

RESOLUTION NO. 17-028

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE
AUTHORIZING RECORDATION OF A SPECIAL ASSESSMENT
AT 246 GROVE ACRE AVENUE**

FACTS

1. Anne Bethel (Property Owner) is the sole owner of record the property located at 246 Grove Acre APN: 006-371-030-000 (the Property).

2. On January 4, 2016, Property Owner was issued a Compliance Order identifying Pacific Grove Municipal Code (PGMC) violations concerning her property. These violations involved PGMC section 9.16.030 and International Property Maintenance Code 2012 (IPMC) sections 302.1, 304.15, 308.1 and 309.1.

3. Property Owner failed to remedy the Code violations within the prescribed time and the matter was set for an Administrative Hearing.

4. A duly noticed Administrative Hearing was held on June 22, 2016. On July 25, 2016, Administrative Hearing Officer Jack Clifton issued Administrative Decision/Order #15-118. The Decision/Order found Property Owner liable for violation of PGMC section 9.16.303 and IPMC sections 302.1, 309.1 and 308.1 as incorporated by PGMC section 18.04.010(a)(9). The Decision/Order required Property Owner pay the following sums to the City:

| | <u>Penalty/Amount</u> | <u>Days in Violation</u> | <u>Total</u> |
|--|-----------------------|--------------------------|------------------------|
| <i>Administrative Fees</i> | \$1,507.00 | | \$ 1,507 |
| <i>Administrative Penalty due 7/25/16:</i> | \$2,500.00 | | \$ 2,500 |
| <i>Penalties from 9/1/16:</i> | \$100/day | 461 days | \$46,100 |
| <i>TOTAL SPECIAL ASSESSMENT</i> | | | <i>\$50,107</i> |

5. Property Owner has not appealed the Decision/Order and time to appeal the Decision/Order has lapsed.

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

7. 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 \$50,107; this amount remains unpaid. A special assessment in this amount shall be placed against the property at 246 Grove Acre Avenue (APN: 006-371-030-000) in the amount of \$50,107; the special assessment shall further accrue penalties and fines until the special assessment is paid in full.

SECTION 3. The City Manager, or his/her designee, is hereby authorized to place additional special assessments on 246 Grove Acre Avenue as may be needed to secure payment of future unpaid administrative penalties and/or costs authorized pursuant to Administrative Decision/Order #15-118.

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

SECTION 4. This Resolution shall take effect immediately following its adoption.

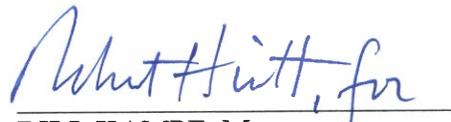
PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE THIS 6th day of December, 2017, by the following vote:

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

NOES: None.

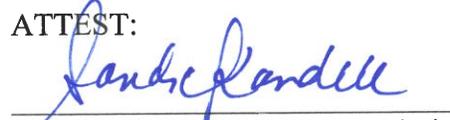
ABSENT: None.

APPROVED:



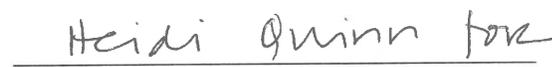
BILL KAMPE, Mayor

ATTEST:



SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:



DAVID C. LAREDO, City Attorney