

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

624B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
March 9, 2009

SUBJECT: Order to Abate [Grading Without a Permit]
Case No.: CV 07-9672
Subject Property: 2 Parcels Southwest of 35661 Avenida La Cresta, Murrieta;
APN 930-150-008; District One

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-9672 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 07-9672; 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 07-9672.

BACKGROUND:

On March 3, 2009, 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 illegal 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.

[Signature]

JULIE A.K. JARVI, Deputy County Counsel
for PAMELA J. WALLS, County Counsel

FINANCIAL DATA	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

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

C.E.O. RECOMMENDATION:

APPROVE

BY: *[Signature]*
Tina Grande

County Executive Office Signature

Policy

Consent

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

APPROVED BY: [Signature]
DATE: 03/12/09

Prev. Agn. Ref.: 03/03/09; 9.3 | District: 1 | Agenda Number:

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WHEN RECORDED PLEASE MAIL TO:
Julie A.K. Jarvi, 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 07-9672
[UNAPPROVED GRADING]; APN: 930-150-008,)	
TWO PARCELS SOUTHWEST OF 35661)	FINDINGS OF FACT,
AVENIDA LA CRESTA, MURRIETA,)	CONCLUSIONS AND ORDER TO
RIVERSIDE COUNTY, CALIFORNIA;)	ABATE NUISANCE
SEASONS WEST, OWNER.)	
_____)	[R.C.O. Nos. 457 (RCC Title 15) and
	725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on March 3, 2009, 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 Two Parcels Southwest of 35661 Avenida La Cresta, Murrieta, Riverside County, APN: 930-150-008, and referred to hereinafter as "THE PROPERTY."

Alexandra Fong, Deputy County Counsel, appeared along with Hector Viray, Senior Code Enforcement Officer, 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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1 **SUMMARY OF EVIDENCE**

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

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to wit: Cresta-Frankel, LLC, Cresta-Myer, LLC, Community National Bank and La
6 Cresta Property Owner's Association.

7 3. THE PROPERTY was inspected by Code Enforcement Officers on November 15,
8 2007, February 4, 2008, April 28, 2008, August 14, 2008, October 9, 2008, November 5, 2008,
9 February 9, 2009 and February 28, 2009.

10 4. During each inspection, a large pad and slopes had been graded on THE PROPERTY
11 without permits.

12 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
13 No. 457 (RCC Title 15) by the Code Enforcement Officer.

14 6. A Notice of Noncompliance was recorded on December 26, 2007 as Document
15 Number 2007-0765121 in the Office of the County Recorder, County of Riverside.

16 7. On November 15, 2007, a Notice of Violation for Unapproved Grading was posted on
17 THE PROPERTY. On March 27, 2008, a Notice of Violation was mailed by certified mail, return
18 receipt requested to the OWNER and INTERESTED PARTY, Community National Bank. On June
19 26, 2008, a Notice of Violation for Unapproved Grading was mailed by certified mail, return receipt
20 requested to INTERESTED PARTIES, Cresta-Frankel, LLC, Cresta-Myer, LLC and La Cresta
21 Property Owner's Association.

22 8. On February 5, 2009, a "Notice to Correct County Ordinance Violations and Abate
23 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on March 3,
24 2009 was mailed by certified mail, return receipt requested, to OWNER and INTERESTED
25 PARTIES and was posted on THE PROPERTY on February 9, 2009.

26 **FINDINGS AND CONCLUSIONS**

27 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
28 regular session assembled on March 3, 2009 finds and concludes that:

1 the Sheriff's Department upon receipt of the owner's consent or a Court Order, where necessary,
2 under, applicable law authorizing entry onto THE PROPERTY.

3 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
4 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
5 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
6 County Ordinance Nos. 457 and 725. Under Riverside County Ordinance 725, "abatement costs"
7 means "any costs or expenses reasonably related to the abatement of conditions which violate County
8 Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation, collection
9 and administrative costs, attorneys fees, and the costs associated with the removal or correction of
10 the violation." Reasonable abatement costs accrued by the Code Enforcement Department will be
11 recoverable from the property owner(s) even if THE PROPERTY is brought into compliance within
12 ninety (90) days of the date of this Order to Abate Nuisance.

13 Dated: _____

COUNTY OF RIVERSIDE

14
15 By _____
16 Jeff Stone, Chairman
17 Board of Supervisors

18 ATTEST:

19 NANCY ROMERO

20 Clerk to the Board

21 By

22 Deputy

23 (SEAL)

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FORM APPROVED COUNTY COUNSEL

BY: JULIE A. KOONS JARVI 3/9/09
DATE