

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

409B



**SUBMITTAL DATE:**  
October 5, 2011

**FROM:** County Counsel  
Code Enforcement Department

**SUBJECT:** Statement of Abatement Costs [Case No. CV05-3441]  
Subject Property: 28660 Capano Bay Court, Menifee; KELLY  
APN: 388-030-009  
District Three

Departmental Concurrence

**RECOMMENDED MOTION:** Move that the Board of Supervisors:

- (1) assess the reasonable costs of abatement of a public nuisance (land use without permit) in the above-referenced matter to be **five thousand, one hundred twenty-three dollars and seventy-seven cents (US \$5,123.77)**;
- (2) assess the costs of abatement against the above-described subject property;
- (3) authorize the recordation of a notice of abatement lien;
- (4) authorize the abatement costs to be added to the tax roll as a special assessment; and
- (5) authorize and direct the Code Enforcement Department to take any reasonable actions to collect the amount owed.

PATRICIA MUNROE, Deputy County Counsel  
for PAMELA J. WALLS, County Counsel

<b>FINANCIAL DATA</b>	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

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

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

APPROVE

BY:

Tina Grande

County Executive Office Signature

Consent     Policy  
 Consent     Policy

Dep't Recomm.:

Per Exec. Ofc.:

Prev. Agn. Ref.:

District: 3

Agenda Number:

9.9

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**BACKGROUND:** Government Code § 25845, Riverside County Ordinance Nos. 348 and 725 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.

Notices of Violation and Administrative Citations were issued. On or about July 23, 2009, the Riverside County Department of Code Enforcement closed this matter and transferred the case to the City of Menifee with the violations remaining. Accordingly, the County of Riverside Department of Code Enforcement seeks to recover its costs associated with the handling of this matter.

The property has a delinquent tax status as of 2008.

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, pursuant to California Government Code §57384(b).