

**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

| | | | | |
|-----------------------|-------------------------------|--------|-------------------------|-----|
| 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:
County Executive Office Signature Jennifer L. Sargent

- Policy
- Policy
- Consent
- Consent

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Tavaglione 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
Absents: None
Date: November 30, 2010
xc: Co.Co.(3); Recorder

Kecia Harper-Ihem
Clerk of the Board
By:
Deputy

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

2.9

Abatement of Public Nuisance
Case No. CV 07-1836; SMILEVSKI
44081 Sandstone, Aguanga
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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:
2 Kecia Harper-Ihem, Clerk of the
3 Board of Supervisors
4 (Stop #1010)



5 WHEN RECORDED PLEASE MAIL TO:
6 L. Alexandra Fong, Deputy County Counsel
7 County of Riverside
8 OFFICE OF COUNTY COUNSEL
9 3960 Orange Street, Fifth Floor (Stop #1350)
10 Riverside, CA 92501

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[EXEMPT '6103]

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11 **BOARD OF SUPERVISORS**
12 **COUNTY OF RIVERSIDE**



13 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 07-1836
 14 [UNAPPROVED GRADING]; APN: 583-260-029,)
 15 44081 SANDSTONE, AGUANGA, RIVERSIDE)
 16 COUNTY, CALIFORNIA; TRIFUN SMILEVSKI) FINDINGS OF FACT,
 17 AND SLAVJANKA SMILEVSKI, OWNERS.) CONCLUSIONS AND ORDER TO
 18 ABATE NUISANCE
 19)
 20) [R.C.O. Nos. 457 (RCC Title 15) and
 21) 725 (RCC Title 1)]

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

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

No one appeared on behalf of Owners.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together
with the attached Exhibits, evidencing the unapproved grading on THE PROPERTY as a public
nuisance and violation of Riverside County Ordinance No. 457 as codified in Riverside County Code
Title 15.

///

SUMMARY OF EVIDENCE

1
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

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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

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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: November 30, 2010

COUNTY OF RIVERSIDE

4
5 By Marion Ashley
Marion Ashley
Chairman, Board of Supervisors

6 ATTEST:
7
8 KECIA HARPER-IHEM
9 Clerk to the Board

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11 By Karen Burton
12 Deputy
13 (SEAL)
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FORM APPROVED COUNTY COUNSEL
BY: L. ALEXANDRA FONG DATE 11/1/10

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

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

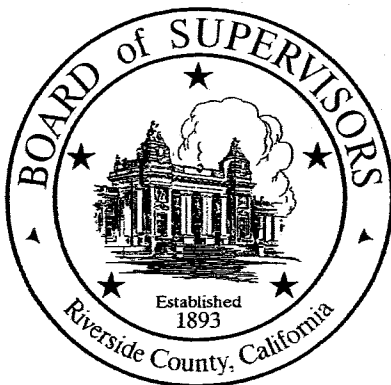
<http://riverside.asrcrkrec.com>

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: 11-30-10

Signature: *Karen Barton*

Print Name: Karen Barton, Board Assistant, Riverside County Clerk of the Board

