14-32(v), 14-32(z), IMPC 301.3, IMPC 302.1, IMPC 308.1	\$8,100.00
Total Administrative Citations			\$12,450.00

TOTAL STAFF, MATERIAL COSTS AND ADMINISTRATIVE CITATIONS			\$18,972.79
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JOHN O. PINKNEY, Bar No. 162586
LENA D. WADE, Bar No. 258356
SLOVAK BARON EMPEY MURPHY & PINKNEY LLP
74785 Highway 111, Suite 105
Indian Wells, CA 92210
Telephone: (760) 322-9240
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Email: wade@sbemp.com

EXEMPT FROM FILING FEES PURSUANT
TO GOVERNMENT CODE SECTION 6103

Attorneys for Plaintiff CITY OF NEEDLES

**SUPERIOR COURT OF THE STATE OF CALIFORNIA COUNTY OF
SAN BERNARDINO – SAN BERNARDINO CRIMINAL DIVISION**

CITY OF NEEDLES, a Charter City,

Plaintiff;

v.

LARRY L. ESQUIBEL, owner;
INTERNATIONAL FIDELITY
INSURANCE COMPANY, Beneficiary;
JAMES D. PORTMAN, Trustee; ROBERT
KERSNICK, Trustee; and DOES 1 through
10, inclusive,

Defendants.

Case No.:
Assigned for All Purposes to:

**[PROPOSED] WARRANT TO ABATE
PUBLIC NUISANCES**

- [Filed or lodged concurrently with:
1. Notice of Ex Parte Application for
Warrant to Abate Public Nuisances,
Application and Memorandum of Points
and Authorities in Support Thereof; and
2. Declaration of Adrian Chavez.]

The Court, having read and considered the Application (“Application”) of the City of Needles, California (“City”), for this Warrant to Abatement Public Nuisances (“Abatement Warrant”), the Memorandum of Points and Authorities in support thereof, the Declaration of Adrian Chavez (“Chavez Declaration”), and the Declaration of 24 Hours Notice, and the Court being familiar with the conditions of the property described in the Declaration and the Application, and finding good cause exists, does hereby order as follows:

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74-785 Highway 111, Suite 105
Indian Wells, CA 92210

1 1. City Manager or his designee may, after 24 hours following posting of this
2 Abatement Warrant in a conspicuous location on the Property, enter onto the real property having
3 APN 0650-423-04-0000, located at 1229 Desert Drive, Needles, California ("Property"), and may
4 abate the public nuisance by: (1) cleaning and correcting violations in all structures on the Property
5 described in the Chavez Declaration, and (2) removing and disposing of all miscellaneous debris
6 and vegetation on the Property and all contents inclusive including but not limited to correcting the
7 following violations of Needles Municipal Code:

8 Section 14-32 of the Code:

- 9 (c) Buildings which are abandoned, partially destroyed
 - 10 (e) Paint deterioration
 - 11 (g) Overgrown, dead, decayed, or hazardous trees, weeds and other vegetation
 - 12 (h) Building exterior which are maintained in such condition to become
13 defective, unsightly, or no longer viable
 - 14 (i) Unlawful storage of material on property
 - 15 (k) Abandoned, broken or neglected equipment
 - 16 (m) Materials visible from public street
 - 17 (p) Unsightly appearance
 - 18 (s) The maintenance of any structure in a state of substantial deterioration, such
19 as peeling paint, broken windows, roof is disrepair, damaged porches, and is
20 visible from a public right of way or neighboring property. Such conditions
21 would have the tendency to depreciate the aesthetic and property values of
22 surrounding properties.
 - 23 (t) The substantial lack of maintenance of grounds within the City on which
24 structures exist, where the grounds are visible by the public from a right of
25 way or neighboring properties. Such condition would have a tendency to
26 depreciate aesthetic and property values or surrounding properties
 - 27 (u) Property maintained, in relation to others, establish prevalence of depreciated
28 values, impaired investment

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Indio, Wells, CA 92710

- (v) Maintenance of premises in such condition as to be detrimental to the public health, safety, or general welfare, or in such manner as to constitute a public nuisance as defined in the Civil Code 3480
- (z) Other nuisances as declared by any state, county or city statute, code or regulation to be a public nuisance

International Property Maintenance Code:

- 301.1 Blight
- 302.1 Sanitation
- 308.1 Accumulation of rubbish or garbage

2. The City Manager or his designee may use City forces, private contractors and/or such other reasonable methods as may be appropriate to remove and abate the aforementioned public nuisances on the Property. Reasonable force only shall be used. The work shall be accomplished between 8:00 a.m. and 6:00 p.m. only.


3. Abatement pursuant to this Abatement Warrant shall be carried out no later than ninety (90) days from the date this Abatement Warrant is issued.


2. This Abatement Warrant shall be posted on the Property at least twenty-four (24) hours before the abatement begins.

3. A return describing all the actions taken pursuant to this Abatement Warrant shall be returned to this Court no later than fourteen (14) days after execution of the Abatement Warrant.

4. City is awarded fees and costs expended to date plus all costs of abatement to be performed. City shall submit a bill with the return on Abatement Warrant. The City Council may authorize a lien to be placed upon the Property at the conclusion of the abatement proceeding and such amount may be collected through the tax rolls or any other collection measure deemed appropriate by the City.

DATED: 3, 25, 22

By:  _____
 JUDGE OF THE SUPERIOR COURT OF SAN BERNARDINO



Slovak Baron Empey Murphy & Pinkney LLP
74-785 Highway 111, Suite 105
Indian Wells, CA 92310

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