



470 NORTH AVE. ABATEMENT

ACTION REQUESTED

DETERMINATION OF A NUISANCE AT 470 NORTH STREET





BACKGROUND

- In September of 2021 the City Manager was contacted by three residents with a complaint regarding rubbish and an abandoned vehicle located in the back yard of a property located at 470 North Avenue.
- Officer Mike Sims and City Manager Leila Aman met with the residents in September 2021.
- Staff determined the property condition is in violation of the City Ordinance, but was not a health and safety hazard at that time
- The City attempted to gain compliance by contacting the property management company.

BACKGROUND

- The previous owner of 470 North Ave. is deceased.
- The property had a reverse mortgage so its ownership is currently in transition
- The property is currently being managed by Guardian Asset Company out of Pennsylvania
- The property is in custodial status and is not completely controlled by HUD as the family still has the option to purchase back home
- The timeline for full foreclosure or family buy back is unknown
- Guardian Asset Company can not have any property removed while it is in custodial status, as the family still has a right to the property if they decide to buy back the property



EFFORTS COMPLETED TO DATE

- 9-17-2021 City Manager Leila Aman and Officer Mike Sims met with neighbors at the property
- Officer Sims made several attempts to contact the property owner. Telephone and email communications from Officer Sims with the asset company occurred on the following dates:
 - 09-13 @ 2:15 pm – left a voicemail
 - 09-17 @ 10:23 am – left a voicemail
 - 09-20 @ 10:00 am – left a voicemail
 - 09-24 EMAIL – did not receive a response
 - 09-27 EMAIL – did not receive a response
 - 09-27 @ 7:25 am – left a voicemail
 - 10-01 EMAIL – did not receive a response
 - 10-01 @ 7:20 am – Officer Sims spoke with a representative who stated that the property had been flagged for maintenance work.
 - 12-6 – Officer Sims spoke with a representative who explained the property was in custodial status which means that a reverse mortgage was in place, the owner became deceased with a pending balance before the note was transferred to GA in June of 2021.
 - 12-27 – Officer Sims spoke with a representative and confirmed that a request has been to the maintenance contractor to move items that are outside the garage either inside or to a location that can't be seen. The representative will follow up on a timeline for this to occur.

COST OF ABATEMENT

- If the council decides to abate the property, the city will have to cover the costs of cleanup including staff time and possible attorney fees
- It may be possible to place a lien on the property to recover these costs
- Options for cleanup
 - *City could choose to have public works staff haul items to the transfer station and pay staff time and dump costs*
 - *City could hire private contractor to haul items away*
 - *The vehicle which is on the property would have to be towed away by a tow company*
 - The tow company may not take the vehicle without a title

DETERMINATION OF A NUISANCE

- It is ultimately City Council that has the authority to determine whether a nuisance exists or not and if so whether the City should undertake its abatement. Ordinance 79-6 Section 46 (1) states “Upon determination by the Council that a nuisance exists, the Council shall cause a notice to be posted on the premises or the site of the nuisance, directing the person responsible to abate the nuisance.”
- Section 46-50 establishes abatement procedures that city staff can implement if the City Council determines that a nuisance does indeed exist.

QUESTIONS FOR COUNCIL

- Does Council have sufficient information to make a decision? If not what additional information can staff provide?
- Does Council believe a nuisance exists at 470 North?