

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

713B



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

**SUBMITTAL DATE:**  
November 17, 2010

**SUBJECT:** Order to Abate [Grading Without a Permit]  
Case No. : CV 07-1836 (SMILEVSKI)  
Subject Property: 44081 Sandstone, Aguanga, APN: 583-260-029  
District: 3

**RECOMMENDED MOTION:** Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-1836 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 07-1836; 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 07-1836.

Departmental Concurrence

(Continued)

L. ALEXANDRA FONG, 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>	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

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

BY: Jennifer L. Sargent

County Executive Office Signature

- Policy
- Policy
- Consent
- Consent

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

Abatement of Public Nuisance  
Case No. CV 07-1836; SMILEVSKI  
44081 Sandstone, Aguanga  
Page 2

**BACKGROUND:**

On October 19, 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 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 Findings of Fact, Conclusions and Order to Abate.

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

5 WHEN RECORDED PLEASE MAIL TO:  
L. Alexandra Fong, 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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9  
10 **BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE**

11 IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 07-1836  
12 [UNAPPROVED GRADING]; APN: 583-260-029, )  
44081 SANDSTONE, AGUANGA, RIVERSIDE )  
13 COUNTY, CALIFORNIA; TRIFUN SMILEVSKI ) FINDINGS OF FACT,  
AND SLAVJANKA SMILEVSKI, OWNERS. ) CONCLUSIONS AND ORDER TO  
14 ) ABATE NUISANCE  
15 ) [R.C.O. Nos. 457 (RCC Title 15) and  
725 (RCC Title 1)]

16 The above-captioned matter came on regularly for hearing on October 19, 2010, before the  
17 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor  
18 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real  
19 property described as 44081 Sandstone, Aguanga, Riverside County, APN: 583-260-029, and  
20 referred to hereinafter as "THE PROPERTY."

21 Patricia Munroe, Deputy County Counsel, appeared along with Brian Black, Supervising  
22 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

23 No one appeared on behalf of Owners.

24 The Board of Supervisors received the Declaration of the Code Enforcement Officer together  
25 with the attached Exhibits, evidencing the unapproved grading on THE PROPERTY as a public  
26 nuisance and violation of Riverside County Ordinance No. 457 as codified in Riverside County Code  
27 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 Owners of  
3 THE PROPERTY as Trifun Smilevski and Slavjanka Smilevski ("OWNERS").

4           2.       Documents of title indicate that one other party may potentially hold a legal interest in  
5 THE PROPERTY, to wit: EOS Institute ("INTERESTED PARTY").

6           3.       THE PROPERTY was inspected by Code Enforcement Officers on December 5,  
7 2007, March 4, 2009, July 8, 2009, October 26, 2009, March 18, 2010, April 7, 2010, June 11, 2010,  
8 June 25, 2010 and October 18, 2010.

9           4.       During each inspection, grading was observed on THE PROPERTY without permits  
10 and which deviated from the natural topography.

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 February 4, 2010 as Document Number  
14 2010-0051617 in the Office of the County Recorder, County of Riverside.

15           7.       On December 5, 2007, a Notice of Violation for Unapproved Grading was posted on  
16 THE PROPERTY. On April 6, 2009, a Notice of Violation was mailed by certified mail, return  
17 receipt requested to OWNERS and INTERESTED PARTY.

18           8.       On June 10, 2010, a "Notice to Correct County Ordinance Violations and Abate  
19 Public Nuisance" providing notice of the public hearing on June 29, 2010, before the Board of  
20 Supervisors was mailed by certified mail, return receipt requested, to OWNERS and INTERESTED  
21 PARTY and on June 11, 2010 was posted on THE PROPERTY.

22           9.       On June 30, 2010, a Continuation Notice to Correct County Ordinance Violations and  
23 Abate Public Nuisance" providing notice of the rescheduled public hearing on July 13, 2010 was  
24 mailed to OWNERS and INTERESTED PARTY by certified mail, return receipt requested and was  
25 posted on THE PROPERTY on July 2, 2010.

26           10.      On July 15, 2010, a "Continuation Notice to Correct County Ordinance Violations and  
27 Abate Public Nuisance" providing notice of the rescheduled public hearing on October 19, 2010 was  
28 mailed to OWNERS and INTERESTED PARTY by certified mail, return receipt requested and was

1 posted on THE PROPERTY on July 20, 2010.

2 **FINDINGS AND CONCLUSIONS**

3 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
4 regular session assembled on October 19, 2010 finds and concludes that:

5 1. WHEREAS, the unapproved grading on the real property located at 44081 Sandstone,  
6 Aguanga, Riverside County, California, also identified as Assessor's Parcel Number 583-260-029  
7 violates Riverside County Ordinance No. 457 and constitutes a public nuisance and attractive  
8 nuisance.

9 2. WHEREAS, THE OWNERS, occupants and any person having possession or control  
10 of THE PROPERTY shall abate the condition by restoring THE PROPERTY to the satisfaction of  
11 the Department of Building and Safety so as to prevent offsite drainage and slope erosion in strict  
12 accordance with all Riverside County Ordinances, including but not limited to Riverside County  
13 Ordinance No. 457, within ninety (90) days.

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

18 4. WHEREAS, THE OWNERS ARE HEREBY FURTHER NOTICED that the time  
19 within which judicial review of the administrative determinations made herein must be sought is ninety  
20 (90) days from the posting and mailing of the Findings of Fact, Conclusions and Order To Abate  
21 Nuisance, 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 on THE PROPERTY located  
24 44081 Sandstone, Aguanga, Riverside County, California, also identified as Assessor's Parcel Number  
25 583-260-029 be abated by the OWNERS, and anyone having possession or control of THE  
26 PROPERTY, by restoring THE PROPERTY to the satisfaction of the Department of Building and  
27 Safety so as to prevent offsite drainage and slope erosion in strict accordance with all Riverside  
28 County Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety

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

10 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
11 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
12 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
13 County Ordinance Nos. 457 and 725. Under Riverside County Ordinance 725, "abatement costs"  
14 means "any costs or expenses reasonably related to the abatement of conditions which violate County  
15 Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation, collection  
16 and administrative costs, attorneys fees, and the costs associated with the removal or correction of the  
17 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  
2 within ninety (90) days of the date of this Order to Abate Nuisance.

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

COUNTY OF RIVERSIDE

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By \_\_\_\_\_  
Marion Ashley  
Chairman, Board of Supervisors

ATTEST:  
KECIA HARPER-IHEM  
Clerk to the Board

By \_\_\_\_\_  
Deputy  
(SEAL)

FORM APPROVED COUNTY COUNSEL  
BY: Alexandra Fong 11/1/10 DATE  
L. ALEXANDRA FONG