

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

609 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
October 15, 2009

SUBJECT: Abatement of Public Nuisance [Grading Without a Permit]
Case No.: CV 08-00109 (Mackenzie)
Subject Property: One parcel east of 47760 Woodcliff Drive, Banning;
APN: 544-270-006
District Five

RECOMMENDED MOTION: Move that:

- (1) The grading without permits on the real property located at One parcel east of 47760 Woodcliff Drive, Banning, Riverside County, California, APN: 544-270-006, be declared a public nuisance and a violation of Riverside County Ordinance No. 457 which does not permit grading of more than fifty (50) cubic yards without a grading permit.
- (2) A five (5) year hold on the issuance of building permits and land use approvals be placed on The Property.

Departmental Concurrence

J. D.

(Continued) JONATHAN D. HOLUB, 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 Policy
 Consent Consent
 Dept's Recomm.: Per Exec. Ofc.:

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Benoit, seconded by Supervisor Stone and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Stone, Benoit and Ashley
Nays: None
Absent: Tavaglione
Date: February 23, 2010
xc: Co. Co., CED(2), Prop. Owner

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

Prev. Agn. Ref.: | District: 5 | Agenda Number:

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

9.8

- (3) Jerry Mackenzie, the Owner of the subject real property or whoever has possession or control of the premises, be directed to restore or remediate the unpermitted grading within ninety (90) days.
- (4) If the owner or whoever has possession or control of the real property does not take the above described action within ninety (90) days of the date of the mailing and posting of the Board's Order to Abate, that representatives of the Code Enforcement Department are authorized to obtain the services of a contractor, upon consent of the owner or receipt of a Court Order authorizing entry onto the real property when necessary under applicable law, to restore or remediate the property so as to prevent offsite drainage and slope erosion.
- (5) The reasonable costs of abatement, after notice and an opportunity for hearing, shall be imposed as a lien on the real property, which may be collected as a special assessment against the real property pursuant to Government Code Section 25845 and Ordinance No. 725.
- (6) Upon the restoration or remediation of the property and payment of all abatement costs assessed against the property the five (5) year hold on the issuance of building permits and land use approvals will be lifted.
- (7) County Counsel be directed to prepare the necessary Findings of Facts and Conclusions that the grading without a permit on the real property is declared to be in violation of Riverside County Ordinance No. 457 and a public nuisance, and further, to prepare an Order to Abate for approval by the Board.

JUSTIFICATION:

1. An inspection was made of the subject property by the Code Enforcement Officer on January 24, 2008. The inspection revealed that a significant amount of soil that was cut into the hillside and was redistributed to form a large flat surface or pad graded on the property. Further, there was severe erosion as a result of the unapproved grading in violation of Riverside County Ordinance No. 457 (RCC Title 15). The Officer estimated that approximately fifty-eight thousand nine hundred (58,900) cubic yards of dirt has been graded. A search of Riverside County records indicates that no permit for grading has been obtained. This creates a public and attractive nuisance.
2. Follow-up inspections on May 14, 2008, July 7, 2009 and August 19, 2009, revealed that the property continues to be in violation of Riverside County Ordinance No. 457.
3. Staff and the Code Enforcement Department have complied with the notice requirements set forth in the appropriate laws of this jurisdiction pertaining to the administrative abatement proceedings for grading without a permit.

1 **BOARD OF SUPERVISORS**
2 **COUNTY OF RIVERSIDE**

3 IN RE ABATEMENT OF PUBLIC NUISANCE) CASE NO. CV 08-00109
4 [GRADING WITHOUT PERMITS] APN: 544-)
5 270-006, ONE PARCEL EAST OF 47760) DECLARATION OF OFFICER
6 WOODCLIFF DRIVE, BANNING, COUNTY OF) ANTHONY GREEN
7 RIVERSIDE, STATE OF CALIFORNIA; JERRY)
8 MACKENZIE, OWNER.) [R.C.O. Nos. 457 (RCC Title 15) and 725
9) (RCC Title 1) and Board of Supervisors Policy
10) F-6]

11 I, Anthony Green, declare that the facts set forth below are personally known to me except to the
12 extent that certain information is based on information and belief which I believe to be true, and if called
13 as a witness, I could and would competently testify thereto under oath:

14 1. I am currently employed by the Riverside County Code Enforcement Department as a
15 Code Enforcement Officer. My current official duties as a Code Enforcement Officer include inspecting
16 property for violations and enforcement of the provisions of Riverside County Ordinances.

17 2. On January 24, 2008, I conducted an initial inspection of the real property located one
18 parcel east of 47760 Woodcliff Drive, Banning, Riverside County, California and further described as
19 Assessor's Parcel Number 544-270-006 (hereinafter referred to as "THE PROPERTY"). A true and
20 correct copy of a Thomas Brothers map indicating the location of THE PROPERTY is attached hereto
21 as Exhibit "A" and incorporated herein by reference.

22 3. A review of County records and documents disclosed that THE PROPERTY is owned by
23 Jerry Mackenzie (hereinafter referred to as "OWNER"). Certified copies of the County Equalized
24 Assessment Roll for the year 2007-2008 and County Geographic Information System ("GIS") report is
25 attached hereto and incorporated herein by reference as Exhibit "B." THE PROPERTY is
26 approximately 2.67 acres and is located within the W-2 (Controlled Development Area) zone
27 classification.

28 4. Based upon the Lot Book Report issued by RZ Title Service on June 5, 2009, it is
determined that no other party potentially holds a legal interest in THE PROPERTY. A true and correct
copy of the Lot Book Report is attached hereto and incorporated herein as Exhibit "C."

5. On January 24, 2008 and May 7, 2008, Code Enforcement Officer Jim Pike and I went to
THE PROPERTY to conduct inspections regarding alleged illegal grading without a permit. THE

1 PROPERTY is a vacant lot that is unfenced and has no signs restricting access. I observed that a
2 significant amount of soil was cut into the hillside and was redistributed to form a large flat surface or
3 pad graded on THE PROPERTY. Based on my training and experience, I estimated that the amount of
4 grading that had taken place was in excess of fifty-eight thousand nine hundred (58,900) cubic yards. I
5 also observed severe erosion that had occurred on THE PROPERTY and that there were no Best
6 Management Practices (“BMPs”) in place that would mitigate the erosion damage. I determined that
7 THE PROPERTY constituted a public nuisance in violation of the provisions set forth in Riverside
8 County Ordinance (“RCO”) No 457, Section 4, Subdivision (J)(2), as codified in Riverside County Code
9 (“RCC”) Title 15. Photographs taken during this inspection that truly and accurately depict the
10 condition of THE PROPERTY on these dates are attached hereto as part of Exhibit “D” and are
11 incorporated herein by this reference.

12 6. A search of County records revealed that there was an application for a grading permit
13 but the permit was still in the plan check stage and had not been issued for THE PROPERTY.

14 7. On April 15, 2008 and June 3, 2008, Notices of Violation for Unapproved Grading, were
15 posted on THE PROPERTY. A true and correct copy of the Notices and supporting documentation is
16 attached hereto as part of Exhibit “E” and is incorporated herein by this reference.

17 8. On May 15, 2008, a Notice of Violation for Unapproved Grading and Grading
18 Notification Letter were mailed to OWNER. The notice advised the OWNER that he was required to
19 provide complete restoration or remediation to the property affected by the unapproved grading. The
20 notice further advised that failure to bring THE PROPERTY into compliance will result in criminal,
21 administrative, or civil action being brought against the OWNER including penalties, restoration, or
22 remediation of the illegal grading by the County. In addition, the notice states RCO No. 457 allows for
23 the Department of Building & Safety to place a five year flag on the issuance of building permits and
24 land use approvals for property that has been graded without approval or permits.

25 9. On August 28, 2008, I conducted a follow-up inspection of THE PROPERTY. THE
26 PROPERTY appeared to be in the same condition as during the inspection on May 7, 2008.

27 10. On September 23, 2008, I conducted a search of Riverside County records and
28 determined that a Grading Restoration Assessment was issued on September 3, 2008.

1 11. I am informed and believe and thereon allege that on May 28, 2009, Supervising Code
2 Enforcement Officer Mary Overholt researched the status of this permit and determined that a hold had
3 been placed on the permit due to nonpayment of fees owed.

4 12. I am informed and believe and thereon allege that on June 3, 2009, Supervising Code
5 Enforcement Officer Hector Viray received a telephone call from a representative of OWNER who
6 advised that OWNER wished to appeal the restoration requirement in their permit.

7 13. On July 7, 2009, I conducted a follow-up inspection of THE PROPERTY. During this
8 inspection, I observed that the pad remained on THE PROPERTY in violation of Riverside County
9 Ordinance No. 457. Photographs taken during this inspection which truly and accurately reflect the
10 condition of THE PROPERTY on this date are attached hereto as part of Exhibit "D" and are
11 incorporated herein by this reference.

12 14. A site plan and photographs of the unapproved grading on THE PROPERTY are attached
13 hereto as part of Exhibit "D" and incorporated herein by reference.

14 15. Based upon my experience, knowledge and visual observations, it is my determination
15 that the un-permitted grading on THE PROPERTY is in excess of fifty (50) cubic yards and was done
16 without a permit and is therefore in violation of Riverside County Ordinance No. 457 (RCC Title 15).
17 Under Riverside County Ordinance No. 725 (RCC Chapter 1.16), any condition caused, maintained or
18 permitted to exist in violation of any of the provisions of county land use ordinances, including
19 Riverside County Ordinance No. 457, is declared unlawful and a public nuisance that may be abated
20 consistent with the procedures provided for in Riverside County Ordinance No. 725, or in any other
21 manner provided by law.

22 16. A Notice of Non-Compliance was recorded in the Office of the County Recorder, County
23 of Riverside, State of California, on June 2, 2008 as Instrument Number 2008-0296812, a true and
24 correct copy of which is attached hereto and incorporated herein by reference as Exhibit "F".

25 17. A subsequent inspection on August 19, 2009 revealed that THE PROPERTY remained in
26 violation of RCO No. 457 (RCC Title 15) due to the grading without permits.

27 18. On August 18, 2009 the second notice – "Notice to Correct County Ordinance Violations
28 and Abate Public Nuisance" providing notification of the Board of Supervisors' hearing scheduled for

1 October 27, 2009, as required by Riverside County Ordinance No. 725, was mailed to OWNER by
2 certified mail, return receipt requested and on August 19, 2009 was posted on THE PROPERTY. True
3 and correct copies of the notice, returned receipt cards, together with the proof of service, and the
4 affidavit of posting of notices are attached hereto as Exhibit "G" and incorporated herein by reference.

5 19. The complete restoration or remediation of THE PROPERTY affected by the unapproved
6 grading is required to bring THE PROPERTY into compliance with RCO No. 457 (RCC Title 15).

7 20. Accordingly, the following findings and conclusions are recommended:

8 (a) the grading without permits on THE PROPERTY be deemed and declared a
9 public nuisance; and

10 (b) that a five year hold on the issuance of building permits and land use approvals be
11 placed on THE PROPERTY;

12 (c) the OWNER or whoever has possession or control of THE PROPERTY be
13 required to completely restore or remediate the un-permitted grading on THE PROPERTY in
14 accordance with the provisions of all applicable County ordinances, including but not limited to RCO
15 No. 457 (RCC Title 15) within ninety days of the Board's Order to Abate Nuisance;

16 (d) that if THE PROPERTY is not restored or remediated within ninety days of the
17 Board's Order to Abate Nuisance, the County will retain a county approved contractor to reclaim THE
18 PROPERTY so as to prevent offsite drainage and slope erosion;

19 (e) that upon restoration of THE PROPERTY and payment of all abatement costs, the
20 five year hold on the issuance of building permits and land use approvals will be released; and

21 (f) that reasonable costs of abatement, after notice and opportunity for hearing, shall
22 be imposed as a lien on THE PROPERTY, which may be collected as a special assessment against THE
23 PROPERTY pursuant to Government Code Section 25845 and Riverside County Ordinance No. 457 and
24 725.

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1 I declare under penalty of perjury under the laws of the State of California that the foregoing is
2 true and correct.

3 Executed this 19 day of AUGUST, 2009 at Moreno Valley California.

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5 
6 ANTHONY GREEN
7 Code Enforcement Officer
8 Code Enforcement Department
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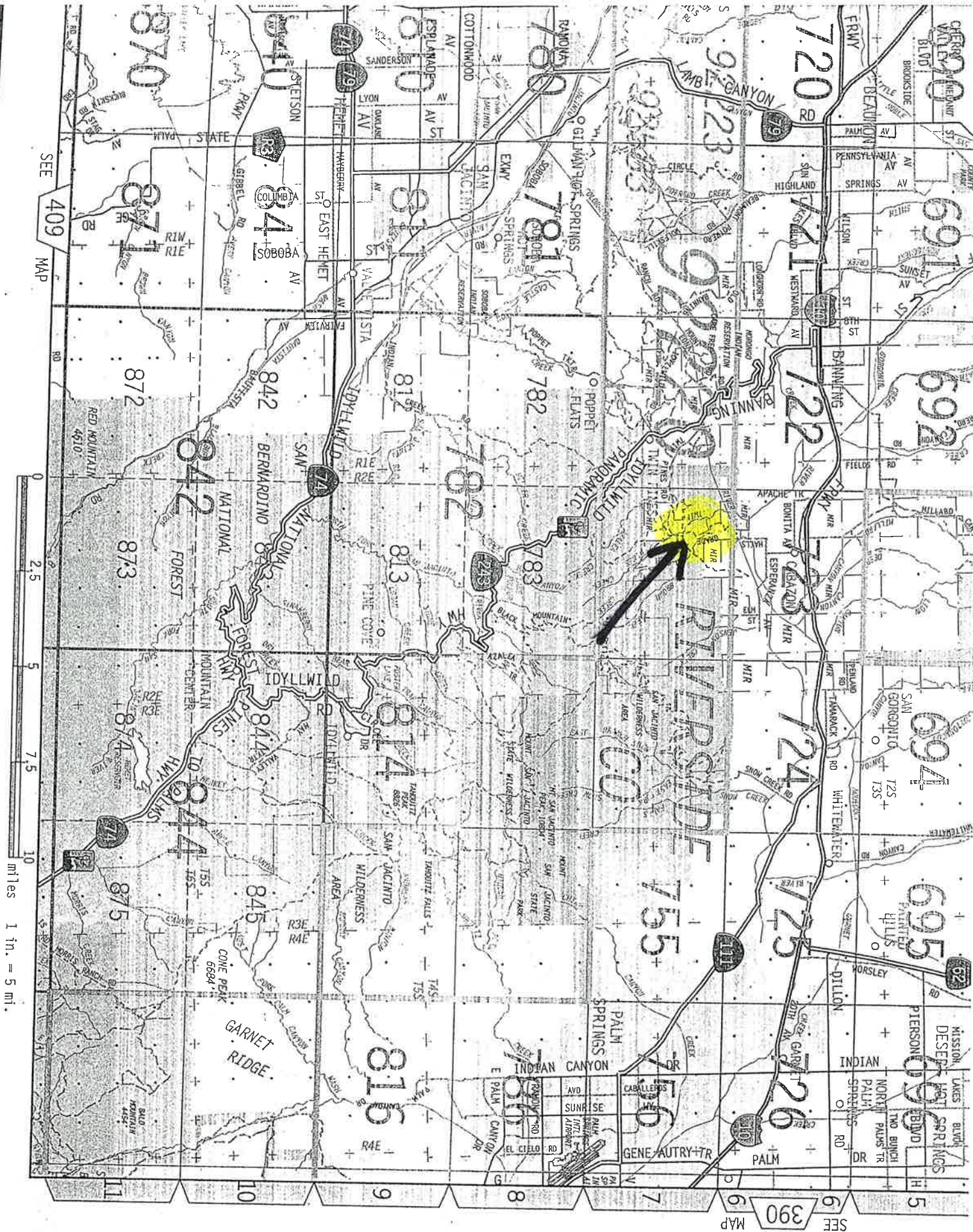


EXHIBIT NO. A

Assessment Roll For the 2007-2008 Tax Year as of January 1,2007

Assessment #544270006-6		Parcel # 544270006-6	
Assessee:	MACKENZIE JERRY	Land	88,434
Mail Address:	3049 W BROADWAY ST	Full Value	88,434
City, State Zip:	VANCOUVER BC CANADA V6K2G9 0	Total Net	88,434
Real Property Use Code:	YR	<div style="border: 1px solid black; padding: 5px; display: inline-block;">View Parcel Map</div>	
Base Year	2008		
Conveyance Number:	0301374		
Conveyance (mm/yy):	5/2007		
PUI:	R070000		
TRA:	55-033		
Taxability Code:	0-00		
ID Data:	Lot A PM 074/078 PM 8536		

This must be in red to be a "CERTIFIED COPY"

I hereby certify the foregoing instrument to which this stamp has been affixed consisting of 1 page to be a full, true and correct copy of the original on file and of record in my office.

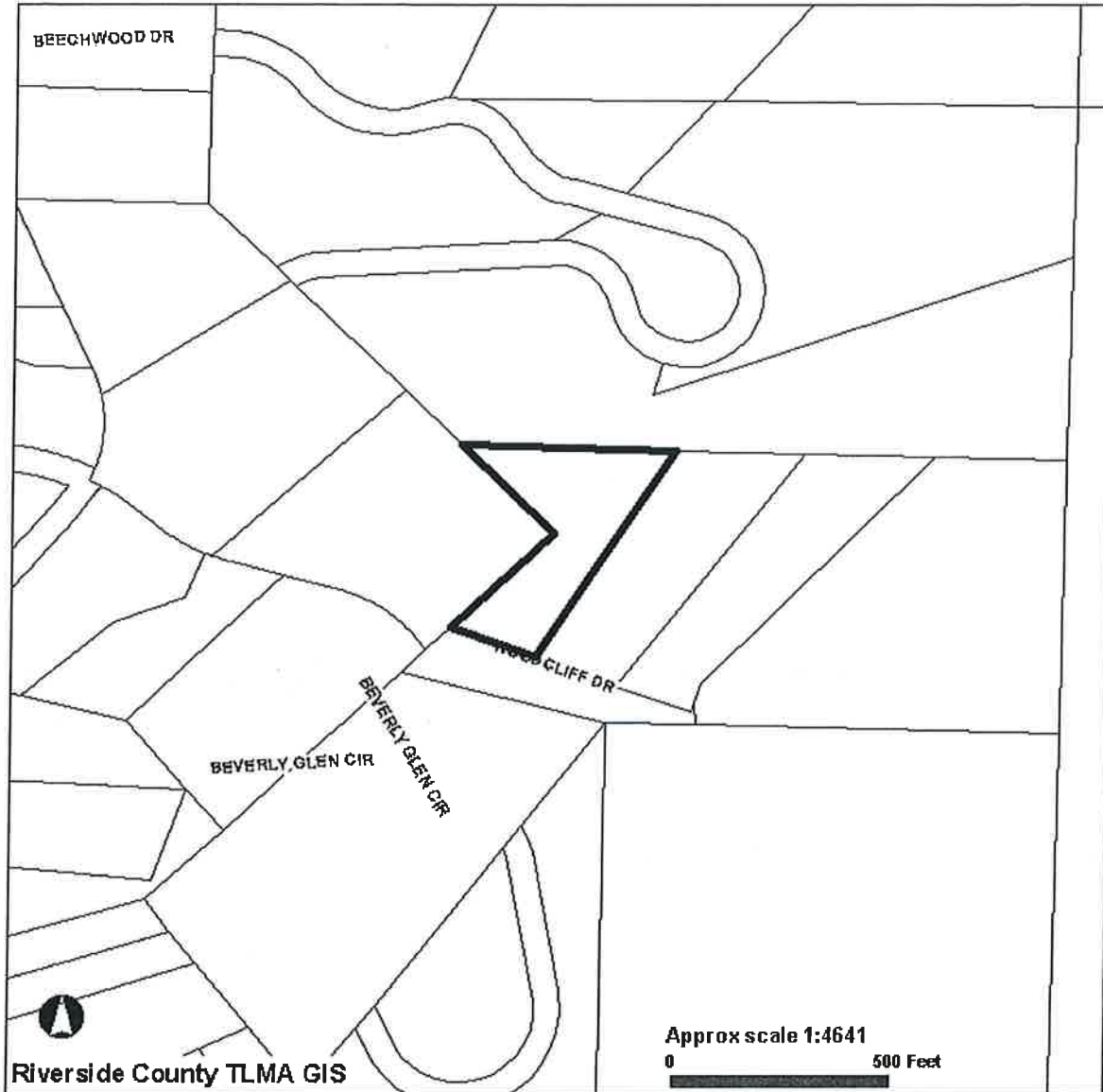
Larry W. Wald
Assessor - County Clerk - Recorder
 County of Riverside, State of California
JUL 16 2009
 Dated: _____



Certification must be in red to be a "CERTIFIED COPY"

B

RIVERSIDE COUNTY GIS



Selected parcel(s):
544-270-006

LEGEND

- SELECTED PARCEL
- PARCELS

IMPORTANT

This information is made available through the Riverside County Geographic Information System. The information is for reference purposes only. It is intended to be used as base level information only and is not intended to replace any recorded documents or other public records. Contact appropriate County Department or Agency if necessary. Reference to recorded documents and public records may be necessary and is advisable.

FULL REPORT

APN(s): 544-270-006-6

OWNER NAME / ADDRESS:

- 544-270-006
JERRY MACKENZIE
ADDRESS NOT AVAILABLE

MAIL TO NAME/ADDRESS:

- 544-270-006
- (SEE OWNER)
- 3049 W BROADWAY ST
- VANCOUVER BC CANADA V6K2G9

APN CAME FROM: - 544-270-006
 - CAME FROM: 544-160-052

LOT SIZE: - 544-270-006
 - RECORDED LOT SIZE IS: 2.67 ACRES

PROPERTY CHARACTERISTICS: - 1. 544-270-006
 - NO PROPERTY DESCRIPTION AVAILABLE

ELEVATION (APPROXIMATE): - 3896/4036 FEET

LEGAL DESCRIPTION: - APN: 544270006
 - RECORDED BOOK/PAGE: PM 74/78
 - SUBDIVISION NAME: PM 8536
 - LOT/PARCEL: 1, BLOCK: NOT AVAILABLE
 - TRACT NUMBER: NOT AVAILABLE

BASE YEAR ASSESSMENT: - 544-270-006
 - BASE YEAR: 2008

TOWNSHIP/RANGE: - T3SR1E SEC 25

CEMETERY DISTRICTS: - NOT IN A CEMETERY DISTRICT

CITY BOUNDARY/SPHERE: - CITY: NOT WITHIN A CITY
 - CITY SPHERE: NOT WITHIN A SPHERE
 - ANNEXATION DATE: NO DATE AVAILABLE
 - LAFCO CASE #: NO CASE # AVAILABLE
 - PROPOSALS: NONE

COMMUNITY: - IN OR PARTIALLY WITHIN TWIN PINES. SEE MAP FOR MORE INFORMATION.

2001 SUPERVISORIAL DISTRICT: - MARION ASHLEY, DISTRICT 5
 as established by County Ordinance 813, August 14, 2001

AREA PLAN: - THE PASS

COACHELLA VALLEY MULTI-SPECIES HABITAT CONSERVATION PLAN FEE AREA: - NOT WITHIN THE COACHELLA VALLEY MSHCP FEE AREA

COACHELLA VALLEY MULTI-SPECIES HABITAT CONSERVATION PLAN - CONSERVATION AREA: - NOT IN A CONSERVATION AREA

WESTERN RIVERSIDE MULTI-SPECIES HABITAT CONSERVATION PLAN FEE AREA: - IN OR PARTIALLY WITHIN THE WESTERN RIVERSIDE MSHCP FEE AREA. SEE MAP FOR MORE INFORMATION.

WESTERN RIVERSIDE COUNTY MSHCP AREA PLAN: - NOT IN AN AREAPLAN

WESTERN RIVERSIDE COUNTY MSHCP CELL GROUP: - NOT IN A CELLGROUP

WESTERN RIVERSIDE COUNTY MSHCP CELL NUMBER: - NOT IN A CELL

IMPORTANT NOTICE: On October 7, 2003, the County of Riverside adopted a new General Plan. The General Plan provides new land use designations for all parcels in the unincorporated area of Riverside County. For any parcel, the General Plan may provide for a different type of land use than is provided for under existing zoning. During the next one to two years, the County will undertake a program to review all the zoning in the unincorporated area, and where necessary, change the zoning, following advertised public hearings, to conform to the County's new General Plan. Until then, please be advised that there may be a difference between the zoning and General Plan designations on any parcel. This may result in, at a minimum, the need to change the zoning before desired development may proceed. For further information, please contact the Riverside County Planning Department offices in Riverside at (951) 955-3200, in Murrieta at (951) 600-6170, or in Indio at (760) 863-8277.

LANDUSE DESIGNATION:

Click [here](#) for landuse descriptions.

- RM

● CHECK MAP TO CONFIRM LANDUSE DESIGNATION

● FOR MORE INFORMATION ABOUT LANDUSE DESIGNATIONS, CALL THE COUNTY'S PLANNING DEPARTMENT AT 951-955-3200.

ZONING CLASSIFICATION(S) ORD. 348:

Click [here](#) for zoning classifications.

- W-2

- CHECK MAP TO CONFIRM ZONING CLASSIFICATIONS

- FOR MORE INFORMATION ABOUT ZONING CLASSIFICATIONS, CALL THE COUNTY'S PLANNING DEPARTMENT AT 951-955-3200.

ZONING DISTRICT/AREA:

- PASS & DESERT DIST

OUTDOOR BILLBOARDS:

- BILLBOARDS NOT PERMITTED BY ZONING

SPECIFIC PLAN:

- NOT WITHIN A SPECIFIC PLAN

NOTE: Non-mapped Policy Area issues may exist on this parcel. Please contact the Planning Department at (951)955-3200 for more information.

MAPPED POLICY AREAS:

- NONE

GENERAL PLAN POLICY OVERLAY:

- NOT IN A GENERAL PLAN POLICY OVERLAY AREA

DEVELOPMENT AGREEMENT #:

- NOT IN A DEVELOPMENT AGREEMENT AREA

REDEVELOPMENT AREAS:

- NOT IN A REDEVELOPMENT AREA

AGRICULTURE PRESERVE:

- NOT IN AN AGRICULTURE PRESERVE

AIRPORT INFLUENCE AREAS:

- NOT IN AN AIRPORT INFLUENCE AREA

AIRPORT COMPATIBILITY ZONES:

- NOT IN AN AIRPORT COMPATIBILITY ZONE

Planning Case Map information may not be complete, current, or up-to-date for this area. Please contact the Planning Department if more information is needed.

PLANNING CASE(S):

- NO PLANNING CASES DESCRIPTION: NOT APPLICABLE

APPLIED DATE: NOT APPLICABLE STATUS: NOT APPLICABLE

DEV. IMP. FEE AREA ORD. 659:

- THE PASS

2000 CENSUS TRACT:

- 043806

1990 FARMLAND DESIGNATION:

- GRAZING LAND

2000 CENSUS DESIGNATION:

- CENSUS DESIGNATION REPORT IS NOT AVAILABLE

INDIAN TRIBAL LANDS:

- NOT IN A TRIBAL LAND

SCHOOL DISTRICT:

- BANNING UNIFIED

ROAD & BRIDGE DISTRICT:

- NOT IN A DISTRICT

ROADBOOK PAGE:

- 146

* BOUNDARIES ARE APPROXIMATIONS. USE FOR REFERENCE ONLY. SURVEY INFORMATION MUST BE CONSULTED OR PREPARED TO ACCURATELY DETERMINE ANY RIGHT-OF-WAY BOUNDARY.

CETAP CORRIDORS:

- NOT IN A CETAP CORRIDOR.

CIRCULATION ELEMENT ULTIMATE RIGHT-OF-WAY ROADS:

- NOT IN A CIRCULATION ELEMENT RIGHT-OF-WAY

EAST T.U.M.F. ORD. 673:

- NOT WITHIN THE EASTERN TUMF FEE AREA

WEST T.U.M.F. ORD. 824:

- IN OR PARTIALLY WITHIN THESE FEE AREAS. SEE MAP FOR MORE INFORMATION.
- PASS

WATER DISTRICT:

- SAN GORGONIO PASS WATER AGENCY (SGPWA)

FLOOD CONTROL DISTRICT:

- RIVERSIDE COUNTY FLOOD CONTROL DISTRICT

FLOOD PLAIN REVIEW:

- NOT REQUIRED.

WATERSHED: - WHITEWATER

VEGETATION: - CHAPARRAL

SKR FEE AREA ORD. 663.10: - NOT WITHIN A FEE AREA

HANS/ERP PROJECT: - NONE

FAULT ZONE: - NOT IN A FAULT ZONE

FAULTS: WITHIN A 1/2 MILE OF
 - FAULT IN BASEMENT ROCKS
 CONTACT THE COUNTY'S CHIEF ENGINEERING GEOLOGIST AT (951)955-6863.

LIQUEFACTION POTENTIAL: - NO POTENTIAL FOR LIQUEFACTION EXISTS

SUBSIDENCE: - NOT IN A SUBSIDENCE AREA

HIGH FIRE AREA ORD. 787: - IN HIGH FIRE AREA - Grading And Building Permit Applications Require Fire Dept Clearance Prior To Permit Issuance.

STATE RESPONSIBILITY AREAS: - STATE RESPONSIBILITY AREA

LIGHTING ORD. 655: - ZONE B, 35.83 MILES.

COUNTY SERVICE AREA: - NOT IN A COUNTY SERVICE AREA.

BUILDING PERMIT(S): -BHR080229 DESCRIPTION: GRADING RESTORATION ASSESSMENT
 APPLIED DATE: 09/03/2008 STATUS AS OF 06/5/2009: ISSUED

CODE COMPLAINTS: - NO CODE COMPLAINTS

ENVIRON. HEALTH CASE(S): - NO ENVIRONMENTAL CASES

TAX RATE AREAS: - NOT AVAILABLE

SURFACE MINES: - NO SURFACE MINES

PALEONTOLOGICAL SENSITIVITY: - LOW POTENTIAL.
 FOLLOWING A LITERATURE SEARCH, RECORDS CHECK AND A FIELD SURVEY, AREAS MAY BE DETERMINED BY A QUALIFIED VERTEBRATE PALEONTOLOGIST AS HAVING LOW POTENTIAL FOR CONTAINING SIGNIFICANT PALEONTOLOGICAL RESOURCES SUBJECT TO ADVERSE IMPACTS.

COMMUNITY FACILITY DISTRICTS: - NAME: NOT IN A COMMUNITY FACILITY DISTRICT
 - DISTRICT NUMBER: NOT AVAILABLE

THOMAS BROS. MAPS PAGE/GRID: - PAGE 0- GRID 0

SPECIAL NOTES: - NO SPECIAL NOTES

REPORT PRINTED ON...Fri Jun 05 11:26:14 2009



P.O. Box 1193
 Whittier, CA 90609
 Tel # (562) 325-8351
 Fax # (714) 783-3038

Lot Book Report

Order Number: **19245**

Customer:

RIVERSIDE COUNTY TLMA-CODE INFORCEMENT
 4080 Lemon Street
 Riverside CA 92501

Order Date: 6/5/2009

Dated as of: 6/8/2009

County Name: Riverside

Attn: Brent Steele
 Reference: CV08-00109 / Regina Keyes
 IN RE: MACKENZIE, JERRY

FEE(s):
 Report: \$120.00

Property Address: Vacant Land

CA

Assessor's Parcel No. : 544-270-006-6

Assessments:

Land Value:	\$86,700.00
Improvement Value:	\$0.00
Exemption Value:	\$0.00
Total Value:	\$86,700.00

Tax Information

Property Taxes for the Fiscal Year	2008-2009
First Installment	\$681.58
Penalty	\$68.15
Status	NOT PAID-DELINQUENT
Second Installment	\$681.58
Penalty	\$99.15
Status	NOT PAID-DELINQUENT



P.O. Box 1193
Whittier, CA 90609
Tel # (562) 325-8351
Fax # (714) 783-3038

Order Number: 19245

Reference: CV08-00109 / Reg

Property Vesting

The last recorded document transferring title of said property

Dated 04/25/2007

Recorded 05/04/2007

Document No. 2007-0301374

D.T.T. \$93.50

Grantor Alan Blaine Hurley and Carol Ann Hurley, Co-trustees of the Alan Blaine Hurley and Carol Ann Hurley Revocable Living Trust Agreement dated July 15, 1996

Grantee Jerry Mackenzie, an unmarried man

Deeds of Trust

No Deeds of Trust of Record

Additional Information

Notice of Non-Compliance filed by County of Riverside Department of Code Enforcement

In the matter of the property of Jerry Mackenzie

Case No. CV08-00109

Recorded 06/02/2008

Document No. 2008-0296812

Legal Description

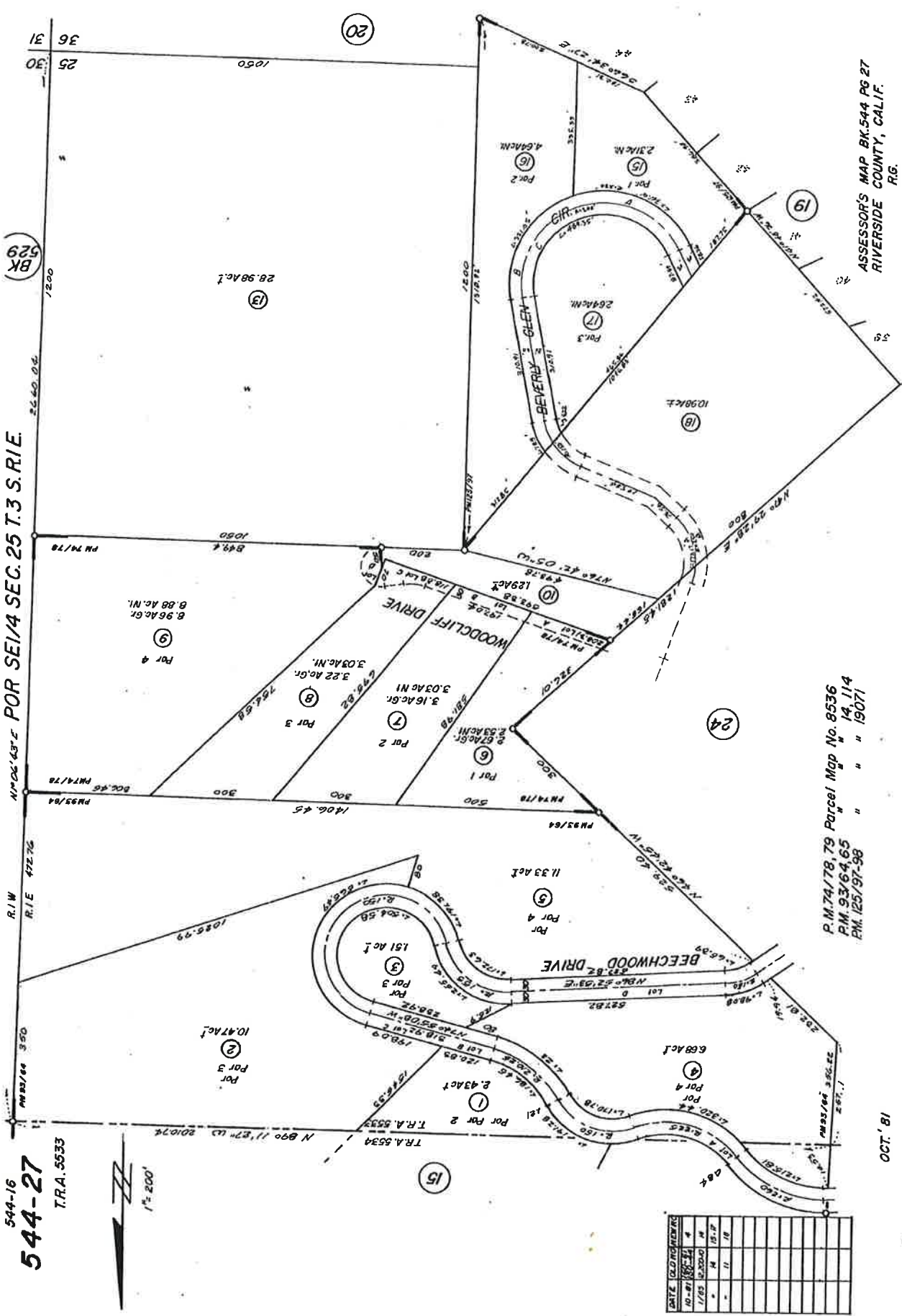
THE LAND REFERRED TO IN THIS REPORT IS LOCATED IN AND IS DESCRIBED AS FOLLOWS:

PARCEL 1, TOGETHER WITH LOT "A" OF PARCEL MAP NO. 8536, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 74, PAGES 78 AND 79 OF PARCEL MAP, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

544-16
544-27
T.R.A. 5533

N 1/2 S 1/4 SEC. 25 T.3 S. R.1E.

7200
25
30
31
BK 529



DATE	CLERK	REMARKS
10-27-1971
1-23-1970

P.M. 74/78, 79 Parcel Map No. 8536
P.M. 93/64, 65 " " 14, 114
P.M. 125/97-98 " " " 19071

ASSESSOR'S MAP BK. 544 PG. 27
RIVERSIDE COUNTY, CALIF.
R.G.

OCT. '81

RECORDING REQUESTED BY:
COMMONWEALTH LAND TITLE

AND WHEN RECORDED MAIL TO:
Jerry Mackenzie
3049 W. Broadway Street
Vancouver, BC, Canada V6K2G9

Order No.: 2134033
Escrow No.: PS-03377-MR
A.P.N.: 544-270-006

DOC # 2007-0301374
05/04/2007 08:00A Fee:16.00
Page 1 of 4 Doc T Tax Paid
Recorded in Official Records
County of Riverside
Larry H. Ward
Assessor, County Clerk & Recorder



TRA 055-033

SPAC
GRANT
DEED

S	R	U	PAGE	SIZE	DA	MISC	LONG	RFD	COPY
1			4						
M	A	L	465	425	PCOR	NCOR	SMF	NCHG	EXAM
TRA 055 UNI vol									013

THE UNDERSIGNED GRANTOR(S) DECLARE(S)
DOCUMENTARY TRANSFER TAX IS \$93.50

- computed on full value of property conveyed, or
- computed on full value less value of liens or encumbrances remaining at time of sale.
- unincorporated area ~~of City of Berkeley~~ AND

16 T
013

213 4033

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Alan Blaine Hurley and Carol Ann Hurley, Co-trustees of the Alan Blaine Hurley and Carol Ann Hurley Revocable Living Trust Agreement dated July 15, 1996

hereby GRANT(S) to

Jerry Mackenzie, an unmarried man

Riverside

the following described real property in the County of ~~San Bernardino~~ ^{Riverside}, State of California: Parcel 1, together with Lot "A" of Parcel Map No. 8536, in the County of ~~San Bernardino~~ ^{Riverside} State of California, on file in Book 74, of Parcel Maps, Records of ~~San Bernardino~~ ^{Riverside} County, California.

see attached

Dated: April 25, 2007

STATE OF CALIFORNIA
COUNTY OF Riverside

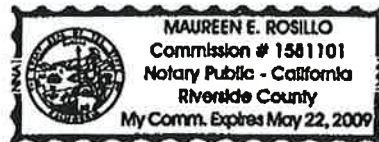
} ss.

On April 25, 2007 before me
Maureen E. Rosillo
Notary Public, personally appeared
Carol Ann Hurley

Alan Blaine Hurley
Alan Blaine Hurley, Trustee
Carol Ann Hurley
Carol Ann Hurley, Trustee

The Alan Blaine Hurley and
Carol Ann Hurley Revocable Living Trust

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s), acted, executed the instrument.



WITNESS my hand and official seal.

Signature Maureen E. Rosillo
Signature of Notary

Commission Expiration Date: May 22, 2009

(This area for official notarial seal)

MAIL TAX STATEMENTS TO: Jerry Mackenzie - Same as Above

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

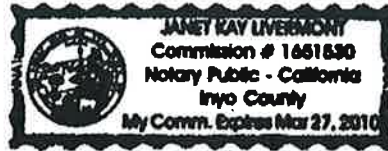
STATE OF CALIFORNIA
COUNTY OF Inyo

On 27 April 2007 before me Janet Kay Livermont,
a Notary Public in and for said County and State, personally appeared
Alan Blaine Hurley, Trustee

personally known to me — OR — proved to me
on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within
instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized
capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of
which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Janet Kay Livermont



Affix Notary Seal Here

*****OPTIONAL*****

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER	DESCRIPTION OF ATTACHED DOCUMENT
<input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> CORPORATE OFFICER	Title or type of document
Title(s)	Number of Pages
<input type="checkbox"/> Partner(s) <input type="checkbox"/> Limited <input type="checkbox"/> General	Date of Document
<input type="checkbox"/> Attorney-In-Fact <input type="checkbox"/> Trustee(s) <input type="checkbox"/> Guardian/Conservator <input type="checkbox"/> Other: _____ _____ _____	Signer(s) other then named above
Signer is representing: Name of person(s) or entity(ies) _____ _____	

Public Record

EXHIBIT "A"

**All that certain real property situated in the County of Riverside,
State of California, described as follows:**

**Parcel 1, together with Lot "A" of Parcel Map No. 8536, in the County
of Riverside, State of California, as per map recorded in Book 74,
pages 78 and 79 of Parcel Maps, in the office of the County Recorder
of said County.**

Assessor's Parcel Number: 544-270-006-6



GOVERNMENT CODE 27361.7

I certify under penalty of perjury that the notary seal on the document to which this statement is attached reads as follows:

Name of Notary : Janet Kay Livermont

Notary Identification Number : 1651530

County Where Bond Is Filed : Inyo

Date Commission Exp : Mar. 27, 2010

DATE: 5, 4, 07

SPL, Inc. as agent [Signature]
Signature

State of California)
 County of _____)
 On _____ before me, _____ personally appeared, _____
 personally known to me (or proved to me the basis of satisfactory evidence) to be the
 person (s) whose name (s) is/are subscribed to the within instrument and acknowledged
 to me that he/she/they executed the same in his/her their authorized capacity (ies), and
 that by his/her/their signature (s) on the instrument the person (s), or the entity upon
 behalf of which the person (s) acted, executed the instrument. WITNESS my hand
 and official seal. Signature _____

I CERTIFY UNDER PENALTY OF PERJURY THAT THIS MATERIAL IS A TRUE COPY OF THE ORIGINAL MATERIAL CONTAINED IN THE DOCUMENT:

SPL, Inc. as agent

DATE: / / _____
Signature

Revised 9/6/06 R.1
DR 001 2 Penalties in 1 R1|2|.doc

When recorded please mail to:
Mail Stop# 5002

DOC # 2008-0296812
06/02/2008 08:00A Fee:NC
Page 1 of 1
Recorded in Official Records
County of Riverside
Larry W. Ward
Assessor, County Clerk & Recorder



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NOTICE OF NONCOMPLIANCE for UNAPPROVED GRADING

M
006

In the matter of the Property of)
Jerry Mackenzie) Case No.: CV08-00109

NOTICE IS HEREBY GIVEN to all persons, pursuant to Section 10 of Ordinance Number 725 of the County of Riverside, State of California, that proceedings have been commenced with respect to violations of Riverside County Ordinance No. 457 (RCC Title 15.12) described as grading without approval from the Department of Building and Safety. Such proceedings are based upon the noncompliance of such real property, located at One Parcel East of (47760 Woodcliff Drive), Banning, CA and more particularly described as Assessment Parcel No. 544-270-006 and having a legal description of 2.67 ACRES GRS IN PARS A & 1 PM 074/078 PM 8536 with the requirements of Ordinance No.457, (RCC Title 15.12.020(J)(2)).

The owner has been advised to immediately correct the above-referenced violation to avoid further action by the County of Riverside, which may include remediation or restoration to abate the public nuisance or other remedies available to the department by a court of competent jurisdiction. Any costs incurred by the County, including, but not limited to investigative, administrative and abatement costs and attorneys' fees, may become a lien on the property. Further details regarding this notice may be obtained by addressing an inquiry to the Code Enforcement Department, 24318 Hemlock Ave., Suite C-1, Moreno Valley, CA 92557, Attention Code Enforcement Officer Anthony Green 951-485-5840.

NOTICE IS FURTHER GIVEN in accordance with 17274 and 24436.5 of the California Revenue and Taxation Code, that a tax deduction may not be allowed for interest, taxes, depreciation, or amortization paid or incurred in the taxable year affected by these proceedings.

NOTICE OF FURTHER GIVEN that pursuant to Riverside County Ordinance 457.96 Section 4, Subdivision 3306.03 the Department of Building and Safety may place a five year hold on the issuance of related building permits and land use approvals for this property. Any property owner aggrieved by this decision has the right to appeal to the County of Riverside Board of Supervisors.

COUNTY OF RIVERSIDE
DEPARTMENT OF CODE ENFORCEMENT
By: Mary Overholt
Mary Overholt
Code Enforcement Division

ACKNOWLEDGEMENT

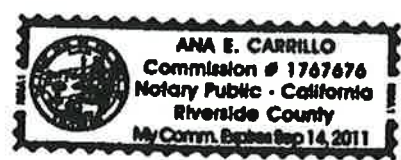
State of California)
County of Riverside)

On 05/19/08 before me, Ana E. Carrillo, Notary Public, personally appeared Mary Overholt who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is are subscribed to the within instrument and acknowledged to me that he/she they executed the same in his/her their authorized capacity(ies), and that by his/her their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Ana E. Carrillo
Commission # 1767676 Comm. Expires Sep. 14, 2011





COUNTY OF RIVERSIDE
CODE ENFORCEMENT DEPARTMENT
 TRANSPORTATION AND LAND MANAGEMENT AGENCY

JAY E. ORR
 Director

MICHAEL O'CONNOR
 Deputy Director

CASES#: CV0800109

PROPERTY SITUS: 47760 WOODCLIFF DR. BANNING, CA

A.P.N.: 544270-006

DATE DRAWN: (05/07/08)

DRAWN BY: ANTHONY GREEN

Provide North Arrow



REAR PROPERTY LINE

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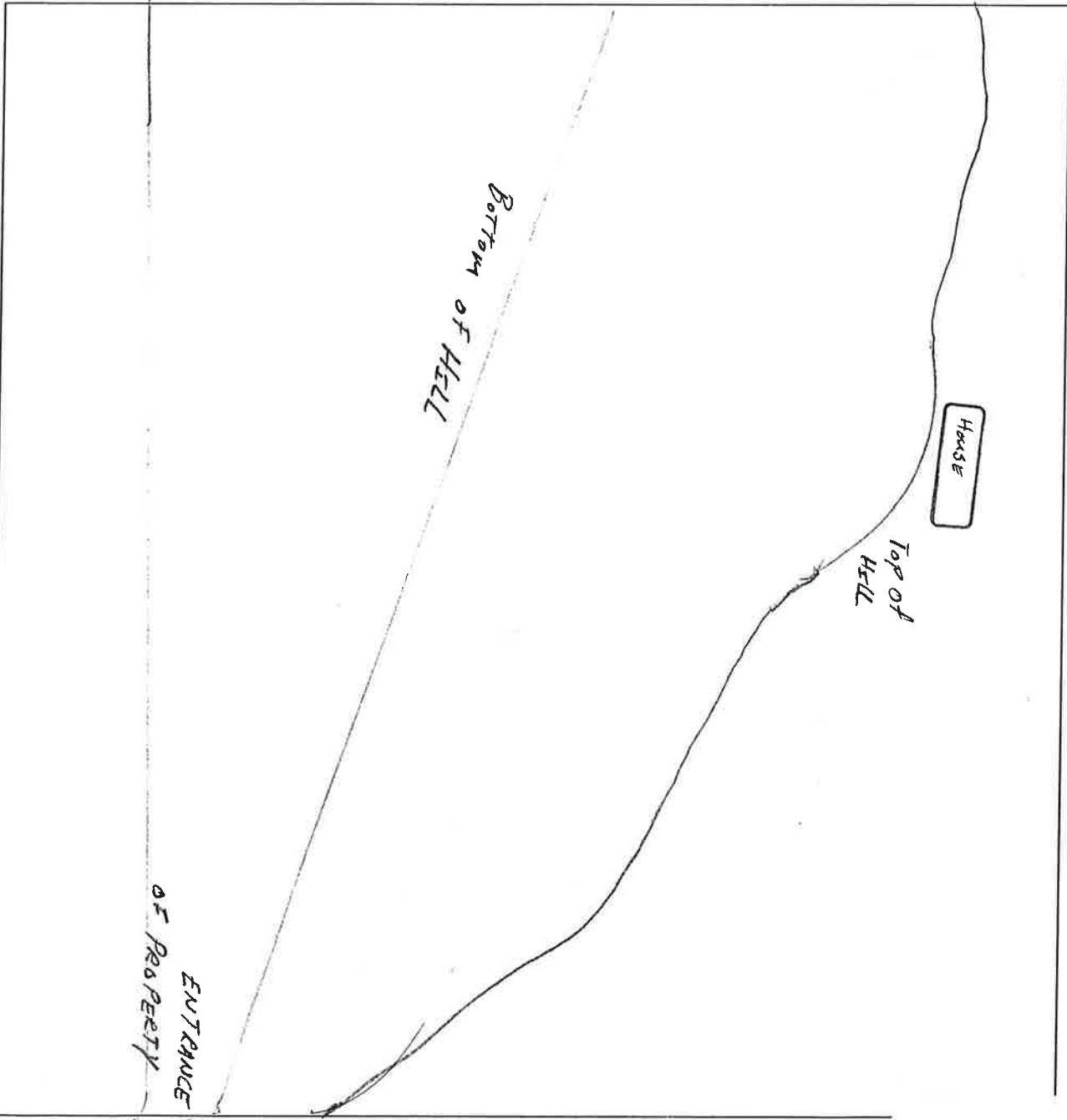
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NOT TO SCALE 47760 WOODCLIFF DR.

FRONT PROPERTY LINE

EXHIBIT NO. D

PHOTOGRAPHIC EVIDENCE CASE NO. CV08-00109



PHOTO # 1 DATE: 01/24/08 TAKEN BY: J. Pike #59 NOTES:



PHOTO # 2 DATE: 01/24/08 TAKEN BY: J. Pike #59 NOTES:

PHOTOGRAPHIC EVIDENCE CASE NO. CV08-00109



PHOTO # 3 DATE: 01/24/08 TAKEN BY: J. Pike #59 NOTES:



PHOTO # 4 DATE: 01/24/08 TAKEN BY: J. Pike #59 NOTES:

PHOTOGRAPHIC EVIDENCE CASE NO. CV08-00109



PHOTO # 5 DATE: 01/24/08 TAKEN BY: J. Pike #59 NOTES:



PHOTO # 6 DATE: 01/24/08 TAKEN BY: J. Pike #59 NOTES:

PHOTOGRAPHIC EVIDENCE CASE NO. CV0800109



PHOTO # 1 DATE: 04/15/08 TAKEN BY: A Green#69 NOTES:



PHOTO # 2 DATE: 04/15/08 TAKEN BY: A. GREEN #69 NOTES:

PHOTOGRAPHIC EVIDENCE CASE NO. CV0800109



PHOTO # 1 DATE: 05/07/08 TAKEN BY: A Green#69 NOTES:



PHOTO # 2 DATE: 05/07/08 TAKEN BY: A.GREEN #69 NOTES: Looking North east on property.

EXHIBIT NO. 10

PHOTOGRAPHIC EVIDENCE CASE NO. CV0800109



PHOTO # 3 DATE: 05/07/08 TAKEN BY: A Green#69 NOTES: northeast side of the hill.



PHOTO # 4 DATE: 05/07/08 TAKEN BY: A.GREEN #69 NOTES:

PHOTOGRAPHIC EVIDENCE CASE NO. CV0800109



PHOTO # 5 DATE: 05/07/08 TAKEN BY: A Green#69 NOTES: looking northwest side of the hill.



PHOTO # 6 DATE: 05/07/08 TAKEN BY: A.GREEN #69 NOTES:

PHOTOGRAPHIC EVIDENCE CASE NO. CV0800109



PHOTO # 7 DATE: 05/07/08 TAKEN BY: A Green#69 NOTES:



PHOTO # 8 DATE: 05/07/08 TAKEN BY: A.GREEN #69 NOTES:

PHOTOGRAPHIC EVIDENCE CASE NO. CV0800109



PHOTO # 9 DATE: 05/07/08 TAKEN BY: A Green#69 NOTES:



PHOTO # 10 DATE: 05/07/08 TAKEN BY: A.GREEN #69 NOTES: northwest side of hill

PHOTOGRAPHIC EVIDENCE CASE NO. CV0800109



PHOTO # 11 DATE: 05/07/08 TAKEN BY: A Green#69 NOTES: posting of grading violations and grading flyer, and business card.

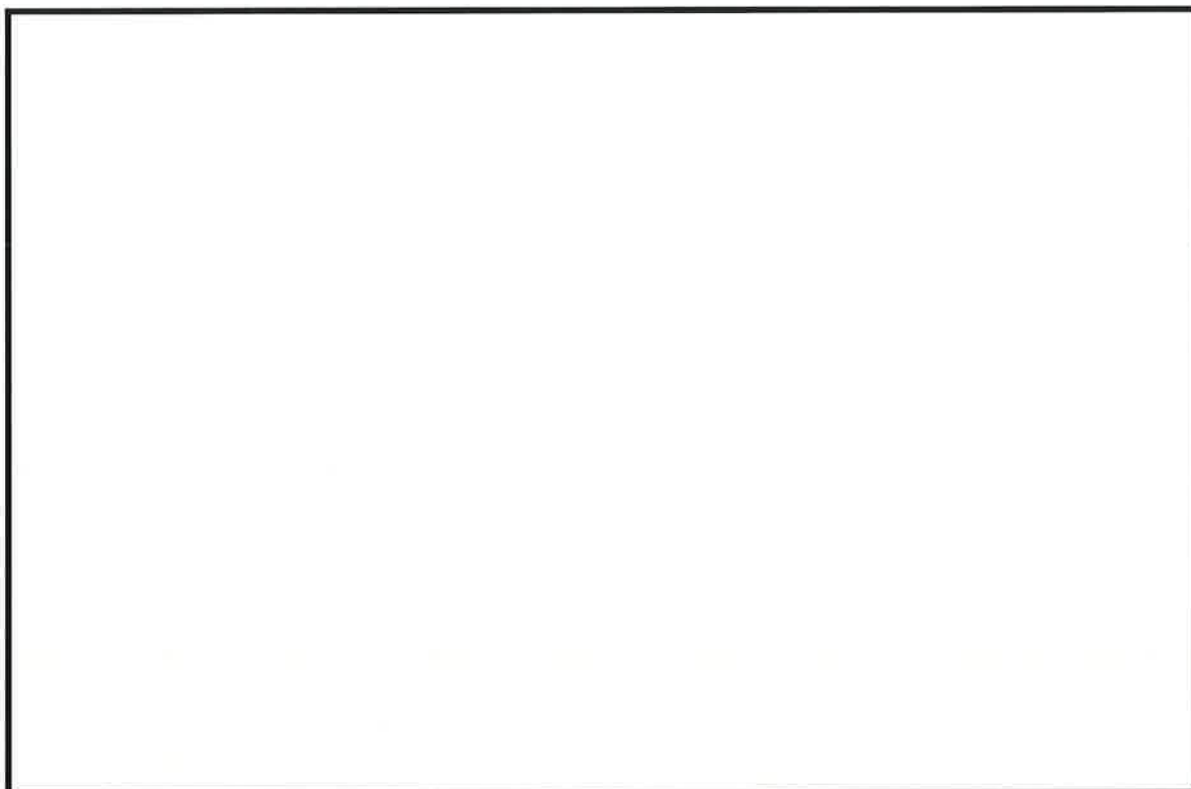


PHOTO # 12 DATE: 05/07/08 TAKEN BY: A.GREEN #69 NOTES:

EXHIBIT NO. D11

PHOTOGRAPHIC EVIDENCE CASE NO. CV08-00109



PHOTO # 1 TAKEN BY: D Jurden, CET ADDRESS: 1 parcel E/O 47760
Woodcliff Road NOTES:



PHOTO # 2 TAKEN BY: D Jurden, CET ADDRESS: 1 parcel E/O 47760
Woodcliff Road NOTES:

PHOTOGRAPHIC EVIDENCE CASE NO. CV0800109



PHOTO # 1 DATE: 08/28/08 TAKEN BY: A Green#69 NOTES: looking north.



PHOTO # 2 DATE: 08/28/08 TAKEN BY: A. Green #69 NOTES:

PHOTOGRAPHIC EVIDENCE CASE NO. cv0800109



PHOTO # 3 DATE: 08/28/08 TAKEN BY: A Green#69 NOTES: looking northeast.

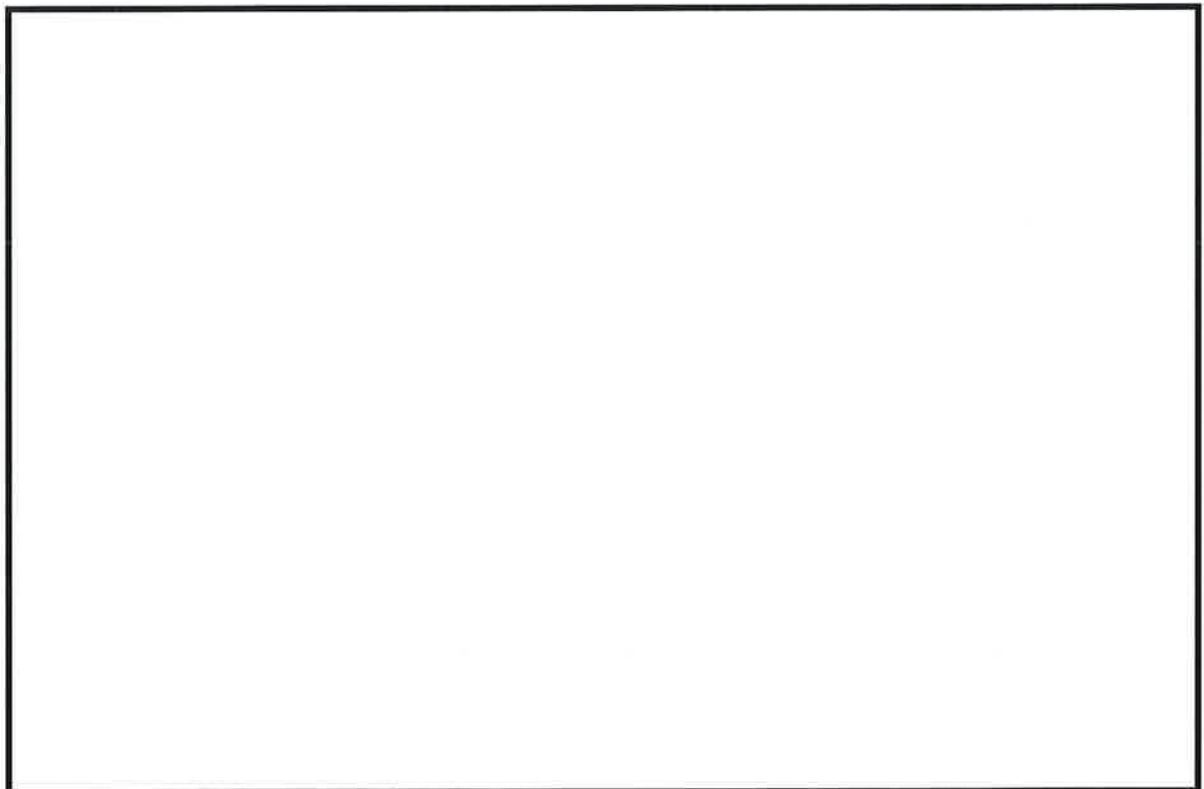


PHOTO #_DATE:_TAKEN BY:_NOTES:

PHOTOGRAPHIC EVIDENCE CASE NO. CV08-00109



PHOTO # 1 DATE: 07/07/09 TAKEN BY: J. Pike #59 NOTES: Vegetation has grown over violation.



PHOTO # 2 DATE: 07/07/09 TAKEN BY: J. Pike #59 NOTES: Without BMPs the Northwestern end of the property is eroding.

EXHIBIT NO. 115

PHOTOGRAPHIC EVIDENCE CASE NO. CV08-00109



PHOTO # 3 DATE: 07/07/09 TAKEN BY: J. Pike #59 NOTES: Eastern side of the property is eroding from the rains.



PHOTO # 4 DATE: 07/07/09 TAKEN BY: J. Pike #59 NOTES: Violation has slid onto another lot.

COUNTY OF RIVERSIDE
CODE ENFORCEMENT DEPARTMENT

NOTICE OF VIOLATION

CVD8
CASE NO.: 40109 APN 544-270-006

BANNING

THE PROPERTY AT 1 PARCEL EAST OF 47700 WOODCLIFF DR.
WAS INSPECTED AT 1145 am/pm ON 050708
BY J. PIKE #59 / A. GREEN #69

(Name of Inspector or Investigator/ Badge No.)

AND FOUND TO BE IN VIOLATION OF RIVERSIDE COUNTY CODE
AS FOLLOWS:

CODE 15 SECTION 12.030 W(2)
GRADING WITHOUT THE REQUIRED PERMITS

YOU ARE DIRECTED TO COMPLY WITH THIS NOTICE BY

OBTAIN RESTORATION ASSESSMENT FROM THE DEPARTMENT
OF BUILDING AND SAFETY AND COMPLY
WITH THE PROCESS AND CONDITIONS.

IMMEDIATELY. A FOLLOW-UP INVESTIGATION WILL BE CONDUCTED
ON OR ABOUT 060708. FAILURE TO COMPLY BY THIS DATE
COULD RESULT IN THE ISSUANCE OF AN ADMINISTRATIVE
CITATION, AND THE IMPOSITION OF A LIEN ON THE PROPERTY FOR
THE ABATEMENT AND ENFORCEMENT COSTS.

PENALTY FOR FAILURE TO COMPLY

A FINE MAY BE ASSESSED AT THE RATE OF:
\$100 FOR EACH VIOLATION ON THE FIRST OFFENSE
\$200 FOR EACH VIOLATION ON THE SECOND OFFENSE
\$500 FOR EACH VIOLATION ON THE THIRD OFFENSE

NOTICE IS HEREBY GIVEN THAT AT THE CONCLUSION OF THIS
CASE YOU WILL RECEIVE A SUMMARY OF ADMINISTRATIVE COSTS
ASSOCIATED WITH THE PROCESSING OF SUCH VIOLATION(S), AT AN
HOURLY RATE OF \$ 109.00 AS DETERMINED BY THE BOARD OF
SUPERVISORS. YOU WILL HAVE THE RIGHT TO OBJECT TO THESE
CHARGES BY FILING A REQUEST FOR HEARING WITH THE
DEPARTMENT OF BUILDING & SAFETY WITHIN TEN (10) DAYS OF
SERVICE OF THE SUMMARY OF CHARGES, PURSUANT TO SECTION
C. OF RIVERSIDE COUNTY CODE 1.16.080

J. PIKE #59 / A. GREEN #69

SIGNATURE - INSPECTOR OR INVESTIGATOR

OFFICE LOCATIONS: (See Reverse Side)

RECEIVED BY:

POSTED

DATE: 050708

EXHIBIT NO. E



JAY E. ORR
DIRECTOR

CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE

JOHN BOYD
MICHAEL DAUBER
DEPUTY DIRECTOR

BRIAN BLACK
STEVE BLOOMQUIST
NEIL LINGLE
JAMES P. MONROE
DIVISION MANAGERS

AFFIDAVIT OF POSTING OF NOTICES

Case No. CV0800109

I, ANTHONY GREEN, the undersigned, hereby declare:

1. I am employed by the Riverside County Department of Code Enforcement, Code Enforcement Division; that my business address is:

County of Riverside
Code Enforcement Division
24318 Hemlock Ave., Suite C-1
Moreno Valley, CA 92557

That on 05/07/08 AT 11:45 A.M.I securely and conspicuously posted NOTICE OF VIOLATION FOR GRADING WITHOUT PERMITS 15.12.020 (J) (2) at the property described as:

Property Address: 1 PARCEL EAST OF 47760 WOODCLIFF DR. BANNING CA.
Assessor's Parcel Number: 544- 270-006

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

Executed on 05/07/08 at the District 5 Office in Moreno Valley, California.

CODE ENFORCEMENT DEPARTMENT

By: Anthony Green
ANTHONY GREEN, Code Enforcement Officer

24318 Hemlock Ave., Suite C-1, Moreno Valley, CA 92557
Phone: (951) 485-5840 * Fax: (951) 485-4938

EXHIBIT NO. E2



JAY E. ORR
DIRECTOR

CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE

JOHN BOYD
MICHAEL DAUBER
DEPUTY DIRECTORS
STEVE BLOOMQUIST
NEIL LINGLE
JAMES P. MONROE
TRACEY TOWNER
DIVISION MANAGERS

NOTICE OF VIOLATION
For
UNAPPROVED GRADING

May 15, 2008

Jerry Mackenzie
3049 W. Broadway Street
Vancouver BC Canada V6K2G9

COPY

Case No. CV08-00109

NOTICE IS HEREBY GIVEN that property owned or controlled by you at One Parcel East of (47760 Woodcliff Drive), Banning, California, Assessor's Parcel Number 544-270-006, is in violation of Riverside County Ordinance 457 (RCC Title 15.12.020 (J)(2)), relating to grading without approval by the Department of Building and Safety.

YOU ARE HEREBY REQUIRED TO COMPLY with the provisions of the ordinance by:

1. Obtain a Restoration Assessment from the Department of Building & Safety and comply with the process and conditions.

YOU MUST COMPLY WITH THIS NOTICE NO LATER THAN June 15, 2008. FAILURE TO COMPLY WILL RESULT IN CRIMINAL, ADMINISTRATIVE, OR CIVIL ACTION BEING BROUGHT AGAINST YOU INCLUDING PENALTIES, RESTORATION, OR REMEDIATION OF THE ILLEGAL GRADING BY THE COUNTY AND ALL COSTS INCURRED BY THE COUNTY MAY BE IMPOSED AS A SPECIAL ASSESSMENT AND/ OR LIEN AGAINST THE PROPERTY.

NOTICE IS HEREBY GIVEN that Ordinance 457.96 Section 4, Subdivision 3306.03 allows for the Department of Building and Safety to place a five year flag on the issuance of building permits and land use approvals for property that has been graded without approval or permits. Any property owner aggrieved by this decision will have the right to appeal to the County of Riverside Board of Supervisors.

FURTHER NOTICE IS HEREBY GIVEN that a Notice of Non-Compliance will be recorded against the affected property.

FURTHER NOTICE IS HEREBY GIVEN that at the conclusion of this case you will receive a summary of administrative costs associated with the processing of this violation at an hourly rate of \$109.00 as determined by the County of Riverside Board of Supervisors. You will have the right to object to these charges by filing a request for hearing with the Department of Building and Safety within 10 days of the service of the summary of charges pursuant to Section 1.16.080 of Riverside County Code.



Anthony Green, Code Enforcement Officer



COUNTY OF RIVERSIDE
TRANSPORTATION AND LAND MANAGEMENT AGENCY



George Johnson
Agency Director

Katherine Gifford
Director,
Administrative
Services Dept.

Ron Goldman
Director,
Planning
Department

Juan Perez
Director,
Transportation
Department

Nick Anderson
Director,
Building & Safety
Department

Jay E. Orr
Director,
Code Enforcement
Department

Carolyn Syms Luna
Director,
Environmental
Programs Dept.

Illegal Grading Notification
Rev 12/04/07

On September 13, 2005 the Board of Supervisors adopted an amendment to Ordinance 457, which allows the Department of Building and Safety to place a five year hold on the issuance of building permits and land use approvals if that property is graded without permits. Any property owner aggrieved by this decision has the right to appeal to the Board of Supervisors.

You have been cited for grading without a permit, you are required to complete an "application to construct" and file for an hourly restoration assessment number. This can be done in any one of the three permit assistance centers listed at the bottom of this page. Once the number has been generated and payment made (**estimated cost \$3000 to \$7000**), you will be contacted by the Environmental Programs Department (EPD) or the Department of Building and Safety to set up your site assessment inspection. Once the site assessment has been completed you will be provided plan requirements in writing. You may be required to provide a Biological Restoration Plan and or Earthwork Restoration Plan. A brief description of each of these is provided below:

Biological Restoration Plan:

A biological restoration plan may be required which is prepared by a qualified biologist and is submitted to the County for review and approval. A biological restoration plan determines how to restore the site to its original state prior to disturbance. This plan may include a re-vegetation plan, an irrigation plan, a mitigation and monitoring plan, schedules and cost estimates for restoration. The level of detail that will be required will be determined through a site assessment conducted by the Environmental Programs Department.

Earthwork Restoration Plan:

The need for an Earthwork restoration Plan is based on the estimated volume of earthwork required to be moved on the site in order to effectively restore the site per the intent of County Ordinance 457.

If an Earthwork Plan is required, the plan shall be prepared by a registered civil engineer. All Riverside County Department of Building and Safety grading plan requirements are necessary to be incorporated into the Earthwork Plan. Plan requirements shall include the details necessary for earthwork movement, cut and fill slopes, property lines, water courses, the location of surface streets and all associated related information. The Earthwork Plan shall also contain standard notes for the accomplishment of the approved restoration effort. A civil engineer letter of certification of earthwork and a formal compaction report for fills of more than one foot may be required prior to final of the Earthwork Plan.

4080 Lemon Street, 2nd Floor • Riverside, California 92501 • (951) 955-1800
38686 El Cerrito Road • Palm Desert, California 92211 • (760) 863-827
39493 Los Alamos Road, Suite A • Murrieta, California 92563 • (951) 600-

EXHIBIT NO.

E4

PROOF OF SERVICE BY MAIL

Case No: CV08-00109

I, the undersigned, say 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 24318 Hemlock Ave., Suite C-1, Moreno Valley, CA 92557.

I am readily familiar with our department's practice for collection and processing of correspondence for mailing with the United States Postal Service. Correspondence is deposited with the United States Postal Service on the same day in the ordinary course of business.

That on the 15th day of May, 2008 I served a copy of the papers to which this proof of service is attached, entitled:

Notice of Violation for Unapproved Grading (RCC 15.12.020)

Illegal Grading Notification

By depositing a copy thereof in an envelope for deposit in the United States Postal Service via Regular Mail & Certified Mail, return receipt requested, and addressed as follows:

Jerry Mackenzie
3049 W. Broadway Street
Vancouver BC Canada V6K2G9

The envelope was sealed and placed for collection and mailing at MORENO VALLEY, CALIFORNIA, on the same date following the ordinary business practices.

I certify under penalty of perjury according to the laws of the State of California that the foregoing is true and correct.

Executed this 15th of May, 2008 at RIVERSIDE, CALIFORNIA.



Melissa Robles, Code Enforcement Aide

Article #: 7008 0150 0002 1614 3886

EXHIBIT NO. ES

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: Jerry Mackenzie 3049 W. Broadway Street Vancouver BC Canada V6K2G9 CV08-00109 / AG REC'D JUN 02 2008		B. Received by (Printed Name) _____ C. Date of Delivery _____ D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If Yes, enter delivery address below)	
		RC # 100118 MAY 22 2008 VANCOUVER V6K2G9	
2. Article Number (Transfer from service label)		<input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
		7008 0150 0002 1614 3886	
PS Form 3811, February 2004		Domestic Return Receipt	
		102595-02-M-1540	

7008 0150 0002 1614 3886

U.S. Postal Service TM
CERTIFIED MAILTM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com.

OFFICIAL USE

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		

Jerry Mackenzie
3049 W. Broadway Street
Vancouver BC Canada V6K2G9
CV08-00109 / AG

PS Form 3800, August 2006

for Instructions

EXHIBIT NO. EL



JAY E. ORR
DIRECTOR

CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE

JOHN BOYD
MICHAEL DAUBER
DEPUTY DIRECTOR

BRIAN BLACK
STEVE BLOOMQUIST
NEIL LINGLE
JAMES P. MONROE
DIVISION MANAGERS

AFFIDAVIT OF POSTING OF NOTICES

Case No. CV08-00109

I, David Jurden, the undersigned, hereby declare:

1. I am employed by the Riverside County Department of Code Enforcement, Code Enforcement Division; that my business address is:

County of Riverside
Code Enforcement Division
24318 Hemlock Ave., Suite C-1
Moreno Valley, CA 92557

That on June 3, 2008 @ 0937 AM, I securely and conspicuously posted a Notice of Violation for Unapproved Grading (RCC 15.12.020), Illegal Grading Notification and Notice of Noncompliance for Unapproved Grading at the property described as:

Property Address: 1 parcel East of 47760 Woodcliff Drive, Banning, CA

Assessor's Parcel Number: 544-270-006

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

Executed on June 3, 2008 at the District 5 Office in Moreno Valley, California.

CODE ENFORCEMENT DEPARTMENT

By: _____

David Jurden, Code Enforcement Technician

24318 Hemlock Ave., Suite C-1, Moreno Valley, CA 92557
Phone: (951) 485-5840 * Fax: (951) 485-4938

EXHIBIT NO. E1

When recorded please mail to:
Mail Stop# 5002



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NCHGCC						T:	CTY	UNI	006

NOTICE OF NONCOMPLIANCE for UNAPPROVED GRADING



In the matter of the Property of)
Jerry Mackenzie) Case No.: CV08-00109

NOTICE IS HEREBY GIVEN to all persons, pursuant to Section 10 of Ordinance Number 725 of the County of Riverside, State of California, that proceedings have been commenced with respect to violations of Riverside County Ordinance No. 457 (RCC Title 15.12) described as grading without approval from the Department of Building and Safety. Such proceedings are based upon the noncompliance of such real property, located at One Parcel East of (47760 Woodcliff Drive), Banning, CA and more particularly described as Assessment Parcel No. 544-270-006 and having a legal description of 2.67 ACRES GRS IN PARS A & 1 PM 074/078 PM 8536 with the requirements of Ordinance No.457, (RCC Title 15.12.020(J)(2)).

The owner has been advised to immediately correct the above-referenced violation to avoid further action by the County of Riverside, which may include remediation or restoration to abate the public nuisance or other remedies available to the department by a court of competent jurisdiction. Any costs incurred by the County, including, but not limited to investigative, administrative and abatement costs and attorneys' fees, may become a lien on the property. Further details regarding this notice may be obtained by addressing an inquiry to the Code Enforcement Department, 24318 Hemlock Ave., Suite C-1, Moreno Valley, CA 92557, Attention Code Enforcement Officer Anthony Green 951-485-5840.

NOTICE IS FURTHER GIVEN in accordance with 17274 and 24436.5 of the California Revenue and Taxation Code, that a tax deduction may not be allowed for interest, taxes, depreciation, or amortization paid or incurred in the taxable year affected by these proceedings.

NOTICE OF FURTHER GIVEN that pursuant to Riverside County Ordinance 457.96 Section 4, Subdivision 3306.03 the Department of Building and Safety may place a five year hold on the issuance of related building permits and land use approvals for this property. Any property owner aggrieved by this decision has the right to appeal to the County of Riverside Board of Supervisors.

COUNTY OF RIVERSIDE
DEPARTMENT OF CODE ENFORCEMENT

By: Mary Overholt
Mary Overholt
Code Enforcement Division

ACKNOWLEDGEMENT

State of California)
County of Riverside)

On 05/19/08 before me, Ana E. Carrillo, Notary Public, personally appeared Mary Overholt who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Ana E. Carrillo
Commission # 1767676 Comm. Expires Sep. 14, 2011

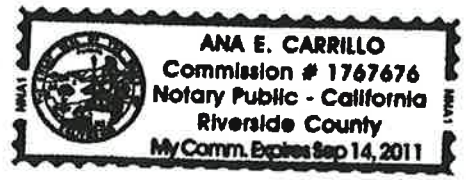


EXHIBIT NO. F

PAMELA J. WALLS
County Counsel

Principal Deputy
KATHERINE A. LIND

OFFICE OF COUNTY COUNSEL
COUNTY OF RIVERSIDE

3535 TENTH STREET, SUITE 300
RIVERSIDE, CA 92501-3674
TELEPHONE: 951/955-6300
FAX: 951/955-6322 & 955-6363



August 18, 2009

NOTICE TO CORRECT COUNTY ORDINANCE VIOLATIONS
AND ABATE PUBLIC NUISANCE

TO: Owners and Interested Parties
(See Attached Proof of Service
and Notice List)

Case No.: CV08-00109
APN: 544-270-006
Property: 1 Parcel East of 47760 Woodcliff Drive, Banning

NOTICE IS HEREBY GIVEN that a hearing will be held before the Riverside County Board of Supervisors pursuant to Riverside County Ordinance Nos. 457 (RCC Title 15) and 725 (RCC Title 1) to consider the abatement of the grading without permits located on the SUBJECT PROPERTY described as **1 Parcel East of 47760 Woodcliff Drive, Banning, Riverside County, California**, and more particularly described as Assessor's Parcel Number 544-270-006.

YOU ARE HEREBY DIRECTED as owner of the SUBJECT PROPERTY, to appear at this hearing to show cause why the SUBJECT PROPERTY should not be condemned as a public nuisance and be abated by demonstrating compliance with a restoration assessment from Riverside County Department of Building and Safety or by complete restoration/remediation of the un-permitted grading so as to return the SUBJECT PROPERTY to its previous natural condition. Additionally, notice is hereby given that Riverside County Ordinance No. 457 allows for the Department of Building and Safety to place a five year flag on the issuance of building permits and land use approvals for property that has been graded without approval or permits. The Code Enforcement Department will request that the five year flag be placed on the SUBJECT PROPERTY at the hearing.

SAID HEARING will be held on **Tuesday, October 27, 2009, at 9:30 a.m.** in the Board of Supervisors Room, County Administrative Center, 4080 Lemon Street, 1st Floor Annex, Riverside, California at which time and place pertinent evidence will be received and/or testimony from all concerned parties will be heard. Failure to appear on your behalf will result in the exclusion of your testimony, and facts as known to the Code Enforcement Department ("Department") will be presented to the Board of Supervisors for consideration and deliberation in this matter.

Please be advised that the costs already accrued in this case, including but not limited to, enforcement and investigation costs, are recoverable by the Department, as allowed under Riverside County Ordinance No. 725. The Department may seek recovery of such costs from the property owner(s) which may result in a special assessment lien against the SUBJECT PROPERTY. Additionally, should the Department abate the property, the costs associated therewith, as well as all abatement costs allowed under Riverside County Ordinance No. 725 (RCC Title 1), will be sought from the property owner(s) and/or may result in a special assessment lien against the property.

You are encouraged to contact Supervising Code Enforcement Officer Mary Overholt at (951) 485-5840 or the undersigned prior to the hearing. Please meet the undersigned and Ken King, Senior Code Enforcement Officer, at 8:30 a.m. on the day of the hearing in the lobby of the 1st floor annex in front of the Clerk of the Board's Office to discuss the case.

PAMELA J. WALLS
Riverside County Counsel



JULIE AK JARVI
Deputy County Counsel

EXHIBIT NO. G

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PROOF OF SERVICE

Case Nos. CV08-00109

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, Yadira Oseguera, 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 August 18, 2009 I served the following document(s):

**NOTICE TO CORRECT COUNTY ORDINANCE VIOLATIONS
AND ABATE PUBLIC 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 August 18, 2009 at Riverside, California.



YADIRA OSEGUERA

NOTICE LIST

Subject Property: One Parcel East of 47760 Woodcliff Drive, Banning, CA
Case No.: CV 08-00109; APN: 544-270-006; District 5

Jerry Mackenzie
3049 W. Broadway Street
Vancouver, BC Canada V6K2G9

7008 3230 0001 1373 2660

U.S. Postal Service™	
CERTIFIED MAIL™ RECEIPT	
<i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$.75
Certified Fee	11.50
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 12.25

mailed
8/18/09
Postmark
Here

JERRY MACKENZIE	
3049 W. BROADWAY ST.	
VANCOUVER, BC. CANADA V6K2GP	
CV08-00109 *ABT* (1) MACKENZIE	

© 2006, August 2006 See Reverse for Instructions

EXHIBIT NO. 63



Code Enforcement Department
County Of Riverside
Moreno Valley Office
24318 Hemlock Avenue, Suite C-1
Moreno Valley, California 92557
(951) 485-5840 – Fax (951) 485-4938

John Boyd
DIRECTOR

AFFIDAVIT OF POSTING OF NOTICES

Case No.: CV0800109

I, ANTHONY GREEN , hereby declare:

1. I am employed by the Riverside County Code Enforcement Department; that my business address is:

County of Riverside
Code Enforcement Department
1 PARCEL EAST OF 47760 WOODCLIFF DR.
BANNING CA. 92220

2. That on August 19, 2009 at **9:30 A.M. .**, I securely and conspicuously posted **NOTICE TO CORRECT COUNTY ORDINANCE VIOLATIONS AND ABATE PUBLIC NUISANCE (GRADING WITHOUT PERMITS)** at the property described as:

Property Address:1 PARCEL EAST OF 47760 WOODCLIFF DR. BANNING CA.92220

Assessor's Parcel Number:544-270-006

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

Executed on 08/19/09 at MORENO VALLEY , California.

CODE ENFORCEMENT DEPARTMENT

By: 
ANTHONY GREEN , Code Enforcement Officer

BOARD OF SUPERVISORS

WALT P. ABRAHAM
275-4010

MELBA DUNLAP
275-1020

KAY CENICEROS
275-1030

PATRICIA (CORKY) LARSON
275-1040

NORTON YOUNGLOVE
275-1050



COUNTY RIVERSIDE

TO: CORKY LARSON, SUPERVISOR
KAY CENICEROS, SUPERVISOR
MELBA DUNLAP, SUPERVISOR
BOB BUSTER, SUPERVISOR
LARRY PARRISH, CAO
KEN EDWARDS, FLOOD CONTROL
BILL KATZENSTEIN, COUNTY COUNSEL

FROM: NORTON YOUNGLOVE, SUPERVISOR *Norton Younglove*

DATE: DECEMBER 31, 1992

RE: ROBERT MAYBEE DISPUTES

ATTACHED PLEASE FIND THE MAYBEE REPORT I PROMISED MANY WEEKS AGO.

WHAT DO YOU WISH DONE WITH IT? I HAVE SENT A COPY TO MR. MAYBEE.
I SUGGEST WE FOLLOW KAY'S DIRECTION; ESPECIALLY SINCE SHE WILL BE
CHAIR OF THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT IN 1993.

Submitted by Robert Maybee
10/27/09 Item 916
(date)

December 30, 1992

A REPORT**RELATING TO THE DISPUTES OF ROBERT MAYBEE WITH FLOOD CONTROL**

Too many weeks ago, I assured the Board and Mr. Maybee that I would personally review the records, ask questions and provide a report on the dispute between Mr. Maybee and our Flood Control District. I apologize for my slowness in getting this done. It is a very complicated subject which doesn't lend itself to easy analysis.

I. DISCLAIMERS

I am not an engineer nor am I surveyor, attorney etc. I also am not an arbitrator with any official duties or responsibilities. I have reviewed much but not all of the written records and have interviewed Mr. Maybee, Mr. Edwards and others. I have also viewed the property. The conclusions and recommendations are my own and do not necessarily reflect the view of any other person.

II. A BRIEF CHRONOLOGY

- ATTACHMENT #1** November 5, 1909. Joseph Crawford grants to the Lake Hemet Water Company a 32 foot wide easement for a "main flume" right-of-way, crossing both the current and previous road or easement right-of-way of Mr. Maybee. This right remains fully intact.
- ATTACHMENT #2** September 12, 1932. An easement is granted to Riverside County page 211 of official Records over the westerly 50' for roadway purposes affecting Parcel 1 as noted above.
- ATTACHMENT #3** July 24, 1946. Rights of Way, reservations, conditions and restrictions as set out in Deed from Hemet Land Company in Book 766, page 162.
- ATTACHMENT #4** May 12, 1960. Riverside County Flood Control District initiated action in Superior Court to condemn a portion of Parcel 1 (see above) for Bautista Creek Channel. Superior Court Case No. 72010 as recorded in Book 2694, Page 316.
- ATTACHMENT #5** The Maybees purchased the property on October 7, 1964. Grant Deed was recorded on the same date with instrument No. 121565. It is worth noting that the Maybee property is almost one half mile removed from the road right of way and therefore needs additional right of way to reach his property. Neither the county nor county flood control are involved in that, in so far as I know.

ATTACHMENT #6 August 9, 1965. Riverside County Flood Control grants a non-exclusive private easement for ingress and egress over the 15' most immediately adjacent to the Bautista Creek Channel to Raymond and Lola Deichsel; instrument 91932. County Counsel later opines that the Maybees are legitimate successors to this easement right. Significantly, this easement deed states in part: "If at any time a public highway or street shall be extended to the described lands in Section 22 lying easterly of Bautista Creek Channel, this easement shall cease and determine. If at any time this easement shall be intersected by a public highway or public street, the portion of this easement lying north and northwesterly of such intersection shall cease and determine".

ATTACHMENT #7 April 27, 1987. Superior Court Case #187104 filed by the Maybees. Ultimately appealed to the 4th Circuit Court of Appeals with a finding in favor of the County.

ATTACHMENT #8 May 12, 1988. Riverside County Flood Control grants to Riverside County for "public road and drainage purpose, including public utility and public services purposes", a strip of land 40' in width along the most easterly border of district Bautista Creek land and affecting Parcels 4030-16, 17, 17B, 19A, 20, 21A and 22. Riverside County's Recorder Instrument #127298.

III. BRIEF ADDITIONAL FACTS

As the Board has witnessed, Mr. Maybee is extremely difficult to get facts from; his mind runs to charges of lying, conspiracy, lawsuits, etc. The root of the problem lies on the fact that our Flood Control District was being subjected to increasing liability from increased use of the private use easement granted in 1965. The only solution was to fence off the easement next to the flood control channel and substitute a road outside the fence and adjacent to the private properties being served. This process took about a decade and involved many negotiations, considerations, etc. Including more than a few misunderstandings and disagreements but also included all the appropriate public hearings, notifications etc. in so far as I can determine.

It is unfortunate that two 30" syphons were built for Lake Hemet Water District in 1960 as a part of the necessities for the concrete lining of the channel in a location that precludes the current 'road' right-of-way being of sufficient width its full length to satisfy Road Commissioner requirements for a road to be accepted into the County-maintained road system.

The Maybees have an understandable desire to do some division of their land and apparently are not able to do so without adequate road access as defined by law and required by our Road Commissioner and the Board of Supervisors. This he does not have nor apparently has he ever had.

IV. QUESTIONS AND CONCLUSIONS.

- A. Have you found any indications of lying, conspiracy, etc. on the part of Mr. Edwards, Supervisor Cenicerros or anyone else?**

Conclusion: No. Misunderstandings, yes. Information which is confusing and easily misunderstood or not sufficiently understood by all parties, yes.

- B. Were the Maybees 'made-whole' by the transfer of their ingress/egress 15' easement next to the channel to a 40' easement with constrictions reducing to as little as 20' further removed from the channel but immediately adjacent to their property?**

Conclusion: Yes, in so far as right-of-way width and a lack of change in the Lake Hemet "main flume" right of crossing either road right-of-way. However, there is a further important consideration which I make subject of the next question.

- C. Does the transfer from flood to roads for road and related purposes satisfy the phrase "public highway or street" as found in the August 1965 grant deed by Flood Control?**

Is the condition of the road as constructed sufficient to satisfy that condition?

Conclusion: As to the first question, I don't know; legal counsel needs to answer it. As to the second question, a review of the property raises serious questions as to its ability to meet the condition. If the condition is not met then presumably Mr. Maybee still has rights to his initial 15' ingress and egress passage-way and Flood Control presumably should provide him access.

V. RECOMMENDATIONS

- A. The Board should direct Flood Control to prepare a base map with appropriate overlays showing each property rights change that relates in order that both the Board and Mr. Maybee can be assured as to which property is affected by what through the long and complicated series of transactions and also in order that we may all be assured that Flood Control**

had adequately perfected its rights prior to transfer of rights. Mr. Maybee claims that we, Flood Control, vested rights without first adequately owning the property.

- B. County Counsel should be directed to provide answers to the legal questions posed in "C" above.
- C. Roads and Flood Control should either provide clear evidence that the new substitute 'road' was in useable condition at the time of ingress/egress transfer, including sufficient compaction, turning angles and overall utility, to provide normal ingress/egress to the Maybee property or in the alternative put the 'new' access into useable condition.
- D. Embankment effects upon the Maybee access rights should be reviewed.
- E. Roads should be directed to work with the Maybees and other affected property owners in an attempt to provide a road right of way sufficient to allow access to the properties dependent upon the current 'road' but capable of being accepted into the county-maintained road system upon sufficient improvements by the affected property owners.
- F. Supervisor Younglove should never again volunteer for another assignment such as this.

Sincerely,



Norton Younglove, Supervisor
Fifth District

Attachments: Documents listed chronologically

Photographs taken by Norton Younglove
on December 30, 1992.

Riverside and the Region

Weather **6**
Features **10**
Comics **11**

What price goodwill?

You have to give Bob Mabee credit for trying.

The embattled Riverside area resident has been tangling with Your Board O' Supes for years over something the county flood control district did — or



DAN BERNSTEIN

didn't do — to a public road. Mabee has wheedled. He has cajoled. He has written. He has telephoned. He appears regularly before the supes. He has, in his own mind, been rebuffed at every turn. Last month, Bob Mabee got an idea. He would try to buy "goodwill." But Bob Mabee is not a rich man. He couldn't buy all five supervisors. He could only af-

ford one. Bob Mabee decided to buy **Bob Buster**. He had read that Buster received a \$2,470 contribution from **Western Waste Industries**, which wanted to expand its dump near Corona. Much like Bob Mabee, Western Waste needed a supervisor's goodwill. Buster seemed to be the go-to guy. Especially since two other supervisors — **Tom Mullen** and **John Tavaglione** — had refused to accept Western Waste money. Why bother with them?

So Bob Mabee wrote Bob Buster a check for \$10. The same day, the Deputy Clerk of the Board o' Supes wrote Bob Mabee: "I am returning your check No. 486 for \$10.00, payable to Bob Buster, Supervisor. After consulting with Mr. Buster and his staff, it was determined accepting your check would be inappropriate because Mr. Buster receives a salary."

Bob Mabee, mindful that Bob Buster didn't return Western Waste's \$2,470 contribution, sensed he had done something wrong. "In summary," he wrote, "don't try to buy a supervisor with \$10."

A lesson for all of us.

Submitted by Robert Mabee

10/27/09 Item 9.6
(date)

9.6



OFFICE OF
CLERK OF THE BOARD OF SUPERVISORS
14th FLOOR, COUNTY ADMINISTRATIVE CENTER
P.O. BOX 1147, 4080 LEMON STREET
RIVERSIDE, CA 92502-1147
(909) 275-1060
FAX: (909) 275-1071

GERALD A. MALONEY
CLERK OF THE BOARD

NANCY J. ROMERO
ASSISTANT CLERK OF THE BOARD

BRENDA L. HUTCHINSON
RECORDS MANAGER

GLORIA J. PERI-SMITH
DEPUTY CLERK OF THE BOARD

July 9, 1996

Mr. Robert D. Mabee
337 Leafwood Ct.
Riverside, Ca. 92506

Dear Mr. Mabee:

I am returning your check No. 486 for \$10.00, payable to Bob Buster, Supervisor.

After consulting with Mr. Buster and his staff, it was determined accepting your check would be inappropriate because Mr. Buster receives a salary.

Thank you.

Sincerely,

Gloria J. Peri-Smith

Gloria J. Peri-Smith
Deputy Clerk of the Board

GJPS:ca

cc: Supervisor Buster

ROBERT D. MABEE
MARTHA A. MABEE
337 LEAFWOOD CT.
RIVERSIDE, CA 92506

486

90-7109
322 97
93073245

JULY 9 1996

PAY TO THE ORDER OF Bob Buster - Supervisor \$ 10.00

ten dollars DOLLARS

UNITED CALIFORNIA
SAVINGS BANK

A DIVISION OF CENFED BANK
1700 E. Florida Ave., Hemet, CA 92544

MEMO Services Rendered

Robert D. Mabee

⑆32227⑆1096⑆0486 ⑈

93073245⑈

LOOKING EAST

VERY LARGE
SLOPE

FILL OVER
Robertson
Property

COMMON
PROPERTY
LINE
STAKES

NO EROSION CONTROL
NO KEYED SLOPE

Robertson

2.23-10

9.8

LOOKING EAST

Common
Property Line

Wow!!!

FILL OVER
NATURAL
DRAINAGE
ARROYO

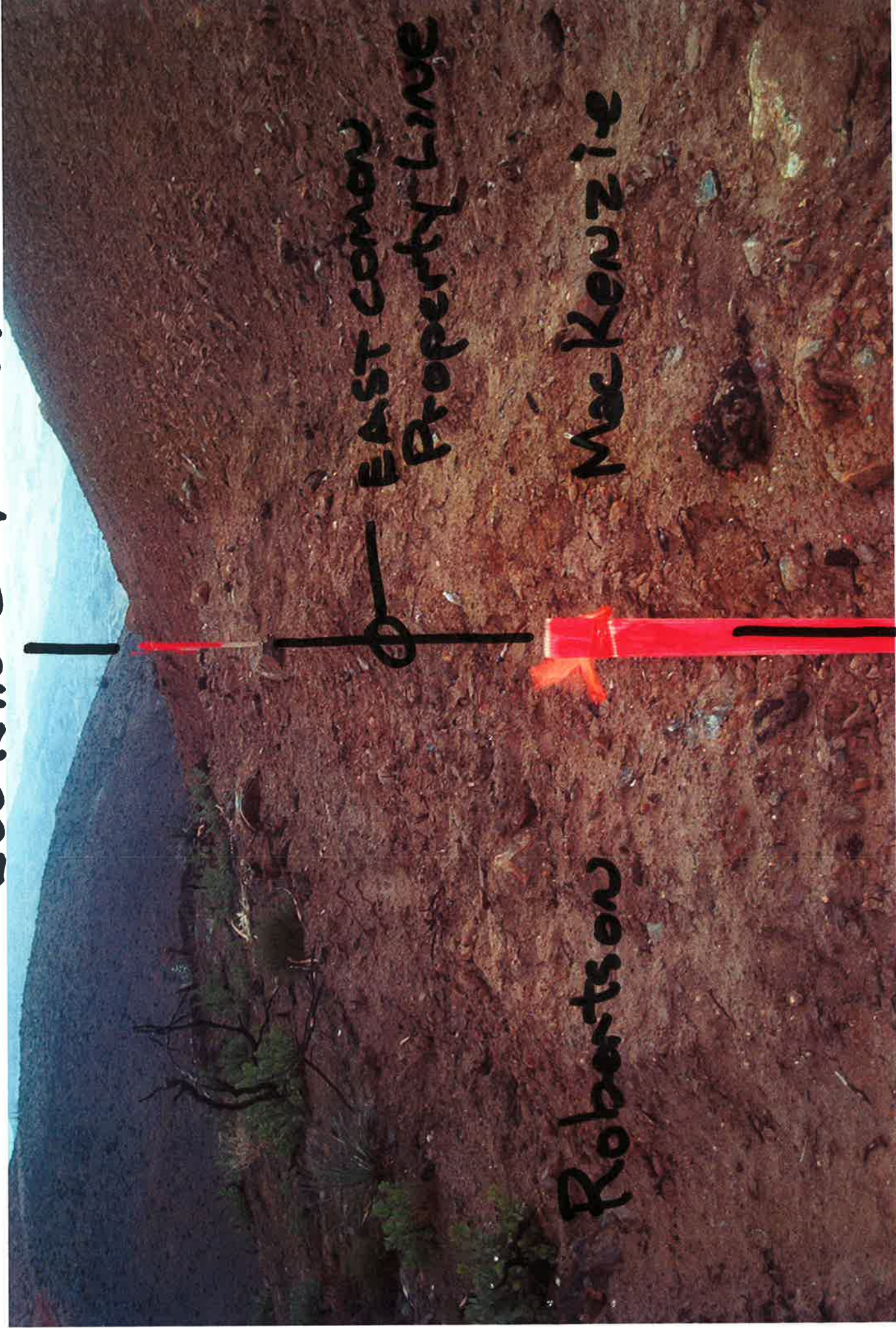
This is the
MacKenzie
SLOPE AND FILL
OVER THE
ROBERTSON
PROPERTY

Robertson

2-23-10

9.8

LOOKING NORTH



EAST COMMON
PROPERTY LINE

Robertson

MacKenzie

Robertson

2-23-10

9.8



FILL DRAINAGE AT ARROYO

Robertson Property

Mackenzie Property Slope

Property Line

9.8

2.23-10

Robertson

SLOPE NOT
STABLE

TRESPASSING &
GRADING & RAIN WATER
CROWOFF

Robertson

2-23-10

9.8

BOARD OF SUPERVISORS
PUBLIC HEARING

2/23/2010

(Continued 9.11 of 12/1/2009)

AGENDA ITEM NO. 9.8

Supplemental Documents

Abatement of Public Nuisance
1 Parcel East of 47760 Woodcliff Drive, Banning
Case No. 08-00109

DISTRICT 5

PAMELA J. WALLS
County Counsel

Principal Deputy
KATHERINE A. LIND

OFFICE OF COUNTY COUNSEL
COUNTY OF RIVERSIDE

3535 TENTH STREET, SUITE 300
RIVERSIDE, CA 92501-3674
TELEPHONE: 951/955-6300
FAX: 951/955-6322 & 955-6363



December 15, 2009

CONTINUATION
NOTICE TO CORRECT COUNTY ORDINANCE VIOLATIONS
AND ABATE PUBLIC NUISANCE

TO: Owners and Interested Parties
(See Attached Notice List)

Case No.: CV08-00109
APN: 544-270-006

Property: 1 Parcel East of 47760 Woodcliff Drive, Banning

NOTICE IS HEREBY GIVEN that a hearing will be held before the Riverside County Board of Supervisors pursuant to Riverside County Ordinance Nos. 457 (RCC Title 15) and 725 (RCC Title 1) to consider the abatement of the grading without permits located on the SUBJECT PROPERTY described as **1 Parcel East of 47760 Woodcliff Drive, Banning, Riverside County, California**, and more particularly described as Assessor's Parcel Number 544-270-006.

YOU ARE HEREBY DIRECTED as owner of the SUBJECT PROPERTY, to appear at this hearing to show cause why the SUBJECT PROPERTY should not be condemned as a public nuisance and be abated by demonstrating compliance with a restoration assessment from Riverside County Department of Building and Safety or by complete restoration/remediation of the un-permitted grading so as to return the SUBJECT PROPERTY to its previous natural condition. Additionally, notice is hereby given that Riverside County Ordinance No. 457 allows for the Department of Building and Safety to place a five year flag on the issuance of building permits and land use approvals for property that has been graded without approval or permits. The Code Enforcement Department will request that the five year flag be placed on the SUBJECT PROPERTY at the hearing.

SAID HEARING that was held on Tuesday, December 1, 2009, at 9:30 a.m. in the Board of Supervisors Room, 4080 Lemon Street, 1st Floor Annex, Riverside, California **has been rescheduled to Tuesday, February 23, 2010 at 9:30 a.m.** at which time and place pertinent evidence will be received and/or testimony from all concerned parties will be heard. Failure to appear on your behalf will result in the exclusion of your testimony, and facts as known to this department, will be presented to the Board of Supervisors, for consideration and deliberation in this matter.

Be on notice that in addition to costs that have already accrued for this case, costs associated therewith will be sought from the property owner(s) and/or may result in a special assessment lien against the property.

You are encouraged to contact the Supervising Code Enforcement Officer Mary Overholt at (951) 485-5840 or the undersigned prior to the hearing. Please meet the undersigned or Brian Black, Supervising Code Enforcement Officer, at 8:30 a.m. on the day of the hearing in the lobby of the 1st floor annex in front of the Clerk of the Board's Office to discuss the case.

PAMELA J. WALLS
Riverside County Counsel



JULIE A. JARVI
Deputy County Counsel

NOTICE LIST

Subject Property: One Parcel East of 47760 Woodcliff Drive, Banning, CA
Case No.: CV 08-00109; APN: 544-270-006; District 5

Jerry Mackenzie
3049 W. Broadway Street
Vancouver, BC Canada V6K2G9

7009 1680 0000 9032 1983

U.S. Postal Service™	
CERTIFIED MAIL™ RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$.44
Certified Fee	2.80
Return Receipt Fee (Endorsement Required)	2.30
Restricted Delivery Fee (Endorsement Required)	5.51
Total	\$ 11.05

mailed 12/17/09
Postmark Here

JERRY MACKENZIE
3049 W. BROADWAY ST.
VANCOUVER, BC CANADA V6K2G
CV08-00109 *ABT* 1

PS Instructions

1 **PROOF OF SERVICE**

2 Case Nos. CV08-00109

3 STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

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

7 That on December 15, 2009 I served the following document(s):

8 **CONTINUED**
9 **NOTICE TO CORRECT COUNTY ORDINANCE VIOLATIONS**
10 **AND ABATE PUBLIC NUISANCE**

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

12 **Owners or Interested Parties**
13 **(see attached notice list)**

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

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

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

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

24 EXECUTED ON December 15, 2009 at Riverside, California.

25 
26 YADIRA OSEGUERA
27
28



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

JOHN BOYD
Director

AFFIDAVIT OF POSTING OF NOTICES

December 17, 2009

RE CASE NO: CV0800109

I, Anthony Green, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 24318 Hemlock, Ave., Suite C-1, Moreno Valley, California 92557 .

That on 12/16/2009 at 1:56 P.M., I securely and conspicuously posted Continuation Notice to Correct County Ordinance Violations and Abate Public Nuisance at the property described as:

Property Address: 1 PARCEL EAST OF 47760 WOODCLIFF DR , BANNING CA.

Assessor's Parcel Number: 544-270-006

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

Executed on December 17, 2009 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By: Anthony Green, Code Enforcement Officer II

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



9.11

9:30 a.m. being the time set for public hearing on the recommendation from County Counsel/Code Enforcement regarding the Abatement of Public Nuisance [Grading without permit] Case No. CV 08-00109, located one parcel East of 47760 Woodcliff Drive, Banning, 5th District.

Julie Jarvi, Deputy County Counsel asked the item be continued

On motion of Supervisor Stone, seconded by Supervisor Ashley and duly carried, IT WAS ORDERED that the above matter is continued to Tuesday, February 23, 2010 at 9:30 a.m.

Roll Call:

Ayes: Buster, Stone, Benoit and Ashley
Nays: None
Absent: Tavaglione

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on December 1, 2009 of Supervisors
Minutes.

(seal) WITNESS my hand and the seal of the Board of Supervisors
Dated: December 1, 2009
Kecia Harper-Ihem, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

By:  Deputy

AGENDA NO.
9.11

xc: Co. Co., CED, Prop. Owner, COB

**BOARD OF SUPERVISORS
PUBLIC HEARING**

**12/01/2009
(Continued 9.6 of 10/27/2009)**

AGENDA ITEM NO. 9.11

Supplemental Documents

**Abatement of Public Nuisance
1 Parcel East of 47760 Woodcliff Drive, Banning
Case No. 08-00109**

DISTRICT 5

PAMELA J. WALLS
County Counsel

Principal Deputy
KATHERINE A. LIND

OFFICE OF COUNTY COUNSEL
COUNTY OF RIVERSIDE

3535 TENTH STREET, SUITE 300
RIVERSIDE, CA 92501-3674
TELEPHONE: 951/955-6300
FAX: 951/955-6322 & 955-6363



November 18, 2009

CONTINUATION
NOTICE TO CORRECT COUNTY ORDINANCE VIOLATIONS
AND ABATE PUBLIC NUISANCE

TO: Owners and Interested Parties
(See Attached Notice List)

Case No.: CV08-00109
APN: 544-270-006

Property: 1 Parcel East of 47760 Woodcliff Drive, Banning

NOTICE IS HEREBY GIVEN that a hearing will be held before the Riverside County Board of Supervisors pursuant to Riverside County Ordinance Nos. 457 (RCC Title 15) and 725 (RCC Title 1) to consider the abatement of the grading without permits located on the SUBJECT PROPERTY described as **1 Parcel East of 47760 Woodcliff Drive, Banning, Riverside County, California**, and more particularly described as Assessor's Parcel Number 544-270-006.

YOU ARE HEREBY DIRECTED as owner of the SUBJECT PROPERTY, to appear at this hearing to show cause why the SUBJECT PROPERTY should not be condemned as a public nuisance and be abated by demonstrating compliance with a restoration assessment from Riverside County Department of Building and Safety or by complete restoration/remediation of the unpermitted grading so as to return the SUBJECT PROPERTY to its previous natural condition. Additionally, notice is hereby given that Riverside County Ordinance No. 457 allows for the Department of Building and Safety to place a five year flag on the issuance of building permits and land use approvals for property that has been graded without approval or permits. The Code Enforcement Department will request that the five year flag be placed on the SUBJECT PROPERTY at the hearing.

SAID HEARING that was held on Tuesday, October 27, 2009, at 9:30 a.m. in the Board of Supervisors Room, 4080 Lemon Street, 1st Floor Annex, Riverside, California **has been rescheduled to Tuesday, December 1, 2009 at 9:30 a.m.** at which time and place pertinent evidence will be received and/or testimony from all concerned parties will be heard. Failure to appear on your behalf will result in the exclusion of your testimony, and facts as known to this department, will be presented to the Board of Supervisors, for consideration and deliberation in this matter.

Be on notice that in addition to costs that have already accrued for this case, costs associated therewith will be sought from the property owner(s) and/or may result in a special assessment lien against the property.

You are encouraged to contact the Supervising Code Enforcement Officer Mary Overholt at (951) 485-5840 or the undersigned prior to the hearing. Please meet the undersigned or Brian Black, Supervising Code Enforcement Officer, at 8:30 a.m. on the day of the hearing in the lobby of the 1st floor annex in front of the Clerk of the Board's Office to discuss the case.

PAMELA J. WALLS
Riverside County Counsel



JULIE A. JARVI
Deputy County Counsel

1 **PROOF OF SERVICE**

2 Case Nos. CV08-00109

3 STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

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

7 That on November 18, 2009 I served the following document(s):

8 **CONTINUED**
9 **NOTICE TO CORRECT COUNTY ORDINANCE VIOLATIONS**
10 **AND ABATE PUBLIC NUISANCE**

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

12 **Owners or Interested Parties**
13 **(see attached notice list)**

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

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

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

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

24 EXECUTED ON November 18, 2009 at Riverside, California.

25
26
27
28

YADIRA OSEGUERA

NOTICE LIST

Subject Property: One Parcel East of 47760 Woodcliff Drive, Banning, CA
Case No.: CV 08-00109; APN: 544-270-006; District 5

Jerry Mackenzie
3049 W. Broadway Street
Vancouver, BC Canada V6K2G9

7009 1680 0000 9030 0450

U.S. Postal Service™	
CERTIFIED MAIL™ RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$ 44
Certified Fee	280
Return Receipt Fee (Endorsement Required)	230
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

mailed
11/28/09
Postmark
Here

JERRY MACKENZIE
3049 W. BROADWAY ST.
VANCOUVER, BC CANADA V6K2G9
CV08-00109 (1) ABT -MACKENZIE

PS Form 3800, August 2006 See Reverse for Instructions

CO OF RIVERSIDE

Fax:951-485-4938

Nov 30 2009 01:15pm P002/002

**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE****JOHN BOYD
Director****AFFIDAVIT OF POSTING OF NOTICES**

November 30, 2009

RE CASE NO: CV0800109

I, Anthony Green, hereby declare:

I am employed by the Riverside County Code Enforcement Department, that my business address is 24318 Hemlock, Ave., Suite C-1, Moreno Valley, California 92557 .

That on 11/30/2009 at 11:59 A.M., I securely and conspicuously posted Continuation Notice to Correct County Ordinance Violations And Abate Public Nuisance at the property described as:

Property Address: 1PARCEL EAST OF 47760 Woodcliff Dr , Banning Ca

Assessor's Parcel Number: 544-270-006

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

Executed on November 30, 2009 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

Handwritten signature of Anthony Green in cursive script.

By: Anthony Green, Code Enforcement Officer II

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



9.6

9:30 a.m. being the time set for public hearing on the recommendation from County Counsel/Code Enforcement regarding the Abatement of Public Nuisance [Grading without Permit] Case No. CV 08 - 00109 located one parcel East of 47760 Woodcliff Drive, Banning, 5th District, the Chairman called the matter for hearing.

Julie Jarvi, Deputy County Counsel presented the matter.

The following individuals spoke on the matter:

John H. Hacker
Dr. Jerry MacKenzie
Robert Mabee

On motion of Supervisor Ashley, seconded by Supervisor Tavaglione and duly carried, IT WAS ORDERED that the above matter is continued to Tuesday, December 1, 2009 at 9:30 a.m.

Roll Call:

Ayes: Tavaglione, Stone and Ashley
Nays: None
Absent: Buster

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on October 27, 2009 of Supervisors Minutes.

(seal) WITNESS my hand and the seal of the Board of Supervisors
Dated: October 27, 2009
Kecia Harper-Ihem, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

By:  Deputy

AGENDA NO.

9.6

xc: Co. Co., CED, Prop. Owner, GOB

**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium).
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Brad Robertson

Address: P.O. Box 431
(only if follow-up mail response requested)

City: Calimesa **Zip:** 92320

Phone #: (909) 557-5674

Date: 2-23-10 **Agenda #** 9.8

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

Support **Oppose** **Neutral**
Code Enforcement

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

Support **Oppose** **Neutral**

I give my 3 minutes to: _____

**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Ben White

Address: 15450 Lazy Valley Rd
(only if follow-up mail response requested)

City: Banning **Zip:** 92220

Phone #: (951) 692-1691

Date: 2-23-10 **Agenda #** 9.8

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

Support **Oppose** **Neutral**

Code Enforcement

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

Support **Oppose** **Neutral**

I give my 3 minutes to: _____

**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium).
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Dr Jerry MacKenzie

Address: _____
(only if follow-up mail response requested)

City: _____ **Zip:** _____

581,000
Phone #: _____

Date: Feb 23/2010 **Agenda #** 9.8

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:
 Support **Oppose** **Neutral**

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

_____ **Support** _____ **Oppose** _____ **Neutral**

I give my 3 minutes to: _____

**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Dr. Jerry MacKenzie

Address: 3549 W Broadway Van.
(only if follow-up mail response requested)

City: Vancouver **zip:** V6K2G9

Phone #: 604 7320311

Date: Oct 27/2009 **Agenda #** 9.6

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

Support **Oppose** **Neutral**

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

Support **Oppose** **Neutral**

I give my 3 minutes to: _____

2-23-10 9.6

**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: JOHN H. HACKER P.E.

Address: 77810 LAS MONTANAS RD 201
(only if follow-up mail response requested)

City: PALM DESERT **Zip:** 92211

Phone #: 760-345-1352

Date: 10/27/09 **Agenda #** ~~1.6~~ 9.6

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

Support **Oppose** **Neutral**

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

Support **Oppose** **Neutral**

I give my 3 minutes to: _____

2-23-10 9.6

**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Robert MABEE

Address: 3086 Miguel St
(only if follow-up mail response requested)

City: RIVERSIDE **Zip:** 92506

Phone #: 768-4858

Date: 10-27-09 **Agenda #** 9.6

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

Support Oppose Neutral

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

Support Oppose Neutral

I give my 3 minutes to: _____

2-23-10 9.6