

RESOLUTION 2023-077

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO FILE SUCH ACTIONS IN THE COURT (S) OF COMPETENT JURISDICTION ON BEHALF OF THE CITY OF SIERRA VISTA TO JUDICIALLY FORECLOSE ITS ABATEMENT LIEN AGAINST LANE BALMER; AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, On September 12, 2017, October 30, 2017, and February 3, 2020, the City recorded abatement liens against Lane Balmer's predecessor in interest arising out of abatement activities performed by the City on the property located at 132 Peterson Street, Sierra Vista, Arizona; and

WHEREAS, under Arizona law and Sierra Vista City Code, Mr. Balmer is obligated to repay the lien in no less than three annual installments; and

WHEREAS, Mr. Balmer has failed to repay the lien; and

WHEREAS, before the City Attorney may pursue legal action, the Mayor and Council must direct him to do so; and

WHEREAS, it is in the best interest of the citizens of Sierra Vista that such legal action be taken.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

SECTION 1

That the settled policy, which directs the City Attorney to initiate litigation by specific action of the Mayor and City Council be, and hereby is reaffirmed.

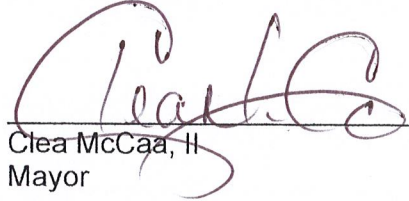
SECTION 2

That the City Attorney is hereby authorized and directed to take such action(s) as may be required to enforce the City of Sierra Vista's rights and obligations under those certain Abatement Liens recorded against LANE BALMER on September 12, 2017, October 30, 2017, and February 3, 2020, as Document Nos. 2017-20994, 2017-17736 and 2020-02251, respectively.


SECTION 3

The City Manager, City Clerk, City Attorney, or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this Resolution.

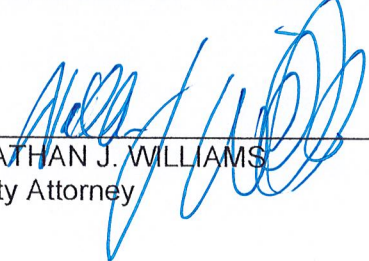
PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 12TH DAY OF OCTOBER 2023.


Clea McCaa, II
Mayor

ATTEST:


JILL ADAMS
City Clerk

APPROVED AS TO FORM:


NATHAN J. WILLIAMS
City Attorney

PREPARED BY:
Nathan J. Williams, City Attorney