

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

157B



**SUBMITTAL DATE:**  
July 21, 2008

**FROM:** County Counsel/TLMA  
Code Enforcement Department

**SUBJECT:** Order to Abate [Unapproved Grading]  
Case No.: CV 07-1174  
Subject Property: 22855 Vista Del Agua, Lake Elsinore; APN 366-250-026  
District One

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-1174 be approved;
- (2) The Chairman of the Board of Supervisors be authorized to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-1174; and
- (3) The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-1174

**BACKGROUND:**

On July 15, 2008, this Board received the Declaration of the Code Enforcement Officer in the above-referenced matter. At the conclusion of the hearing, this Board declared the unapproved grading located on the subject property to be a public nuisance. The Board ordered the property owner to abate the violative conditions on the property and directed County Counsel to prepare the Findings of Fact, Conclusion and Order to Abate.

*Tiffany N. North*  
\_\_\_\_\_  
TIFFANY N. NORTH, Deputy County Counsel  
for JOE S. RANK, 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>	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

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

BY *Tina Grande*  
\_\_\_\_\_  
Tina Grande

County Executive Office Signature

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

Consent  Policy

Consent  Policy

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WHEN RECORDED PLEASE MAIL TO:  
Tiffany N. North, Deputy County Counsel  
County of Riverside  
OFFICE OF COUNTY COUNSEL  
3535 Tenth Street, Suite 300 (Stop #1350)  
Riverside, CA 92501

[EXEMPT '6103]

**BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE**

IN RE ABATEMENT OF PUBLIC NUISANCE: )	CASE NO. CV 07-1174
[UNAPPROVED GRADING]; APN: 366-250-026, )	
22855 VISTA DEL AGUA, LAKE ELSINORE, )	FINDINGS OF FACT,
RIVERSIDE COUNTY, CALIFORNIA; DARYL )	CONCLUSIONS AND ORDER TO
PAYAN, OWNER. )	ABATE NUISANCE
)	
)	[R.C.O. Nos. 457 (RCC Title 15) and
)	725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on July 15, 2008, before the Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property described as 22855 Vista Del Agua, Lake Elsinore, Riverside County, APN: 366-250-026, and referred to hereinafter as "THE PROPERTY."

Tiffany N. North, Deputy County Counsel, appeared along with Jim Monroe, Code Enforcement Division Manager, on behalf of the Director of the Code Enforcement Department.

No one appeared on behalf of owner.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together with the attached Exhibits, evidencing the unapproved grading on THE PROPERTY as a public nuisance and violation of Riverside County Ordinance No. 457 as codified in Riverside County Code Title 15.

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**SUMMARY OF EVIDENCE**

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2           1.       Documents of record in the Riverside County Recorder's Office identify the Owner  
3 of THE PROPERTY as Daryl Payan ("OWNER").

4           2.       Documents of title indicate that other parties potentially hold a legal interest in THE  
5 PROPERTY, to wit: Coldwell Banker Home Loans, MERS, Greenpoint Mortgage Funding, Inc.,  
6 Marin Conveyancing Corp., Mortgage Electronic Registration System, Inc and NDEx West, LLC  
7 ("INTERESTED PARTIES").

8           3.       THE PROPERTY was inspected by Code Enforcement Officers on May 23, 2007,  
9 June 27, 2007, November 9, 2007, May 22, 2008, June 11, 2008 and July 15, 2008.

10          4.       During each inspection, Code Enforcement officers observed that large amounts of  
11 dirt had been moved and graded on THE PROPERTY without permits or County approval. On May  
12 23, 2007, Code Enforcement Officers determined that approximately two hundred and twenty-nine  
13 (229) cubic yards of dirt had been graded on THE PROEPRTY without requisite County approval.

14          5.       THE PROPERTY was determined to be in violation of Riverside County Ordinance  
15 No. 457 (RCC Title 15) and Board of Supervisors' Policy F-6 by the Code Enforcement Officer.

16          6.       A Notice of Noncompliance was recorded on November 27, 2007 as Document  
17 Number 2007-0712705 in the Office of the County Recorder, County of Riverside.

18          7.       On May 23, 2007, a Notice of Violation for Unapproved Grading was posted on THE  
19 PROPERTY and Administrative Citation No. A15547 was issued. On May 30, 2007, a Notice of  
20 Violation was mailed by certified mail, return receipt requested to the OWNER. On July 10, 2007, a  
21 Notice of Violation for Unapproved Grading was mailed to OWNER and INTERESTED PARTIES  
22 Coldwell Banker Home Loans, MERS, Greenpoint Mortgage Funding, Inc., Marin Conveyancing  
23 Corp., Mortgage Electronic Registration System, Inc.

24          8.       On June 10, 2008, a "Notice To Correct County Ordinance Violations and Abate  
25 Public Nuisance" providing notice of the public hearing before the Board of Supervisors was mailed  
26 by certified mail, return receipt requested, to OWNER and INTERESTED PARTIES and was posted  
27 on THE PROPERTY on June 11, 2008.

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1 days of the posting and mailing of this Order to Abate Nuisance.

2 IT IS FURTHER ORDERED that if unapproved grading on THE PROPERTY is not  
3 completely restored and remediated to in strict accordance with all Riverside County Ordinances,  
4 including but not limited to Riverside County Ordinance No. 457, within ninety (90) days of the  
5 posting and mailing of this Order to Abate Nuisance, the unapproved grading shall be abated by  
6 representatives of the Riverside County Code Enforcement Department, a County approved  
7 contractor, or the Sheriff's Department upon receipt of the owner's consent or a Court Order, where  
8 necessary, under, applicable law authorizing entry onto THE PROPERTY, to reclaim and restore the  
9 unapproved grading so as to prevent offsite drainage and slope erosion.

10 IT IS FURTHER ORDERED that a five (5) year hold on building permits and land use  
11 approvals be placed on THE PROPERTY pursuant to Riverside County Ordinance No. 457.  
12 Only upon restoration of THE PROPERTY and payment of all abatement costs, will the five year  
13 hold on the issuance of building permits and land use approvals will be released.

14 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
15 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
16 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
17 County Ordinance Nos. 457 and 725. Under Riverside County Ordinance 725, "abatement costs"  
18 means "any costs or expenses reasonably related to the abatement of conditions which violate County  
19 Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation, collection  
20 and administrative costs, attorneys fees, and the costs associated with the removal or correction of  
21 the violation." Reasonable abatement costs accrued by the Code Enforcement Department will be

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1 recoverable from the property owner(s) even if THE PROPERTY is brought into compliance within  
2 ninety (90) days of the date of this Order to Abate Nuisance.

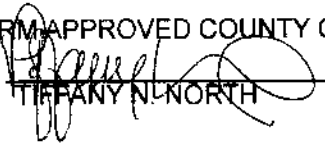
3 Dated: \_\_\_\_\_

COUNTY OF RIVERSIDE

4  
5 By \_\_\_\_\_  
6 Roy Wilson, Chairman  
7 Board of Supervisors

8 ATTEST:  
9 NANCY ROMERO  
10 Clerk to the Board

11 By  
12 Deputy  
13 (SEAL)  
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24 FORM APPROVED COUNTY COUNSEL  
25 BY:  7/21/08  
26 TTIFFANY N. NORTH

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