

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

333B



SUBMITTAL DATE:
September 17, 2009

FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Order to Abate [Grading Without a Permit]
Case No.: CV 08-03654 (LONG)
Subject Property: 32823 Pixley Canyon Road, Hemet; APN 470-390-020
District Three

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-03654 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 08-03654 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 08-03654.

BACKGROUND:

On September 1, 2009, 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 the Findings of Fact, Conclusion and Order to Abate.

Julie A.K. Jarvi

JULIE A.K. JARVI, Deputy County Counsel
for PAMELA J. WALLS, County Counsel

(Continued)

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 *Tina Grande*

Tina Grande

County Executive Office Signature

- Policy
- Consent
- Per Exec. Ofc.

Prev. Agn. Ref.: 09/01/09; 9.4 | District: 3 | Agenda Number:

2.10

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

5 WHEN RECORDED PLEASE MAIL TO:
Julie A.K. Jarvi, Deputy County Counsel
6 County of Riverside
OFFICE OF COUNTY COUNSEL
7 3535 Tenth Street, Suite 300 (Stop #1350)
Riverside, CA 92501

[EXEMPT '6103]

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9
10 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 08-03654
12 [UNAPPROVED GRADING]; APN: 470-390-020,)
32823 PIXLEY CANYON ROAD, HEMET,)
13 RIVERSIDE COUNTY, CALIFORNIA;) FINDINGS OF FACT,
BRADLEY A. LONG AND TAMARA L. LONG,) CONCLUSIONS AND ORDER TO
14 OWNERS.) ABATE NUISANCE
15) [R.C.O. Nos. 457 (RCC Title 15) and
725 (RCC Title 1)]

16 The above-captioned matter came on regularly for hearing on September 1, 2009, 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 32823 Pixley Canyon Road, Hemet, Riverside County, APN: 470-390-020, and
20 referred to hereinafter as "THE PROPERTY."

21 Alexandra Fong, Deputy County Counsel, appeared along with Brian Black, Supervising
22 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

23 Former owner Tamara Long appeared and addressed the Board of Supervisors.

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

28 ///

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the Owners
3 of THE PROPERTY as Bradley A. Long and Tamara L. Long ("OWNERS").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to wit: Sunrise Bank of San Diego, Foreclosure Resources, Inc., UCC Direct Services,
6 CT Lien Solutions and Aqua Finance, Inc. ("INTERESTED PARTIES").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on April 24, 2008,
8 June 17, 2008 and August 28, 2009.

9 4. During each inspection, two large excavations in an area where the hillside had been
10 cut into which deviated from the natural topography was observed.

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 May 30, 2008 as Document Number
14 2008-0295448 in the Office of the County Recorder, County of Riverside.

15 7. On April 24, 2008, a Notice of Violation for Unapproved Grading was posted on THE
16 PROPERTY. On May 6, 2008 and June 5, 2008, a Notice of Violation was mailed by certified mail,
17 return receipt requested to the OWNERS.

18 8. On June 17, 2009, a "Notice To Correct County Ordinance Violations and Abate
19 Public Nuisance" providing notice of the public hearing before the Board of Supervisors was mailed
20 by certified mail, return receipt requested, to THE OWNERS and INTERSTED PARTIES and on
21 June 24, 2009 was posted on THE PROPERTY.

22 **FINDINGS AND CONCLUSIONS**

23 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
24 regular session assembled on September 1, 2009 finds and concludes that:

25 1. WHEREAS, the unapproved grading on the real property located at 32823 Pixley
26 Canyon Road, Hemet, Riverside County, California, also identified as Assessor's Parcel Number
27 470-390-020 violates Riverside County Ordinance No. 457 and constitutes a public nuisance and
28 attractive nuisance.

1 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
2 County Ordinance Nos. 457 and 725. Under Riverside County Ordinance 725, "abatement costs"
3 means "any costs or expenses reasonably related to the abatement of conditions which violate County
4 Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation, collection
5 and administrative costs, attorneys fees, and the costs associated with the removal or correction of
6 the violation." Reasonable abatement costs accrued by the Code Enforcement Department will be
7 recoverable from the property owner(s) even if THE PROPERTY is brought into compliance within
8 ninety (90) days of the date of this Order to Abate Nuisance.

9 Dated: _____

COUNTY OF RIVERSIDE

11 By _____
12 Jeff Stone, Chairman
13 Board of Supervisors

12 ATTEST:
13 KECIA HARPER-IHEM
14 Clerk to the Board

17 By _____
18 Deputy
19 (SEAL)

FORM APPROVED COUNTY COUNSEL
BY: Julia A. Koons Jarvi
DATE: 9/9/09