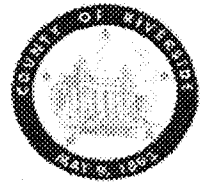


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

214B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
March 4, 2010

SUBJECT: Order to Abate [Grading and Construction Without Permits]
Case Nos.: CV 07-7450 & CV 06-0356 (ADAMS)
Subject Property: 33171 Madera De Playa, Temecula; APN: 951-080-032
District Three

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 07-7450 & CV 06-0356 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 Nos. CV 07-7450 & CV 06-0356; and
- (3) The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 07-7450 & CV 06-0356.

BACKGROUND:

On February 9, 2010, 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 and construction without a permit 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 JARVI, Deputy County Counsel
for PAMELA J. WALLS, County Counsel

(Continued)

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:
Tina Grande

County Executive Office Signature

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

Policy Consent

1 RECORDING REQUESTED BY:
Kecia Harper-Ihem, Clerk of the
2 Board of Supervisors
(Stop #1010)
3
4

5 WHEN RECORDED PLEASE MAIL TO:
Julie Jarvi, Deputy County Counsel
6 County of Riverside
OFFICE OF COUNTY COUNSEL
7 3960 Orange Street, Fifth Floor (Stop #1350)
Riverside, CA 92501

[EXEMPT '6103]

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10 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NOS. CV 07-7450 and
12 [UNAPPROVED GRADING AND) CV 06-0356
CONSTRUCTION WITH A PERMIT]; APN: 951-)
13 080-032, 33171 MADERA DE PLAYA,) FINDINGS OF FACT,
TEMECULA, RIVERSIDE COUNTY,) CONCLUSIONS AND ORDER TO
14 CALIFORNIA; NATHANAEL WILLIAM) ABATE NUISANCE
ADAMS, OWNER.)
15) [R.C.O. Nos. 457 (RCC Title 15) and
16) 725 (RCC Title 1)]

17 The above-captioned matter came on regularly for hearing on February 9, 2010, before the
18 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
19 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
20 property described as 33171 Madera De Playa, Temecula, Riverside County, APN: 951-080-032, and
21 referred to hereinafter as "THE PROPERTY."

22 Julie Jarvi, Deputy County Counsel, appeared along with Brian Black, Supervising Code
23 Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

24 Owner did not appear.

25 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
26 with the attached Exhibits, evidencing the unapproved grading and construction without a permit on
27 THE PROPERTY as a public nuisance and violation of Riverside County Ordinance No. 457 as
28 codified in Riverside County Code Title 15.

1 **SUMMARY OF EVIDENCE**

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

4 2. Documents of title indicate that other parties may potentially hold a legal interest in
5 THE PROPERTY, to wit: MERS and First Magnus Financial Corp., ("INTERESTED PARTIES").

6 3. THE PROPERTY was inspected by Code Enforcement Officers on December 19,
7 2007, February 6, 2008, April 24, 2008, December 16, 2008, December 19, 2008, April 27, 2009 and
8 January 30, 2010.

9 4. During each inspection, grading which deviated from the natural topography, and an
10 illegal foam pit structure were observed on THE PROPERTY without the required 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. Notices of Noncompliance were recorded on January 17, 2008, as Document Numbers
14 2008-0026340 and 2008-0026336 in the Office of the County Recorder, County of Riverside.

15 7. On December 19, 2007, Notices of Violation for Unapproved Grading and
16 Construction without Permits were posted on THE PROPERTY. On January 16, 2008, Notices of
17 Violation were mailed by certified mail, return receipt requested to OWNER and INTERESTED
18 PARTIES.

19 8. On April 23, 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 to OWNER AND INTERESTED PARTIES and on April 27, 2009, was posted on THE
22 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 February 9, 2010, finds and concludes that:

26 1. WHEREAS, the unapproved grading and construction without a permit on the real
27 property located at 33171 Madera De Playa, Temecula, Riverside County, California, also identified
28 as Assessor's Parcel Number 951-080-032 violates Riverside County Ordinance No. 457 and

1 constitutes a public and attractive nuisance.

2 2. WHEREAS, THE OWNER, occupants and any person having possession or control
3 of THE PROPERTY should abate the illegal grading condition by restoring THE PROPERTY to the
4 satisfaction of the Department of Building and Safety so as to prevent offsite drainage and slope
5 erosion in strict accordance with all Riverside County Ordinances, including but not limited to
6 Riverside County Ordinance No. 457, within ninety (90) days.

7 3. WHEREAS, THE OWNER, occupants and any person having possession or control
8 of THE PROPERTY should abate the illegal construction by demolishing the unpermitted foam pit
9 structure and removing and disposing of all structural debris, or alternatively, expeditiously applying
10 for and obtaining a finalized construction permit, to abate the public nuisance and bring THE
11 PROPERTY into compliance with Riverside County Ordinance No. 457 (RCC Title 15), Health and
12 Safety and Uniform Housing Administrative and Abatement of Dangerous Buildings Codes, within
13 ninety (90) days.

14 4. WHEREAS, THE OWNER IS HEREBY FURTHER NOTICED that a five (5) year
15 hold on the issuance of building permits and land use approvals may be placed on THE PROPERTY.
16 Upon restoration of the property and payment of the lien the five (5) year hold on the building permit
17 issuance and land use approvals will be released.

18 5. WHEREAS, THE OWNER IS HEREBY FURTHER NOTICED that the time within
19 which judicial review of the administrative determinations made herein must be sought is ninety (90)
20 days from the posting and mailing of the Findings of Fact, Conclusions and Order To Abate Nuisance,
21 and is governed by California Code of Civil Procedure Section 1094.6.

22 **ORDER TO ABATE NUISANCE**

23 IT IS THEREFORE ORDERED that the unapproved grading and construction without a
24 permit on THE PROPERTY located 33171 Madera De Playa, Temecula, Riverside County,
25 California, also identified as Assessor's Parcel Number 951-080-032 be abated by the OWNER, and
26 anyone having possession or control of THE PROPERTY, by restoring THE PROPERTY to the
27 satisfaction of the Department of Building and Safety so as to prevent offsite drainage and slope
28 erosion and remove or permit the illegal foam pit structure in strict accordance with all Riverside

1 County Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety
2 (90) days of the posting and mailing of this Order to Abate Nuisance.

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

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

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1 violation." Reasonable abatement costs accrued by the Code Enforcement Department will be
2 recoverable from the property owner(s) even if THE PROPERTY is brought into compliance within
3 ninety (90) days of the date of this Order to Abate Nuisance.

4 Dated: _____

COUNTY OF RIVERSIDE

6 By _____
7 Marion Ashley
8 Chairman, Board of Supervisors

9 ATTEST:

10 KECIA HARPER-IHEM

11 Clerk to the Board

12 By

13 Deputy

14 (SEAL)

FORM APPROVED COUNTY COUNSEL
BY *[Signature]* 2/17/10 DATE
JULIE A KOONS JARVI

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