

RESOLUTION NO. 2004-2774

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VILLA PARK DECLARING CONDITIONS AT 19409 MESA DRIVE, VILLA PARK, CALIFORNIA TO CONSTITUTE A PUBLIC NUISANCE, ORDERING THE CORRECTION OF SAID NUISANCE AND ASSESSING THE COST OF ABATEMENT

WHEREAS, on June 22, 2004, the City Council of the City of Villa Park adopted Resolution No. 2004-2770, setting a public hearing to determine whether conditions present at 19409 Mesa Drive, Villa Park, California, further identified as Orange County Assessor's Parcel No. 372-561-07 constitute a public nuisance; and

WHEREAS, the property was posted and notice sent by certified mail to the owner of said real property in accordance with Section 6-1.8 of the Villa Park Municipal Code; and

WHEREAS, testimony was received at a public hearing held by the City Council of the City of Villa Park on July 27, 2004 at the Villa Park City Hall affirming that certain conditions present at the site relating to the grading, sewer and storm drain construction associated with the property and the grading permit issued concerning said property were not completed. Specifically, those conditions include the following:

1. Relocation of the sewer manhole or obtaining an additional easement from the property at 19411 Mesa Drive.
2. Submittal of the original sewer easement deed for the property located at 19316 Canyon Drive signed and notarized by the property owners, Mr. and Mrs. Chorebagian.
3. A final grading inspection requiring conformance to the approved grading plan or in the alternative an "as-built" plan inspected and approved by the City Engineer. More specifically, the following must be addressed:
 - a. Due to the many site revisions an updated grading plan is required to show the "as-built" condition as well as how grading and drainage will be addressed in the areas noted below. Plan must be submitted for review along with plan check fees of \$500 per sheet.
 - b. Drainage on the northwest corner of the site must be addressed. Off-site runoff will enter the property and be directed toward the adjacent property to the north. This situation must be corrected and the drainage controlled. The slope must be covered with an erosion control material and also planted with ground cover. The runoff from the concrete walkway must be controlled so it does not drain onto the

- slope. The grading plan must address how these items are to be accomplished.
- c. The grading, drainage system and landscaping must be completed along the northerly portion of the property (terraced areas). This must be shown on the grading plan.
 - d. The entire drainage system along the easterly side of the property must be completed. All runoff from the site must be controlled on the site and discharged to the storm drain. The area that was graded on the property at 19411 Mesa is incomplete. Drainage from the site is not permitted to drain on the slope. The slope must not exceed 2 to 1 and drainage must be properly controlled. Due to the height of the slope a terrace drain may be required. The slope must be covered with an erosion control material and planted. All these elements must be shown on the grading plan. Since some of the grading occurred off-site on the adjacent property, a letter from the property owner approving of the grading must be submitted prior to approval of the grading plan.
 - e. Show on the grading plan the drainage system that was installed along the southerly property line and where it discharges.
 - f. A certification from a soils engineer regarding compaction of the slopes and fill areas is required.
 - g. Upon approval of the grading plan and completion of the work a final grading inspection must be made.
4. Due to the wall and hardscape constructed over the existing City sewer easement an Encroachment Agreement is required to be signed by the owner. The City will prepare the agreement and send to the owner for signature. A \$250 processing fee is required.
 5. All accumulated grading inspection and site processing fees must be paid.

WHEREAS, such property and its condition is hazardous, unsafe, unsightly, unsanitary and constitutes a public nuisance detrimental to the public health, safety and welfare and the property of others; and

WHEREAS, the site is open and accessible to the public including minor children and constitutes an attractive nuisance.

WHEREAS, Section 6-1.9 of the Villa Park Municipal Code provides for a process for the City Council to conduct a public hearing to determine whether such conditions constitute a public nuisance, the abatement of which is appropriate under the powers and authority of the City of Villa Park; and

I, GEORGE J. RODERICKS, City Clerk of the City of Villa Park **DO HEREBY CERTIFY** that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Villa Park held on the 27th day of July, 2004, and was carried by the following roll call vote, to wit:

AYES:	COUNCILMEMBERS:	Bell, Fauteux, Freschi, MacAloney, Bortle
NOES;	COUNCILMEMBERS:	
ABSENT:	COUNCILMEMBERS:	

George J. Rodericks, City Clerk
City of Villa Park