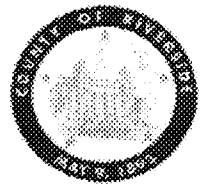


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

215B



SUBMITTAL DATE:
March 4, 2010

FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Order to Abate [Grading Without a Permit]
Case No.: CV 05-5710 (BAEK)
Subject Property: 58425 Bliss Road, Anza; APN 579-340-008
District Three

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 05-5710 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 05-5710; 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 05-5710.

Departmental Concurrence

BACKGROUND:

On February 9, 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.

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: Tina Grande

Dept's Recomm.: Consent Policy
 Per Exec. Ofc.: Consent Policy

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 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 05-5710
12 [UNAPPROVED GRADING]; APN: 579-340-008,)
58425 BLISS ROAD, ANZA, RIVERSIDE)
13 COUNTY, CALIFORNIA; ELLEN BAEK AKA) FINDINGS OF FACT,
ELLEN BACK, 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 February 9, 2010, 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 58425 Bliss Road, Anza, Riverside County, APN: 579-340-008, and referred to
20 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 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 Ellen Baek aka Ellen Back ("OWNER").

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

6 3. THE PROPERTY was inspected by Code Enforcement Officers on January 31, 2006,
7 March 7, 2006, May 30, 2006, May 21, 2007, July 16, 2007, August 28, 2007, October 10, 2007,
8 July 24, 2008 May 2, 2009, June 9, 2009, August 3, 2009, December 2, 2009, January 12, 2010 and
9 February 5, 2010.

10 4. During each inspection, grading was observed on THE PROPERTY without permits
11 and which deviated from the natural topography.

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

14 6. A Notice of Noncompliance was recorded on August 3, 2006, as Document Number
15 2006-0569204 in the Office of the County Recorder, County of Riverside.

16 7. On January 31, 2006, a Notice of Violation for Unapproved Grading was posted on
17 THE PROPERTY. On February 2, 2006, July 19, 2006, and December 26, 2007, a Notice of
18 Violation was mailed by certified mail, return receipt requested to OWNER.

19 8. On January 12, 2010, a "Notice to Correct County Ordinance Violations and Abate
20 Public Nuisance" providing notice of the public hearing before the Board of Supervisors was posted
21 on THE PROPERTY and on January 11, 2010, mailed by certified mail, return receipt requested, to
22 OWNER.

23 **FINDINGS AND CONCLUSIONS**

24 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
25 regular session assembled on February 9, 2010, finds and concludes that:

26 1. WHEREAS, the unapproved grading on the real property located at 58425 Bliss
27 Road, Anza, Riverside County, California, also identified as Assessor's Parcel Number 579-340-008
28 violates Riverside County Ordinance No. 457 and constitutes a public nuisance and attractive

1 nuisance.

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

7 3. WHEREAS, THE OWNER IS HEREBY FURTHER NOTICED that a five(5) year
8 hold on the issuance of building permits and land use approvals may be placed on THE PROPERTY.
9 Upon restoration of the property and payment of the lien the five(5) year hold on the building permit
10 issuance and land use approvals will be released.

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

15 **ORDER TO ABATE NUISANCE**

16 IT IS THEREFORE ORDERED that the unapproved grading on THE PROPERTY located
17 58425 Bliss Road, Anza, Riverside County, California, also identified as Assessor's Parcel Number
18 579-340-008 be abated by the OWNER, and anyone having possession or control of THE
19 PROPERTY, by restoring THE PROPERTY to the satisfaction of the Department of Building and
20 Safety so as to prevent offsite drainage and slope erosion in strict accordance with all Riverside
21 County Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety
22 (90) days of the posting and mailing of this Order to Abate Nuisance.

23 IT IS FURTHER ORDERED that if unapproved grading on THE PROPERTY is not restored
24 to the satisfaction of the Department of Building and Safety so as to prevent offsite drainage and
25 slope erosion in strict accordance with all Riverside County Ordinances, including but not limited to
26 Riverside County Ordinance No. 457, within ninety (90) days of the posting and mailing of this Order
27 to Abate Nuisance, the unapproved grading shall be abated by representatives of the Riverside County
28 Code Enforcement Department, a contractor, or the Sheriff's Department upon receipt of the owner's

1 consent or a Court Order, where necessary, under applicable law authorizing entry onto THE
2 PROPERTY.

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

13 Dated: _____

COUNTY OF RIVERSIDE

14
15 By _____
16 Marion Ashley
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. Kooms Jarvi
DATE 2/17/10