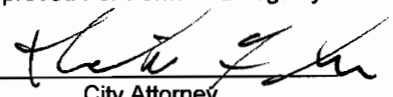


Introduced By **FILED**
OFFICE OF THE CITY CLERK
OAKLAND

2012 JUN 28 PM 12:42

Approved For Form And Legality


City Attorney

Councilmember

OAKLAND CITY COUNCIL

RESOLUTION No. 83990 C.M.S.

RESOLUTION APPROVING A \$3,902.44 REFUND TO STEVEN EDRINGTON OF CODE ENFORCMENT LIENS AND FEES PREVIOUSLY ASSESSED AGAINST THE PRIOR OWNER FOR THE REHABILITATION OF A FORECLOSED AND PUBLIC NUISANCE HOME LOCATED AT 7520 CIRCLE HILL DRIVE

WHEREAS, Mr. Steven Edrington, the former owner of the single family dwelling located at 7520 Circle Hill Drive, purchased said property, identified by the Alameda County Assessor as parcel no. 040A-3443-033-00, for valuable consideration with the highest bid tendered in a public auction in May 2011 on the front steps of the Alameda County Court House by the foreclosing holder of the Deed of Trust; and

WHEREAS, pursuant to Oakland Municipal Code section 15.08.130, all tendered bids included payment to the City of Oakland of two (2) code enforcement liens, identified by the Alameda County Clerk-Recorder as series nos. 2009-117877 and 2009-323252 and by the City's Permit Tracking System as lien nos. L031090 and L032220 with face amounts totaling \$5,089.10 plus accruing interest, which had been included by the Alameda County Assessor in the General Tax Levy for collection as a special assessment on behalf of the City; and

WHEREAS, pursuant to Oakland Municipal Code section 15.08.130, said parcel had an additional code enforcement lien, recorded by the Alameda County Recorder on August 11, 2010, series no. 2010-230952, and identified in the City's Permit Tracking System as lien no. L033288 with face amount of \$2,198.40, which was not yet included with the General Tax Levy for collection, and therefore, was not paid in said foreclosure auction; and

WHEREAS, pursuant to Oakland Municipal Code section 15.08.350, said dwelling had been declared Substandard and a Public Nuisance by the Building Official of the City Of Oakland in February 2009; and

WHEREAS, following the denial of an appeal of said declaration by the prior owner in a public hearing conducted by an independent Hearing Officer, said declaration was recorded by the Alameda County Clerk-Recorder on May 10, 2010, series no. 2010-135307; and

WHEREAS, pursuant to Oakland Municipal Code section 1.12.080, said Hearing Officer also denied the appeal by said prior owner of the assessment by the Building Official of administrative citations totaling \$2,500; and

WHEREAS, pursuant to Oakland Municipal Code section 15.08.130, a Prospective Lien to secure payment by a future purchaser of said administration citations and code enforcement assessments, prior to the recording of liens, was recorded by the Alameda County Clerk-Recorder on February 20, 2009, series no. 2009-054494; and

WHEREAS, in November 2011, Mr. Edrington filed applications with the Building Official for permits (RB1103812, etc.) to rehabilitate said substandard dwelling and detached garage; and

WHEREAS, pursuant to Oakland Municipal Code section 15.04.065, Mr. Edrington paid permit fees totaling \$5,705.80 and lien no. L033288 totaling \$2,198.40 and Compliance Plan fees totaling \$1,704.04 with his applications for said rehabilitation permits; and

WHEREAS, in November 2011, Mr. Edrington and the Assistant City Administrator executed a Compliance Plan, included herewith as *Exhibit A*, which set forth conditions for completing said rehabilitation work and for waiving the payment of said administrative citations and for refunding the payments of said code enforcement lien and compliance plan fees; and

WHEREAS, Mr. Edrington completed said rehabilitation work well within the time duration set forth in said Compliance Plan and sold the dwelling to an owner-occupant on January 31, 2012; and

WHEREAS, said sale provided transfer tax fees totaling \$5,100 for the City and a 47% increase of said parcel's assessed valuation for the Alameda County Assessor; now, therefore, be it

RESOLVED: That a refund to Steven Edrington in an amount of \$3,902.44 for lien no. L033288 (totaling \$2,198.40) and Compliance Plan fees (totaling \$1,704.04) previously paid by him is hereby approved; and be it

FURTHER RESOLVED: That the City Administrator, or his or her designee, is hereby authorized to execute a Refund Request by Mr. Edrington for said approved amount.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 17 2012, 2012

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, ~~BRUNNER~~, DE LA FUENTE, ~~KAPLAN~~, KERNIGHAN, NADEL, SCHAAF, AND PRESIDENT REID - 6

NOES - 0

ABSENT - Brunner - 1

ABSTENTION - 0

Excused - Kaplan - 1

ATTEST:

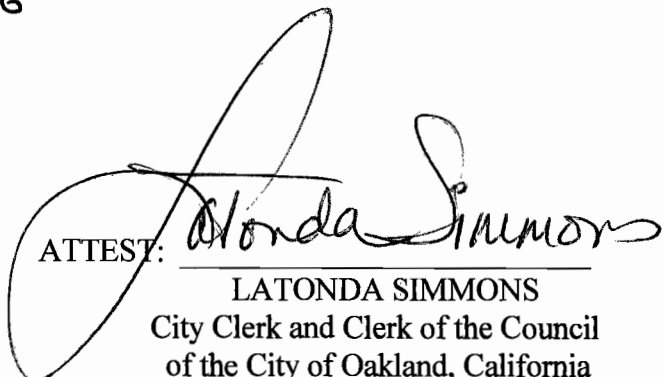

LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California

EXHIBIT A

Community and Economic Development Agency
Building Services Division

Compliance Plan

7520 Circle Hill Drive
040A-3443-033-00

BACKGROUND

This single family dwelling was declared Substandard in 2009 as a result of a SMART inspection with Oakland Police in 2007 and the prior owner's failure to follow-through with repairs to the single family dwelling (2007 compliance plan). The Hearing Examiner denied the prior owner's appeal of the Substandard action and affirmed the assessment of administrative citations against the prior owner. A Public Nuisance declaration and liens for administrative costs and citations were recorded on the property title in 2009 and 2010:

Steve Edrington purchased the property in June 2011 through an "arms-length" transaction (foreclosure auction). Mr. Edrington paid liens L 031090 and L 03220 (\$5,089.12) with the delinquent property taxes. He has subsequently removed the occupants, completed a significant clean-up of the premises, and applied for permits to rehabilitate the dwelling. Mr. Edrington has rehabilitated and returned other deteriorated homes in Oakland to productive use.

CODE ENFORCEMENT			
PROPERTY LIENS	CHARGES AGAINST PRIOR OWNER	PAID BY EDRINGTON	OWED
priority lien L 031090	prepare prospective lien	1,942.68	
priority lien L 032220	Substandard appeal hearing	3,146.44	
priority lien L 033288	prepare Public Nuisance declaration		2,198.40
prospective lien	administrative citations		2,500.00
	total	\$ 5,089.12	\$ 4,698.40

KEY ISSUES AND IMPACTS

Substandard Buildings

Building permits for rehabilitating Substandard buildings are currently constrained by the following codified requirements:

- Building Maintenance Code (OMC 15.08)
 - all building permit fees must be paid
 - all penalties and interest must be paid
 - all code enforcement fees be must paid
 - all code enforcement liens and interest must be paid
 - a refundable performance security must be deposited
 - a compliance plan must be signed (sets-forth construction milestone dates)

- Building Construction Code (OMC 15.04)
 - all building permit fees must paid at filing
 - code enforcement compliance plan must be signed before issuance
 - all code enforcement liens, fees, penalties, interest, and deposits must be paid at filing

The Administrative Citation Chapter (OMC 1.12) also provides that:

The City Manager, or his or her designee, is authorized to establish standards and procedures for adjustment of administrative citations previously issued for extraordinary circumstances which are expressly demonstrated to serve the best interests of the residents of the City.

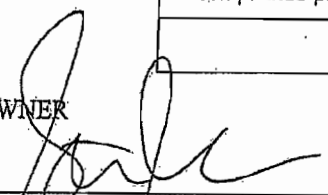
Proposal

Mr. Edrington has proposed that the City approve the following Compliance Plan conditions:

- collect payment from him of all fees for his rehabilitation permits plus the renewal Certificate of Occupancy fee plus the refundable security deposit; and
- defer payment by him of the administrative citations (\$2,500) assessed against the prior owner so that his rehabilitation permits may be issued immediately; and
- allow him six (6) months to obtain final approval of his rehabilitation permits (with an extension for extenuating circumstances as determined by Building Services); and
- waive payment by him of the administrative citations upon final approval of his rehabilitation permits (City has the option of pursuing payment by the prior owner); and
- upon his request after final approval of his rehabilitation permits (within 6 months of issuance plus any extension), present an agenda report to the City Council recommending a refund of the following fees he has paid:


FOLLOWING FINAL APPROVAL OF REHABILITATION PERMIS		
CHARGES AND FEES	WAIVE by CITY ADMINSTRATOR	REQUEST REFUND by CITY COUNCIL
administrative citations	\$2,500	
lien L.033288		\$ 2,198.40
compliance plan fee		1,704.04
total	\$2,500	\$ 3,902.44

OWNER


Steve Edrington

11/1/11
date

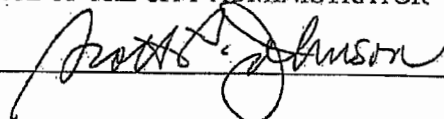
CEDA- BUILDING SERVICES


Raymond M. Derania

11-01-2011
date

OFFICE OF THE CITY ADMINISTRATOR

BY



10/31/11
date