

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

102B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
January 6, 2014

SUBJECT: Order to Abate [Construction Without Permit]; Case No. CV10-05508 [OWB REO, LLC]
Subject Property: 39625 Calle Cabernet, Temecula; APN: 943-270-002
District: 3/3 [\$0.00]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV10-05508;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV10-05508; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV10-05508.

BACKGROUND:

Summary

On December 3, 2013, this Board received the declaration of the Code Enforcement Officer in the above referenced matter and declared the construction without 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 Findings of Fact, Conclusions and Order to Abate.

Lisa Traczyk

LISA TRACZYK
Deputy County Counsel

Departmental Concurrence

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$	\$	\$	\$	Consent <input checked="" type="checkbox"/> Policy <input type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	

SOURCE OF FUNDS: _____
Budget Adjustment: _____
For Fiscal Year: _____

C.E.O. RECOMMENDATION:

APPROVE

BY *Tina Grande*

Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

- Positions Added
- Change Order
- A-30
- 4/5 Vote

Prev. Agn. Ref.: 12/03/13; 9.3 | District: 3/3 | Agenda Number:

2-9

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

5 WHEN RECORDED PLEASE MAIL TO:
6 Patricia Munroe, Deputy County Counsel
7 County of Riverside
8 OFFICE OF COUNTY COUNSEL
9 3960 Orange Street, Suite 500 (Stop #1350)
10 Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 10-05508
12 [CONSTRUCTION WITHOUT PERMIT];)
13 APN 943-270-002, 39625 CALLE CABERNET,) FINDINGS OF FACT,
14 TEMECULA, RIVERSIDE COUNTY,) CONCLUSIONS AND ORDER TO
15 CALIFORNIA; OWB REO, LLC, OWNER.) ABATE NUISANCE
16)
17) [R.C.O. Nos. 457 and 725
18)

19 The above-captioned matter came on regularly for hearing on December 3, 2013, before the
20 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
21 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
22 property described as 39625 Calle Cabernet, Temecula, Assessor's Parcel Number 943-270-002 and
23 referred to hereinafter as "THE PROPERTY."

24 Patricia Munroe, Deputy County Counsel, appeared along with Michelle Cervantes, Code
25 Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

26 Owner did not appear.

27 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
28 with attached Exhibits, evidencing the unpermitted structures on THE PROPERTY as violation of
Riverside County Ordinance ("RCO") No. 457 and as a public nuisance.

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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 owner of
3 THE PROPERTY as OWB REO, LLC (“OWNER”).

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to-wit: Rashmi and Barbara Bhatt (hereinafter collectively referred to as
6 “INTERESTED PARTIES”).

7 3. THE PROPERTY was inspected by Code Enforcement Officers on May 19, 2011,
8 March 14, 2012, April 27, 2012, March 18, 2013, September 25, 2013, November 4, 2013,
9 November 27, 2013 and December 2, 2013.

10 4. During the inspections, an unpermitted pool and retaining wall were observed on THE
11 PROPERTY.

12 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
13 No. 457 by the Code Enforcement Officer.

14 6. A Notice of Noncompliance was recorded on November 16, 2010, as Document
15 Number 2010-0553183 in the Office of the County Recorder, County of Riverside. A Notice of
16 Pendency of Administrative Proceedings was recorded in the Office of the County Recorders,
17 County of Riverside, State of California on June 4, 2012, as Instrument Number 2012-0255422.

18 7. On May 19, 2011, Notice of Violation was posted on THE PROPERTY. On June 10,
19 2011, June 6, 2012, March 21, 2013, April 17, 2013, September 24, 2013, a Notice of Violation for
20 the construction without permits was mailed to OWNER by first class mail. On March 21, 2013 and
21 April 17, 2013, a Notice of Violation for construction without permit was mailed to OWNER and
22 INTERESTED PARTIES by certified mail, return receipt requested.

23 8. A “Notice to Correct County Ordinance Violations and Abate Public Nuisance”
24 providing notice of the public hearing before the Board of Supervisors on December 3, 2013, was
25 mailed to OWNER and INTERESTED PARTIES and was posted on THE PROPERTY.

FINDINGS AND CONCLUSIONS

26
27 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
28 regular session assembled on December 3, 2013, finds and concludes that:

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

3 FURTHERMORE, the OWNER is ordered to ascertain the existence or non-existence of
4 asbestos containing materials in said structures by survey and materials sample testing by a duly
5 licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure
6 the removal of all asbestos containing materials discovered through such survey and testing by
7 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 reasonable abatement costs, after notice and opportunity
10 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
11 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
12 County Ordinance Nos. 457 and 725. Under Riverside County Ordinance No. 725, "abatement
13 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
14 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
15 collection and administrative costs, attorneys fees, and the costs associated with the removal or
16 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement

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1 Department will be recoverable from the OWNER 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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Dated: _____

COUNTY OF RIVERSIDE

By _____
John J. Benoit
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By
Deputy
(SEAL)