

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

717B



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

**SUBMITTAL DATE:**  
July 29, 2010

**SUBJECT:** Order to Abate [Grading Without a Permit]  
Case No: CV 05-2199 (SCHAFFER)  
Subject Property: 61605 Highway 74, Mountain Center; APN: 577-070-008  
District: 3

**RECOMMENDED MOTION:** Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 05-2199 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 05-2199; 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 05-2199.

(Continued)

*[Signature]*  
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: *[Signature]*  
Tina Grande

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Buster, seconded by Supervisor Ashley 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: August 10, 2010  
xc: Co.Co.(3); Recorder

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

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

Departmental Concurrence

Consent     Policy  
 Consent     Policy

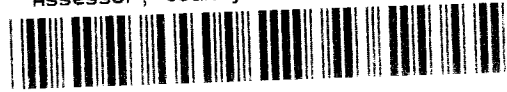
Dept Recomm.:  
 Per Exec. Ofc.:

Abatement of Public Nuisance  
Case No. CV 05-2199; SCHAFER  
61605 Highway 74, Mountain Center  
Page 2

**BACKGROUND:**

On July 13, 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 Findings of Fact, Conclusions and Order to Abate.

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

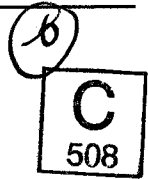


5 WHEN RECORDED PLEASE MAIL TO:  
6 L. Alexandra Fong, Deputy County Counsel  
7 County of Riverside  
8 OFFICE OF COUNTY COUNSEL  
9 3960 Orange Street, Fifth Floor (Stop #1350)  
10 Riverside, CA 92501

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[EXEMPT '6103]

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



13 IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 05-2199  
 14 [GRADING WITHOUT PERMITS]; APN: 577- )  
 15 070-008, 61605 HIGHWAY 74, MOUNTAIN )  
 16 CENTER, RIVERSIDE COUNTY, CALIFORNIA; ) FINDINGS OF FACT,  
 17 DENNIS SCHAFER, OWNER. ) CONCLUSIONS AND ORDER TO  
 18 ) ABATE NUISANCE  
 19 ) [R.C.O. Nos. 457 (RCC Title 15) and  
 20 ) 725 (RCC Title 1)]

21 The above-captioned matter came on regularly for hearing on July 13, 2010, before the Board  
22 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,  
23 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property  
24 described as 61605 Highway 74, Mountain Center, Riverside County, APN: 577-070-008, and  
25 referred to hereinafter as "THE PROPERTY."

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

28 No one appeared on behalf of Owner. A member of the public, Mr. Mabee appeared and  
addressed the Board of Supervisors.

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

RECEIVED RIVERSIDE COUNTY  
BOARD OF SUPERVISORS  
2010 AUG 25 PM 2:28

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the Owner of  
3 THE PROPERTY as Dennis Schafer ("OWNER").

4 2. Documents of title indicate that other parties may potentially hold a legal interest in  
5 THE PROPERTY, to wit: Robert H. and Janice S. Fillion, Trustees of the Robert H. and Janice S.  
6 Fillion Family Trust, Robert A. Dyson, Jr. and Lake Hemet Municipal Water District  
7 ("INTERESTED PARTIES").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on July 6, 2005, May  
9 2, 2007, May 8, 2007, July 23, 2007, September 4, 2007, December 16, 2008, May 2, 2009, June 22,  
10 2009, July 6, 2009, October 5, 2009, January 20, 2010, March 30, 2010, April 6, 2010, June 19,  
11 2010 and July 8, 2010.

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

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

16 6. A Notice of Noncompliance was recorded on July 10, 2007 as Document Number  
17 2007-0446770 in the Office of the County Recorder, County of Riverside.

18 7. On July 6, 2005, a Notice of Violation for Unapproved Grading was posted on THE  
19 PROPERTY. On November 21, 2007, January 28, 2009, May 19, 2009 and February 10, 2010,  
20 Notices of Violation were mailed by certified mail, return receipt requested to OWNER and  
21 INTERESTED PARTIES.

22 8. On June 19, 2010, a "Notice to Correct County Ordinance Violations and Abate  
23 Public Nuisance" providing notice of the public hearing before the Board of Supervisors was posted  
24 on THE PROPERTY and was mailed on June 16, 2010 by certified mail, return receipt requested, to  
25 OWNER and INTERESTED PARTIES.

26 **FINDINGS AND CONCLUSIONS**

27 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
28 regular session assembled on July 13, 2010 finds and concludes that:





1 to Riverside County Ordinance No. 457, within ninety (90) days of the posting and mailing of this  
2 Order to Abate Nuisance, the unapproved grading shall be abated by representatives of the Riverside  
3 County Code Enforcement Department, a contractor, or the Sheriff's Department upon receipt of the  
4 owner's consent or a Court Order, where necessary, under applicable law authorizing entry onto THE  
5 PROPERTY.

6 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
7 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
8 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
9 County Ordinance Nos. 457 and 725. Under Riverside County Ordinance 725, "abatement costs"  
10 means "any costs or expenses reasonably related to the abatement of conditions which violate County  
11 Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation, collection  
12 and administrative costs, attorneys fees, and the costs associated with the removal or correction of the  
13 violation." Reasonable abatement costs accrued by the Code Enforcement Department will be

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2010-0385453  
08/16/2010 08:00A  
4 of 6

1 recoverable from the property owner(s) even if THE PROPERTY is brought into compliance  
2 within ninety (90) days of the date of this Order to Abate Nuisance.

3 Dated: August 10, 2010

COUNTY OF RIVERSIDE

4  
5 By Marion Ashley  
Marion Ashley  
Chairman, Board of Supervisors

6 ATTEST:  
7  
8 KECIA HARPER-IHEM  
9 Clerk to the Board

10  
11 By Kumbarton  
12 Deputy  
13 (SEAL)  
14

FORM APPROVED COUNTY COUNSEL  
BY: 9/22/10 DATE  
L. ALEXANDRA FONG

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2010-0385453  
08/16/2010 08:00A  
5 of 6





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

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

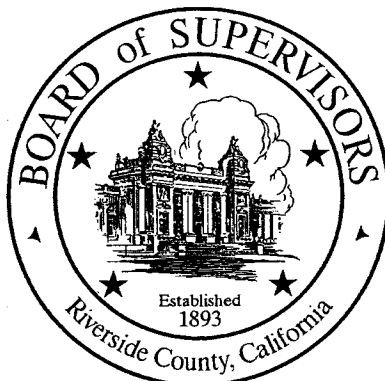
<http://riverside.asrclkrec.com>

**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:

08-10-10

Signature:

*Karen Barton*

Print Name:

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



# NOTICE LIST

Subject Property: 61605 Highway 74, Mountain Center  
Case No.: CV 05-2199; APN: 577-070-008; District 3

DENNIS SCHAFER  
206 S STELLAR PKY  
CHANDLER, AZ 85226

ROBERT H. AND JANICE S. FILLION  
200 HARBOR CLUB, UNIT 2302  
SAN DIEGO, CA 92101

ROBERT A. DYSON, JR.  
437 S. HIGHWAY 101 #220  
SOLANO BEACH, CA 92075

LAKE HEMET MUNICIPAL WATER DISTRICT  
PO BOX 5039  
HEMET, CA 92544

SENDER COMPLETE THIS SECTION

- 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.

1. Article Addressed to:

LAKE HEMET MUNICIPAL WATER  
DISTRICT  
PO BOX 5039  
HEMET CA 92544

A. Signature  *Robert H. and Janice S. Fillion*  Agent

B. Received by (Printed Name)  *Robert H. and Janice S. Fillion*  Addressee

C. Date of Delivery  *1-1-02*

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

*CV 05-2199 (Schafers) FF 4*

2. Article Number 7009 3410 0000 1317 9612  
(Transfer from service label)

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

3. Service Type

Certified Mail  Express Mail

Registered  Return Receipt for Merchandise

Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

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**PROOF OF SERVICE**

Case No. CV 05-2199

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, Brenda Peeler, 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 3960 Orange Street, 5<sup>th</sup> Floor, Riverside, California 92501-3674.

That on August 31, 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.

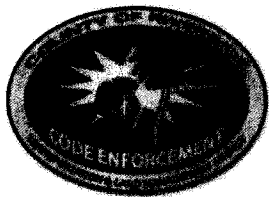
**BY PERSONAL SERVICE:** I caused to be delivered such envelope(s) by hand to the offices of the addressee(s).

**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 August 31, 2010, at Riverside, California.

  
\_\_\_\_\_  
BRENDA PEELER



**CODE ENFORCEMENT DEPARTMENT  
COUNTY OF RIVERSIDE**

**GLENN BAUDE**  
Director

**AFFIDAVIT OF POSTING OF NOTICES**

September 1, 2010

RE CASE NO: CV052199

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 09/01/2010 at 11:35am, I securely and conspicuously posted Findings of Fact, Conclusions and Order to Abate Nuisance, Notice List & Proof of Service at the property described as:

**Property Address:** 61605 Highway 74, Mountain Center

**Assessor's Parcel Number:** 577-070-008

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

Executed on September 1, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

  
By: Ariana Meza, Code Enforcement Technician

**ATTACHMENTS FILED**  
**WITH**  
**THE CLERK OF THE BOARD**