

RESOLUTION NO. 17-023

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE
AUTHORIZING RECORDATION OF A LIEN AT 162 PACIFIC AVENUE**

FACTS

1. On May 25, 2016, Joanne Stewart and Thomas Stewart (Property Owners), were issued a Compliance Order identifying violations of Pacific Grove Municipal Code (PGMC) sections 23.76.110 , International Property Maintenance Code 2012 (IPMC) sections 108.1.5.7; 301.2 and 301.3 as incorporated by PGMC section 18.04.010(a)(9) which violations occurred at 162 Pacific Avenue (the Property). Joanne Stewart and Thomas Stewart are sole owners of the Property. A Compliance Date of June 29, 2016 was given to Property Owners.

2. Property Owners failed to remedy the Municipal Code violations within the prescribed time. Property Owners instead requested an Administrative Hearing be held to determine the issues.

3. A duly noticed Administrative Hearing was held on December 6, 2016. On January 9, 2017, Administrative Hearing Officer Carl Munteer issued Administrative Decision/Order #12-608. The Decision/Order found Property Owners liable for violation of PGMC sections 23.76.110 and IPMC sections 108.1.5.7; 301.2 and 301.3 as incorporated by PGMC section 18.04.010(a)(9). The Decision/Order required Property Owners pay the following sums to the City:

	<u>Penalty</u>	<u>Days in Violation</u>	<u>Total</u>
<i>Penalties from 2/23/17:</i>	<i>\$100/day</i>	<i>12 days</i>	<i>\$ 1,200</i>
<i>Penalties from 3/8/17:</i>	<i>\$250/day</i>	<i>61 days</i>	<i>\$15,250</i>
<i>Penalties from 5/8/17:</i>	<i>\$350/day</i>	<i>92 days</i>	<i>\$32,200</i>
<i>Penalties from 8/8/17</i>	<i>\$500/day</i>	<i>57 days</i>	<i>\$28,500</i>
TOTAL LIEN			<u>\$77,150</u>

4. PGMC section 1.19.260 authorizes the City to place a lien on real property when a penalty and/or administrative costs imposed by a hearing officer have not been timely paid.

5. In the review of this matter, the City followed the guidelines adopted by the State of California and published in the California Code of Regulations, Title 14, Section 15000, et seq. and action for this matter does not constitute a “project” under California Environmental Quality Act (CEQA) Guidelines Section 15378; this is an organizational or administrative activity that will not result in direct or reasonably foreseeable indirect physical changes in the environment.

**NOW THEREFORE, THE COUNCIL OF THE CITY OF PACIFIC GROVE DOES
RESOLVE AS FOLLOWS:**

SECTION 1. The City Council finds the Facts set forth above to be true and correct, and by this reference incorporates each as an integral part of this Resolution.

SECTION 2. The total amount due and payable to the City is \$77,150; this amount remains unpaid. A lien in this amount shall be placed against the property at 162 Pacific Avenue (APN: 006-142-031-000) in the amount of \$77,150; the lien shall further accrue penalties, fines and interest at the legal rate until the lien is paid in full.

SECTION 3. The City Manager, or his/her designee, is hereby authorized to place additional liens on 162 Pacific Avenue as may be needed to secure payment of future unpaid administrative penalties and/or costs authorized pursuant to Administrative Decision/Order #12-608.

SECTION 4. The City Manager is directed to take all action necessary to implement this Resolution.

SECTION 5. This Resolution shall take effect immediately following its adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE THIS 4th day of October, 2017, by the following vote:

AYES: Mayor Kampe, Councilmembers Cuneo, Fischer, Garfield, Huitt, Peake and Smith

NOES: None

ABSENT: None

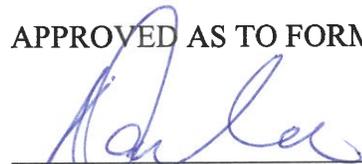
APPROVED:


BILL KAMPE, Mayor

ATTEST:


SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:


DAVID C. LAREDO, City Attorney