

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

312B



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

**SUBMITTAL DATE:**  
June 17, 2010

**SUBJECT:** Order to Abate [Grading Without a Permit]  
Case No.: CV 08-01054 (ANSTIE)  
Subject Property: 44564 Lewis Valley Road, Hemet; APN 571-080-035  
District Three

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-01054 be approved;
- (2) The Chairman of the Board of Supervisors be authorized to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-01054; and
- (3) The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-01054.

**BACKGROUND:**

On June 8, 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.

*L. Alexandra Fong*  
L. ALEXANDRA FONG, Deputy County Counsel  
for PAMELA J. WALLS, County Counsel

<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*  
Tina Grande

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

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

Ayes: Buster, Tavaglione, Stone and Benoit  
Nays: None  
Absent: Ashley  
Date: June 29, 2010  
xc: Co.Co.(3); Recorder

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

Prev. Agn. Ref.: 06/08/10; 9.2 | District: 3 | Agenda Number:

**2.7**

ATTACHMENTS FILED  
WITH THE CLERK OF THE BOARD

Departmental Concurrence

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

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



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1			5						
M	A	L	465	426	PCOR	NCOR	SMF	NCHG	EXAM
NCHG									

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5 WHEN RECORDED PLEASE MAIL TO:  
L. Alexandra Fong, Deputy County Counsel  
6 County of Riverside  
OFFICE OF COUNTY COUNSEL  
7 3960 Orange Street, Fifth Floor (Stop #1350)  
Riverside, CA 92501

[EXEMPT '6103]

8  
9  
10 **BOARD OF SUPERVISORS**  
**COUNTY OF RIVERSIDE**



11 IN RE ABATEMENT OF PUBLIC NUISANCE: 12 [UNAPPROVED GRADING]; APN: 571-080-035, 13 44564 LEWIS VALLEY ROAD, HEMET, RIVERSIDE COUNTY, CALIFORNIA; 14 MERVYN PETER ANSTIE, OWNER.	) ) ) ) ) ) )	CASE NO. CV 08-01054  FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE  [R.C.O. Nos. 457 (RCC Title 15) and 725 (RCC Title 1)]
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15  
16 The above-captioned matter came on regularly for hearing on June 8, 2010, before the Board  
17 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,  
18 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property  
19 described as 44564 Lewis Valley Road, Hemet, Riverside County, APN: 571-080-035, and referred  
20 to hereinafter as "THE PROPERTY."

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

23 Owner was present for a pre-meeting, placed a request with the Board of Supervisors to  
24 continue the matter, but left before the matter was called. A member of the public appeared and  
25 addressed the Board of Supervisors.

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

1 Title 15.

2 **SUMMARY OF EVIDENCE**

3 1. Documents of record in the Riverside County Recorder's Office identify the Owner  
4 of THE PROPERTY as Mervyn Peter Anstie ("OWNER").

5 2. Documents of title indicate that no other parties may potentially hold a legal interest in  
6 THE PROPERTY.

7 3. THE PROPERTY was inspected by Code Enforcement Officers on April 23, 2008,  
8 December 16, 2008, October 21, 2009, January 13, 2010, March 9, 2010, April 13, 2010 and June 7,  
9 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 February 14, 2008, as Document  
15 Number 2008-0073607 in the Office of the County Recorder, County of Riverside.

16 7. On April 23, 2008, a Notice of Violation for Unapproved Grading was posted on THE  
17 PROPERTY. On May 5, 2008, a Notice of Violation was mailed by certified mail, return receipt  
18 requested to OWNER by certified mail, return receipt requested.

19 8. On April 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 mailed  
21 by certified mail, return receipt requested, to OWNER and on April 13, 2010, was posted on THE  
22 PROPERTY.

23 **FINDINGS AND CONCLUSIONS**

24 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
25 regular session assembled on June 8, 2010 finds and concludes that:

26 1. WHEREAS, the unapproved grading on the real property located at 44564 Lewis  
27 Valley Road, Hemet, Riverside County, California, also identified as Assessor's Parcel Number 571-  
28 080-035 violates Riverside County Ordinance No. 457 and constitutes a public nuisance and

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1 attractive nuisance.

2 2. WHEREAS, OWNER, occupants and any person having possession or control of  
3 THE PROPERTY should abate the condition by restoring THE PROPERTY to the satisfaction of the  
4 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 44564 Lewis Valley Road, Hemet, Riverside County, California, also identified as Assessor's Parcel  
18 Number 571-080-035 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: Alexandra Fong / DATE 6/15/10  
L. ALEXANDRA FONG

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

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

Dated: June 29, 2010

COUNTY OF RIVERSIDE

By Marion Ashley  
Marion Ashley  
Chairman, Board of Supervisors

ATTEST:  
KECIA HARPER-IHEM  
Clerk to the Board

By Karen Batten  
Deputy  
(SEAL)





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

Recorder  
P.O. Box 751  
Riverside, CA 92502-0751  
(951) 486-7000  
<http://riverside.asrclrec.com>

**CERTIFICATION**

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

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

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



Date: 6-29-10

Signature: *Karen Barton*

Print Name: Karen Barton, Board Assistant, Riverside County Clerk of the Board



## NOTICE LIST

Subject Property: 44564 Lewis Valley Road, Hemet  
Case No.: CV 08-01054 APN: 571-080-035; District 3

MERVYN PETER ANSTIE [Via Federal Express]  
MERAVERES COTTAGE  
NEWTOWN NEWBURY  
BERKSHIRE ENGLAND RG209DL

MERVYN PETER ANSTIE [Via Certified Mail]  
44564 LEWIS VALLEY RD.  
HEMET, CA 92544



# Track & Confirm

## Search Results

Label/Receipt Number: **7009 3410 0000 1317 9902**  
Service(s): **Certified Mail™**  
Status: **Notice Left**

We attempted to deliver your item at 9:14 am on September 03, 2010 in HEMET, CA 92544 and a notice was left. You may pick up the item at the Post Office indicated on the notice, go to [www.usps.com/redelivery](http://www.usps.com/redelivery), or call 800-ASK-USPS to arrange for redelivery. If this item is unclaimed after 15 days then it will be returned to the sender. Information, if available, is updated periodically throughout the day. Please check again later.

### Track & Confirm

Enter Label/Receipt Number.

Go >

## Notification Options

### Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

7009 3410 0000 1317 9902

U.S. Postal Service <sup>TM</sup>	
<b>CERTIFIED MAIL<sup>TM</sup> RECEIPT</b>	
<i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>	
<b>OFFICIAL USE</b>	
Postage	\$ .61
Certified Fee	2.80
Return Receipt Fee (Endorsement Required)	2.30
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.71
Postmark Here	
Mailed 9/11/10	
Se. _____	
To or Ch. _____	
MERVYN PETER ANSTIE 44564 LEWIS VALLEY RD. HEMET, CA 92544	
PS Form 3800, August 2005      See Reverse for Instructions	



**PROOF OF SERVICE VIA FACSIMILE**  
**CV08-01054**

I, the undersigned, say 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: 3960 Orange Street, Fifth Floor, Riverside, CA 92501-3611.

That on Sept. 1, 2010, I served a copy of the following listed documents:

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

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

**PLEASE SEE ATTACHED NOTICE LIST**

- FIRST CLASS MAIL.** I am "readily familiar" with this 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. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
- OVERNIGHT MAIL.** I am "readily familiar" with this office's practice of collection and processing correspondence for overnight mailing. Under that practice, it would be deposited in a box or facility regularly maintained by the express service carrier in an envelope or package designated by the express service carrier in the ordinary course of business.
- 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.

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

Executed on Sept, 1, 2010, at Riverside, California.

  
**BRENDA G. PEELER**



**CODE ENFORCEMENT DEPARTMENT  
COUNTY OF RIVERSIDE**

GLENN BAUDE  
Director

**AFFIDAVIT OF POSTING OF NOTICES**

September 8, 2010

RE CASE NO: CV0801054

I, Mark Mandel, 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 09/08/10 at 12:46 PM, I securely and conspicuously posted Findings of Fact, Conclusions and Order to Abate Nuisance at the property described as:

**Property Address:** 44564 LEWIS VALLEY RD, HEMET

**Assessor's Parcel Number:** 571-080-035

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

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

CODE ENFORCEMENT DEPARTMENT

By: Mark Mandel, Code Enforcement Officer