



# STAFF REPORT

## CITY of YORBA LINDA

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### COMMUNITY DEVELOPMENT DEPARTMENT

**DATE:** APRIL 5, 2022

**TO:** HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

**FROM:** DAVID BRANTLEY, DIRECTOR OF COMMUNITY DEVELOPMENT  
**PREPARED BY:** KIMBERLY FIGAL, COMMUNITY PRESERVATION OFFICER

**SUBJECT:** RESOLUTION NO. 2022-5792 CONFIRMING THE COSTS TO ABATE THE PUBLIC NUISANCE AT THE PRIVATE PROPERTY LOCATED AT ASSESSOR'S PARCEL NO. 323-431-18 ORDERING THE COLLECTION OF SUCH COSTS AS A SPECIAL ASSESSMENT LIEN ON SUCH PROPERTY

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### **RECOMMENDATION**

It is recommended that the City Council adopt Resolution No. 2022-5792 confirming the costs to abate the public nuisance at Assessor's Parcel No. (APN) 323-431-18, Yorba Linda, CA 92886 and ordering the collection of such costs as a special assessment lien on such property.

### **BACKGROUND**

As part of the City's annual Weed Abatement Program procedures, on June 15, 2021, City Council adopted Resolution No. 2021-5757 declaring the unaddressed property located on the north side of Yorba Linda Boulevard, east of Palm Avenue and west of the Gun Club Linear Park (APN: 323-431-18), a public nuisance and ordered abatement thereof (see attached exhibit for location). The property was determined to constitute a public nuisance due to the existence of seasonal and recurring weeds growing upon or in front of, and rubbish, and refuse, upon or in front of the property. After extensive, additional efforts to obtain property owner compliance, on January 6, 2022, staff obtained an inspection and abatement warrant for the subject parcel, which was executed on January 17, 2022.

### **DISCUSSION/ANALYSIS**

In accordance with the authority granted to local municipalities under Government Code Section 39569 et seq, staff contracted the services of a licensed tree service contractor who trimmed the dead and overgrown weeds and vegetation on the property. The state law also authorizes all costs to abate the nuisance on the property to be passed on to the property owner, including administrative costs. It is staff's intention to pass on the costs of the abatement to the owner of the property by means of an additional property tax assessment on the next tax bill for the property.

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Specifically, Government Code Section 39577 permits the City to recover all costs to abate a public nuisance through the imposition of a special assessment lien against a parcel where the public nuisance existed. The special assessment is collected at the same time and in the same manner as other municipal taxes. At the time of consideration of the costs of abatement, the City Council shall allow any objections of the property owner(s) liable to be assessed for the abatement. The City Council may take into consideration or not any such objections. Once the City Council confirms the costs to abate the public nuisance, the City must provide notice by certified mail to the current owner(s) of the affected property(ies) at the time of imposing the assessment.

**FISCAL IMPACT**

The City has incurred the following costs to abate the public nuisance existing on the property described below:

APN No. 323-431-18	\$1,850.00
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By imposing an additional tax assessment in this amount on the tax bill for the property, the City will recover its costs.

**ALTERNATIVES**

Denial of resolution would result in the City bearing the costs of the abatement.

**ATTACHMENTS**

1. Property Location Exhibit
  2. Resolution No. 2022-5792 with Exhibit A "Invoice and Cost Estimate"
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