

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

929 B



**SUBMITTAL DATE:**  
March 23, 2009

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


**SUBJECT:** Order to Abate [Grading Without a Permit]  
Case No.: CV 07-9105  
Subject Property: 42596 De Portola Road, Temecula; APN 924-120-027  
District Three

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-9105 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 07-9105; 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 07-9105.

**BACKGROUND:**

On March 17, 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.

  
\_\_\_\_\_  
JULIE A.K. JARVI, Deputy County Counsel  
for CAMELA J. WALLS, County Counsel

(Continued)

<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:**

**County Executive Office Signature**

- Policy
- Policy
- Consent
- Consent

Dept Recomm.:  
Per Exec. Ofc.:

Prev. Agn. Ref.: 03/17/09; 9.2 | District: 3 | Agenda Number: **2.14**

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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 07-9105
[UNAPPROVED GRADING]; APN: 924-120-027,	)	
42596 DE PORTOLA ROAD, TEMECULA,	)	FINDINGS OF FACT,
RIVERSIDE COUNTY, CALIFORNIA;	)	CONCLUSIONS AND ORDER TO
RICHARD CHAVEZ AND IMELDA CHAVEZ,	)	ABATE NUISANCE
OWNERS.	)	
	)	[R.C.O. Nos. 457 (RCC Title 15) and
	)	725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on March 17, 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 42596 De Portola Road, Temecula, Riverside County, APN: 924-120-027, and referred to hereinafter as "THE PROPERTY."

Elena Boeva, Deputy County Counsel, appeared along with Hector Viray, Senior Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

Owner Richard Chavez appeared but did not address the Board of Supervisors.

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 Owners  
3 of THE PROPERTY as Richard Chavez and Imelda Chavez ("OWNERS").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE  
5 PROPERTY, to wit: Merit Mortgage Services, Inc., Mortgage Electronic Registration Systems, Inc.,  
6 PNC Bank, United General Title Insurance, TOP/West End, Inc., and Internal Revenue Service.

7 3. THE PROPERTY was inspected by Code Enforcement Officers on October 31, 2007,  
8 June 3, 2008, June 26, 2008, November 25, 2008 and March 3, 2009.

9 4. Each inspection revealed imported fill dirt and a graded pad on THE PROPERTY  
10 without permits.

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

13 6. A Notice of Noncompliance was recorded on November 21, 2007 as Document  
14 Number 2007-0709586 in the Office of the County Recorder, County of Riverside.

15 7. On October 31, 2007, a Notice of Violation for Unapproved Grading was posted on  
16 THE PROPERTY. On November 7, 2007, a Notice of Violation was mailed by certified mail, return  
17 receipt requested to the OWNERS. On May 8, 2008, a Notice of Violation was mailed by certified  
18 mail, return receipt requested to OWNERS and INTERESTED PARTIES.

19 8. On February 27, 2009, a "Notice to Correct County Ordinance Violations and Abate  
20 Public Nuisance" providing notice of the public hearing before the Board of Supervisors was mailed  
21 by certified mail, return receipt requested, to OWNERS and INTERESTED PARTIES and on March  
22 3, 2009 to was posted on THE PROPERTY.

23 **FINDINGS AND CONCLUSIONS**

24 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
25 regular session assembled on March 17, 2009 finds and concludes that:

26 1. WHEREAS, the unapproved grading on the real property located at 42596 De Portola  
27 Road, Temecula, Riverside County, California, also identified as Assessor's Parcel Number 924-120-  
28 027 violates Riverside County Ordinance No. 457 and constitutes a public nuisance and attractive



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

10 Dated: \_\_\_\_\_

COUNTY OF RIVERSIDE

11  
12 By \_\_\_\_\_  
13 Jeff Stone, Chairman  
14 Board of Supervisors

15 ATTEST:  
16 NANCY ROMERO  
17 Clerk to the Board

18 By  
19 Deputy  
20 (SEAL)

FORM APPROVED COUNTY COUNSEL  
BY: Julie A. Koons Jarvi 3/23/09  
JULIE A. KOONS JARVI DATE