

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

344 B



FROM: County Counsel
Code Enforcement Department

SUBJECT: Statement of Expense [Case No. CV 02-3782]
Subject Property: 23578 Beech St, Hemet; GRAY
APN: 431-270-025 & 431-270-026
District Three

SUBMITTAL DATE:
August 22, 2008

RECOMMENDED MOTION: Move that the Board of Supervisors:

- (1) assess the reasonable costs of abatement of a public nuisance (excess outside storage of materials and accumulated rubbish) in the above-referenced matter to be sixteen thousand, eight hundred, fifty-six dollars and eighty cents (US \$16,856.80);
- (2) assess the costs of abatement against APN 431-270-025;
- (3) authorize the recordation of a notice of abatement lien; and
- (4) authorize the abatement costs to be added to the tax roll as a special assessment

BACKGROUND: Government Code § 25845, Riverside County Ordinance Nos. 348 (RCC Title 17), 541 (RCC Chapter 8.120) and 725 (RCC Chapter 1.16) authorize the recovery of abatement costs in public nuisance cases, the recordation of a notice of abatement lien and inclusion of abatement costs on the tax roll as a special assessment upon approval of the Board of Supervisors.

[Signature]
TIFFANY N. NORTH, Deputy County Counsel
for JOE S. RANK, County Counsel

(Continued)

FINANCIAL DATA	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ N/A	For Fiscal Year:	N/A

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY: *[Signature]*
Tina Grande

County Executive Office Signature

Dep't Recomm.: Consent Policy

Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.: _____ District: 3 Agenda Number: **9.1**

Statement of Expense [Case No. CV 02-3782]
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The Board of Supervisors issued an Order to Abate in this case on September 23, 2003. On July 8, 2004, the Riverside County Superior Court denied the owner's Peremptory Writ of Mandamus in case number RIC 394873. On November 22, 2004, the Riverside County Superior Court issued an order in favor of the County assessing attorney's fees. On April 10, 2006, the California Court of Appeal, Fourth Appellate District, Division Two, affirmed the Superior Court's denial of the Petition for Writ of Mandamus in case number E036288. On April 25, 2006, the California Court of Appeal, Fourth Appellate District, Division Two, denied Mr. Gray's petition for rehearing. On June 28, 2006, the California Supreme Court denied Mr. Gray's Application for Stay and Petition for Review.

The APN numbers for this property will change from 431-270-025 and 431-270-026 for 2007-2008 to 432-170-006 and 432-170-007 for 2008-2009.

On March 20, 2007 the accumulated rubbish and excess outside storage were abated from the property pursuant to a seizure warrant.

All notices regarding the Statement of Expense hearing have been given to Christopher Gray, the property owner, as required by law (see attached exhibits).