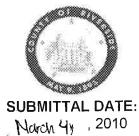
SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



FROM: County Counsel/TLMA

Code Enforcement Department

SUBJECT: Order to Abate [Grading Without a Permit]

Case No.: CV 07-5494 (LAWS)

Subject Property: 1 Parcel South of 18813 Grand Avenue, Lake Elsinore; APN: 382-400-006

District One

RECOMMENDED MOTION: Move that

The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-5494 be approved; (1)

The Chairman of the Board of Supervisors be authorized to execute the Findings of (2)Fact, Conclusions and Order to Abate in Case No. CV 07-5494; and

The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and (3) Order to Abate in Case No. CV 07-5494.

BACKGROUND:

Departmental Concurrence

On February 9, 2010, this Board received the Declaration of the Code Enforcement Officer in the abovereferenced 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 the Findings of Fact, Conclusion and Order to Abate.

JUL E JARVI, Deputy County Counsel for PAMELA J. WALLS, County Counsel (Continued) In Current Year Budget: \$ N/A N/A **Current F.Y. Total Cost: FINANCIAL** \$ N/A Budget Adjustment: N/A **Current F.Y. Net County Cost:** DATA \$ N/A For Fiscal Year: N/A **Annual Net County Cost:** Positions To Be SOURCE OF FUNDS: Deleted Per A-30 Requires 4/5 Vote C.E.O. RECOMMENDATION:

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

Tina Grand

On motion of Supervisor Buster, seconded by Supervisor Stone and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes:

Buster, Tavaglione, Stone, Benoit, and Ashley

Nays:

None

Absent:

None

Date:

March 16, 2010

XC:

Co.Co. (3), RECORDER

Prev. Agn. Ref.: 02/09/10; 9.1

District: 1

Agenda Number:

Kecia Harper-Ihem Clerk of the Board

Form 11 (Rev 06/2003)

Per Exec. Ofc.

Policy

Consent

Dep't Recomm.:

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

DOC # 2010-0121766 03/17/2010 08:00A Fee:NC Page 1 of 5 RECORDING REQUESTED BY: 1 Recorded in Official Records Kecia Harper-Ihem, Clerk of the County of Riverside Larry W. Ward 2 Board of Supervisors County Clerk & Recorder (Stop #1010) 3 4 MISC LONG RFD COPY PAGE SIZE 5 WHEN RECORDED PLEASE MAIL TO: 5 Julie Jarvi, Deputy County Counsel **PCOR** NCOR SMR NCH L 465 426 County of Riverside 6 Nob CCI CTY UNI OFFICE OF COUNTY COUNSEL 3960 Orange Street, Fifth Floor (Stop #1350) 7 [EXEMPT '6103] Riverside, CA 92501 8 9 **BOARD OF SUPERVISORS COUNTY OF RIVERSIDE** 10 11 IN RE ABATEMENT OF PUBLIC NUISANCE: CASE NO. CV 07-5494 [UNAPPROVED GRADING]; APN: 382-400-006,) 12 1 PARCEL SOUTH OF 18813 GRAND AVENUE,) FINDINGS OF FACT, CONCLUSIONS AND ORDER TO 13 LAKE ELSINORE, RIVERSIDE COUNTY, CALIFORNIA; LAWS LUNCH AND DINNER, ABATE NUISANCE 14 INC., OWNER. [R.C.O. Nos. 457 (RCC Title 15) and 15 725 (RCC Title 1)] The above-captioned matter came on regularly for hearing on February 9, 2010, before the 16 Board of Supervisors of the County of Riverside, State of Californiain the Board Room, First Floor 17 18 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real 19 property described as 1 Parcel South of 18813 Grand Avenue, Lake Elsinore, Riverside County, 20 APN: 382-400-006, and referred to hereinafter as "THE PROPERTY." 21 Julie Jarvi, Deputy County Counsel, appeared along with Brian Black, Supervising Code Enforcement Officer and Brett Farlow, Code Enforcement Officer, on behalf of the Director of the 22 23 Code Enforcement Department. 24 Owner appeared with attorney Fred Knez and engineer Edward Bonadiman, who addressed 25 the Board of Supervisors on owner's behalf. 26 The Board of Supervisors received the Declaration of the Code Enforcement Officer together 27 with the attached Exhibits, evidencing the unapproved grading and clearing on THE PROPERTY as a public nuisance and violation of Riverside County Ordinance No. 457 as codified in Riverside County 28

FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE Code Title 15. The Board of Supervisors also received the Exhibits of Property Owner, Laws Lunch & Dinner, Inc, for Hearing on February 9, 2010 in Case No: CV07-5494.

SUMMARY OF EVIDENCE

- 1. Documents of record in the Riverside County Recorder's Officeidentify the Owner of THE PROPERTY as Laws Lunch and Dinner, Inc. ("OWNER").
- 2. Documents of title indicate that other parties may potentially hold a legal interest in THE PROPERTY, to wit: Mark S. Hoenig and May Ann Hoenig, Virginia Lawrence, SBS Trust Deed Network, Escrow Chalet, Inc., and San Diego Wholesale Credit Association ("INTERESTED PARTIES").
- 3. THE PROPERTY was inspected by Code Enforcement Officers on July 3, 2007, January 4, 2008, August 26, 2008, January 16, 2009, November 13, 2009 and February 5, 2010.
- 4. During each inspection, grading was observed on THE PROPERTY without permits and which deviated from the natural topography.
- 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance No. 457 (RCC Title 15) by the Code Enforcement Officer.
- 6. A Notice of Noncompliance was recorded on August 16, 2007, as Document Number 2007-0528077 in the Office of the County Recorder, County of Riverside.
- 7. On July 3, 2007, a Notice of Violation for Unapproved Grading was posted on THE PROPERTY. On August 3, 2007, a Notice of Violation was mailed by certified mail, return receipt requested to OWNER and INTERESTED PARTIES.
- 8. On November 5, 2009, a "Notice to Correct County Ordinance Violations and Abate Public Nuisance" providing notice of the public hearing before the Board of Supervisors was mailed to OWNER AND INTERESTED PARTIES and on November 13, 2009, was posted on THE PROPERTY.

FINDINGS AND CONCLUSIONS

WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on February 9, 2010, finds and concludes that:

1. WHEREAS, the unapproved grading and clearing on the real property located at 1

Parcel South of 18813 Grand Avenue, Lake Elsinore, Riverside County, California, also identified as Assessor's Parcel Number 382-400-006 violates Riverside County Ordinance No. 457 and constitutes a public nuisance and attractive nuisance.

- 2. WHEREAS, THE OWNER, occupants and any person having possession or control of THE PROPERTY should abate the condition by restoring THE PROPERTY to the satisfaction of the Department of Building and Safety so as to prevent offsite drainage and slope erosion in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety (90) days.
- 3. WHEREAS, THE OWNER IS HEREBY FURTHER NOTICED that a five (5) year hold on the issuance of building permits and land use approvals may be placed on THE PROPERTY. Upon restoration of the property and payment of the lien the five (5) year hold on the building permit issuance and land use approvals will be released.
- 4. WHEREAS, THE OWNER IS HEREBY FURTHER NOTICED that the time within which judicial review of the administrative determinations made herein must be sought is ninety (90) days from the posting and mailing of the Findings of Fact, Conclusions and Order To Abate Nuisance, and is governed by California Code of Civil Procedure Section 1094.6.

ORDER TO ABATE NUISANCE

IT IS THEREFORE ORDERED that the unapproved grading and clearing on THE PROPERTY located at 1 Parcel South of 18813 Grand Avenue, Lake Elsinore, Riverside County, California, also identified as Assessor's Parcel Number 382-400-006 be abated by the OWNER, and anyone having possession or control of THE PROPERTY, by restoring THE PROPERTY to the satisfaction of the Department of Building and Safety so as to prevent offsite drainage and slope erosion in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

IT IS FURTHER ORDERED that if the unapproved grading and clearing on THE PROPERTY is not restored to the satisfaction of the Department of Building and Safety so as to prevent offsite drainage and slope erosion in strict accordance with all Riverside County Ordinances,

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including but not limited to Riverside County Ordinance No. 457, within ninety (90) days of the posting and mailing of this Order to Abate Nuisance, the unapproved grading and clearing shall be abated by representatives of the Riverside County Code Enforcement Department, a contractor, or the Sheriff's Department upon receipt of the owner's consent or a Court Order, where necessary, under applicable law authorizing entry onto THE PROPERTY.

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

Dated: March 16, 2010

COUNTY OF RIVERSIDE

Marion Ashley

Chairman, Board of Supervisors

ATTEST:

KECIA HARPER-IHEM

Clerk to the Board

By (

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2010-0121766 03/17/2010 08:00A 4 of 5



LARRY W. WARD COUNTY OF RIVERSIDE ASSESSOR-COUNTY CLERK-RECORDER

Recorder P.O. Box 751 Riverside, CA 92502-0751 (951) 486-7000

http://riverside.asrelk.cc.com

CERTIFICATION

Pursuant to the provisions of Government Code 27361.7, I certify under the penalty of perjury that the following is a true copy of illegible wording found in the attached document:

(Print or type the page number(s) and wording below):

CLARIFICATION OF THE SEAL for the Riverside County Board of Supervisors (embossed on document)



Date:

Signature:

3-16-10

Karen Barton, Board Assistant, Riverside County Clerk of the Board

Print Name:



Subject Property: 1 Parcel South of 18813 Grand Avenue, Lake Elsinore Case No.: CV 07-5494; APN: 382-400-006; District 1

LAWS LUNCH & DINNER, INC. 9640 INDIANA AVE. RIVERSIDE, CA 92503

LAWS LUNCH & DINNER, INC. 18815 GRAND AVE. LAKE ELSINORE, CA 92530

MICHAEL RAWLS 9640 INDIANA AVE. RIVERSIDE, CA 92503

WILLIAM BOHACEK 7289 BOICE LN. RIVERSIDE, CA 92506

LAW OFFICES OF FRED J. KNEZ P. O. BOX 70090 RIVERSIDE, CA 92513

JOSEPH E. BONADIMAN & ASSOC. 234 N. ARROWHEAD AVE. SAN BERNARDINO, CA 92408 ATTN: EDWARD J. BONADIMAN

MARK S. HOENIG MARY ANN HOENIG 28510 RED GUM DR. LAKE ELSINORE, CA 92530

MARK S. HOENIG MARY ANN HOENIG 29510 RED GUM DR. LAKE ELSINORE, CA 92532

VIRGINIA C. LAWRENCE, TRUSTEE 33171 STONEMAN LAKE ELSINORE, CA 92532

SBS TRUST DEED NETWORK P. O. BOX 2709 7411 LARGE CIRCLE HUNTINGTON BEACH, CA 92647

Subject Property: 1 Parcel South of 18813 Grand Avenue, Lake Elsinore Case No.: CV 07-5494; APN: 382-400-006; District 1

ESCROW CHALET, INC. AS TRUSTEE 350-A RAILROAD CANYON RD. LAKE ELSINORE, CA 92532

SAN DIEGO WHOLESALE CREDIT ASSOC. 2044 FIRST AVE., SUITE 300 SAN DIEGO, CA 92101

Subject Property: 1 Parcel South of 18813 Grand Avenue, Lake Elsinore Case No.: CV 07-5494; APN: 382-400-006; District 1

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece,	A. Signature X vil O MM B. Received by (Printed Name) C. Date of Delivery	
or on the front if space permits. 1. Article Addressed to:	D. Is delivery address different from Item 1? ☐ Yes If YES, enter delivery address below: ☐ No	
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LAWS LUNCH & DINNER, INC. 18815 GRAND AVE		
LAKE ELSINORE, CA 92530 CV07-5494 *FOF* LAWS 12	Service Type Certified Mail Depress Mail Registered	
	☐ Insured Mail ☐ C.O.D. 4 Restricted Delivery? (Extra Fee) ☐ Yes	
2. Article Number Grandles from sending label	3410 0000 1318 1783	
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☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes
309 34 <u>1</u> 0 0000 1318 1745

NOTICE LIST
Subject Property: 1 Parcel South of 18813 Grand Avenue, Lake Elsinore

(Case No.: CV 07-5494	; APN: 382-400-006; District 1	
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Subject Property: 1 Parcel South of 18813 Grand Avenue, Lake Elsinore Case No.: CV 07-5494; APN: 382-400-006; District 1

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NOTICE LIST
Subject Property: 1 Parcel South of 18813 Grand Avenue, Lake Elsinore
Case No.: CV 07-5494; APN: 382-400-006; District 1

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7289 BOICE LN. RIVERSIDE, CA 92506 CV07-5494 *FORE* LAWS 12	3. Service-Type Gertfiled Mail
2. Article Number (Transfer from service label)	7009 3410 0000 1318 1769
2004	Domestic Return Receipt 102595-02-M-1540

Subject Property: 1 Parcel South of 18813 Grand Avenue, Lake Elsinore Case No.: CV 07-5494; APN: 382-400-006; District 1



Originals filed with the Clerk of the Board: Agenda No. 2.9 . of 3/16/10 on the Consent calendar.

PROOF OF SERVICE
Case Nos. CV07-5494

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STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, Yadira Oseguera, the undersigned, declare that I am a citizen of the United States and am employed in the County of Riverside, over the age of 18 years and not a party to the within action or proceeding; that my business address is 3535 Tenth Street, Suite 300, Riverside, California 92501-3674.

That on April 7, 2010, I served the following document(s):

FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE

by placing a true copy thereof enclosed in a sealed envelope(s) addressed as follows:

OWNERS OR INTERESTED PARTIES (see attached notice list)

WX BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED. I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California, in the ordinary course of business.

BY PERSONAL SERVICE: I caused to be delivered such envelope(s) by hand to the offices of the addressee(s).

XX STATE - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

FEDERAL - I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

EXECUTED ON April 7, 2010, at Riverside, California.

YADIRA OSEGUERA

Originals filed with the Clerk of the Board: Agenda No. 2.9 of 3/16/10 on the Consent calendar.



Code Enforcement Department County Of Riverside

Lake Elsinore District Office 117 S. Langstaff Street Lake Elsinore, California 92530 (951) 245-3186 – Fax (951) 245-3205

John Boyd DIRECTOR

AFFIDAVIT OF POSTING OF NOTICES

Case No.: CV07-5494

I, Brett Farlow , hereby declare:

1. I am employed by the Riverside County Code Enforcement Department; that my business address is:

County of Riverside
Code Enforcement Department
117 South Langstaff Street
Lake Elsinore, Ca, 92530

2. That on 04/14/10 at 0900 Hours., I securely and conspicuously posted a Findings of Fact, Conclusions and Order To Abate Public Nuisance at the property described as:

Property Address: 1 Parcel south of 18813 Grand Avenue, Lake Elsinore

Assessor's Parcel Number: 382-400-006

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on 05/24/10 at Lake Elsinore, California.

CODE ENFORCEMENT DEPARTMENT

By: _____ Code Enforcement Officer