

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

RESOLUTION IMPOSING SPECIAL )  
ASSESSMENT FOR EXPENSES )  
INCURRED IN ABATING PUBLIC )  
NUISANCE PURSUANT TO )  
COUNTY CODE SECTION 28-117 )

RESOLUTION No. \_\_\_\_\_

**WHEREAS**, on January 4, 2011, pursuant to County Code Section 28-111 (all section references herein are to the Santa Barbara County Code), this Board received the report of the Road Commissioner regarding a traffic nuisance on Clubhouse Road, APN 097-371-067 (Lot 54), due to dead and dying Monterey Pine trees on January 4, 2011; and

**WHEREAS**, all required notices were given, no objections were presented to the report, and the report of the Road Commissioner was filed with the Clerk of the Board; and

**WHEREAS**, on January 4, 2011 this Board 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 overhang 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, APN 097-371-067 (Lot 54), owned by Clubhouse Estates Homeowners Association, and file a report thereof with the Board of Supervisors upon completion; and

**WHEREAS**, Section 28-114 allows inclusion of reasonable administrative costs in the report of expenses filed by the Road Commissioner in the amount of \$12 per parcel or such other amount as may be approved by this Board as reasonable under the circumstances; and

**WHEREAS**, the Road Commissioner has filed an accounting of costs pursuant to Section 28-114, and that accounting is attached hereto as Exhibit "A" and incorporated herein as though fully set forth; and

**WHEREAS**, that accounting has been on file, open to public inspection, in the office of the Clerk of the Board for at least ten days prior to the hearing at which the report was confirmed, as required by Section 28-116; and

**NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:**

1. The recitals set forth above are true and correct;
2. Under the circumstances herein, reasonable administrative costs are found to be in the amount of \$1,442.58, and such amount is included in the report of the Road Commissioner attached hereto as Exhibit "A."
3. The report of the Road Commissioner attached hereto as Exhibit "A" is hereby confirmed;
4. Pursuant to Section 28-115, this Board finds that the costs set forth in Exhibit "A", were reasonably incurred by the county in abating a traffic nuisance, or removing vegetation pursuant to the provisions of this article, and may be collected from the owner of APN 097-371-067 at the same time and in the same manner as ordinary county ad valorem property taxes are collected, and shall be subject to the same penalties and the same procedures and to sale in case of delinquency, as is provided for such taxes. All laws applicable to the levy, collection and enforcement of county ad valorem taxes shall be applicable to such charge and it shall become a lien against APN 097-371-067; except that, if for the first year such charge is levied APN 097-371-067 has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrance for value has been created and attached thereon, prior to the date on which the first installation of such taxes would become delinquent, the charge confirmed pursuant to this Resolution shall not result in a lien against APN 097-371-067 but instead shall be transferred to the unsecured roll for collection.
5. Pursuant to Section 28-117, the amount of the expenses incurred by the Road Commissioner for abating a traffic nuisance as confirmed by this Board shall constitute a special assessment against APN 097-371-067 and a lien thereon for the amount of such assessment in accordance with this Resolution.
6. Pursuant to Section 28-118, a copy of Exhibit "A" shall be delivered to the County Auditor on or before August 1, 2011.
7. Pursuant to Section 28-119, and as authorized by Government Code Section 38773, the County Auditor shall enter the amount stated in Exhibit "A" as a special assessment against APN 097-371-067. The County Tax Collector shall include the amount of the assessment on the bill for taxes levied against APN 097-371-067. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such special assessment. Once collected, the special assessment shall be paid into the road fund of the County Treasury.

**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