

**RESOLUTION OF THE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

IN THE MATTER OF RESCINDING)
RESOLUTION No. 11-253 THAT)
WOULD IMPOSE A SPECIAL)
ASSESSMENT FOR EXPENSES) RESOLUTION No. _____
INCURRED IN ABATING A PUBLIC)
NUISANCE, PURSUANT TO)
COUNTY CODE SECTION 28-117)

WHEREAS, on January 4, 2011 the Santa Barbara County Board of Supervisors declared that a traffic nuisance, as defined in Section 28-106, existed and threatened to impair the safe use of the public right-of-way on Clubhouse Road adjacent to Lot 54, caused by dead Monterey Pine trees and dead limbs on Monterey Pine trees; and

WHEREAS, pursuant to Sections 28-107 and 28-112, this Board ordered the Road Commissioner to abate the traffic nuisance by entering the property, removing 30 dead Monterey Pine trees and removing the dead limbs from other Monterey Pine trees that threatened the safety of the roadway easement along Clubhouse Road, APN 097-371-067 (Lot 54), and to recover the costs of such abatement from the owner of the parcel – Clubhouse Estates Homeowners’ Association; and

WHEREAS, pursuant to Section 28-113, this Board authorized the Road Commissioner to expend Road Fund monies to abate the traffic nuisance, and to utilize a contractor for the work required; and

WHEREAS, pursuant to Section 28-114, this Board directed the Road Commissioner to keep an account of all expenses incurred in abating the traffic nuisance on Clubhouse Road, including reasonable administrative costs of \$12 per parcel; and

WHEREAS, on June 21, 2011, the Board approved Resolution 11-253 authorizing the Auditor-Controller to place a tax lien on Lot 54, Clubhouse Road, APN 097-371-067, to recover the costs incurred in abating the traffic nuisance.

WHEREAS, the underlying property owner, Clubhouse Estates Homeowners’ Association, has since reimbursed the County in full, for the total cost incurred in removing the 30 dead and dying Monterey Pine trees, including reasonable administrative costs, and it is no longer necessary to place a tax lien on the property, and such Resolution should be rescinded; and

NOW THEREFORE, IT IS HEREBY RESOLVED AND ORDERED, that Resolution No. 11-253 is rescinded in its entirety, and the tax lien on Lot 54, Clubhouse Road, APN 097-371-067 shall be removed.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County Santa, State of California, on this _____ day of _____, 2011 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:
CHANDRA L. WALLAR
CLERK OF THE BOARD

COUNTY OF SANTA BARBARA

By: _____
Deputy

By: _____
Joni Gray, Chair
Board of Supervisors

APPROVED AS TO FORM:
DENNIS A. MARSHALL
COUNTY COUNSEL

APPROVED AS TO ACCOUNTING:
ROBERT W. GEIS,
AUDITOR CONTROLLER

By: _____
Deputy County Counsel

By: _____
Deputy