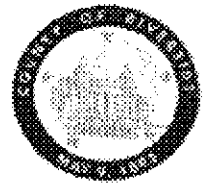


**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

407 B



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

**SUBMITTAL DATE:**  
April 20, 2009

**SUBJECT:** Order to Abate [Excess Outside Storage]; LESMEISTER  
Case No.: CV 08-04437

Subject Property: 34554 Madera Del Playa, Temecula; APN: 951-140-014  
District Three

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-04437 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 08-04437, 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 08-04437.

**BACKGROUND:**

On April 14, 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 excess outside storage on the subject property to be a public nuisance. The Board ordered the property owners to abate the violative conditions on the property and directed County Counsel to prepare the Findings of Fact, Conclusion and Order to Abate.

*Elena M. Boeva*

\_\_\_\_\_  
ELENA M. BOEVA, Deputy County Counsel  
for PAMELA J. WALLS, 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>	<b>Positions To Be Deleted Per A-30</b>	<input type="checkbox"/>
	<b>Requires 4/5 Vote</b>	<input type="checkbox"/>

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

APPROVE

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

County Executive Office Signature

Policy  Policy

Consent  Consent

Dept's Recomm.:  
Per Exec. Ofc.:

Prev. Agn. Ref.: 04/14/09; 9.3

District: 3

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: [EXCESSIVE OUTSIDE STORAGE]; APN 951- 140-014, 34554 MADERA DEL PLAYA, TEMECULA, RIVERSIDE COUNTY, CALIFORNIA; MONTY JOHN LESMEISTER AND MARY LESMEISTER, OWNERS.	)	CASE NO. CV 08-04437
	)	FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE
	)	[R.C.O. Nos.348 and 725 R.C.C. Title 17 and 1]

The above-captioned matter came on regularly for hearing on April 14, 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 34554 Madera Del Playa, Temecula, Riverside County, APN: 951-140-014 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 owners.

The Board of Supervisors received the Declaration of the Code Enforcement Officer, together with attached Exhibits, evidencing the excessive storage of materials on THE PROPERTY as violations of Riverside County Ordinance No. 348 (Riverside County Code Title 17), and as a public nuisance.

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1 premises should abate the condition by removing and disposing of the excess outside storage of materials  
2 from the subject real property in strict accordance with all Riverside County Ordinances, including but not  
3 limited to Riverside County Ordinance No. 348 within ninety (90) days of the posting or mailing of this  
4 order.

5 3. WHEREAS, THE OWNERS ARE HEREBY FUTHER NOTICED that the time within  
6 which judicial review of the administrative determinations made herein must be sought is ninety (90) days  
7 from the posting and mailing of the Findings of Fact, Conclusions and Order To Abate Nuisance, and is  
8 governed by California Code of Civil Procedure Section 1094.6.

9 **ORDER TO ABATE NUISANCE**

10 IT IS THEREFORE ORDERED that the excess outside storage of materials on THE PROPERTY  
11 be abated by the OWNERS or anyone having possession or control of THE PROPERTY, by removing  
12 and disposing of the outside excess storage of materials from the subject real property in strict accordance  
13 with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 348  
14 within ninety (90) days of the posting or mailing of this order.

15 IT IS FURTHER ORDERED that if the materials are not removed and disposed of in strict  
16 accordance with all Riverside County Ordinances, including but not limited to Riverside County  
17 Ordinance No. 348, within ninety (90) days of the date of this Order, the excess outside storage of  
18 materials shall be abated by representatives of the Riverside County Code Enforcement Department, a  
19 contractor or the Sheriff's Department upon receipt of an owner's consent or a Court Order when  
20 necessary under applicable law.

21 It is further ordered that reasonable abatement costs, after notice and opportunity for hearing, shall  
22 be imposed as a lien on the property, which may be collected as a special assessment against the property  
23 pursuant to Government Code section 25845 and Riverside County Ordinance nos. 457, 348, 541, and  
24 725. Under Riverside County Ordinance 725, "abatement costs" means "any costs or expenses reasonably  
25 related to the abatement of conditions which violate County Land Use Ordinances, and shall include, but  
26 not be limited to, enforcement, investigation, collection and administrative costs, attorneys fees, and the  
27 costs associated with the removal or correction of the violation." Reasonable abatement costs accrued by

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

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4  
5 Dated: \_\_\_\_\_

COUNTY OF RIVERSIDE

6  
7 By \_\_\_\_\_  
8 Jeff Stone  
9 Chairman, Board of Supervisors

10 ATTEST:

11 KECIA HARPER-IHEM

12 Clerk to the Board

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14  
15 By  
16 Deputy  
17 (SEAL)

18  
19  
20  
21  
22 FORM APPROVED COUNTY COUNSEL

23 BY: *Elena M. Boeva* 4-15-09  
ELENA M. BOEVA DATE