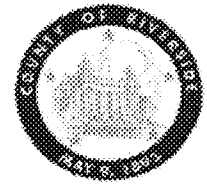


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

910B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
February 10, 2010

SUBJECT: Order to Abate [Grading Without a Permit]
Case No.: CV 08-02002 (HAMMOND)
Subject Property: 37200 Remuda Drive, Temecula; APN 915-380-016
District Three

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-02002 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 08-02002; 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 08-02002.

Departmental Concurrence

BACKGROUND:

On January 26, 2010, 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 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

County Executive Office Signature BY: *[Signature]*
Tina Grande

Policy Policy

Consent Consent

X

Dept's 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 08-02002
12 [UNAPPROVED GRADING]; APN: 915-380-016,)
37200 REMUDA DRIVE, TEMECULA,)
13 RIVERSIDE COUNTY, CALIFORNIA; DAVID) FINDINGS OF FACT,
IRWIN HAMMOND, OWNER.) CONCLUSIONS AND ORDER TO
14) 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 January 26, 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 37200 Remuda Drive, Temecula, Riverside County, APN: 915-380-016, and
20 referred to hereinafter as "THE PROPERTY."

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

23 No one appeared on behalf of Owner.

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 Owner
3 of THE PROPERTY as David Irwin Hammond ("OWNER").

4 2. Documents of title indicate that other parties potentially holds a legal interest in THE
5 PROPERTY, to wit: Larry Hayes and Catherine Hayes and Internal Revenue Service
6 ("INTERESTED PARTIES").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on March 7, 2008,
8 January 23, 2009, September 18, 2009, December 28, 2009 and January 22, 2010.

9 4. During each inspection, grading was observed on THE PROPERTY without permits
10 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 March 27, 2008 as Document Number
14 2007-0150092 in the Office of the County Recorder, County of Riverside.

15 7. On March 7, 2008, a Notice of Violation for Unapproved Grading was posted on THE
16 PROPERTY. On December 12, 2008, a Notice of Violation was mailed by certified mail, return
17 receipt requested to OWNER and INTERESTED PARTIES.

18 8. On December 28, 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 posted
20 on THE PROPERTY and on December 24, 2009 was mailed by certified mail, return receipt
21 requested, to OWNER and INTERESTED PARTIES.

22 **FINDINGS AND CONCLUSIONS**

23 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
24 regular session assembled on January 26, 2010 finds and concludes that:

25 1. WHEREAS, the unapproved grading on the real property located at 37200 Remuda
26 Drive, Temecula, Riverside County, California, also identified as Assessor's Parcel Number 915-380-
27 016 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 _____
Marion Ashley
Chairman, Board of Supervisors

15 ATTEST:

16 KECIA HARPER-IHEM

17 Clerk to the Board

18
19
20
21 By
22 Deputy
23 (SEAL)
24
25
26
27
28

FORM APPROVED COUNTY COUNSEL
BY JULIE A. KOONS JARVI DATE 2/8/13