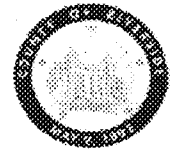


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

607B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
February 16, 2011

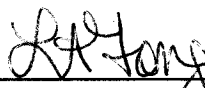
SUBJECT: Order to Abate [Grading Without a Permit]
Case No.: CV08-10562 [MCDONALD]
Subject Property: 19925 Terray Ct, Riverside; APN: 321-310-011
District: One

RECOMMENDED MOTION: Move that:

Departmental Concurrence

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-10562 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 08-10562; 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 08-10562.

(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: 
Jennifer L. Sargent

County Executive Office Signature

- | | | | |
|-------------------------------------|---------|-------------------------------------|--------|
| <input type="checkbox"/> | Consent | <input type="checkbox"/> | Policy |
| <input checked="" type="checkbox"/> | Consent | <input checked="" type="checkbox"/> | Policy |

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

Abatement of Public Nuisance
Case No.: CV08-10562 [MCDONALD]
19925 Terray Ct., Riverside
District One
Page 2

BACKGROUND:

On February 8, 2011, 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)
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, Suite 500 (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 08-10562
12 [GRADING WITHOUT PERMITS]; APN: 321-)
310-011, 19925 TERRAY CT., RIVERSIDE,)
13 COUNTY OF RIVERSIDE, STATE OF) FINDINGS OF FACT,
CALIFORNIA; ESTATE OF HELEN) CONCLUSIONS AND ORDER TO
14 MCDONALD (AND/OR HELEN MCDONALD),) ABATE NUISANCE
OWNER.) [R.C.O. Nos. 457 (RCC Title 15) and
15) 725 (RCC Title 1) and Board of
16 -) Supervisors Policy F-6]

17 The above-captioned matter came on regularly for hearing on February 8, 2011, before the
18 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
19 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
20 property described as 19925 Terray Ct., Riverside, Riverside County, APN: 321-310-011, and
21 referred to hereinafter as "THE PROPERTY."

22 L. Alexandra Fong, Deputy County Counsel, appeared along with Brian Black, Supervising
23 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

24 No one appeared on behalf of Owner and did not address the Board.

25 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
26 with the attached Exhibits, evidencing the unapproved grading on THE PROPERTY as a public
27 nuisance and violation of Riverside County Ordinance No. 457 as codified in Riverside County Code
28 Title 15.

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the Owner
3 of THE PROPERTY as Estate of Helen McDonald [and/or Helen McDonald] ("OWNER").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to wit: Washington Mutual Bank FA, The Eviction Center, Rachel Stevens and Ken
6 Scott ("INTERESTED PARTIES").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on December 10,
8 2008, February 4, 2009, July 10, 2009, August 28, 2009, October 6, 2009, November 19, 2009,
9 December 15, 2009, December 28, 2009, February 23, 2010, August 9, 2010, January 20, 2011 and
10 February 3, 2011. On February 3, 2011, the Land Management System (LMS) was reviewed and
11 found no permits on file.

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

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

16 6. A Notice of Noncompliance was recorded on May 28, 2010, as Document Number
17 2010-0246836 in the Office of the County Recorder, County of Riverside.

18 7. On December 10, 2008, a Notice of Violation for Unapproved Grading was posted on
19 THE PROPERTY. On December 29, 2009, a Notice of Violation was mailed by certified mail, return
20 receipt requested to OWNER and INTERESTED PARTIES.

21 8. On January 19, 2011, a "Notice to Correct County Ordinance Violations and Abate
22 Public Nuisance" providing notice of the public hearing before the Board of Supervisors for February
23 8, 2011, was mailed by certified mail, return receipt requested, to OWNER and INTERESTED
24 PARTIES and was posted on January 20, 2011 on THE PROPERTY.

25 **FINDINGS AND CONCLUSIONS**

26 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
27 regular session assembled on February 8, 2011, finds and concludes that:

28 1. WHEREAS, the unapproved grading on the real property located at 19925 Terray Ct.,

1 Riverside, Riverside County, California, also identified as Assessor's Parcel Number 321-310-011
2 violates Riverside County Ordinance No. 457 and constitutes a public nuisance and attractive
3 nuisance.

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

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

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

17 **ORDER TO ABATE NUISANCE**

18 IT IS THEREFORE ORDERED that the unapproved grading on THE PROPERTY located
19 19925 Terray Ct., Riverside, Riverside County, California, also identified as Assessor's Parcel
20 Number 321-310-011 be abated by the OWNER, and anyone having possession or control of THE
21 PROPERTY, by restoring THE PROPERTY to the satisfaction of the Department of Building and
22 Safety so as to prevent offsite drainage and slope erosion in strict accordance with all Riverside
23 County Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety
24 (90) days of the posting and mailing of this Order to Abate Nuisance.

25 IT IS FURTHER ORDERED that if unapproved grading on THE PROPERTY is not restored
26 to the satisfaction of the Department of Building and Safety so as to prevent offsite drainage and
27 slope erosion in strict accordance with all Riverside County Ordinances, including but not limited to
28 Riverside County Ordinance No. 457, within ninety (90) days of the posting and mailing of this Order

1 to Abate Nuisance, the unapproved grading may be abated by representatives of the Riverside County
2 Code Enforcement Department, a contractor, or the Sheriff's Department upon receipt of the owner's
3 consent or a Court Order, where necessary, under applicable law authorizing entry onto THE
4 PROPERTY.

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

15 Dated: _____

COUNTY OF RIVERSIDE

17 By _____
18 Marion Ashley
19 Chairman, Board of Supervisors

20 ATTEST:

21 KECIA HARPER-IHEM

22 Clerk to the Board

23 By

24 Deputy

25 (SEAL)

26
27 L:\Code Enforcement\Abatements\2010\2008\CV08-10562\457 grading FOF.DOC