

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

404B



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

**SUBMITTAL DATE:**  
April 5, 2012

**SUBJECT:** Order to Abate [Grading Without a Permit]  
Case No. : CV10-02403 [HEMET MADISON COURT c/o WEILAND DEV]  
Subject Property: 27013 Madison Court, Hemet; APN:451-260-032  
District: 3/3

**RECOMMENDED MOTION:** Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-02403 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 10-02403; 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 10-02403.

(Continued)

*[Signature]*  
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: *[Signature]*  
Tina Grande

County Executive Office Signature

- Consent
- Policy
- Consent
- Policy

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

Departmental Concurrence

Abatement of Public Nuisance

Case No.: CV10-02403 [HEMET MADISON COURT c/o WEILAND DEV]

27013 Madison Court, Hemet

APN#451-260-032

District 3/3

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**BACKGROUND:**

On March 20, 2012, 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:  
Patricia Munroe, Deputy County Counsel  
6 County of Riverside  
OFFICE OF COUNTY COUNSEL  
7 3960 Orange Street, Suite 500 (Stop #1350)  
Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

8  
9  
10 **BOARD OF SUPERVISORS**  
**COUNTY OF RIVERSIDE**

11 IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 10-02403  
12 [UNAPPROVED GRADING]; APN: 451-260-032, )  
27013 MADISON COURT, HEMET, RIVERSIDE )  
13 COUNTY, CALIFORNIA; HEMET MADISON ) FINDINGS OF FACT,  
COURT C/O WEILAND DEVELOPMENT, ) CONCLUSIONS AND ORDER TO  
14 OWNER. ) ABATE NUISANCE  
15 ) R.C.O. Nos. 457 and 725

16 The above-captioned matter came on regularly for hearing on March 20, 2012, 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 27013 Madison Court, Hemet, Riverside County, APN: 451-260-032, and  
20 referred to hereinafter as "THE PROPERTY."

21 L. Alexandra Fong, Deputy County Counsel, appeared along with Stacy Baumgartner, Code  
22 Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

23 No one appeared on behalf of Owner.

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.

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28 ///

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the Owner  
3 of THE PROPERTY as Hemet Madison Court c/o Weiland Development ("OWNER").

4 2. Documents of title indicate that another party may potentially hold a legal interest in  
5 THE PROPERTY, to wit: First Citizens Bank and Trust Company ("INTERESTED PARTY").

6 3. THE PROPERTY was inspected by Code Enforcement Officers on March 25, 2010,  
7 May 28, 2010, July 7, 2010, September 30, 2010, November 10, 2010, January 13, 2011, May 3,  
8 2011, July 19, 2011, August 4, 2011, October 6, 2011, January 25, 2012 and March 15, 2012.

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 by the Code Enforcement Officer.

13 6. A Notice of Noncompliance was recorded on April 7, 2010 as Document Number  
14 2010-0157428 in the Office of the County Recorder, County of Riverside.

15 7. On March 25, 2010, a Notice of Violation for Unapproved Grading was posted on  
16 THE PROPERTY. On March 30, 2010, a Notice of Violation was mailed by certified mail, return  
17 receipt requested to OWNER and on May 12, 2011 was mailed to INTERESTED PARTY.

18 8. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance"  
19 providing notice of the public hearing before the Board of Supervisors was mailed to OWNER and  
20 INTERESTED PARTY and was posted on THE PROPERTY.

21 **FINDINGS AND CONCLUSIONS**

22 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
23 regular session assembled on March 20, 2012, finds and concludes that:

24 1. WHEREAS, the unapproved grading on the real property located at 27013 Madison  
25 Court, Hemet, Riverside County, California, also identified as Assessor's Parcel Number 451-260-  
26 032 violates Riverside County Ordinance No. 457 and constitutes a public nuisance and attractive  
27 nuisance.

28 2. WHEREAS, the OWNER, occupants and any person having possession or control of

1 THE PROPERTY shall abate the condition by restoring THE PROPERTY to the satisfaction of the  
2 Department of Building and Safety so as to prevent offsite drainage and slope erosion in strict  
3 accordance with all Riverside County Ordinances, including but not limited to Riverside County  
4 Ordinance No. 457, within ninety (90) days.

5 3. WHEREAS, the OWNER IS HEREBY FURTHER NOTICED that a five (5) year  
6 hold on the issuance of building permits and land use approvals may be placed on THE  
7 PROPERTY. Upon restoration of the property and payment of the lien, the five (5) year hold on the  
8 building permit issuance and land use approvals may be released.

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

13 **ORDER TO ABATE NUISANCE**

14 IT IS THEREFORE ORDERED that the unapproved grading on THE PROPERTY located  
15 at 27013 Madison Court, Hemet, Riverside County, California, also identified as Assessor's Parcel  
16 Number 451-260-032 be abated by the OWNER, and anyone having possession or control of THE  
17 PROPERTY, by restoring THE PROPERTY to the satisfaction of the Department of Building and  
18 Safety so as to prevent offsite drainage and slope erosion in strict accordance with all Riverside  
19 County Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety  
20 (90) days of the posting and mailing of this Order to Abate Nuisance.

21 IT IS FURTHER ORDERED that if unapproved grading on THE PROPERTY is not restored  
22 to the satisfaction of the Department of Building and Safety so as to prevent offsite drainage and  
23 slope erosion in strict accordance with all Riverside County Ordinances, including but not limited to  
24 Riverside County Ordinance No. 457, within ninety (90) days of the posting and mailing of this  
25 Order to Abate Nuisance, the unapproved grading may be abated by representatives of the Riverside  
26 County Code Enforcement Department, a contractor, or the Sheriff's Department upon receipt of the  
27 owner's consent or a Court Order, where necessary, under applicable law authorizing entry onto THE  
28 PROPERTY.

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

11 Dated: \_\_\_\_\_ COUNTY OF RIVERSIDE  
12  
13 By \_\_\_\_\_  
14 John F. Tavaglione  
15 Chairman, Board of Supervisors

14 ATTEST:  
15 KECIA HARPER-IHEM  
16 Clerk to the Board

19 By  
20 Deputy  
21 (SEAL)

23 FORM APPROVED COUNTY COUNSEL  
24 BY: ALAY 3/28/12  
25 L. ALEXANDRA FONG DATE

Date of Hearing: 3/20/12 Item No. 9. 2

Deputy County Counsel: Patricia Munroe LAF

Code Enforcement Officer: ~~Brian Black, Supervising Code Enforcement Officer~~ Stacy Baumgartner,

Did PO Appear? Yes / (No) If yes, did they address BOS? Yes / (No)

Date of last inspection: 3/15/12

Other:

Senior CEO  
Stacy III

Date of Hearing: Item No. 9.

Deputy County Counsel: Patricia Munroe

Code Enforcement Officer: Brian Black, Supervising Code Enforcement Officer

Did PO Appear? Yes / No If yes, did they address BOS? Yes / No

Date of last inspection:

Other:

Date of Hearing: Item No. 9.

Deputy County Counsel: Patricia Munroe

Code Enforcement Officer: Brian Black, Supervising Code Enforcement Officer

Did PO Appear? Yes / No If yes, did they address BOS? Yes / No

Date of last inspection:

Other:

5/3/11 10/4/11  
7/19/11 1/25/12  
8/4/11 3/15/12