

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

1088



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
October 27, 2011

SUBJECT: Order to Abate [Grading Without a Permit]
Case No. : CV07-10134 [FOLK]
Subject Property: 1 Parcel West of 42597 Sabina Dr., Hemet; APN:569-260-038
District: Three

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-10134 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 07-10134; 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 07-10134.

Departmental Concurrence

(Continued)

PATRICIA MUNROE, 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

County Executive Office Signature

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD
 Policy
 Policy
 Consent
 Consent
 Dept. Recomm.
 Per Exec. Ofc.:

Abatement of Public Nuisance
Case No.: CV07-10134 [FOLK]
1 Parcel West of 42597 Sabina Dr., Hemet
APN#569-260-038
District 3
Page 2

BACKGROUND:

On October 18, 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)
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5 WHEN RECORDED PLEASE MAIL TO:
Patricia Munroe, Deputy County Counsel
6 County of Riverside
OFFICE OF COUNTY COUNSEL
7 3960 Orange Street, Suite 500 (Stop #1350)
Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

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10 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 07-10134
12 [UNAPPROVED GRADING]; APN: 569-260-038,)
1 PARCEL WEST OF 42597 SABINA DRIVE,) FINDINGS OF FACT,
13 HEMET, RIVERSIDE COUNTY, CALIFORNIA;) CONCLUSIONS AND ORDER TO
CHARLES FOLK, OWNER.) ABATE NUISANCE
14)
15) R.C.O. Nos. 457 and 725

16 The above-captioned matter came on regularly for hearing on October 18, 2011, 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 West of 42597 Sabina Drive, Hemet, Riverside County, APN: 569-
20 260-038, 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.

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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 Charles Folk (“OWNER”).

4 2. Documents of title indicate that another party may potentially hold a legal interest in
5 THE PROPERTY, to wit: Indymac Venture, LLC (“INTERESTED PARTY”).

6 3. THE PROPERTY was inspected by Code Enforcement Officers on December 17,
7 2007, October 26, 2009, November 13, 2009, January 7, 2010, July 26, 2010, February 22, 2011,
8 August 26, 2011 and October 13, 2011.

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 by the Code Enforcement Officer.

13 6. A Notice of Noncompliance was recorded on November 4, 2009 as Document
14 Number 2009-0572661 in the Office of the County Recorder, County of Riverside.

15 7. On December 17, 2007, a Notice of Violation for Unapproved Grading was posted on
16 THE PROPERTY. On January 17, 2008 a Notice of Violation was mailed by certified mail, return
17 receipt requested to OWNER and on February 23, 2011 was mailed to OWNER and INTERESTED
18 PARTY.

19 8. On August 25, 2011, a “Notice to Correct County Ordinance Violations and Abate
20 Public Nuisance” providing notice of the public hearing before the Board of Supervisors was mailed
21 to OWNER and INTERESTED PARTY and on August 26, 2011 was posted on 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 18, 2011 finds and concludes that:

25 1. WHEREAS, the unapproved grading on the real property located at 1 Parcel West of
26 42597 Sabina Drive, Hemet, Riverside County, California, also identified as Assessor's Parcel
27 Number 569-260-038 violates Riverside County Ordinance No. 457 and constitutes a public
28 nuisance 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
9 the 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

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14 By _____
15 Bob Buster
16 Chairman, Board of Supervisors

15

16 ATTEST:

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17 KECIA HARPER-IHEM

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18 Clerk to the Board

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21 By

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22 Deputy

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23 (SEAL)

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