

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

215B



**SUBMITTAL DATE:**  
March 4, 2010

**FROM:** County Counsel/TLMA  
Code Enforcement Department

**SUBJECT:** Order to Abate [Grading Without a Permit]  
Case No.: CV 05-5710 (BAEK)  
Subject Property: 58425 Bliss Road, Anza; APN 579-340-008  
District Three

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 05-5710 be approved;
- (2) The Chairman of the Board of Supervisors be authorized to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV 05-5710; and
- (3) The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV 05-5710.

Departmental Concurrence

**BACKGROUND:**

On February 9, 2010, this Board received the Declaration of the Code Enforcement Officer in the above-referenced matter. At the conclusion of the hearing, this Board declared the illegal grading located on the subject property to be a public nuisance. The Board ordered the property owner to abate the violative conditions on the property and directed County Counsel to prepare the Findings of Fact, Conclusion and Order to Abate.

*[Signature]*  
\_\_\_\_\_  
JULIE JARVI, Deputy County Counsel  
for PAMELA J. WALLS, County Counsel

(Continued)

<b>FINANCIAL DATA</b>	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

<b>SOURCE OF FUNDS:</b>	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:** APPROVE

BY: \_\_\_\_\_  
Tina Grande

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

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

Ayes: Buster, Tavaglione, Stone, Benoit, and Ashley  
Nays: None  
Absent: None  
Date: March 16, 2010  
xc: Co.Co. (3), RECORDER

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

Policy  Policy   
Consent  Consent   
X    
Dept's Recomm.: Per Exec. Ofc.:

Prev. Agn. Ref.: 02/09/10; 9.2 | District: 3 | Agenda Number:

ATTACHMENTS FILED WITH  
THE CLERK OF THE BOARD

**2.10**

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



5 WHEN RECORDED PLEASE MAIL TO:  
6 Julie Jarvi, Deputy County Counsel  
7 County of Riverside  
8 OFFICE OF COUNTY COUNSEL  
9 3960 Orange Street, Fifth Floor (Stop #1350)  
10 Riverside, CA 92501

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[EXEMPT '6103]



11 **BOARD OF SUPERVISORS**  
12 **COUNTY OF RIVERSIDE**

13 IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 05-5710  
14 [UNAPPROVED GRADING]; APN: 579-340-008, )  
15 58425 BLISS ROAD, ANZA, RIVERSIDE )  
16 COUNTY, CALIFORNIA; ELLEN BAEK AKA ) FINDINGS OF FACT,  
17 ELLEN BACK, OWNER. ) CONCLUSIONS AND ORDER TO  
18 ) ABATE NUISANCE  
19 )  
20 ) [R.C.O. Nos. 457 (RCC Title 15) and  
21 ) 725 (RCC Title 1)]

22 The above-captioned matter came on regularly for hearing on February 9, 2010, before the  
23 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor  
24 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real  
25 property described as 58425 Bliss Road, Anza, Riverside County, APN: 579-340-008, and referred to  
26 hereinafter as "THE PROPERTY."

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

No one appeared on behalf of Owner.

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

///

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder’s Office identify the Owner  
3 of THE PROPERTY as Ellen Baek aka Ellen Back (“OWNER”).

4 2. Documents of title indicate that no other party potentially holds a legal interest in THE  
5 PROPERTY.

6 3. THE PROPERTY was inspected by Code Enforcement Officers on January 31, 2006,  
7 March 7, 2006, May 30, 2006, May 21, 2007, July 16, 2007, August 28, 2007, October 10, 2007,  
8 July 24, 2008 May 2, 2009, June 9, 2009, August 3, 2009, December 2, 2009, January 12, 2010 and  
9 February 5, 2010.

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

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

14 6. A Notice of Noncompliance was recorded on August 3, 2006, as Document Number  
15 2006-0569204 in the Office of the County Recorder, County of Riverside.

16 7. On January 31, 2006, a Notice of Violation for Unapproved Grading was posted on  
17 THE PROPERTY. On February 2, 2006, July 19, 2006, and December 26, 2007, a Notice of  
18 Violation was mailed by certified mail, return receipt requested to OWNER.

19 8. On January 12, 2010, a “Notice to Correct County Ordinance Violations and Abate  
20 Public Nuisance” providing notice of the public hearing before the Board of Supervisors was posted  
21 on THE PROPERTY and on January 11, 2010, mailed by certified mail, return receipt requested, to  
22 OWNER.

23 **FINDINGS AND CONCLUSIONS**

24 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
25 regular session assembled on February 9, 2010, finds and concludes that:

26 1. WHEREAS, the unapproved grading on the real property located at 58425 Bliss  
27 Road, Anza, Riverside County, California, also identified as Assessor's Parcel Number 579-340-008  
28 violates Riverside County Ordinance No. 457 and constitutes a public nuisance and attractive

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1 nuisance.

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

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

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

15 **ORDER TO ABATE NUISANCE**

16 IT IS THEREFORE ORDERED that the unapproved grading on THE PROPERTY located  
17 58425 Bliss Road, Anza, Riverside County, California, also identified as Assessor's Parcel Number  
18 579-340-008 be abated by the OWNER, and anyone having possession or control of THE  
19 PROPERTY, by restoring THE PROPERTY to the satisfaction of the Department of Building and  
20 Safety so as to prevent offsite drainage and slope erosion in strict accordance with all Riverside  
21 County Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety  
22 (90) days of the posting and mailing of this Order to Abate Nuisance.

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

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FORM APPROVED COUNTY COUNSEL  
BY [Signature] DATE 2/17/10  
JULIE A. KOONS JARVI

1 consent or a Court Order, where necessary, under applicable law authorizing entry onto THE  
2 PROPERTY.

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

13 Dated: March 16, 2010

COUNTY OF RIVERSIDE

14 By [Signature]  
15 Marion Ashley  
16 Chairman, Board of Supervisors

17 ATTEST:  
18 KECIA HARPER-IHEM  
19 Clerk to the Board

20  
21 By [Signature]  
22 Deputy  
23 (SEAL)  
24  
25  
26  
27



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03/17/2010 08:00A  
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LARRY W. WARD  
COUNTY OF RIVERSIDE  
ASSESSOR-COUNTY CLERK-RECORDER

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

<http://riverside.asrclkrec.com>

**CERTIFICATION**

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

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

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



Date:

3-16-10

Signature:

Karen Barton

Print Name:

Karen Barton, Board Assistant, Riverside County Clerk of the Board



# NOTICE LIST

Subject Property: 58425 Bliss Road Anza  
Case No.: CV 05-5710; APN: 579-340-008; District 3

ELLEN BACK  
132 HARVARD CT.  
PLACENTIA, CA 92870

ELLEN BAEK  
132 HARVARD CT.  
PLACENTIA, CA 92870

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"><li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li><li>Print your name and address on the reverse so that we can return the card to you.</li><li>Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>	A. Signature <input checked="" type="checkbox"/> Ashley Baek <input type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to:  <b>ELLEN BAEK 132 HARVARD CT. PLACENTIA, CA. 92870 CV05-5710 *FOF* BACK 2</b>	B. Received by (Printed Name) _____ C. Date of Delivery 4-8-10
2. Article Number (Transfer from service label)	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" 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
PS Form 3811, February 2004	7009 3410 0000 1318 1820 Domestic Return Receipt 102595-02-M-1540

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"><li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li><li>Print your name and address on the reverse so that we can return the card to you.</li><li>Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>	A. Signature <input checked="" type="checkbox"/> Ashley Baek <input type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to:  <b>ELLEN BACK 132 HARVARD CT. PLACENTIA, CA. 92870 CV05-5710 *FOF* BACK 2</b>	B. Received by (Printed Name) _____ C. Date of Delivery 4-8-10
2. Article Number (Transfer from service label)	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" 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
PS Form 3811, February 2004	7009 3410 0000 1318 1837 Domestic Return Receipt 102595-02-M-1540

**PROOF OF SERVICE**

Case Nos. CV05-5710

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

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

That on April 7, 2010, I served the following document(s):

**FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE**

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

**OWNERS OR INTERESTED PARTIES  
(see attached notice list)**

**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).

**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 April 7, 2010, at Riverside, California.

  
YADIRA OSEGUERA





**CODE ENFORCEMENT DEPARTMENT  
COUNTY OF RIVERSIDE**

JOHN BOYD  
Director

**AFFIDAVIT OF POSTING OF NOTICES**

April 8, 2010

RE CASE NO: CV055710

I, Ariana Meza, hereby declare:

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

That on 04/08/2010 at 12:01pm, I securely and conspicuously posted Findings of Fact, Conclusions and Order To Abate Nuisance, Notice List and Proof of Service. at the property described as:

**Property Address:** 58425 BLISS RD, ANZA

**Assessor's Parcel Number:** 579-340-008

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

Executed on April 8, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

  
By: Ariana Meza, Code Enforcement Technician