

# The County of Yuba

## Community Development & Services Agency

**Kevin Mallen, Director**

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**FINANCE AND ADMINISTRATION**  
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**DATE:** June 21, 2011

**TO:** Board of Supervisors

**FROM:** Community Development & Services Agency, Code Enforcement Division  
Jeremy Strang, Division Manager  
Debee McNally, Code Enforcement Officer *DM*

**SUBJECT:** Accounting Hearing to Determine Costs of Abatement to be Assessed Against Property Located at 1959 Fourteenth Street, Olivehurst, CA and to Authorize Recording an Abatement Lien.

**RECOMMENDATION:** Confirm the attached Cost Accounting and adopt Findings of Fact, Conclusions of Law and Orders authorizing the assessment of administrative and abatement costs and penalties and the recording of a lien regarding the subject address.

**BACKGROUND:** On January 12, 2011, property owner Joyce Curran was served with a Notice and Order to Abate Public Nuisance ordering her to correct or remove code violations consisting of a vacant, abandoned and unsecured dwelling; overgrown weeds and vegetation; the maintenance of a rat harborage; and the storage of junk, trash and debris.

Joyce Curran did not request a hearing to show cause why the use of her property should not be found to be a public nuisance and abated pursuant to the Yuba County Ordinance Code. Nor did she correct or remove the violations as ordered, the result being that Code Enforcement personnel oversaw the abatement of the violations on March 15 & 16, 2011. The demand for payment sent to Joyce Curran remains unpaid, the total due now being \$11,009.00. Please refer to Attachment A for the Cost Accounting.

Joyce Curran has been given written notice of this Accounting Hearing, a copy of which is attached hereto marked as Attachment B.

**DISCUSSION:** This hearing has been scheduled to allow evidence and testimony to be presented and heard on the sole questions of whether the accounting of the costs and penalties reflected in Attachment A are accurate and reasonable and whether such costs and penalties should be assessed and a lien recorded.

**COMMITTEE ACTION:** None required.

**FISCAL IMPACT:** Implementing the requested recommendation will facilitate cost recovery and reimbursement of appropriate funds and accounts.

HEARING TO ASSESS PROPERTY AND RECORD  
 NOTICE OF ABATEMENT LIEN  
 BEFORE THE BOARD OF SUPERVISORS  
 OF THE COUNTY OF YUBA

COUNTY OF YUBA,	)	CASE NO.	CE09-0066
	)		
Plaintiff,	)	RE:	1959 Fourteenth Street
	)		Olivehurst, CA
vs.	)		
	)	APN:	014-032-012
Joyce Curran	)		
	)		
	)	FINDINGS OF FACT	
	)	CONCLUSIONS OF LAW	
Defendant.	)	ORDERS OF THE BOARD OF SUPERVISORS	

FINDINGS OF FACT

1. Assessor's Parcel # 014-032-012 is located at 1959 Fourteenth Street, Olivehurst, CA 95961, and is owned by Joyce Curran.
2. On January 12, 2011, property owner Joyce Curran was served with a Notice and Order to Abate Public Nuisance ordering her to correct or remove code violations consisting of a vacant, abandoned and unsecured dwelling; overgrown weeds and vegetation; the maintenance of a rat harborage; and the storage of junk, trash and debris.
3. Joyce Curran did not request a hearing to show cause why the use of her property should not be found to be a public nuisance and abated pursuant to the Yuba County Ordinance Code, nor did she abate the violations as ordered.
4. On March 15 & 16, 2011, the property was abated by the Code Enforcement Division for the County of Yuba pursuant to the Notice and Order to Abate Public Nuisance.
5. The property owner Joyce Curran was served with written notice of this hearing.
6. A Hearing was held on June 21, 2011 to assess the costs of abating the public nuisances and to determine if the administrative and abatement costs and penalties should be made a lien on said property.

(a) A one-page memorandum along with supporting documentation marked as Attachment A (Cost Accounting) and Attachment B (Notice of Hearing) was submitted at the Hearing by Jeremy Strang, Code Enforcement Division Manger.

(b) The owner, Joyce Curran was ( ) was not ( ) present.

7. The administrative and abatement costs and penalties incurred totaled: \$11,009.00.

#### CONCLUSIONS OF LAW

1. Joyce Curran was properly notified to appear before the Board of Supervisors on June 21, 2011 at 9:30 am to show cause, if any, why the administrative and abatement costs and penalties for the property located at 1959 Fourteenth Street, Olivehurst, CA, APN 014-032-012, abated pursuant to the Notice and Order to Abate Public Nuisance, should not be assessed against the property and why a Notice of Abatement Lien should not be recorded.
2. Administrative and abatement costs and penalties regarding APN 014-032-012 were properly incurred in the amount of \$11,009.00 and the property and its owner bear the costs of same.

#### ORDERS

1. It is hereby found and ordered that the administrative and abatement costs and penalties to date incurred by the County of Yuba in the amount of \$11,009.00 shall be an assessment against the property located at 1959 Fourteenth Street, Olivehurst, CA, APN 014-032-012.
2. It is hereby found and ordered that administrative and abatement costs and penalties shall be assessed against the property as provided by Government Code Section 25845 (d) and that a Notice of Abatement Lien of administrative and abatement costs and penalties shall be recorded as authorized by Government Code Section 25845(e).
3. These Orders may be recorded by the Director of Yuba County Community Development & Services Agency.
4. Notice of these Orders shall be mailed with a Proof of Service to the owner of the property.

5. This decision is final. The time within which judicial review of this decision may be sought is governed by California Code of Civil Procedure, Section 1094.6 and the Yuba County Ordinance Code Chapter 1.16. Any petition seeking judicial review must be filed in the appropriate court not later than the 90<sup>th</sup> day following the date on which this decision was made; however, if within ten (10) days after the decision was made, a request for the record of the proceedings is filed and the required deposit in an amount sufficient to cover the estimated cost of preparation of such record is timely deposited, the time within which such petition may be filed in court is extended to not later than the 30<sup>th</sup> day following the date on which the record is either personally delivered or mailed to you or your attorney of record.

PASSED AND ADOPTED at the regular meeting of the Board of Supervisors of the County of Yuba held on the 21st day of June 2011, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Chairperson of the County of Yuba  
State of California

ATTEST: Donna Stottlemeyer  
Clerk of the Board of Supervisors

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APPROVED AS TO FORM: Angil Morris-Jones  
County Counsel

  
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# The County Of Yuba

Community Development &  
Services Agency

## CODE ENFORCEMENT

Telephone: (530) 749-5455

Fax: (530) 749-5424



915 8<sup>th</sup> Street, Suite 123, Marysville, California 95901

Joyce Curran  
C/O Diane Deaver  
11117 Congo River Court  
Ranco Cordova, CA 95670

### NOTICE OF HEARING TO ASSESS PROPERTY AND RECORD ABATEMENT LIEN

YOU ARE HEREBY NOTIFIED to appear before the Yuba County Board of Supervisors at 915 8<sup>th</sup> Street, Marysville, California, in the Board of Supervisors Chambers, on June 21, 2011, at the hour of 9:30 a.m., or as soon thereafter as the matter may be heard, to show cause, if any there may be, why the administrative and abatement costs and penalties for the property located at 1959 Fourteenth Street, Olivehurst CA, APN 014-032-012, abated pursuant to the Notice and Order to Abate Public Nuisance, should not be assessed against the property and why an abatement lien should not be recorded thereby.

If you fail to appear at the hearing or if you fail to raise any defense or assert any relevant points at the hearing, the County will assert that you have waived all rights to assert such defenses or rights.

At the hearing, you may present evidence and witnesses in your behalf, and you may examine any witnesses who present evidence.

You may appear personally or have a representative appear at the hearing in your behalf and be heard on the sole questions of whether the accounting of the costs and penalties reflected in Attachment A are accurate and reasonable and whether such costs and penalties should be assessed and a lien recorded.

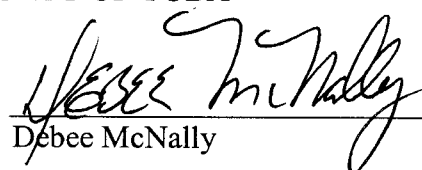
Dated: June 3, 2011

Certified Mail # 7003 0500 0005 1306 2442

Enclosure: Attachment A, Cost Accounting

CODE ENFORCEMENT OFFICER FOR THE  
COUNTY OF YUBA

BY:

  
Debee McNally

Attachment B