

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

711B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
November 17, 2010

SUBJECT: Order to Abate [Grading Without a Permit]
Case No. : CV 08-06430 (FRAIRE)
Subject Property: 1 Parcel East of 44630 Skaggs Rd., Hemet, APN: 571-040-013
District: 3

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-06430 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 08-06430; 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 08-06430.

Departmental Concurrence

[Handwritten Signature]

(Continued)

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: *[Handwritten Signature]*
County Executive Office Signature Jennifer L. Sargent

- Policy
- Consent
- Policy
- Consent

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

Abatement of Public Nuisance
Case No. CV 08-06430; FRAIRE
1 Parcel East of 44630 Skaggs Road, Hemet
Page 2

BACKGROUND:

On October 19, 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 Findings of Fact, Conclusions and Order to Abate.

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

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10 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 08-06430
12 [UNAPPROVED GRADING]; APN: 571-040-013,)
1 PARCEL EAST OF 44630 SKAGGS ROAD,)
13 HEMET, RIVERSIDE COUNTY, CALIFORNIA;) FINDINGS OF FACT,
ISAI FRAIRE, 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 October 19, 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 1 Parcel East of 44630 Skaggs Road, Hemet, Riverside County, APN: 571-
20 040-013, and referred to hereinafter as "THE PROPERTY."

21 Patricia Munroe, 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.

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1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the Owner
3 of THE PROPERTY as Isai Fraire ("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 September 2,
7 2009, December 2, 2009, January 6, 2010, February 5, 2010, August 17, 2010 and September 17,
8 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 September 11, 2009 as Document
14 Number 2009-0474558 in the Office of the County Recorder, County of Riverside.

15 7. On September 2, 2009, a Notice of Violation for Unapproved Grading was posted on
16 THE PROPERTY. On September 8, 2009, a Notice of Violation was mailed by certified mail, return
17 receipt requested to OWNER.

18 8. On September 13, 2010, 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 by certified mail, return receipt requested, to OWNER and on September 17, 2010 was posted on
21 THE PROPERTY.

22 **FINDINGS AND CONCLUSIONS**

23 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
24 regular session assembled on October 19, 2010 finds and concludes that:

25 1. WHEREAS, the unapproved grading on the real property located at 1 Parcel East of
26 44630 Skaggs Road, Hemet, Riverside County, California, also identified as Assessor's Parcel
27 Number 571-040-013 violates Riverside County Ordinance No. 457 and constitutes a public nuisance
28 and attractive nuisance.

FORM APPROVED COUNTY COUNSEL
BY: 11/1/10 DATE
L. ALEXANDRA FONG

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 By

21 Deputy

22 (SEAL)

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