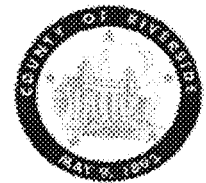


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

309 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
December 7, 2009

SUBJECT: Order to Abate [Grading Without a Permit]
Case No.: CV 07-1977 (ALDERMAN)
Subject Property: 42815 Campo Road, Anza; APN 579-460-005
District Three

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-1977 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 07-1977; 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 07-1977.

BACKGROUND:

On November 24, 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.

[Signature]

JULIE JARVIS, 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: *[Signature]*
Tina Grande

County Executive Office Signature

Departmental Concurrence

Policy
 Policy
 Consent
 Consent

Dept't Recomm.:
 Per Exec. Ofc.:

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 Jarvi, Deputy County Counsel
6 County of Riverside
OFFICE OF COUNTY COUNSEL
7 3960 Orange Street, Fifth Floor (Stop #1350)
Riverside, CA 92501

[EXEMPT '6103]

8
9
10 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 07-1977
12 [UNAPPROVED GRADING]; APN: 579-460-005,)
42815 CAMPO ROAD, ANZA, RIVERSIDE)
13 COUNTY, CALIFORNIA; WILLIAM HARBERT) FINDINGS OF FACT,
ALDERMAN, JR. AND MAUREEN MARIE) CONCLUSIONS AND ORDER TO
14 ALDERMAN, CO-TRUSTEES OF THE) ABATE NUISANCE
ALDERMAN FAMILY TRUST, OWNERS.)
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 November 24, 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 42815 Campo Road, Anza, Riverside County, APN: 579-460-005, and referred
20 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 Owner, William Harbert Alderman, 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 William Harbert Alderman, Jr. and Maureen Marie Alderman, Co-Trustees of
4 the Alderman Family Trust ("OWNERS").

5 2. Documents of title indicate that other parties potentially hold a legal interest in THE
6 PROPERTY, to wit: FORMER OWNERS, Freddie G. Torres, J.R. Valenzuela and A.M. Valenzuela,
7 and Saul Rodriguez Palos and Virginia Rodriguez ("INTERESTED PARTIES").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on March 20, 2007,
9 May 7, 2007, June 6, 2007, July 18, 2007, August 28, 2007, October 10, 2007, July 24, 2008,
10 August 29, 2008, October 29, 2008, December 8, 2008, July 14, 2009, September 9, 2009 and
11 November 19, 2009.

12 4. During each inspection, a horse track had been graded on THE PROPERTY without
13 permits and which deviated from the natural topography.

14 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
15 No. 457 (RCC Title 15) by the Code Enforcement Officer.

16 6. A Notice of Noncompliance was recorded on December 18, 2008 as Document
17 Number 2008-0671633 in the Office of the County Recorder, County of Riverside.

18 7. On March 20, 2007, a Notice of Violation for Unapproved Grading was posted on
19 THE PROPERTY. On April 4, 2007 and November 21, 2007, a Notice of Violation was mailed by
20 certified mail, return receipt requested to the FORMER OWNER. On January 10, 2008 and January
21 28, 2008, a Notice of Violation was mailed by certified mail, return receipt requested to OWNERS
22 and INTERESTED PARTIES and FORMER OWNERS.

23 8. On September 4, 2009, a "Notice to Correct County Ordinance Violations and Abate
24 Public Nuisance" providing notice of the public hearing before the Board of Supervisors was mailed
25 by certified mail, return receipt requested, to the OWNERS and INTERESTED PARTIES and on
26 September 9, 2009 was posted on THE PROPERTY.

27 **FINDINGS AND CONCLUSIONS**

28 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in

1 regular session assembled on November 24, 2009 finds and concludes that:

2 1. WHEREAS, the unapproved grading on the real property located at 42815 Campo
3 Road, Anza, Riverside County, California, also identified as Assessor's Parcel Number 579-460-005
4 violates Riverside County Ordinance No. 457 and constitutes a public nuisance and attractive
5 nuisance.

6 2. WHEREAS, the OWNERS, occupants and any person having possession or control of
7 THE PROPERTY should abate the condition by restoring THE PROPERTY to the satisfaction of the
8 Department of Building and Safety so as to prevent offsite drainage and slope erosion in strict
9 accordance with all Riverside County Ordinances, including but not limited to Riverside County
10 Ordinance No. 457, within ninety (90) days.

11 3. WHEREAS, THE OWNERS ARE HEREBY FURTHER NOTICED that a five (5)
12 year hold on the issuance of building permits and land use approvals may be placed on THE
13 PROPERTY. Upon restoration of the property and payment of the lien the five (5) year hold on the
14 building permit issuance and land use approvals will be released.

15 4. WHEREAS, THE OWNERS ARE HEREBY FURTHER NOTICED that the time
16 within which judicial review of the administrative determinations made herein must be sought is ninety
17 (90) days from the posting and mailing of the Findings of Fact, Conclusions and Order To Abate
18 Nuisance, and is governed by California Code of Civil Procedure Section 1094.6.

19 **ORDER TO ABATE NUISANCE**

20 IT IS THEREFORE ORDERED that the unapproved grading on THE PROPERTY located
21 42815 campo Road, Anza, Riverside County, California, also identified as Assessor's Parcel Number
22 579-460-005 be abated by the OWNERS, and anyone having possession or control of THE
23 PROPERTY, by restoring THE PROPERTY to the satisfaction of the Department of Building and
24 Safety so as to prevent offsite drainage and slope erosion in strict accordance with all Riverside
25 County Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety
26 (90) days of the posting and mailing of this Order to Abate Nuisance.

27 IT IS FURTHER ORDERED that if unapproved grading on THE PROPERTY is not restored
28 to the satisfaction of the Department of Building and Safety so as to prevent offsite drainage and

FORM APPROVED COUNTY COUNSEL
BY Julia Koons Jarvi
JULIE A. KOONS JARVI DATE 12/1/05

1 slope erosion in strict accordance with all Riverside County Ordinances, including but not limited to
2 Riverside County Ordinance No. 457, within ninety (90) days of the posting and mailing of this Order
3 to Abate Nuisance, the unapproved grading shall be abated by representatives of the Riverside County
4 Code Enforcement Department, a contractor, or the Sheriff's Department upon receipt of the owner's
5 consent or a Court Order, where necessary, under, applicable law authorizing entry onto THE
6 PROPERTY.

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

17 Dated: _____ COUNTY OF RIVERSIDE

18
19 By _____
20 Jeff Stone, Chairman
21 Board of Supervisors

22 ATTEST:
23 KECIA HARPER-IHEM
24 Clerk to the Board

25 By _____
26 Deputy
27 (SEAL)
28