

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

616  
A



**FROM:** Paul McDonnell, Treasurer-Tax Collector

**SUBMITTAL DATE:**  
November 2, 2004

**SUBJECT:** Proposed Sale of Tax-Defaulted Land to the Temecula Valley Rose Society by Agreement of Sale Number 4314.

**RECOMMENDED MOTION:** Move that the Board of Supervisors approve the sale of tax-defaulted parcel 945160006-7 to the Temecula Valley Rose Society, and authorize the Chairman of the Board to sign the Agreement and have it returned to the Treasurer/Tax Collector for transmittal to the State Controller.

**INFORMATION:** Parcel number 945160006-7 is located in the City of Temecula, in Supervisor Jim Venable's district.

**BACKGROUND:** Sales to public agencies of this type of property, subject to a recorded Notice of Power to Sell for non-payment of taxes as required by law, are provided for pursuant to Chapter 8 of the California Revenue and Taxation Code, Section 3771 et. seq. The Agreement of Sale, including Exhibit "A" through Exhibit "E", is attached. These exhibits include a Resolution from the Temecula Valley Rose Society.

FORM APPROVED  
COUNTY COUNSEL

Departmental Concurrence

OCT 25 2004

continued on page two)  
BY *[Signature]*

*[Signature]*

Paul McDonnell  
Treasurer-Tax Collector

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ 4,766.89	In Current Year Budget:	YES
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	NO
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2004-2005
<b>SOURCE OF FUNDS: Tax Loss Reserve Fund #011060</b>				Positions To Be Deleted Per A-30 <input type="checkbox"/>
				Requires 4/5 Vote <input type="checkbox"/>

**C.E.O. RECOMMENDATION:**

**APPROVE.**

*[Signature]*

County Executive Office Signature

- Dep't Recomm.:  Consent  Policy
- Per Exec. Ofc.:  Consent  Policy

Prev. Agn. Ref.: \_\_\_\_\_ District: 3 Agenda Number: \_\_\_\_\_

**ATTACHMENTS FILED  
WITH THE CLERK OF THE BOARD**

2.12

**BOARD OF SUPERVISORS**

**Form 11:**

**Page 2**

**BACKGROUND:** (Continued)

APN 945160006-7 is located at 30592 Jedediah Smith Rd. It is comprised of 3.42 acres. The Temecula Valley Rose Society first planted 800 rose bushes at the site in 1990 with the permission of the owner.

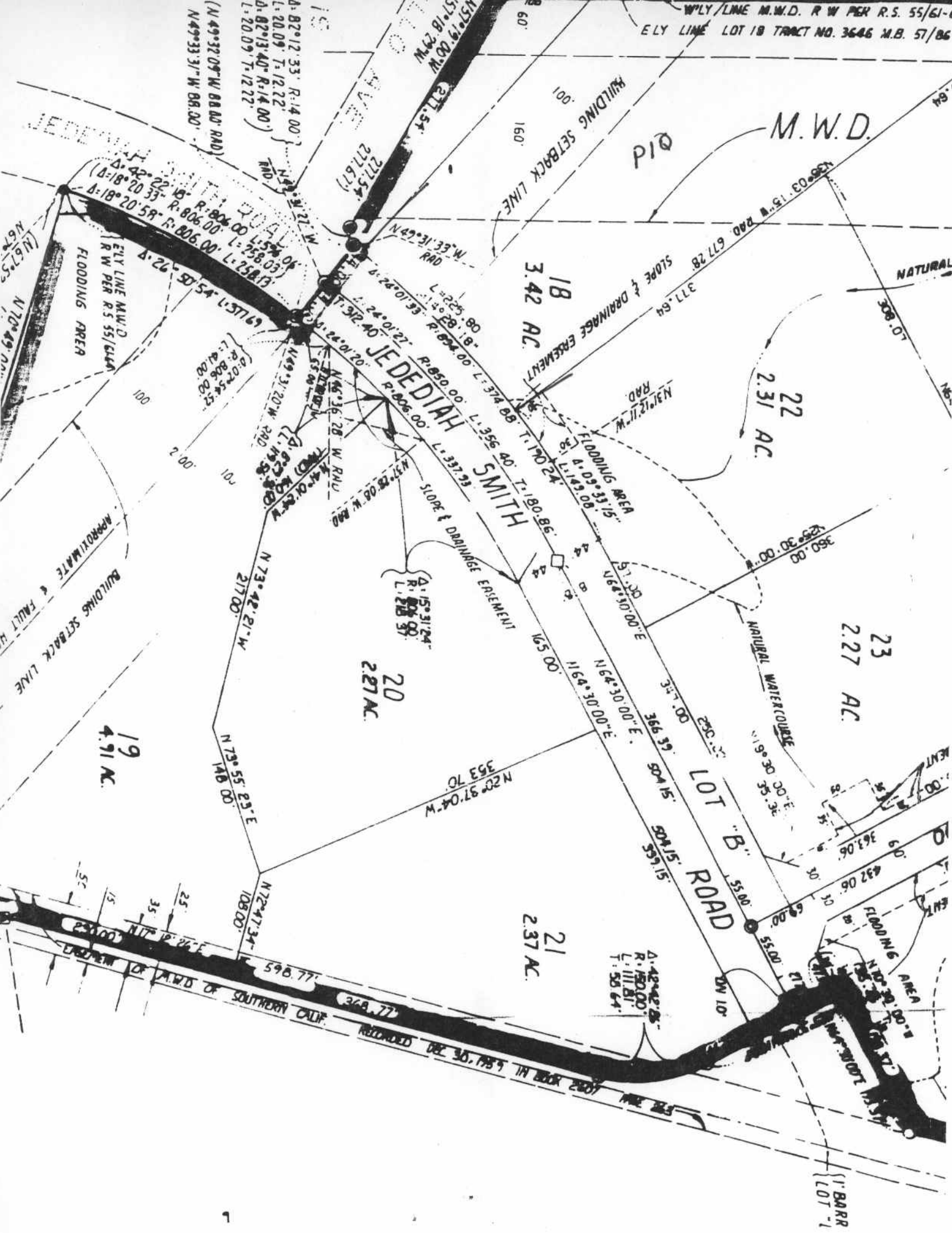
The current owner defaulted on property taxes July 1, 1998. The Tax Collector offered this property for sale in March 2004 at the annual auction for the starting price of \$19,105.00. Within a matter of days after the sale, the high bidder returned looking for a refund of his deposit claiming that the City of Temecula would not permit him to build upon the property. Assistant City Manager Jim O'Grady confirmed that the property indeed had a large Metropolitan Water District Easement and a large Slope & Drainage Easement on it. With building set back lines, construction of a home would be limited. All of this information was readily available from the City and indeed had been provided to dozens of prospective purchasers.

Once our office became aware of the nature of the property, its current use and the impediments to development, the sale was unwound to avoid potential litigation. Contact was then made with the Temecula Valley Rose Society and an agreement of sale in principal was struck. The purchase price of \$7,500.00 was determined pursuant to Section 3793.1 of the Revenue and Taxation Code, State of California, which allows for a reduced sale price subsequent to a failed sale. The purchase price includes the cost of advertising, pursuant to Section 3793.1 (b) of the California Revenue and Taxation Code. Since the amount of taxes owed is \$12,495.74, the sale will result in a loss of \$4,766.89, taking into account the Teeter percentages. There is no direct budgetary impact to the General Fund since the Tax Loss Reserve Fund maintains sufficient balances to cover this and other losses.

Please note that even after approval by the Board of Supervisors and authorization by the State Controller, the right of redemption by the owner on this property remains until the effective date of the Agreement of Sale. A copy of the assessor's map number 945-16 pertaining to the parcel is attached for reference.

Copy to: Jim Venable, 3<sup>rd</sup> District  
William C. Katzenstein, County Counsel

WPLY/LINE M.W.D. RW PER R.S. 55/61-4  
ELY LINE LOT 18 TRACT NO. 3646 M.B. 51/86



RECORDED DEC 30, 1959 IN BOOK 2807

LOT 1  
BARR