

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
SUBJECT: ASSESSMENT LIEN AGAINST THE REAL PROPERTY
LOCATED AT 2002 LONE STAR COURT
STAFF PRESENTER: MICHAEL J. REYNOLDS, SENIOR CODE ENFORCEMENT
OFFICER
DEPARTMENT OF COMMUNITY DEVELOPMENT
AGENDA ACTION: RESOLUTION

ISSUE(S)

Shall the Council adopt a resolution to place a special assessment lien on the property located at 2002 Lone Star Court?

BACKGROUND

1. The owner and responsible party of 2002 Lone Star Court is Adolfo M. Fierro.
2. The City received a complaint on November 28, 2012 regarding an abandoned house with frequent trespassers, part of a fence knocked down, graffiti on the inside walls, and garbage inside the house. A site inspection confirmed the following violations: trash and debris in the front yard, a broken down side yard fence, no window screens, unsecure vacant property, and graffiti on the interior walls.

A Site Inspection Violation letter was sent to the owner on November 29, 2012, and a copy of the letter was posted on the property on December 5, 2012.

A progress inspection was conducted on January 4, 2013. All violations were still present, and the graffiti had gotten worse. A Failure to Abate Violation letter was sent on January 7, 2013, and several copies of the letter were posted on the property.

On January 22, 2013 a Notice of Non Compliance letter was sent to the responsible party, and a site inspection confirmed that all violations were still present, and the property was still unsecure.

The Administrative Notice and Order (ANO) was sent to the responsible party on April 16, 2013, and a copy of the ANO was posted on the property.

3. Pursuant to Chapter 1-30 of the Santa Rosa City Code, a Hearing Officer conducts administrative hearings to determine whether or not violations of the City Code exist on a specific property. Since May 2004, hearings have been scheduled twice a month. Per the procedures, when one or more violations are identified, the responsible party or parties are notified and given a reasonable time to make corrections. If the corrections are not accomplished by a specific date, the party or parties are required to appear before the Administrative Hearing Officer to determine whether or not the violations exist. A penalty is assessed for each violation, and where costs of the enforcement process were incurred and proven at the hearing, such costs are also assessed against the responsible party or parties. At the hearing, the responsible party or parties are advised that if penalty costs remain unpaid, the City retains the option to either place a special assessment lien against the property where violations occurred, or to create a personal obligation against the responsible party.

If the responsible party has not paid the administrative penalty, including administrative costs, in full within 30 days, the Code Enforcement Officer shall request, by placing on the City Council consent agenda, an item to confirm that a special assessment lien be added to the next regular bill levied against the parcel.

In this case, the Hearing Officer found that violations existed on the property at 2002 Lone Star Court, and that the violations have remained uncorrected by the responsible party of Adolfo M. Fierro, who failed to appear at the Administrative Hearing held on June 28, 2013. The penalties and costs, as assessed by the Administrative Hearing Officer, amount to \$3,209.00 and remain unpaid. The Department of Community Development now seeks, by Resolution, to have Council confirm the Special Assessment Lien.

ANALYSIS

1. The County Auditor and the County Tax Collector require that the City Council act by resolution to create a special assessment lien. The resolution must identify the parcel by address, if available, by its recorded location in the Official Records of Sonoma County, and by the tax assessment parcel number. It must also provide the dollar amount of the lien, and, when the lien amount is in excess of \$2,500.00, the number of equal annual installment payments but not exceeding five in number. The resolution also authorizes and empowers the officers of the City, including the City Clerk and the Chief Financial Officer, to do all things as may be necessary, including but not limited to notifications to the Sonoma County Auditor and Tax Collector, to carry out the foregoing.

RECOMMENDATION

It is recommended by the Department of Community Development that Council, by resolution, approve the special assessment lien in the amount of \$3,209.00 against the property located at 2002 Lone Star Court for violations of the City Code that remain uncorrected by the responsible party, Adolfo M. Fierro, and authorizes recording of a lien and placing the assessment on the property tax roll for collection.

Author: M. Maystrovich

Attachments:

- Administrative Enforcement Order
- Certificate of Service
- Case File Photographs
- Property Detail Report
- Vicinity Map

City of Santa Rosa
Administrative Hearings
100 Santa Rosa Ave.
Santa Rosa, CA 95404

File # CE 12-1009

ADMINISTRATIVE ENFORCEMENT ORDER

1-A Responsible Party: Adolfo M. Fierro

1-B Address: 2002 Lone Star Court Santa Rosa, CA 95407

2. Location of Violation: 2002 Lone Star Court Santa Rosa, CA 95407

3. APN: 134-330-028 Zoning District: PD

4. Administrative Hearing Officer's Decision:

A Noticed Hearing was held on May 15, 2012 commencing at 1:05 p.m. in the City Council Chambers at Santa Rosa City Hall, 100 Santa Rosa Ave. Santa Rosa, CA before the undersigned regarding violations alleged by the City of Santa Rosa ("City") of the Santa Rosa City Code at the above referenced property. Present at the hearing was Sr. Code Enforcement Officer Mark Maystrovich on behalf of the "City". The Responsible Party did not appear at the hearing and no one appeared on his behalf. Mr. Maystrovich was duly sworn prior to his testimony.

After review and consideration of the oral testimony, the documentary evidence contained in the staff report submitted in evidence at the hearing, this Hearing Officer makes the following findings:

- A. The "City" has complied with all applicable notice requirements.
- B. The record contains substantial evidence that the Responsible Party is in violation of the codes sections listed below that are set forth in the Staff Report dated May 15, 2013 and in the Administrative Notice and Order issued in this matter by the City of Santa Rosa on April 16, 2013. The Administrative Notice and Order of April 16, 2013 is upheld as follows:

VIOLATION ONE

Santa City Code Sections 9-12.050, 9-12.070 and 9-12.110
Accumulation of trash and debris in front yard of subject property

VIOLATION TWO

Santa City Code Section 18-20.301

Failure to maintain vacant structure in a safe, clean and secure manner so as not to cause a blight problem by failing to secure the back sliding door allowing free ingress and egress to the interior of the vacant structure and failing to maintain the exterior and interior of the vacant structure and the grounds.

VIOLATION THREE

Santa City Code Section 18-20.304.2

Failure to maintain exterior fence in good condition; fence on east side of property has fallen down.

VIOLATION FOUR

Santa City Code Section 18-20.304.14

Failure to maintain insect screens on windows; some screens have been removed.

VIOLATION FIVE

Santa City Code Section 18-20.302.9

Failure to maintain interior walls of the vacant structure free of graffiti.

C) Based on these findings, I assess a penalty of \$ 2250.00 (see attached Penalty Calculation Sheet) plus administrative costs against the Responsible Party in the amount of \$ 709.00, which includes the cost incurred for the appearance of a Sr. Compliance Officer at the hearing for 1/2 hour. In addition, the cost of the Administrative Hearing Officer of \$ 250.00 shall be an additional administrative cost chargeable to the Responsible Party, which costs includes preparation time for hearing, time at hearing, review of codes and analysis of the evidence, rendering a decision, and service of this order.

(D) I shall serve the Administrative Enforcement Order on each party and their attorney(s), if any. When the Administrative Enforcement Order is served on the Code Enforcement Officer, the order shall be final.

(E) This shall serve as notice to the Responsible Party that the penalties and administrative costs are special assessments against the property where the violations occurred and if payment is not received within thirty (30) days of the date of this

Administrative Enforcement Order, it will be confirmed by the City Council. The penalty for late payment of the assessed penalty is 7%, pro-rated daily, from the payment due date.


(F) Should violations continue the Responsible Party may be subject to additional penalties as authorized by law. The penalty for a subsequent violation within thirty-six (36) months of an initial violation is \$ 1000.00 for each day the violations continue.

(G) Within thirty (30) days from the date of this order, the Responsible Party shall take corrective action to remedy each violation at the subject property and shall obtain all permits as may be required. All work must be completed and inspected within sixty (60) days of issuance of the permit(s).

(H) Pursuant to SRCC Section 1-30.210 (a copy of which was attached to the Administrative Notice and Order dated and served on April 16, 2013), any person contesting the Administrative Order may seek review by filing an appeal with the Sonoma County Superior Court within twenty (20) days after service of this Order.

Dated: June 28, 2013

BY ORDER OF



STEVEN M. LANDER
Administrative Hearing Officer

PROOF OF SERVICE BY MAIL

I am employed in the County of Sonoma, State of California. I am over 18 years of age and I am not a party in this proceeding. My business address is 100 Santa Rosa Ave. Santa Rosa, CA 95404.

On June 28, 2013 I served the attached **Administrative Enforcement Order** on the following parties in this proceeding by placing a true copy in a sealed envelope addressed as follows:

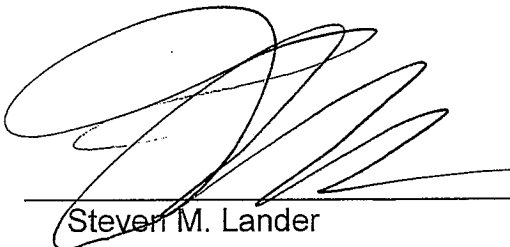
Mark Maystrovich, Code Enforcement Officer
City of Santa Rosa
100 Santa Rosa Ave.
Room 3
Santa Rosa, CA 95404

Adolfo Fierro
2002 Lone Star Ct
Santa Rosa, CA 95407

I placed the sealed envelope with postage thereon fully prepaid with the United States Postal Service.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

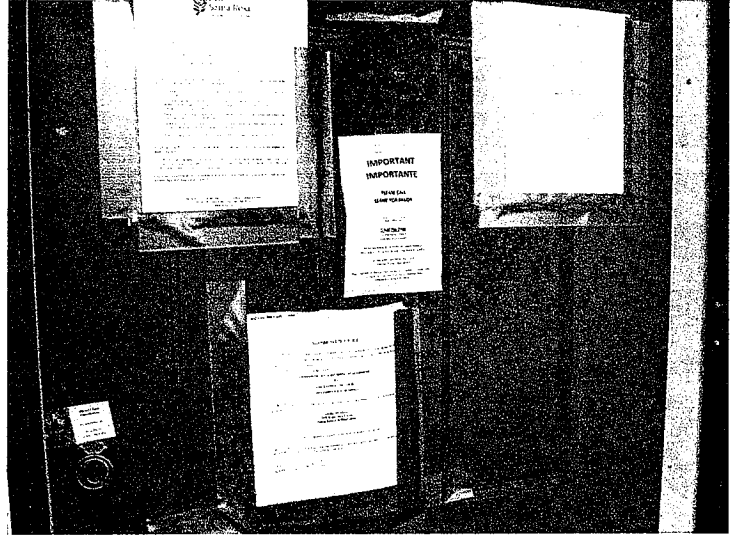
Executed on June 28, 2013



Steven M. Lander



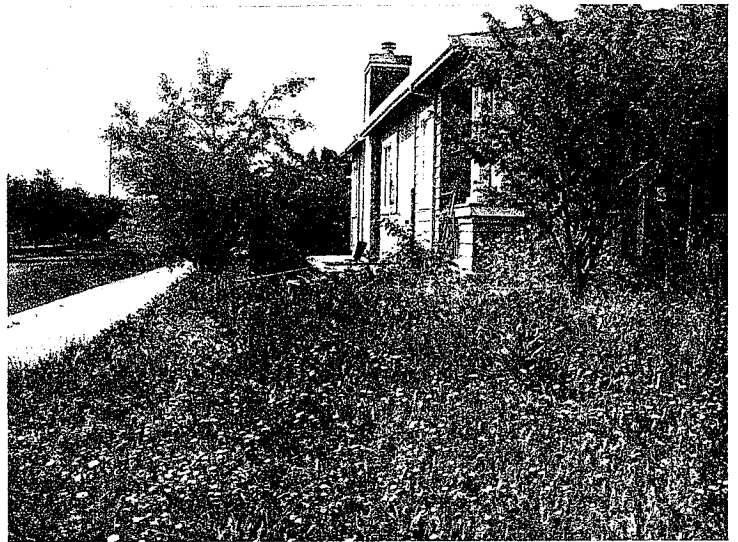
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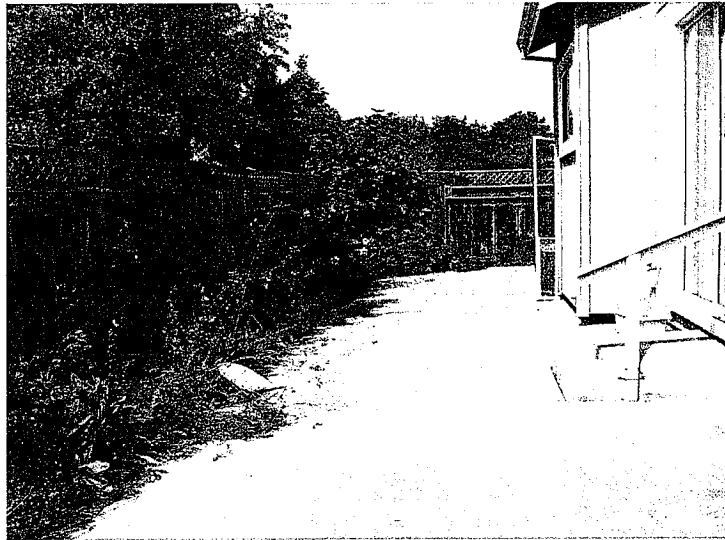
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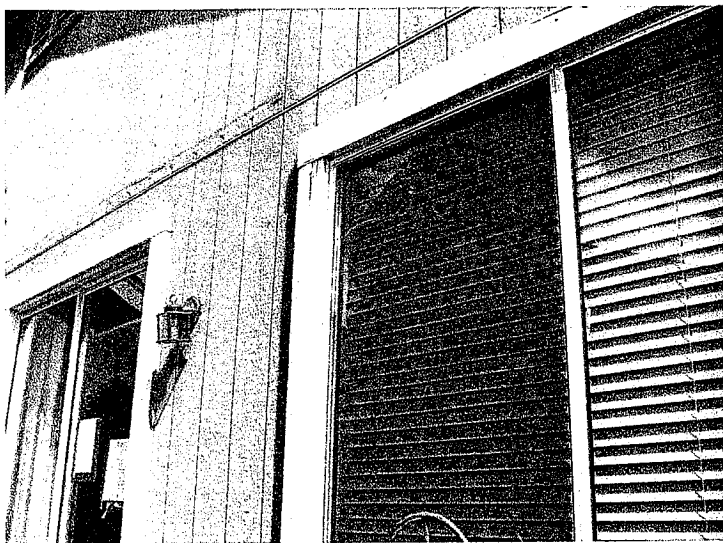
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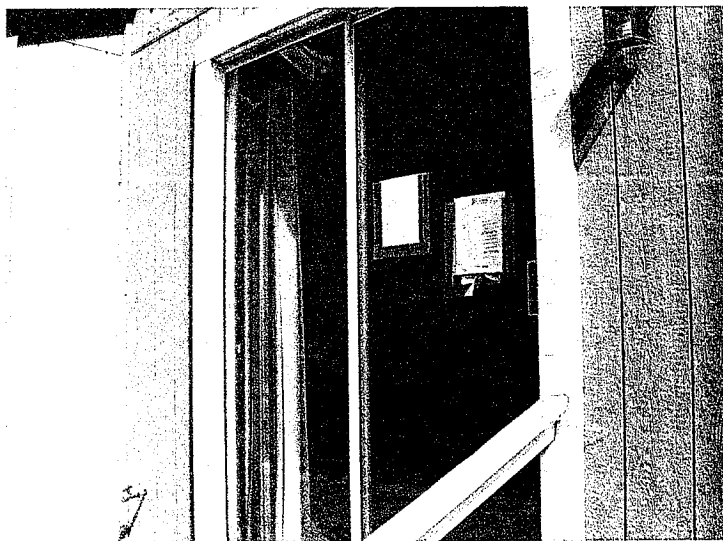
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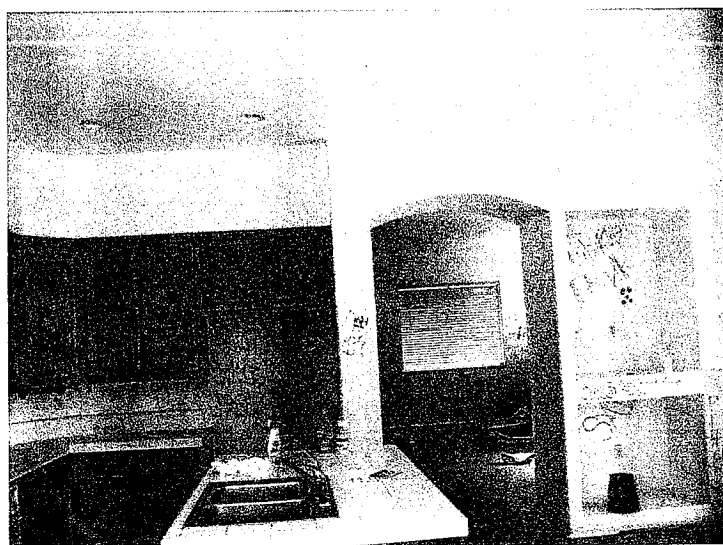
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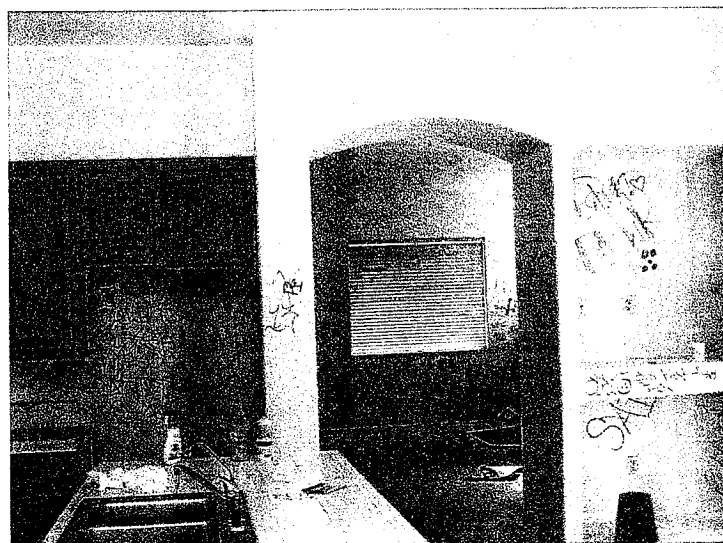
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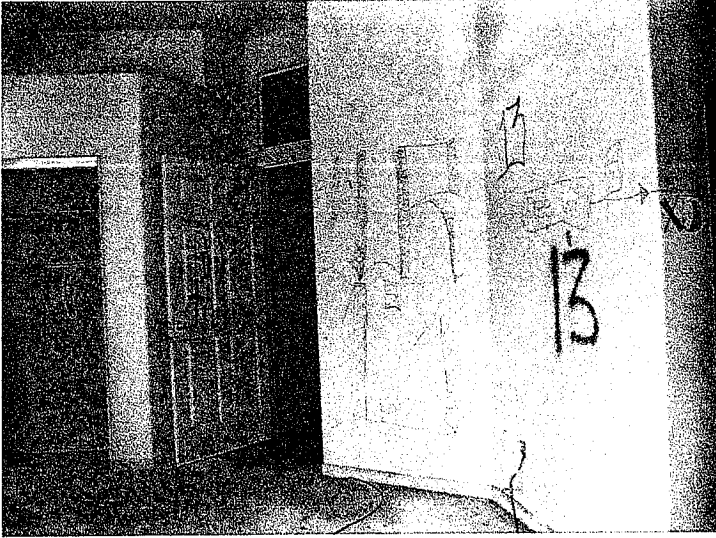
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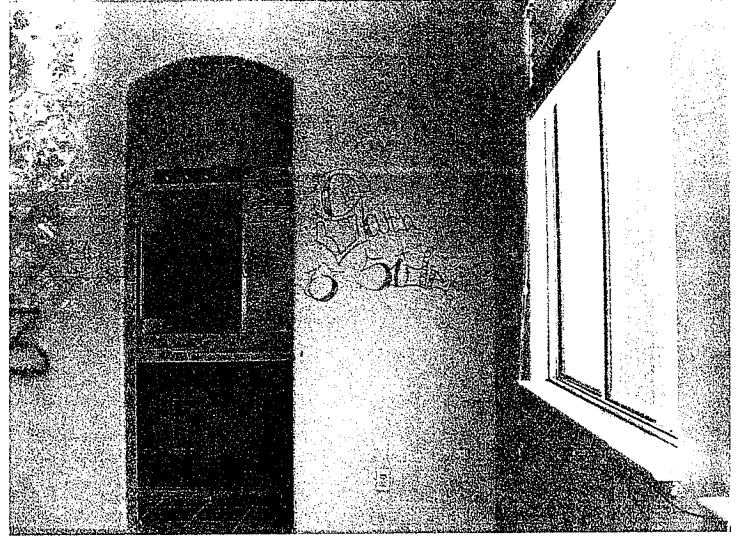
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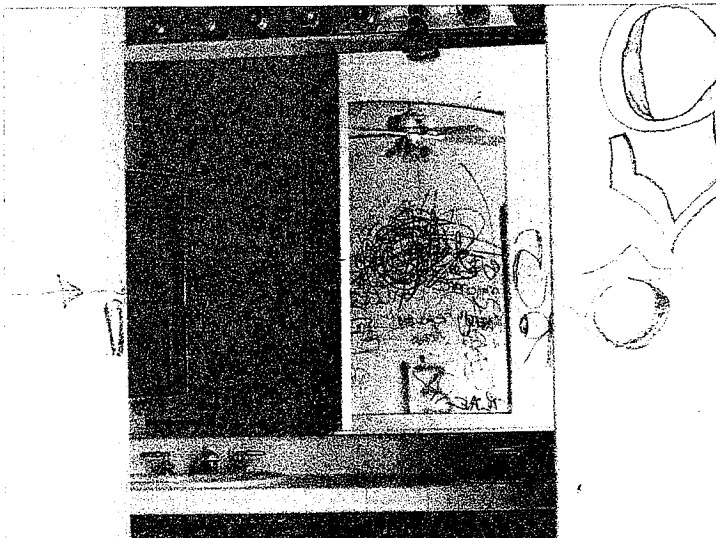
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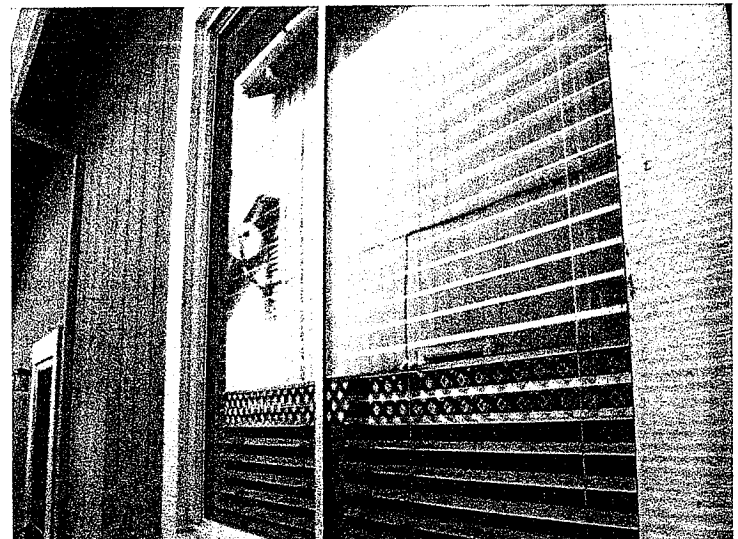
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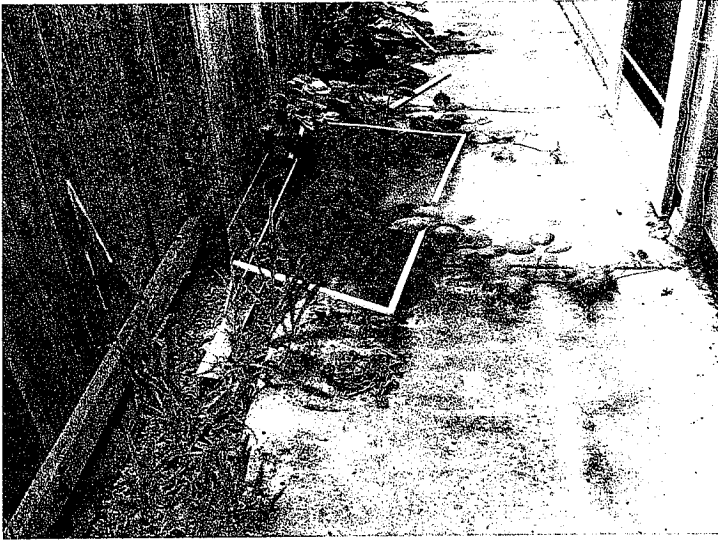
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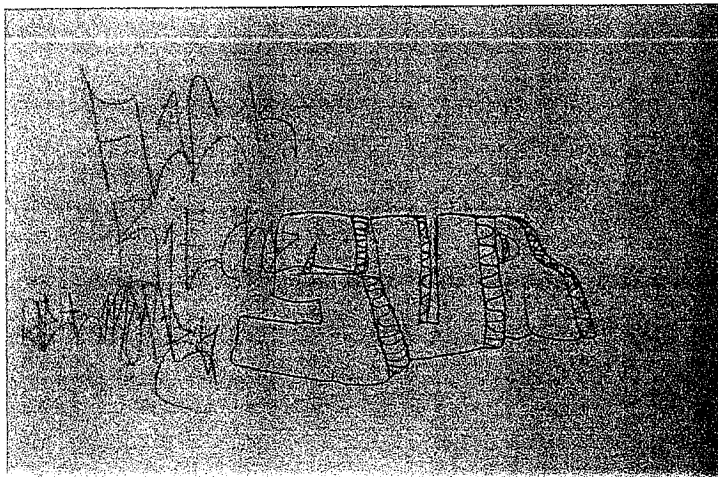
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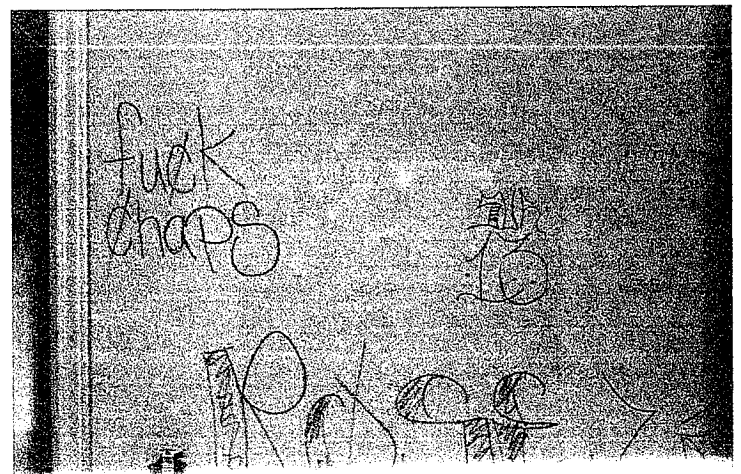
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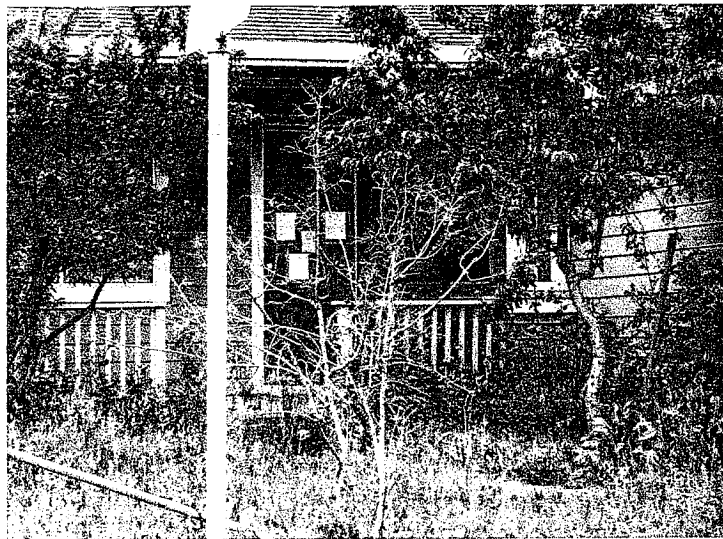
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Property Detail Report

For Property Located At :
2002 LONE STAR CT, SANTA ROSA, CA 95407-4518



Owner Information

Owner Name: FIERRO ADOLFO M
 Mailing Address: 2002 LONE STAR CT, SANTA ROSA CA 95407-4518 C076
 Vesting Codes: MM // SE

Location Information

Legal Description:	SONOMA, CA	APN:	134-330-028
County:	1532.00 / 4	Alternate APN:	
Census Tract / Block:		Subdivision:	BELLEVUE RANCH PH 01
Township-Range-Sect:		Map Reference:	/ 404-D3
Legal Book/Page:		Tract #:	
Legal Lot:	126	School District:	SANTA ROSA CITY
Legal Block:		Munic/Township:	
Market Area:			
Neighbor Code:			

Owner Transfer Information

Recording/Sale Date:	02/27/2004 / 02/23/2004	Deed Type:	GRANT DEED
Sale Price:		1st Mtg Document #:	
Document #:	26331		

Last Market Sale Information

Recording/Sale Date:	02/27/2004 / 02/23/2004	1st Mtg Amount/Type:	\$356,000 / CONV
Sale Price:	\$445,000	1st Mtg Int. Rate/Type:	5.50 / ADJ
Sale Type:	FULL	1st Mtg Document #:	26332
Document #:	26330	2nd Mtg Amount/Type:	\$89,000 / CONV
Deed Type:	GRANT DEED	2nd Mtg Int. Rate/Type:	/ FIXED
Transfer Document #:		Price Per SqFt:	\$259.32
New Construction:		Multi/Split Sale:	
Title Company:	OLD REPUBLIC TITLE		
Lender:	MISSION HILLS MTG BANKERS		
Seller Name:	BRYANT ROSA M TRUST		

Prior Sale Information

Prior Rec/Sale Date:	08/12/1999 / 08/04/1999	Prior Lender:	CAPITOL COMMERCE MTG
Prior Sale Price:	\$260,000	Prior 1st Mtg Amt/Type:	\$65,000 / CONV
Prior Doc Number:	102526	Prior 1st Mtg Rate/Type:	/ FIX
Prior Deed Type:	GRANT DEED		

Property Characteristics

Gross Area:		Parking Type:		Construction:	WOOD FRAME/CB
Living Area:	1,716	Garage Area:		Heat Type:	
Tot Adj Area:		Garage Capacity:		Exterior wall:	
Above Grade:		Parking Spaces:		Porch Type:	
Total Rooms:	7	Basement Area:		Patio Type:	
Bedrooms:	3	Finish Bsmnt Area:		Pool:	
Bath(F/H):	2 /	Basement Type:		Air Cond:	
Year Built / Eff:	1998 /	Roof Type:		Style:	SQUARE DESIGN
Fireplace:	Y / 1	Foundation:		Quality:	AVERAGE
# of Stories:	1.00	Roof Material:		Condition:	
Other Improvements:					

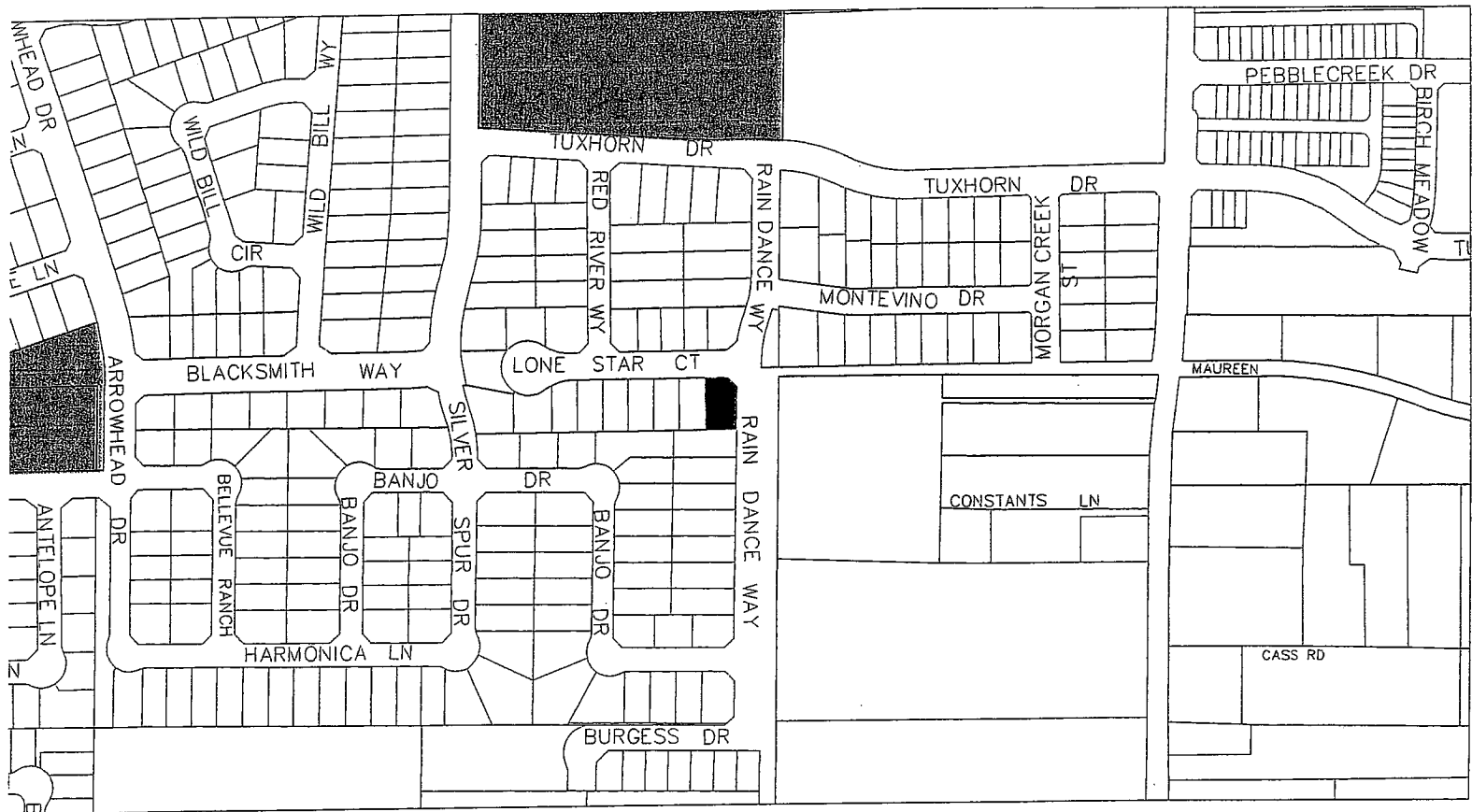
Site Information

Zoning:		Acres:	0.14	County Use:	SINGLE FAM DWELLING (0010)
Lot Area:	6,069	Lot Width/Depth:	x	State Use:	
Land Use:	SFR	Res/Comm Units:	/	Water Type:	
Site Influence:				Sewer Type:	

Tax Information

Total Value:	\$272,500	Assessed Year:	2012	Property Tax:	\$3,180.46
Land Value:	\$153,000	Improved %:	44%	Tax Area:	004136
Improvement Value:	\$119,500	Tax Year:	2012	Tax Exemption:	
Total Taxable Value:	\$272,500				

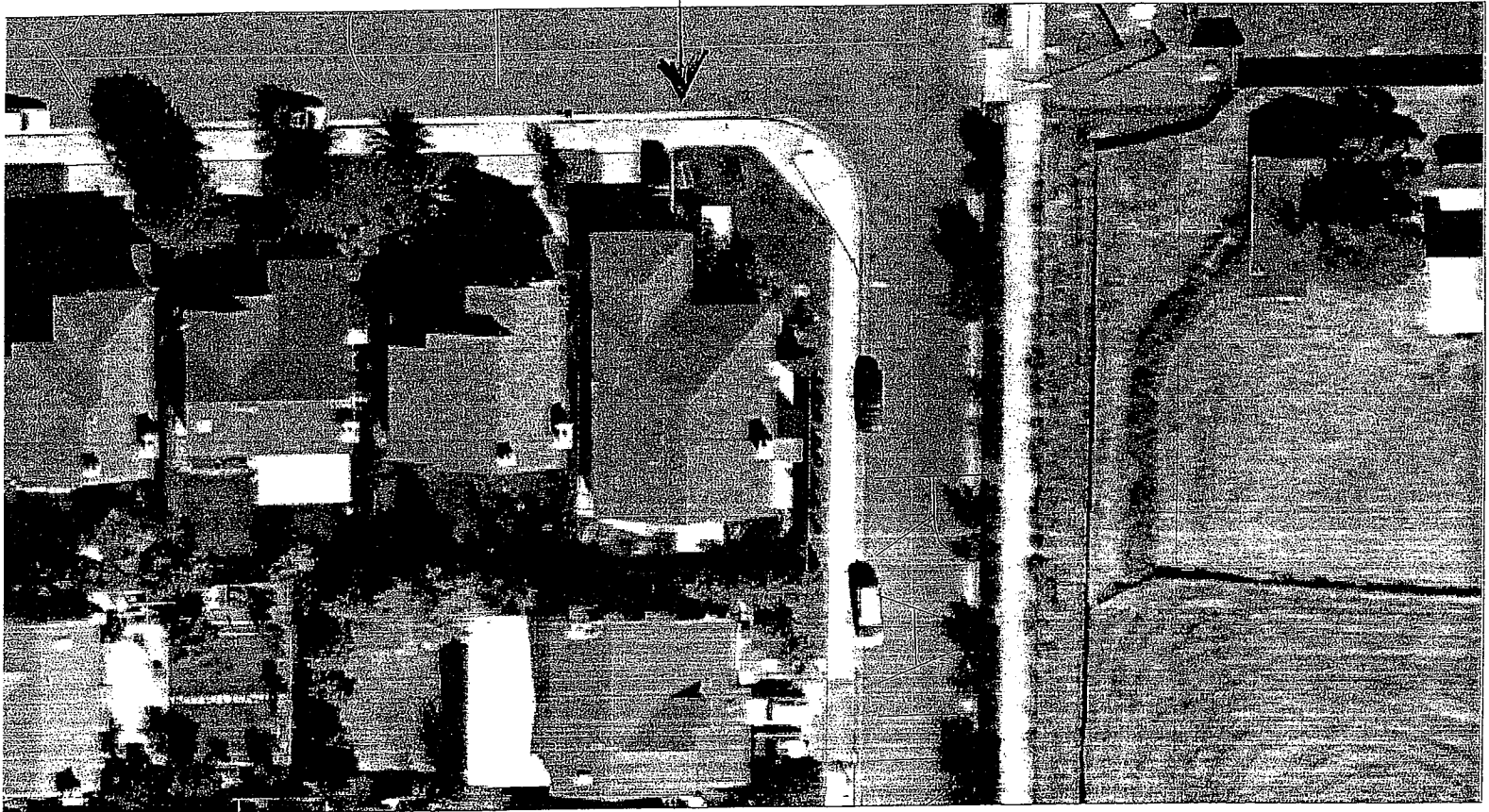
2002 Lone Star Court



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2002 Lone Star Court



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