

**CITY OF TEMECULA
AGENDA REPORT**

TO: City Manager/City Council

FROM: Luke Watson, Deputy City Manager

DATE: January 28, 2025

SUBJECT: Adopt Public Nuisance Abatement Special Assessment Resolution for Certain Parcels Located West of Mercedes Street and South of Third Street for the Period of June 16, 2024 to December 13, 2024

PREPARED BY: Vanessa Rivera, Administrative Assistant

RECOMMENDATION: That the City Council adopt a resolution entitled:

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA ORDERING CONFIRMATION OF THE SPECIAL ASSESSMENTS FOR PUBLIC NUISANCE ABATEMENT COSTS FOR THE PERIOD OF JUNE 16, 2024 TO DECEMBER 13, 2024 FOR THE FOLLOWING PARCELS LOCATED WEST OF MERCEDES STREET AND SOUTH OF THIRD STREET: 922-043-002; 922-043-003; 922-043-004; 922-043-010; 922-043-015; 922-043-016; 922-043-018; 922-043-023; 922-043-024; AND 922-043-025

BACKGROUND: On June 5, 2024, the City of Temecula was made aware that the owner of the vacant lot west of Mercedes Street and south of Third Street was no longer able to pay for the perimeter fence surrounding the vacant lot. On June 11, 2024, the City Manager determined that the removal of the perimeter fence would create a hazard to the public. The property has unfinished temporary walls, exposed metal, and drop-offs from incomplete construction on the property, thus creating a hazardous condition if the perimeter fence is removed.

Under the Emergency Abatement provisions of Section 8.12.160 (Emergency Abatement – Alternative Actions) of the Temecula Municipal Code, the City Manager’s office declared the property a public nuisance on June 11, 2024. The City is permitted to recover all costs associated with the nuisance abatement, per Sections 8.12.120 to 8.12.140 of the Temecula Municipal Code.

On June 12, 2025, Temecula Hotel Partners Old Town Holding Company, LLC signed a Right of Entry and Consent Agreement where Grantor acknowledged the property was declared a public nuisance and that the City had a right to impose a special assessment for the costs associated with abating the public nuisance.

In accordance with the requirements of Temecula Municipal Code Section 8.12.120, Staff has kept an account of the actual cost, including incidental expenses, of all abatement work performed on the subject property to abate the public nuisance. Exhibit A to the proposed Resolution provides an itemized report showing the total cost of abatement incurred by the City in abating the nuisance.

Temecula Municipal Code Section 8.12.120 requires that the City hold a public hearing before the City Council to take comments from the property owners and any interested persons with respect to the costs proposed to be assessed against their properties and to confirm those costs. In compliance with Temecula Municipal Code Section 8.12.120, notice of the hearing was provided to the property owners at least five days in advance of the hearing. The Notice of Public Hearing was also printed in the Press Enterprise on January 16, 2025.

Following the public hearing, the City Council must adopt a resolution imposing the costs for the 2025-2026 fiscal year which:

1. Confirms the costs incurred by the City in performing the work to abate the public nuisance.
2. Provides that the actual abatement costs will become a special assessment upon the parcels, and upon recordation, in the amount of the costs shown on the attached Exhibit A.
3. Provides that the resolution will be transmitted to the Riverside County Treasurer-Tax Collector so the amounts of the assessment can be entered upon the parcels as they appear on the assessment rolls and the costs will be collected on the property tax bill.

Upon adoption of the resolution, staff will forward the adopted resolution for filing with the Riverside County Treasurer-Tax Collector and for recording with the County Recorder.

FISCAL IMPACT: The recording of these liens will enable the City to recover costs through the County's property tax collection system. The City will recover actual amounts paid out to the contractor. The City will also recover staff time.

ATTACHMENTS:

1. Resolution
2. Exhibit A – Abatement Charges for June 16, 2024 to December 13, 2024
3. Notice to Property Owner
4. Notice of Public Hearing
5. Right of Entry and Consent Agreement