



RESOLUTION No. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION ADOPTING THE RECOMMENDATION OF THE HEARING BODY APPROVING A SPECIAL ASSESSMENT AND ORDERING RECORDATION OF ABATEMENT LIEN IN THE AMOUNT OF \$14,000.00 AFTER A NUISANCE ABATEMENT ON THE PARCEL LOCATED AT 13421 MYSTIC MINE ROAD, NEVADA CITY, CA 95959 (APN 052-231-053), OWNER OF RECORD LAUREL WRIGHT

WHEREAS, on April 06, 2022, a Code Compliance Case (CC19-0005) was referred to a Hearing Body for a nuisance abatement by Nevada County Code Compliance Department on Assessor's Parcel Number 052-231-053 at 13421 Mystic Mine Road, Nevada City, CA 95959 (the "Property"); and

WHEREAS, significant health and safety risks to neighboring parcels existed due to inoperable vehicles and solid waste; and

WHEREAS, the Code Compliance Department proceeded with the abatement process outlined in the County's Administrative Enforcement Ordinance, Section 12.05.220 of the Nevada County Code, which included conducting a competitive procurement process and selecting multiple vendors to provide a bid estimate based on the scope of work; and

WHEREAS, on April 18, 2022, after holding a nuisance abatement hearing as shown attached hereto in Exhibit A, the Nuisance Abatement Hearing Officer ordered the Property owner to abate the nuisance conditions on the Property; and

WHEREAS, the Hearing Officer determined and ordered that, after such abatement is conducted, the Code Compliance Department is entitled to reimbursement of costs of its abatement actions incurred to seek and obtain an abatement warrant in compliance with the Hearing Officer's order, costs of further hearing-related abatement efforts, and all costs of abatement itself as may be reasonably incurred and charged to the Property owner under Government Code section 25845; and

WHEREAS, the Hearing Officer's decision and order was deemed final on April 18, 2022. Pursuant to Nevada County Code Section 12.05.220, any party to an administrative hearing may seek judicial review of a Hearing Body's decision by filing a petition for review with the Superior Court, pursuant to Government Code section 53069.4, within 20 days after service of the notice of decision; and

WHEREAS, on May 6, 2022, the Property filed a petition for writ of mandate in the superior court to appeal the Hearing Officer's decision; and

WHEREAS, on February 21, 2023, the superior court denied the petition for writ of mandate in its entirety; and

WHEREAS, on August 29, 2023, an abatement warrant was executed, and the nuisance conditions were abated; and

WHEREAS, on May 08, 2024, the County sent to the Property owner a demand for payment of costs of abatement, in the total amount of \$14,000; and

WHEREAS, the Property owner failed to pay the County its cost of abatement as requested; and

WHEREAS, on December 4, 2024, a Hearing Officer determined and ordered that the Code Compliance Department is entitled to reimbursement of costs of its abatement actions in the amount of \$14,000 according to procedure under Nevada County Code section 12.05.220(R), stating:

The County's request for confirmation of the cost in the amount of \$14,000 is granted. This cost of \$14,000 shall be a special assessment against the subject property, 13421 Mystic Mine Road, Nevada City, CA 95959, APN 052-231-053. This hearing officer recommends that the Nevada County Board of Supervisors record the amount of \$14,000 as a lien against the subject property;

and

WHEREAS, Government Code Section 25845, subdivision (d) provides, "[i]f the owner fails to pay the costs of the abatement upon demand by the county, the board of supervisors may order the cost of the abatement to be specially assessed against the parcel"; and

WHEREAS, the Property Owner has failed to remit payment as demanded; and

WHEREAS, Government Code Section 25845, subdivision (e) provides, "[i]f the board of supervisors specially assesses the cost of the abatement against the parcel, the board also may cause a notice of abatement lien to be recorded..."; and

WHEREAS, the Code Compliance Department recommends, pursuant to Government Code Section 25845 and the Nevada County Code Section 12.05.220, the Board of Supervisors adopt the recommendation of the Hearing Officer and order the administrative and physical costs of abatement be specially assessed against the Property in the amount of \$14,000.00 as shown in Exhibit B attached hereto; and

WHEREAS, the Code Compliance Department further recommends the Board of Supervisors order the same amount recorded as an abatement lien against the Property, with the record owner of the Property identified as Laurel Wright last known mailing address of 13421 Mystic Mine Road, Nevada City, CA 95959 abatement date ordered on April 18, 2022, abatement completed on September 5, 2023 Property address of 13421 Mystic Mine Road, Nevada City, CA 95959 (APN 052-231-053), with an abatement cost in the amount of \$14,000.00.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to Government Code Section 25845, subsection (d), the Nevada County Board of Supervisors approves the proposed assessment, in the amount of \$14,000.00, against the property located at 13421 Mystic Mine Road, Nevada City, CA 95959 (APN 052-231-053); and

BE IT FURTHER RESOLVED that, pursuant to Government Code Section 25845(e), and Nevada County Code, Section 12.05.220.S, the Nevada County Board of Supervisors orders a notice of lien be recorded against the Property in the amount of the assessment, with the record owner of the Property identified as Laurel Wright last known mailing address of 13421 Mystic Mine Road, Nevada City, CA 95959 abatement date ordered on April 18, 2022, abatement completed on September 5, 2023, property address of 13421 Mystic Mine Road, Nevada City, CA 95959 (APN 052-231-053), with an abatement cost in the amount of \$14,000.00.