

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

711B



FROM: County Counsel
Code Enforcement Department

SUBMITTAL DATE:
March 3, 2011

SUBJECT: Statement of Expense [Case No. CV00-1764]
Subject Property: 14890 Highland Home Road, Banning; NESCHER
APN: 537-130-013
District: Five

Departmental Concurrence

RECOMMENDED MOTION: Move that the Board of Supervisors:

- 1) assess the reasonable costs of abatement of a public nuisance (construction without permits [house, breezeway, garage, etc.]) in the above-referenced matter to be **sixty-three thousand, two hundred eighty-six dollars and nineteen cents; (US \$63,286.19);**
- (2) assess the costs of abatement against the above-described subject property;
- (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
- (5) authorize and direct the Code Enforcement Department to take any reasonable actions to collect the amount owed.

L. Alexandra Pong
L. ALEXANDRA PONG, Deputy County Counsel
for PAMELA J. WALLS, County Counsel

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: *Tina Grande*
Tina Grande

County Executive Office Signature

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

Prev. Agn. Ref.: _____ District: 5 Agenda Number: _____

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

9.3

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BACKGROUND: Government Code § 25845, Riverside County Ordinance Nos. 457 (RCC Title 15), 348 (RCC Title 17 and 725 (RCC Title 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.

On February 1, 2011, the Superior Court of the State of California, County of Riverside, issued its "Order to Abate Nuisance (Granting Motion for Imposition of Attorneys' Fees and Costs; Penalties and Abatement of the Property Prior to Transfer)" as a result of a lawsuit filed by the County of Riverside in Case No. RIC 369363 (see attached exhibit). The Court awarded County of Riverside costs and attorneys' fees in the amount of sixty-three thousand, two hundred eighty-six dollars and nineteen cents; (US \$63,286.19). County of Riverside seeks to have these costs recorded against the subject property as an abatement lien and to be added to the tax roll as a special assessment.

The Notice of Hearing re Statement of Expense has been posted on the property and mailed to the property owner and all interested parties, as required by law. Copies of all relevant notices issued in this matter together with proof of service and posting have been separately filed with the Clerk of the Board and are made a part of the record herein, pursuant to Riverside County Ordinance 725.