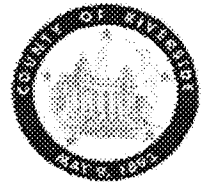


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

905 B



SUBMITTAL DATE:
May 26, 2010

FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Order to Abate [Grading Without a Permit]
Case No.: CV 08-04608 (ARW INV)
Subject Property: 20775 Gardenias Street, Perris; APN: 323-230-039
District Five

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-04608 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 08-04608; 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 08-04608.

BACKGROUND:

On May 4, 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.

L. Alexandra Fong
L. ALEXANDRA FONG, Deputy County Counsel
for PAMELA J. WALLS, County Counsel

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

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

Prev. Agn. Ref.: 05/04/10; 9.9 | District: 5 | Agenda Number:

2.13

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

4
5 WHEN RECORDED PLEASE MAIL TO:
L. Alexandra Fong, 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 08-04608
12 [UNAPPROVED GRADING]; APN: 323-230-039,)
20775 GARDENIAS STREET, PERRIS,)
13 RIVERSIDE COUNTY, CALIFORNIA; ARW) FINDINGS OF FACT,
INVESTMENTS, 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 May 4, 2010, before the Board
17 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
18 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
19 described as 20775 Gardenias Street, Perris, Riverside County, APN: 323-230-039, and referred to
20 hereinafter as "THE PROPERTY."

21 L. 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 did not appear.

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 ARW Investments ("OWNER").

4 2. Documents of title indicate that additional parties may potentially hold a legal interest
5 in THE PROPERTY, to wit: Walter Carston, Robert Martinez and Stephanie Martinez (hereinafter
6 collectively referred to as "INTERESTED PARTIES").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on May 23, 2008,
8 May 7, 2009, July 21, 2009, December 3, 2009, March 9, 2010 and April 30, 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 July 28, 2008, as Document Number
14 2008-0411482 in the Office of the County Recorder, County of Riverside.

15 7. On May 23, 2008, a Notice of Violation for Unapproved Grading was posted on THE
16 PROPERTY. On June 24, 2008 and July 27, 2009, a Notice of Violation was mailed to OWNER and
17 on October 27, 2009 was mailed to INTERESTED PARTIES by certified mail, return receipt
18 requested.

19 8. On March 9, 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 March 8, 2010, was mailed by certified mail, return receipt requested, to
22 OWNER and INTERESTED PARTIES.

23 **FINDINGS AND CONCLUSIONS**

24 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
25 regular session assembled on May 4, 2010, finds and concludes that:

26 1. WHEREAS, the unapproved grading on the real property located at 20775 Gardenias
27 Street, Perris, Riverside County, California, also identified as Assessor's Parcel Number 323-230-039
28 violates Riverside County Ordinance No. 457 and constitutes a public and attractive 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

15 ATTEST:
16 KECIA HARPER-IHEM
17 Clerk to the Board
18

19
20 By
21 Deputy
22 (SEAL)
23

24
25
26
27
28