

RESOLUTION NO. 5636(10)

**A Resolution of the Council of the City of Lompoc
County of Santa Barbara, State of California,
Declaring a Public Nuisance**

WHEREAS, the Community Development Director has determined the property located at 1128 North A Street, in the City of Lompoc, APN 087-021-018 ("Property") exhibits the following violations of the Lompoc Municipal Code ("LMC"):

- 1) LMC Section 17.140.010(A) – Abandoned, or boarded up building,
- 2) LMC Section 17.140.010(B) – Buildings and fences dilapidated, warped, termite infested, and/or damaged by dry rot,
- 3) LMC Section 17.140.010(C) – Broken windows, doors, or other openings, constituting hazardous conditions or inviting to trespassers and perpetrators of mischief,
- 4) LMC Section 17.140.010(D) – Grass or weeds overgrown to an average height in excess of one foot from the ground level that are 1) likely to harbor rats or other vermin; 2) constitute an unsightly appearance; 3) dangerous to public safety and welfare; 4) detrimental to neighboring properties or property values,
- 5) LMC Section 17.140.010(H) – Lumber, junk, trash, or debris upon the premises which is visible from a public street, alley, or adjoining property,
- 6) LMC Section 17.140.010(K) – Accumulation of dirt, litter, or debris, in vestibules, doorways, adjoining walkways or pathways; and

WHEREAS, the City Council of the City of Lompoc adopted Resolution 5628(10) on April 20, 2010 declaring Council's intent to conduct a public hearing on May 18, 2010 to ascertain whether the conditions existing on the Property constitute public nuisances pursuant to Lompoc Municipal Code Chapter 17.140, and, if so, to declare a public nuisance and order the abatement thereof; and

WHEREAS, a notice of the public hearing and a certified copy of Resolution 5628(10) were timely served upon the property owner by mail and posted on the property; and

WHEREAS, the Council conducted a duly noticed public hearing on May 18, 2010, at which time it received input from staff, heard evidence and public testimony regarding the condition of the Property and the proposed rehabilitation, repair, removal or demolition of the Property.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOMPOC, CALIFORNIA,
DOES HEREBY RESOLVE AS FOLLOWS:**

SECTION 1. Declaration of Public Nuisance.

The City Council of the City of Lompoc hereby declares the property at 1128 North A Street, City of Lompoc, APN 087-021-018 a public nuisance pursuant to Lompoc Municipal Code Chapter 17.140, the conditions at the Property are detrimental to neighboring properties, property values and to public safety and welfare, and orders the abatement thereof.

SECTION 2. Abatement of Public Nuisance.

The City Council of the City of Lompoc hereby declares that the public nuisance at 1128 North A Street, City of Lompoc, APN 087-021-018 shall be abated no later than June 1, 2010, by the owner, after which time the City of Lompoc will abate the property as follows:

- 1) Repair or replace all windows and doors that are currently boarded up;
- 2) Repair, replace, or remove all dilapidated fences;
- 3) Repair, replace or board-up all broken windows, doors, and other openings;
- 4) Trim or remove all grass and weeds, including shrub-like plants, that are overgrown to an average height in excess of one foot from the ground level that are 1) likely to harbor rats or other vermin; 2) constitute an unsightly appearance; 3) dangerous to public safety and welfare; 4) detrimental to neighboring properties or property values;
- 5) Remove all lumber, junk, trash, or debris upon the premises which is visible from a public street, alley, or adjoining property;
- 6) Remove all accumulation of dirt, litter, or debris, in vestibules, doorways, adjoining walkways or pathways.

SECTION 3. Costs of Abatement.

If the City abates the Property, the costs of abatement of 1128 North A Street, City of Lompoc, APN 087-021-018, including resultant attorneys' fees, shall constitute a special assessment against the Property and, upon recordation in the office of the County Recorder of a notice of lien, shall constitute a lien on the Property for the amount of such assessment. The costs of the abatement may also be assessed against the property in the form of special assessment to be collected by the Tax Collector for the County of Santa Barbara at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency as provided for ordinary municipal taxes; or after such recordation, such lien may be foreclosed by judicial or other sale in the manner and means provided by law.

SECTION 4. Effective Date. This Resolution is effective on the day of its adoption.

The foregoing Resolution was proposed by Councilmember _____,
seconded by Councilmember _____, and was duly passed and adopted by the
Council of the City of Lompoc at its regular meeting on May 18, 2010, by the following vote:

AYE: Councilmember(s):

NO: Councilmember(s):

ABSENT: Councilmember(s):

Michael A. Siminski, Mayor
City of Lompoc

ATTEST:

Donna N. Terrones, CMC
City Clerk, City of Lompoc