

RESOLUTION NO. _____ (N.C.S.)

**A RESOLUTION DECLARING A PUBLIC NUISANCE, ORDERING AND CONFIRMING
ABATEMENT AND REMOVAL OF A DANGEROUS BUILDING, AND CONFIRMING COSTS
FOR EMERGENCY ABATEMENT (45 SOLEDAD STREET, SALINAS, CA 93901)**

WHEREAS, the Salinas City Council has reviewed all facts presented to it in regard to the conditions existing on the structures located upon the parcel of real property commonly known as 45 Soledad Street in the city of Salinas, California, 93901, Assessor's Parcel Number 002-191-010-000 (herein, "the property"); and

WHEREAS, following a four-alarm fire on March 18, 2017 that consumed much of the structure on the property, said structure was in an extreme state of disrepair; and

WHEREAS, pursuant to section 116 of the California Building Code (2016 Edition), adopted by reference by Ordinance No. 2584 (N.C.S.), the Building Official issued an order on March 23, 2017 to the property owner of record, RANN LLC, to demolish the structure, and to fully and completely abate the emergency conditions existing on the property; and

WHEREAS, the City engaged in ongoing discussions about the City's intent to either purchase or abate the emergency conditions at the property with neighbors and stakeholders, to include the property's immediate neighbor Victory Mission, LLC; and

WHEREAS, due to the imminent emergency posed by the structure on the property and unreasonable delay by the parties responsible for the property, the Salinas City Attorney sought and obtained an order from Monterey County Superior Court authorizing the abatement of the emergency conditions on the property; and

WHEREAS, the City was made aware that the property was purchased by Victory Mission, LLC on June 12, 2017, one day prior to commencing emergency abatement work at the property; and

WHEREAS, the City made telephone and written notice with the Victory Mission, LLC of the City's intent to abate the emergency conditions on the property on June 12, 2017; and

WHEREAS, the City contracted with Randazzo Enterprises, Inc. in order to effectuate the Court order and proceed with the emergency abatement of the structure pursuant to California Public Contract Code section 20168; and

WHEREAS, the property owner of record listed upon the latest County Assessment roll is Victory Mission LLC, P.O. Box 995, Salinas, California 93901; and

WHEREAS, the property owner of record has not responded to the City's demands on September 19, 2017 and October 20, 2017 for repayment for costs associated with abatement; and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA"), the proposed public nuisance findings, abatement of such public nuisance, and the confirmation of abatement costs are exempt pursuant to section 15061(b)(3), as there is no potential to cause a significant effect on the environment.

NOW, THEREFORE BE IT RESOLVED by the Salinas City Council:

1. The conditions of the structure on the property following the fire posed a threat to the community and public at large based on the imminent risk of collapse.
2. The violations of the California Building Code that then existed on the property created a public nuisance pursuant to Salinas City Code section 1-01.11.
3. Emergency abatement of the structure on the property by City staff and/or their contractors was reasonably necessary to preserve the health and safety of the public.
4. Abatement costs of \$390,290.73 were reasonably and necessarily incurred for the abatement of the public nuisance.
5. The City Attorney is hereby authorized and directed to seek recovery of all costs incurred, including attorneys' fees, including by lien, special assessment, or any other civil action pursuant to Chapter 1 of the Salinas City Code.

PASSED AND APPROVED this 19th day of December 2017 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Joe Gunter, Mayor

ATTEST:

Patricia M. Barajas, City Clerk