



CITY *of* CALABASAS

March 29, 2021

FROM: Kindon Miek, City Manager

TO: Calabasas City Council
Maricela Hernandez, City Clerk

Re: Report to City Council for Collection of Unpaid Abatement Costs
Concerning Real Property Located at 22534 Calipatria Drive, Calabasas

This report is submitted to the City Council for consideration pursuant to CMC Section 8.20.160 D.

Harry Alfred White Jr. a/k/a Harry A White is, according to records of the Community Development Department, and the Los Angeles County Assessor's Office, the owner of real property located at 22534 Calipatria Drive, Calabasas (hereafter, the "Property"). The Los Angeles County Assessor Parcel Number for the Property is 2080-010-012. The legal description for the Property is set forth in Exhibit A to this report. Los Angeles County Assessor records show a mailing address for Mr. White at the Property. The City Prosecutor's Office has identified additional mailing addresses for Mr. White, which are set forth in Exhibit B to this report.

On November 17, 2020 the City obtained an Abatement Warrant from the Los Angeles County Superior Court to enter the Property and abate a public nuisance (as described below) pursuant to Chapter 8.20 [Public Nuisance and Abatement of the CMC]. The Warrant constitutes an abatement order of that date. The City commenced nuisance abatement actions on November 19, 2020 and completed them on November 20, 2020.

On February 4, 2021 at 10:00 a.m., Planning Director Tom Bartlett conducted a Post-Summary Abatement Administrative Review Hearing pursuant to CMC Sections 8.20.140, 8.20.080 and 8.20.090. Mr. Bartlett conducted the hearing by Zoom. Mr. White was given notice of that hearing in writing on January 20, 2021. He, or his representative, did not attend the hearing by video or telephonically. Mr. Bartlett found that a public nuisance was present on the Property on October 29, 2020 (and prior thereto) in the form of dead/hazardous trees, dead/overgrown vegetation/plant material (including overgrown portions of trees), dead pine needles, flammable vegetation and combustible growth (collectively the "Prohibited Vegetation"), as well as due to a lack of defensible space around the residence in violation of the Calabasas Fire Code and subparts of CMC Section 8.20.040, and that the Prohibited

Vegetation constituted a serious and imminent danger that required the City to immediately undertake summary abatement actions.

Mr. Bartlett confirmed the City's nuisance abatement actions were proper, undertaken with good cause, and necessary and that they brought the Property into compliance with the Calabasas Fire Code. Mr. Bartlett issued a written decision on February 9, 2020, which was served upon Mr. White.

The City Clerk caused Mr. White to be served with a Notice of Hearing before the City Manager Re: Nuisance Abatement Costs (hereafter, the "Notice") on February 24, 2021 pursuant to CMC Section 8.20.160 A. and B. The Notice, which set a Zoom hearing date and time of March 17, 2021 at 11:00 a.m., included a Report of Abatement Costs that recites a total amount in the sum of \$43,078.49. That report includes invoices and accountings that itemize the abatement costs. The Notice and Report of Abatement Costs accompany this report.

On March 17, 2021 at 11:00 a.m., I conducted the Zoom hearing Re: Nuisance Abatement Costs pursuant to CMC Section 8.20.160 C. Mr. White did not attend the hearing by video or telephonically. I determined the City's abatement costs of \$43,078.49 are accurate and reasonable. I affirmed the Report of Abatement Costs. I issued a Notice of Decision Re: Report of Abatement Costs, which was served on Mr. White. My decision is final pursuant to CMC Section 8.20.160 C. A copy of my Notice of Decision Re: Report of Abatement Costs is attached hereto. Mr. White has not paid those costs as of the date of this report.

CMC Section 8.20.160 E. provides the City may take one or more actions to collect abatement costs if they are not paid within five days of becoming final. Those actions are summarized as follows: (i) filing a lawsuit against a responsible person in the small claims division (that has limited jurisdiction) of the Los Angeles County Superior Court, which is not viable in this instance due to the amount of unpaid costs; and/or, (ii) filing a lawsuit against a responsible person in the Los Angeles County Superior Court (which has unlimited jurisdiction); and/or, (iii) recording a lien against a property pursuant to court judgment; and/or (iv) causing a nuisance abatement lien to be recorded against a property pursuant to CA Government Code Section 38773.1 and Section 8.20.160; or, (v) causing a special assessment to be made against a parcel pursuant to CA Government Code Section 38773.5.

I recommend the City Council adopt a resolution to record a nuisance abatement lien against the Property in accordance with Government Code Section 38773.1 and CMC Section 8.20.160 and that the City Council authorize me, or my designee, to complete the actions set forth in CMC Section 8.20.170 [Nuisance Abatement Lien-Recordation and Collection] for that purpose, which is a prerequisite for recording a lien. A draft of a proposed resolution accompanies this report.

Kindon Meik, City Manager

Date

EXHIBIT A
LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF CHALABAMA, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

LOT 122 OF TRACT NO. 29132, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN [BOOK 730, PAGE 67](#) TO 76 INCLUSIVE OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING HEREBY ALL OIL, GAS, PETROLEUM AND OTHER HYDROCARBON SUBSTANCES IN AND UNDER SUCH PROPERTY, COMMUNITY SAVINGS AND LOAN ASSOCIATION (HEREIN REFERRED TO AS GRANTOR), ITS SUCCESSORS AND ASSIGNS, RETAINING THE EXCLUSIVE TITLE AND RIGHT TO REMOVE SAID SUBSTANCES, TOGETHER WITH THE SOLE RIGHT TO NEGOTIATE AND CONCLUDE LEASES AND AGREEMENTS WITH RESPECT TO ALL SUCH SUBSTANCES UNDER THE PROPERTY AND TO USE THOSE PORTIONS OF THE PROPERTY WHICH JACENTLY A PLANE PARALLEL TO, AND 900 FEET BELOW THE PRESENT SURFACE OF THE PROPERTY FOR THE PURPOSE OF PROSPECTING FOR, DEVELOPING, STORING AND/OR EXTRACTING SUCH SUBSTANCES FROM THE PROPERTY, IT BEING EXPRESSLY UNDERSTOOD AND AGREED THAT GRANTOR, ITS SUCCESSORS AND ASSIGNS, SHALL HAVE NO RIGHT TO ENTER UPON THE SURFACE OF THE PROPERTY OR TO USE THE PROPERTY OR ANY PORTION THEREOF ABOVE THE LEVEL OF THE AFORESAID PLANE AS RESERVED IN THE DEED FROM COMMUNITY SAVINGS AND LOAN ASSOCIATION, RECORDED JUNE 22, 1979 AS [INSTRUMENT NO. 571, OFFICIAL RECORD.](#)

EXHIBIT B

Harry Alfred White Jr., a/k/a Harry A. White
1892 Maricopa Dr.
Laughlin, NV 89029-1213

Harry Alfred White Jr., a/k/a Harry A. White
2381 E. Allen Dr.
Fort Mojave, AZ 86426-6326

Harry Alfred White Jr., a/k/a Harry A. White
2196 E. Arizona Avenue
Fort Mojave, AZ 86426-5401