

RESOLUTION NO. 1255

A RESOLUTION ASSESSING NUISANCE ABATEMENT COSTS (ZLATEK)

WHEREAS, Sections 93.70 to 93.75 of the Code of Prineville address abatement procedures to remove nuisances within the City of Prineville (“City”); and

WHEREAS, Robert L. Zlatek, Jr., and Kelly J. Zlatek (“Zlateks”) own real property located at 705 NW Fifth Street, Prineville, Oregon, and legally described as Lot 1 and the East 10 feet of Lot 2 of Block 8 of Nobles Addition to Prineville, Oregon, according to the official plat thereof on file and of record in the office of the County Clerk for Crook County, Oregon (the “Zlatek Property”); and

WHEREAS, on May 1, 2014, the City ordinance officer determined that noxious vegetation (weeds and/or grass over ten inches in height) was present on the Zlatek Property; and

WHEREAS, on May 1, 2014, Zlateks were mailed by certified mail, return receipt requested, and regular mail a letter advising Zlateks of the ordinance violation and a ten-day compliance notice giving them ten days to bring the Zlatek Property into compliance by removing the noxious vegetation. The letter and notice mailed by regular mail was not returned. The certified letter and notice was returned on May 20, 2014, marked “unclaimed” and showed attempts for delivery on May 3, May 14, and May 18, 2014; and

WHEREAS, on July 3, 2014, a notice to abate the nuisance of noxious vegetation was posted on the Zlatek Property and was sent by regular and certified mail to Zlateks advising them they had ten days to cut and remove the noxious vegetation on the Zlatek Property or file a protest with the City Manager if they believed no nuisance existed on the Zlatek Property; and

WHEREAS, the certified notice was returned unclaimed, but the notice sent by regular mail was not returned, indicating it had been received; and

WHEREAS, the noxious vegetation was not cut and removed within the ten-day period and Zlateks did not protest the existence of the nuisance within the ten-day period; and

WHEREAS, in late July 2014, the City contracted with a landscaping company to have the noxious vegetation on the Zlatek Property cut and removed for the sum of \$250; and

WHEREAS, on January 27, 2015, the City sent the Zlateks, by regular and certified mail, a notice that the cost of the nuisance abatement on the Zlatek Property was \$287.50 (\$250 costs, plus \$37.50 administrative overhead) and they had 30 days to pay that amount or ten days to file an objection to that amount; and

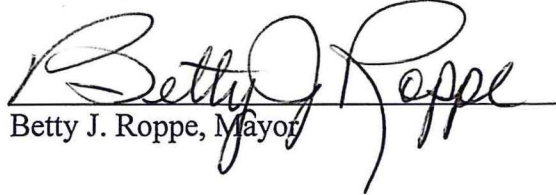
WHEREAS, no objection was filed within the ten day period and the \$287.50 abatement cost was not paid within the 30 day period; and

WHEREAS, Section 93.74 of the Code of Prineville authorizes the City Council to assess the abatement costs by resolution;

NOW, THEREFORE, the City of Prineville resolves as follows:

1. The sum of \$287.50 is assessed against the Zlateks, and each of them, and the Zlatek Property.
2. Such assessment shall be entered in the docket of City Liens and upon entry shall constitute a lien upon the Zlatek Property.
3. The lien amount shall bear interest at the rate of seven percent (7%) per annum from the date of this Resolution and shall be enforced as allowed by law.

Dated: April 28th, 2015


Betty J. Roppe, Mayor

ATTEST:


Lisa Morgan, City Recorder