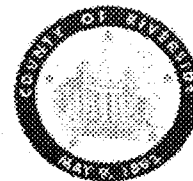


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

714B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
January 13, 2010

SUBJECT: Order to Abate [Grading Without a Permit]
Case No.: CV 07-7324 (WILLIAMS)
Subject Property: 59770 Moonshine Trail, Anza; APN 576-210-014
District Three

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-7324 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 07-7324; 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 07-7324.

BACKGROUND:

On December 15, 2009, 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.

[Signature]
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

BY: *Alex Gann*
Alex Gann

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Tavaglione, seconded by Supervisor Buster and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: January 26, 2010
xc: Co.Co.(3); Recorder

Kecia Harper-Ihem
Clerk of the Board
By: *[Signature]*
Deputy

Prev. Agn. Ref.: 12/15/09: 9.3 | District: 3 | Agenda Number:

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

2.15

Departmental Concurrence

Policy ☐ Policy ☐

Consent ☒ Consent ☐

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



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

S	R	U	PAGE	SIZE	DA	MISC	LONG	RFD	COPY
1			5						
M	A	L	465	426	PCOR	NCOR	SMF	NCHG	EXAM
CONCHZ					T:		CTY	UNI	97

WHEN RECORDED PLEASE MAIL TO:
Julie Jarvi, Deputy County Counsel
County of Riverside
OFFICE OF COUNTY COUNSEL
3960 Orange Street, Fifth Floor (Stop #1350)
Riverside, CA 92501

[EXEMPT '6103]

BOARD OF SUPERVISORS COUNTY OF RIVERSIDE

C
517

IN RE ABATEMENT OF PUBLIC NUISANCE:)
[UNAPPROVED GRADING]; APN: 576-210-014,)
59770 MOONSHINE TRAIL, ANZA, RIVERSIDE)
COUNTY, CALIFORNIA; DONALD J.)
WILLIAMS AND MURIEL A. FASSBINDER,)
OWNERS.)

CASE NO. CV 07-7324

FINDINGS OF FACT,
CONCLUSIONS AND ORDER TO
ABATE NUISANCE

[R.C.O. Nos. 457 (RCC Title 15) and
725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on December 15, 2009, before the Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property described as 59770 Moonshine Trail, Anza, Riverside County, APN: 576-210-014, and referred to hereinafter as "THE PROPERTY."

Julie Jarvi, Deputy County Counsel, appeared along with Brian Black, Supervising Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

Owners did not appear. Mr. Maybe spoke and addressed the Board of Supervisors.

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

///

SUMMARY OF EVIDENCE

1 Documents of record in the Riverside County Recorder's Office identify the Owners of
2 THE PROPERTY as Donald J. Williams and Muriel A. Fassbinder ("OWNERS").

3 Documents of title indicate that no other parties potentially hold a legal interest in
4 THE PROPERTY.

5 THE PROPERTY was inspected by Code Enforcement Officers on July 10, 2007,
6 September 4, 2007, October 10, 2007, January 4, 2008, December 16, 2008, May 28, 2009, and
7 October 29, 2009.

8 During each inspection, a graded pad and cleared slopes were observed on THE
9 PROPERTY without permits and which deviated from the natural topography.

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

12 A Notice of Noncompliance was recorded on September 26, 2007 as Document
13 Number 2007-0603176 in the Office of the County Recorder, County of Riverside.

14 On September 4, 2007, a Notice of Violation for Unapproved Grading was posted on
15 THE PROPERTY. On September 5, 2007 and April 6, 2009, Notices of Violation were mailed by
16 certified mail, return receipt requested to the OWNERS.

17 On August 26, 2009, a "Notice to Correct County Ordinance Violations and Abate
18 Public Nuisance" providing notice of the public hearing before the Board of Supervisors was mailed
19 to OWNERS by certified mail, return receipt requested and was posted on THE PROPERTY on
20 October 29, 2009.

FINDINGS AND CONCLUSIONS

21 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
22 regular session assembled on December 15, 2009 finds and concludes that:

23 WHEREAS, the unapproved grading on the real property located at 59770 Moonshine
24 Trail, Anza, Riverside County, California, also identified as Assessor's Parcel Number 576-210-014
25 violates Riverside County Ordinance No. 457 and constitutes a public nuisance and attractive
26 nuisance.



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

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

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

ORDER TO ABATE NUISANCE

IT IS THEREFORE ORDERED that the unapproved grading on THE PROPERTY located 59770 Moonshine Trail, Anza, Riverside County, California, also identified as Assessor's Parcel Number 576-210-014 be abated by the OWNERS, and anyone having possession or control of THE PROPERTY, by restoring THE PROPERTY to the satisfaction of the Department of Building and Safety so as to prevent offsite drainage and slope erosion in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

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

FORM APPROVED COUNTY COUNSEL
BY Julie A. Koons Jarvi DATE 1/11/10

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: January 26, 2010

COUNTY OF RIVERSIDE

13
14 By Marion Ashley
15 Marion Ashley
Chairman, Board of Supervisors

16 ATTEST:

17 KECIA HARPER-IHEM

18 Clerk to the Board

19
20 By Timothy J. Harman
21 Deputy
22 (SEAL)
23
24
25
26
27
28



2010-0034522
01/27/2010 08:00A
4 of 5



**LARRY W. WARD
COUNTY OF RIVERSIDE
ASSESSOR-COUNTY CLERK-RECORDER**

Recorder
P.O. Box 751
Riverside, CA 92502-0751
(951) 486-7000

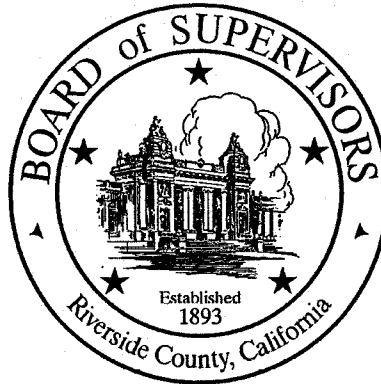
<http://riverside.asrclrec.com>

CERTIFICATION

Pursuant to the provisions of Government Code 27361.7, I certify under the penalty of perjury that the following is a true copy of illegible wording found in the attached document:

(Print or type the page number(s) and wording below):

CLARIFICATION OF THE SEAL for the Riverside County Board of Supervisors
(embossed on document)



Date:

1-26-10

Signature:

Sandi Schlemmer

Print Name:

Sandi Schlemmer, Deputy Clerk - Riverside County Clerk of the Board



NOTICE LIST

Subject Property: 59770 Moonshine Trail, Anza
Case No.: CV 07-7324; APN: 576-210-014; District 3


DONALD J. WILLIAMS
MURIEL A. FASSBINDER
59770 MOONSHINE TRAIL
ANZA, CA 92539

DONALD J. WILLIAMS
MURIEL A. FASSBINDER
41790 GASSNER ROAD
ANZA, CA 92539

DONALD J. WILLIAMS
91790 GASSNER ROAD
ANZA, CA 92539

DONALD J. WILLIAMS
11542 BUNKER PLACE
BEAUMONT, CA. 92223

MURIEL A. FASSBINDER
8833 MISSION GREENS ROAD #3
SANTEE, CA 92071-4201

1. Article Addressed to: DONALD J. WILLIAMS 11542 BUNKER PLACE BEAUMONT, CA. 92223 CV07-7324 *FOF* WILLIAMS 5		2. Article Number (Transfer from service label) 7009 1680 0000 9024 7146	
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> C.O.D. <input type="checkbox"/> Express Mail <input type="checkbox"/> Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
5. Signature  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee		6. Received by (Printed Name) Donald J. Williams 7. Date of Delivery 3-6-10	
8. Is delivery address different from item 1? If YES, enter delivery address below: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
PS Form 3811, February 2004			

PROOF OF SERVICE

Case Nos. CV07-7324

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, Yadira Oseguera, the undersigned, declare that I am a citizen of the United States and am employed in the County of Riverside, over the age of 18 years and not a party to the within action or proceeding; that my business address is 3535 Tenth Street, Suite 300, Riverside, California 92501-3674.

That on March 1, 2010, I served the following document(s):

FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE

by placing a true copy thereof enclosed in a sealed envelope(s) addressed as follows:

OWNERS OR INTERESTED PARTIES
(see attached notice list)

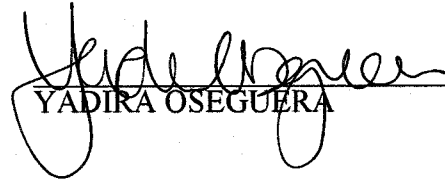
XX **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California, in the ordinary course of business.

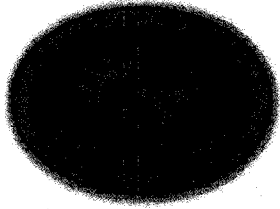
— **BY PERSONAL SERVICE:** I caused to be delivered such envelope(s) by hand to the offices of the addressee(s).

XX **STATE - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.**

— **FEDERAL - I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.**

EXECUTED ON March 1, 2010, at Riverside, California.


YADIRA OSEGUERA



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

JOHN BOYD
Director

AFFIDAVIT OF POSTING OF NOTICES

March 3, 2010

RE CASE NO: CV077324

I, Ariana Meza, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 39493 Los Alamos Road, Suite #A, Murrieta, California 92563 .

That on 03/03/2010 at 1:00pm, I securely and conspicuously posted Findings of Fact, Conclusions and Order To Abate Nuisance, Notice List and Proof of Service. at the property described as:

Property Address: 59770 MOONSHINE TR, ANZA

Assessor's Parcel Number: 576-210-014

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on March 3, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By: 
Ariana Meza, Code Enforcement Technician