

**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

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

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

Ayes: Jeffries, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: January 28, 2014
xc: [unclear] Co. Co., Recorder

Kecia Harper-Ihem
Clerk of the Board
By: *[Signature]*
Deputy

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

2-9

Departmental Concurrence

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

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

DOC # 2014-0038247
01/29/2014

Customer Copy Label
The paper to which this label is
affixed has not been compared
with the filed/recorded document

Larry W Ward
County of Riverside
Assessor, County Clerk & Recorder

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

[EXEMPT GC §§ 6103 and 27383]

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10 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE

11 IN RE ABATEMENT OF PUBLIC NUISANCE:)
12 [CONSTRUCTION WITHOUT PERMIT];)
13 APN 943-270-002, 39625 CALLE CABERNET,)
14 TEMECULA, RIVERSIDE COUNTY,)
15 CALIFORNIA; OWB REO, LLC, OWNER.)

CASE NO. CV 10-05508

FINDINGS OF FACT,
CONCLUSIONS AND ORDER TO
ABATE NUISANCE

[R.C.O. Nos. 457 and 725]

16 The above-captioned matter came on regularly for hearing on December 3, 2013, 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 39625 Calle Cabernet, Temecula, Assessor's Parcel Number 943-270-002 and
20 referred to hereinafter as "THE PROPERTY."

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

23 Owner did not appear.

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

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SUMMARY OF EVIDENCE

1. Documents of record in the Riverside County Recorder's Office identify the owner of THE PROPERTY as OWB REO, LLC ("OWNER").

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

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

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

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

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

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

8. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance" providing notice of the public hearing before the Board of Supervisors on December 3, 2013, was mailed to OWNER and INTERESTED PARTIES and 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 December 3, 2013, finds and concludes that:

1. WHEREAS, the unpermitted structures (pool and retaining wall) on the real property located at 39625 Calle Cabernet, Temecula, Riverside County, California, also identified as Assessor's Parcel Number 943-270-002 violates RCO No. 457 and constitutes a public nuisance.

2. WHEREAS, the OWNER, occupants and any person having possession or control of THE PROPERTY shall abate the unpermitted structures by razing, removing and disposing of the unpermitted structures, including the removal and disposal of all structural debris and materials, and contents therein or obtaining the required permits and approvals, provided that said demolition and/or permitting be accomplished in strict accordance with all Riverside County Ordinances, including but not limited to RCO No. 457 within ninety (90) days.

3. WHEREAS, the OWNER AND INTERESTED PARTIES ARE 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 unpermitted structures (pool and retaining wall) on THE PROPERTY be abated by the OWNER, OWB REO, LLC, or anyone having possession or control of THE PROPERTY, by razing and removing the unpermitted structures including the removal and disposal of all structural debris and materials, as well as the contents therein, or obtaining the required permits and approvals for said structures provided such demolition and/or permitting be accomplished in strict accordance with all Riverside County Ordinances, including but not limited to RCO No. 457 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

IT IS FURTHER ORDERED that if the unpermitted structures are not razed, removed and disposed of, or permitted in strict accordance with all Riverside County Ordinances, including but not limited to RCO No. 457, within ninety (90) days of the posting and mailing of this Order to Abate Nuisance, the unpermitted structures, contents therein, and structural debris and materials, may be abated by razing, removal and disposal by representatives of the Riverside County Code

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.

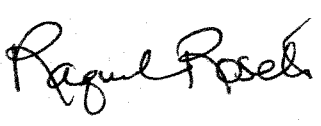
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Dated: JAN 28 2014

COUNTY OF RIVERSIDE

By 
JEFF STONE
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By 
Deputy
(SEAL)



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

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

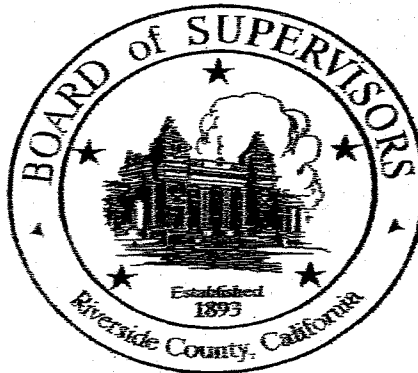
<http://riverside-assrec.com>

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:

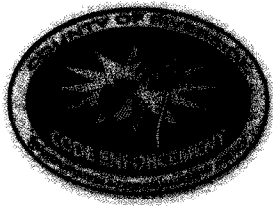
1/28/14

Signature:

Raquel Rosete

Print Name:

Raquel Rosete, Board Assistant, Riverside County Clerk of the Board



CODE ENFORCEMENT DEPARTMENT COUNTY OF RIVERSIDE

originals filed with the Clerk of the Board: Agenda No. 2.9 of 1/28/14 : on the Consent calendar.

AFFIDAVIT OF POSTING OF NOTICES

March 4, 2014

RE CASE NO: CV1005508

I, Mike Bowles, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is:
37600 Sky Canyon Drive, Suite G
Murrieta, California 92563
Mail Stop #5155.

That on 3/4/2014 at 1:00 pm, I securely and conspicuously posted Findings of Fact and Conclusions and Order to Abate Nuisance at the property described as:

Property Address: 39625 CALLE CABERNET, Temecula

Assessor's Parcel Number: 943-270-002

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

Executed on March 4, 2014 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT


By: Mike Bowles, Sr. Code Enforcement Officer

NOTICE LIST

Subject Property: 39625 Calle Cabernet, Temecula;

Case No.: **CV10-05508**

APN: 943-270-002; District 3/3 **OWB REO**

**OWB REO, LLC
C/O ONEWEST BANK
2900 ESPERANZA CROSSING
AUSTIN, TX 78758**

**OWB REO, LLC
C/O ONEWEST BANK
39625 CALLE CABERNET
TEMECULA, CA 92591**

**RASHMI AND BARBARA BHATT
39625 CALLE CABERNET
TEMECULA, CA 92591**

PROOF OF SERVICE

Case No. CV10-05508

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, Stacy Baumgartner, 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 4080 Lemon Street, 12th Floor, Riverside, California 92501.

That on February 28, 2014, 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)**

XX **BY FIRST CLASS MAIL.** 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 February 28, 2014, at Riverside, California.


STACY BAUMGARTNER