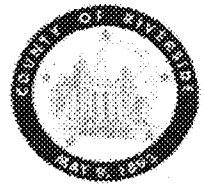


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

714B



SUBMITTAL DATE:
January 13, 2010

FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Order to Abate [Grading Without a Permit]
Case No.: CV 07-7324 (WILLIAMS)
Subject Property: 59770 Moonshine Trail, Anza; APN 576-210-014
District Three

RECOMMENDED MOTION: Move that

Departmental Concurrence

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-7324 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 07-7324; 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 07-7324.

BACKGROUND:

On December 15, 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 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:
Alex Gann

County Executive Office Signature

Policy

Consent

Dept Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.: 12/15/09; 9.3

District: 3

Agenda Number:

2.15

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 07-7324
12 [UNAPPROVED GRADING]; APN: 576-210-014,)
59770 MOONSHINE TRAIL, ANZA, RIVERSIDE)
13 COUNTY, CALIFORNIA; DONALD J.) FINDINGS OF FACT,
WILLIAMS AND MURIEL A. FASSBINDER,) 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 December 15, 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 59770 Moonshine Trail, Anza, Riverside County, APN: 576-210-014, and
20 referred to hereinafter as "THE PROPERTY."

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

23 Owners did not appear. Mr. Maybe spoke 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 of
3 THE PROPERTY as Donald J. Williams and Muriel A. Fassbinder ("OWNERS").

4 2. Documents of title indicate that no other parties potentially hold a legal interest in
5 THE PROPERTY.

6 3. THE PROPERTY was inspected by Code Enforcement Officers on July 10, 2007,
7 September 4, 2007, October 10, 2007, January 4, 2008, December 16, 2008, May 28, 2009, and
8 October 29, 2009.

9 4. During each inspection, a graded pad and cleared slopes were observed on THE
10 PROPERTY without permits 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 September 26, 2007 as Document
14 Number 2007-0603176 in the Office of the County Recorder, County of Riverside.

15 7. On September 4, 2007, a Notice of Violation for Unapproved Grading was posted on
16 THE PROPERTY. On September 5, 2007 and April 6, 2009, Notices of Violation were mailed by
17 certified mail, return receipt requested to the OWNERS.

18 8. On August 26, 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 to OWNERS by certified mail, return receipt requested and was posted on THE PROPERTY on
21 October 29, 2009.

22 **FINDINGS AND CONCLUSIONS**

23 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
24 regular session assembled on December 15, 2009 finds and concludes that:

25 1. WHEREAS, the unapproved grading on the real property located at 59770 Moonshine
26 Trail, Anza, Riverside County, California, also identified as Assessor's Parcel Number 576-210-014
27 violates Riverside County Ordinance No. 457 and constitutes a public nuisance and attractive
28 nuisance.

1 PROPERTY.

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

12 Dated: _____

COUNTY OF RIVERSIDE

13
14 By _____
15 Marion Ashley
16 Chairman, Board of Supervisors

17 ATTEST:

18 KECIA HARPER-IHEM

19 Clerk to the Board

20
21 By
22 Deputy
23 (SEAL)

FORM APPROVED COUNTY COUNSEL
BY  JULIE A. KOONS JARVI
DATE 11/11/10