

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



706B

FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
August 16, 2012

SUBJECT: Order to Abate [Construction Without Permits; Land Use Violation & Grading]
Case Nos. : CV06-4143, CV08-04980, CV08-04985, CV08-04986,
CV08-05344, CV08-04982, CV08-04983 & CV08-04984
Subject Properties: 50770, 50990, 50950 and 50960 Seminole Drive, Cabazon
APNS: 519-180-021, 519-190-029, 519-190-037, 519-190-036; District: 5/5

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV06-4143, CV08-04980, CV 08-04985, CV08-04986, CV08-05344, CV08-04982, CV08-04983 & CV08-04984 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. CV06-4143, CV08-04980, CV 08-04985, CV08-04986, CV08-05344, CV08-04982, CV08-04983 & CV08-04984; and

[Signature]

(Continued)

PATRICIA MUNROE, Deputy County Counsel
for PAMELA J. WALLS, County Counsel

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 *[Signature]*
Tina Grande

County Executive Office Signature

- Consent
- Policy
- Consent
- Policy

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

2.5

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

Departmental Concurrence

Abatement of Public Nuisance

Case Nos.: CV06-4143, CV08-04980, CV 08-04985, CV08-04986, CV08-05344, CV08-04982, CV08-04983 & CV08-04984

50770, 50990, 50950 and 50960 Seminole Drive, Cabazon

APNS#519-180-021, 519-190-029, 519-190-037, 519-190-036

District 5/5

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3. The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case Nos. CV06-4143, CV08-04980, CV08-04985, CV08-04986, CV08-05344, CV08-04982, CV08-04983 & CV08-04984.

BACKGROUND:

On January 10, 2012, this Board received the declaration of the Code Enforcement Officer and held a hearing between the parties in the above-referenced matter. At the conclusion of the hearing, this Board declared the unpermitted structures (construction without permits), land use violation(s) and grading without permits on the subject properties 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 Findings of Fact, Conclusions and Order to Abate.

The Board made no findings as to the accumulated rubbish. The matter was removed by County Counsel from the hearing and may be heard at a later date.

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

5 WHEN RECORDED PLEASE MAIL TO:
6 Patricia Munroe, Deputy County Counsel
County of Riverside
7 OFFICE OF COUNTY COUNSEL
3960 Orange Street, Suite 500 (Stop #1350)
8 Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

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

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NOS. CV06-4143, CV08-04980,
12 [CONSTRUCTION WITHOUT PERMITS, LAND) CV08-04985, CV08-04986, CV08-
13 USE VIOLATION AND GRADING WITHOUT A) 05344, CV08-04982, CV08-04983 &
PERMIT];) CV08-04984
14 APNS: 519-180-021, 50770 SEMINOLE DRIVE,)
519-190-029, 50990 SEMINOLE DRIVE,)
15 519-190-037, 50950 SEMINOLE DRIVE,) FINDINGS OF FACT,
519-190-036; 50960 SEMINOLE DRIVE,) CONCLUSIONS AND ORDER TO
16 CABAZON, COUNTY OF RIVERSIDE, STATE) ABATE NUISANCE
OF CALIFORNIA;) R.C.O. Nos. 348, 457 and 725
17 MKA CABAZON PARTNERSHIP, LP AND)
18 CABAZON FAMILY PARTNERSHIP NO. 1)
(OWNERS); WORLD'S BIGGEST)
19 DINOSUAURS, A CALIFORNIA)
CORPORATION, DENISE KANTER AND GARY)
20 KANTER (RESPONSIBLE PARTIES).)

21 The above-captioned matter came on regularly for hearing on January 10, 2012, before the
22 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
23 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
24 properties generally described as 50770, 50990, 50950 and 50960 Seminole Drive, Cabazon, and
25 specifically identified as Assessor's Parcel Numbers 519-180-021, 519-190-029, 519-190-037 and
26 519-190-036 and collectively referred to hereinafter as "THE PROPERTY."

27 Patricia Munroe, Deputy County Counsel, appeared along with Brian Black, Supervising
28 Code Enforcement Officer and Code Enforcement Officer Stacy Baumgartner, on behalf of the

1 Director of the Code Enforcement Department. County Counsel withdrew the accumulated rubbish
2 issue from the hearing until a later date, and also stated that the action was not against World's
3 Biggest Dinosaurs, LLC.

4 Counsel for the Owners appeared and addressed the Board of Supervisors.

5 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
6 with attached Exhibits, evidencing notice, the construction without permits, land use without
7 approval and grading without permits on THE PROPERTY as violations of Riverside County
8 Ordinance Nos. 348 and 457, and also as a public nuisance.

9 **SUMMARY OF EVIDENCE**

10 1. Documents of record in the Riverside County Recorder's Office identify the owners
11 of THE PROPERTY as MKA Cabazon Partnership, LP and Cabazon Family Partnership No. 1
12 ("OWNERS") and World's Biggest Dinosaurs, a California Corporation, Denise Kanter and Gary
13 Kanter ("RESPONSIBLE PARTIES").

14 2. Documents of title indicate that other parties may potentially hold a legal interest in
15 THE PROPERTY, to wit: Westland Commercial Brokerage, Ben and Mildred Kanter,
16 Commonwealth Title Insurance Company, Conservative Real Estate Investors, LP, Seminole
17 Financial Services, LLC, and Rex Hendrix, Trustee of the Rex Hendrix, Inc. Profit Sharing Plan
18 (hereinafter collectively referred to as "INTERESTED PARTIES").

19 3. THE PROPERTY was inspected by Code Enforcement Officers on December 6,
20 2006, February 16, 2007, April 8, 2008, June 5, 2008, June 6, 2008, June 16, 2008, January 26, 2010,
21 May 11, 2011, July 1, 2011 and January 9, 2012.

22 4. During each inspection, the following violations were observed:

23 A. Land Use Without Approval. Non-compliance with conditions of approval
24 for Plot Plan ("PP") 14522, Amended No. 1 approved March 25, 1996, including no revised plot
25 plan, specifically Exhibit "A," to include the following: remodel and construction of a museum gift
26 shop, a ticket booth, facades and patio covers including, "dino dig" play area, sheds, fencing, signage
27 and landscaping in violation of RCO No. 348 (Case Nos. 08-04980, 08-04985, 08-04983).

28 ///

1 B. Construction Without Permits. Construction and additions without permits
2 includes room additions, two enclosed patios, remodel of dwelling (adding and removing doors,
3 windows and walls, additional electrical subpanels, wiring, new air conditioner, and lighting), men’s
4 and women’s restrooms, access ramps, patio covers, covered play area with attached patio cover, a
5 new water heater, new electrical to garage/storage structure, and a rock façade, in violation of RCO
6 No. 457 (Case Nos. 06-4143, 08-04986, 08-04982, 08-04984);

7 C. Grading. Fill dirt was placed on a portion of THE PROPERTY and a pathway
8 was created and bordered with palm trees and new dinosaurs. The amount of fill dirt was in excess of
9 50 cubic yards and was spread over two parcels, in violation of RCO No. 457 (Case No. 08-05344).

10 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
11 Nos. 348 and 457 by the Code Enforcement Officer.

12 6. Notices of Noncompliance against the property were recorded on November 10, 2008
13 at the Riverside County Recorder’s Office as instrument numbers 2008-0596425, 2008-0596424,
14 2008-0596426, 2008-0596423, and 2008-0596427.

15 7. On December 6, 2006 and June 16, 2008, Notices of Violation were posted on THE
16 PROPERTY and served on INTERESTED and RESPONSIBLE PARTIES.

17 8. On July 1, 2011, Notices of Violation were posted on THE PROPERTY and served
18 on INTERESTED and RESPONSIBLE PARTIES.

19 9. On July 11, 2011, July 13, 2011, July 18, 2011 and July 21, 2011, Notices of
20 Violations were mailed via certified mail to OWNERS, INTERESTED and RESPONSIBLE
21 PARTIES.

22 10. On February 3, 2009, March 26, 2009 and November 23, 2009, meetings were held
23 between RESPONSIBLE PARTIES, their attorney, and representatives of the County. During these
24 meetings the violations were explained to the RESPONSIBLE PARTIES and their attorney, as well
25 as what needed to be done to bring THE PROPERTY into compliance.

26 11. A “Notice to Correct County Ordinance Violations and Abate Public Nuisance”
27 providing notice of the public hearing before the Board of Supervisors was mailed to OWNERS,
28 INTERESTED and RESPONSIBLE PARTIES and was posted on THE PROPERTY.

1 FINDINGS AND CONCLUSIONS

2 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
3 regular session assembled on January 10, 2012, finds and concludes that:

4 1. WHEREAS, the construction without permits, grading without permits and land use
5 violations on the real properties located at 50770, 50990, 50950 and 50960 Seminole Drive,
6 Cabazon, Riverside County, California, also identified as Assessor's Parcel Numbers 519-180-021,
7 519-190-029, 519-190-037 and 519-190-036 violates Riverside County Ordinance Nos. 348 and 457
8 and constitutes a public nuisance.

9 2. WHEREAS, the current use of THE PROPERTY is beyond the scope of the original
10 Plot Plan approved under PP 14522, Amended No. 1, and must be submitted to Planning for an
11 appropriate amendment to include the proposed use and is subject to approval(s). The current use is
12 not permitted without express land use approval and the appropriate construction, landscape, grading
13 permits and approvals.

14 3. WHEREAS, the OWNERS, occupants and any person having possession or control of
15 THE PROPERTY shall abate the unpermitted construction by obtaining the required permits and
16 approvals for the significant rehabilitation and additions completed to the existing structure on site;
17 or shall abate the unpermitted construction by razing, removing and disposing of the unpermitted
18 construction, including the removal and disposal of all structural debris and materials, and contents
19 therein or by reconstruction and rehabilitation of said unpermitted construction provided that said
20 reconstruction or demolition can be accomplished in strict accordance with all Riverside County
21 Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety (90)
22 days.

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

28 5. WHEREAS, the OWNERS ARE HEREBY FURTHER NOTICED that a five (5) year

1 hold on the issuance of building permits and land use approvals may be placed on THE
2 PROPERTY. Upon restoration of the property and payment of the lien, the five (5) year hold on the
3 building permit issuance and land use approvals may be released.

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

9 **ORDER TO ABATE NUISANCE**

10 IT IS THEREFORE ORDERED that the use of THE PROPERTY as a museum, gift shop
11 and/or tourist attraction, or any other use beyond the scope of Exhibit "A" to the Conditions of
12 Approval, PP 14522. Amended No. 1, must immediately cease until express land use approval is
13 obtained as evidenced by an approved revised plot plan.

14 IT IS FURTHER ORDERED that the unpermitted structures, which includes any structure
15 without a current certificate of occupancy and/or building permit finalization, on THE PROPERTY
16 be abated by the OWNERS, or anyone having possession or control of THE PROPERTY, by razing
17 and removing the unpermitted construction including the removal and disposal of all structural debris
18 and materials, as well as the contents therein, or by reconstruction and rehabilitation of said
19 structures and additions provided such reconstruction and rehabilitation can be accomplished in strict
20 accordance with all Riverside County Ordinances, including but not limited to Riverside County
21 Ordinance No. 457 within ninety (90) days of the posting and mailing of this Order to Abate
22 Nuisance.

23 IT IS FURTHER ORDERED that if the unpermitted structures and additions are not razed,
24 removed and disposed of, or reconstructed and rehabilitated in strict accordance with all Riverside
25 County Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety
26 (90) days of the posting and mailing of this Order to Abate Nuisance, the structures and additions,
27 contents therein, and structural debris and materials, may be abated by representatives of the
28 Riverside County Code Enforcement Department, a contractor, or the Sheriff's Department upon

1 receipt of the owner's consent or a Court Order, where necessary, under applicable law authorizing
2 entry onto THE PROPERTY.

3 FURTHERMORE, the OWNERS are ordered to ascertain the existence or non-existence of
4 asbestos containing materials in said structures and additions by survey and materials sample testing
5 by a duly licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove,
6 to secure the removal of all asbestos containing materials discovered through such survey and testing
7 by contract with a duly certified and licensed contractor for the handling of such materials to avoid
8 citations and/or fines by South Coast Air Quality Management District (SCAQMD).

9 IT IS FURTHER ORDERED that the unapproved grading on THE PROPERTY be abated by
10 the OWNERS, and anyone having possession or control of THE PROPERTY, by restoring THE
11 PROPERTY to the satisfaction of the Department of Building and Safety so as to prevent offsite
12 drainage and slope erosion in strict accordance with all Riverside County Ordinances, including but
13 not limited to Riverside County Ordinance No. 457, within ninety (90) days of the posting and
14 mailing of this Order to Abate Nuisance.

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

23 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
24 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
25 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
26 County Ordinance Nos. 348, 457 and 725. Under Riverside County Ordinance No. 725, "abatement
27 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
28 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,

1 collection and administrative costs, attorneys fees, and the costs associated with the removal or
2 correction of the violation.” Reasonable abatement costs accrued by the Code Enforcement
3 Department will be recoverable from the OWNERS even if THE PROPERTY is brought into
4 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

5
6 Dated: _____

COUNTY OF RIVERSIDE

7
8 By _____
9 John F. Tavaglione
10 Chairman, Board of Supervisors

11
12
13 ATTEST:
14 KECIA HARPER-IHEM
15 Clerk to the Board

16
17 By
18 Deputy
19 (SEAL)
20

21
22
23
24 FORM APPROVED COUNTY COUNSEL
25 BY: Patricia Munroe 7/10/12
26 PATRICIA MUNROE DATE