

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b> September 28, 2015
	<b>Agenda Item No.</b> <b>58B</b> <b>Roll Call No.</b> <b><u>15-1651</u></b> <b>Communication No.</b> <b><u>15-516</u></b> <b>Submitted by:</b> <b>Phillip Delafield, Community Development Director</b>

**AGENDA HEADING:**

Request for approval to file legal action regarding the accessory structure located at 1716 E. Army Post Road.

**SYNOPSIS:**

On January 13, 2015 the accessory structure located at 1716. E. Army Post Road was found to be so damaged, decayed, dilapidated and unsafe that it creates a hazard to health, safety or welfare of the general public. The interior is full of an accumulation of junk and deteriorated lumber which establishes a harbor for vermin.

On May 12, 2015 the notice of public nuisance was served on the titleholders of the property, Richard D. Heiken and Kathleen Heiken.

As of the last inspection, July 28, 2015 the structure was found to remain a public nuisance. Community Development is seeking authorization to file legal action seeking an order to direct the property owner to abate the public nuisance and authorize the City to cause removal of the nuisance in the event the owners fail to abate the nuisance.

**FISCAL IMPACT:**

Amount: Estimated \$20,000.00 in the event the City should complete the demolition.

Funding Source: Funding through Neighborhood Inspection Zoning Division, CD041042

**ADDITIONAL INFORMATION:**

Previously requests for approval to file legal action regarding public nuisance structures were referred to the City Council sitting as the Board of Health. They now appear on the regular council agenda.

**PREVIOUS COUNCIL ACTION(S):**

Date: August 24, 2105

Roll Call Number: [15-1448](#) and [15-1449](#)

Action: [Amending](#) Municipal Code Chapter 60-310 and 60-377 relating to referral of residential public nuisance structures and certification of costs. ([Council Communication No. 15-457](#)) Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

(A) [Final](#) consideration of ordinance above (waiver requested by Community Development Director), requires six votes. Moved by Gatto that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#15,399](#). Motion Carried 7-0.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

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