

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

711B



FROM: County Counsel
Code Enforcement Department

SUBMITTAL DATE:
May 12, 2011

SUBJECT: Statement of Abatement Costs [Case No. CV06-4511]
Subject Property: 25690 Holland Road, Menifee; FUHRMAN
APN: 358-100-003
District Three

RECOMMENDED MOTION: Move that the Board of Supervisors:

- 1) assess the reasonable costs of abatement of a public nuisance (unpermitted land use (special events) in the above-referenced matter to be **sixteen thousand, two hundred twenty-seven dollars and seventy-two cents (US \$16,227.72)**;
- (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.

BACKGROUND: Government Code § 25845, Riverside County Ordinance No. 348 (Title 17) 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]

L. ALEXANDRA FONG, Deputy County Counsel
for PAMELA J. WALLS, 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

<input type="checkbox"/>	Consent	<input checked="" type="checkbox"/>	Policy
<input type="checkbox"/>	Per Exec. Ofc.:	<input checked="" type="checkbox"/>	Policy

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

Prev. Agn. Ref.:

District: 3

Agenda Number:

9.3

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Page 2

This case concerns a zoning violation for illegal land use (special events, etc.) without approval, in the form of a Conditional Use Permit and/or Plot Plan Permit, from the Planning Department. The case began in 2006. The property owner held multiple events on his property without any permits. After owner was advised that he needed to obtain permits, he advised that he would hold the events regardless of whether he obtained the approval of the County of Riverside. Events held on the property include, but are not limited to, a Civil War Reenactment and a Fireman Fund Benefit.

The property owner was issued numerous citations which he appealed. The citations were upheld by the trial court.

The property is now located within the new city of Menifee. The costs which Code Enforcement is seeking to recover are costs incurred while the property was within the unincorporated area of the county as well as those which were incurred when it came within the jurisdiction of the city.

In April 2011, Code Enforcement has received an escrow demand so it appears that the property owner may be attempting to sell the property. It is important to have this order issued and the abatement lien and special assessment (taxes) placed on the tax roll prior to the sale of the property, in the event escrow closes without Code Enforcement fees being paid.

The Notice of Hearing re Statement of Abatement Costs 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.

The City of Menifee was incorporated on October 1, 2008 and agreed to reimburse the County of Riverside for all code enforcement fees and costs incurred up to June 30, 2009.

A portion of funds received pursuant to the abatement lien and special assessment authorized herein may be repaid or credited to the City of Menifee, if applicable, due to prior reimbursement for the cost of code enforcement services pursuant to California Government Code §57384(b).