

**RESOLUTION NO. 18-001**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE  
AUTHORIZING RECORDATION OF A LIEN AT 1115 DAVID AVENUE,  
PACIFIC GROVE**

**FACTS**

1. On August 8, 2017, William and Faye Stirling, (Property Owners), were issued a Final Notice and Amounts Due identifying pursuant to Pacific Grove Municipal Code (PGMC) sections 7.40.120 for violations occurred at 1115 David Avenue (the Property). William and Faye Stirling are sole owners of the Property. An Installment Note dated September 22, 2017 was signed by Property Owners.
2. Property Owners consent to the recordation of lien on 1115 David Avenue in the amount of \$90,510.87 to secure the amount due.
3. Property Owners paid the balance of transient occupancy, interest and fees in the amount of \$ 18,895.87 due by November 16, 2017.
4. The Installment Note provides any default of payment constitutes a lien on the Property. For any default, the City may record a lien against title to this Property in the Official Records of the Monterey County Recorder's Office pursuant to City Code section 1.19.260.

<b><u>Installment Note: \$90,510.87</u></b>	<b><u>TOT</u></b>	<b><u>Penalties</u></b>	<b><u>Total due</u></b>
<i>Payment due no later than 12/31/17:</i>	\$14,323.00	\$76,187.87	\$90,510.87
<i>Payment received and credited 9/8/17:</i>	\$ 500.00		\$90,510.87
<i>Payment received and credited 11/16/17</i>		\$18,395.87	\$71,615.00
<i>Payment due no later than 1/31/18</i>		\$ 1,200.00	
<i>per month for 59 months:</i>		<i>per month</i>	
<i>Final payment no later than</i>		\$ 815.00	
<b><i>TOTAL LIEN</i></b>			<b>\$71,615.00</b>

5. Property Owners claim full payment cannot be made without time to repay in installments. There is no guarantee the future payments will be made and owners desire to cease the code enforcement action.
6. 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 \$71,615; this amount remains unpaid. A lien in this amount shall be placed against the property at 1115 David Avenue (APN: 007-581-026-000) in the amount of \$71,615.

SECTION 3. The City Manager, or his/her designee, is hereby authorized to place additional liens on 1115 David Avenue as may be needed to secure payment of future unpaid administrative penalties and/or costs authorized pursuant to Installment Note dated September 22, 2017.

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 10<sup>th</sup> day of January, 2018, 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