

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

711B



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

**SUBMITTAL DATE:**  
November 17, 2010


**SUBJECT:** Order to Abate [Grading Without a Permit]  
Case No. : CV 08-06430 (FRAIRE)  
Subject Property: 1 Parcel East of 44630 Skaggs Rd., Hemet, APN: 571-040-013  
District: 3

**RECOMMENDED MOTION:** Move that:

Departmental Concurrence

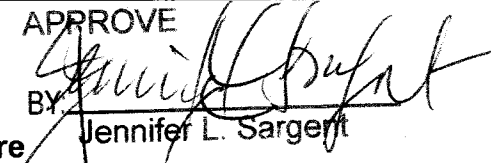
1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-06430 be approved;
2. The Chairman of the Board of Supervisors be authorized to execute the Findings of Fact, Conclusions and order to Abate in Case No. CV 08-06430; and
3. The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-06430.

(Continued)

  
\_\_\_\_\_  
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"/>

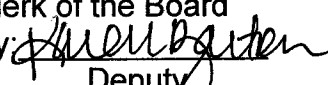
**C.E.O. RECOMMENDATION:** APPROVE  
BY:   
\_\_\_\_\_  
County Executive Office Signature Jennifer L. Sargent

Policy  
 Consent  
 Policy  
 Consent

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Stone, seconded by Supervisor Tavaglione 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: November 30, 2010  
 xc: Co.Co.(3); Recorder

Kecia Harper-Ihem  
 Clerk of the Board  
 By:   
 Deputy

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

Abatement of Public Nuisance  
Case No. CV 08-06430; FRAIRE  
1 Parcel East of 44630 Skaggs Road, Hemet  
Page 2

**BACKGROUND:**

On October 19, 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:  
Kecia Harper-Ihem, Clerk of the  
2 Board of Supervisors  
(Stop #1010)



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nclm							T:	CTY	UNI

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]

819  
C

10 **BOARD OF SUPERVISORS**  
**COUNTY OF RIVERSIDE**

11 IN RE ABATEMENT OF PUBLIC NUISANCE: )  
12 [UNAPPROVED GRADING]; APN: 571-040-013, )  
13 1 PARCEL EAST OF 44630 SKAGGS ROAD, )  
HEMET, RIVERSIDE COUNTY, CALIFORNIA; )  
14 ISAI FRAIRE, OWNER. )

CASE NO. CV 08-06430

FINDINGS OF FACT,  
CONCLUSIONS AND ORDER TO  
ABATE NUISANCE

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

16 The above-captioned matter came on regularly for hearing on October 19, 2010, before the  
17 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor  
18 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real  
19 property described as 1 Parcel East of 44630 Skaggs Road, Hemet, Riverside County, APN: 571-  
20 040-013, and referred to hereinafter as "THE PROPERTY."

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

23 No one appeared on behalf of Owner.

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

28 ///

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the Owner  
3 of THE PROPERTY as Isai Fraire ("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 September 2,  
7 2009, December 2, 2009, January 6, 2010, February 5, 2010, August 17, 2010 and September 17,  
8 2010.

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

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

13 6. A Notice of Noncompliance was recorded on September 11, 2009 as Document  
14 Number 2009-0474558 in the Office of the County Recorder, County of Riverside.

15 7. On September 2, 2009, a Notice of Violation for Unapproved Grading was posted on  
16 THE PROPERTY. On September 8, 2009, a Notice of Violation was mailed by certified mail, return  
17 receipt requested to OWNER.

18 8. On September 13, 2010, a "Notice to Correct County Ordinance Violations and Abate  
19 Public Nuisance" providing notice of the public hearing before the Board of Supervisors was mailed  
20 by certified mail, return receipt requested, to OWNER and on September 17, 2010 was posted on  
21 THE PROPERTY.

22 **FINDINGS AND CONCLUSIONS**

23 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
24 regular session assembled on October 19, 2010 finds and concludes that:

25 1. WHEREAS, the unapproved grading on the real property located at 1 Parcel East of  
26 44630 Skaggs Road, Hemet, Riverside County, California, also identified as Assessor's Parcel  
27 Number 571-040-013 violates Riverside County Ordinance No. 457 and constitutes a public nuisance  
28 and attractive nuisance.

2010-0576135  
12/02/2010 10:02A  
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1 PROPERTY.

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

12 Dated: November 30, 2010

COUNTY OF RIVERSIDE

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

15 ATTEST:  
16 KECIA HARPER-IHEM  
17 Clerk to the Board

18  
19  
20 By Karen B. Gutter  
21 Deputy  
22 (SEAL)

FORM APPROVED COUNTY COUNSEL  
BY: L. ALEXANDRA FONG DATE 11/10



2010-0576135  
12/02/2010 10:02A  
4 of 5



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

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

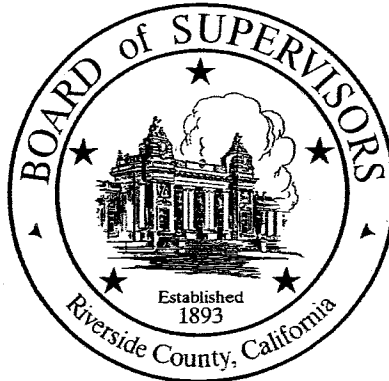
<http://riverside.asrelkrec.com>

**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: 11-30-10

Signature: *Karen Barton*

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



## **NOTICE LIST**

Subject Property: 1 Parcel East of 44630 Skaggs Road, Hemet  
Case No.: CV 08-06430 APN: 571-040-013; District 3

ISAI FRAIRE  
4043 WOODLAND DRIVE  
HEMET, CA 92544



**PROOF OF SERVICE**

Case No. CV08-06430

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, Suite 500, Riverside, California 92501-3674.

That on October 20, 2011, I served the following document(s):

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

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

**OWNERS OR INTERESTED PARTIES  
(SEE ATTACHED NOTICE LIST)**

XX **BY FIRST CLASS MAIL.** 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 October 20, 2011, at Riverside, California.

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



**CODE ENFORCEMENT DEPARTMENT  
COUNTY OF RIVERSIDE**

**GLENN BAUDE**  
Director

**AFFIDAVIT OF POSTING OF NOTICES**

October 25, 2011

RE CASE NO: CV0806430

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 10/24/2011 at 2:20pm, I securely and conspicuously posted Findings of Fact, Conclusions and Order to Abate Nuisance at the property described as:

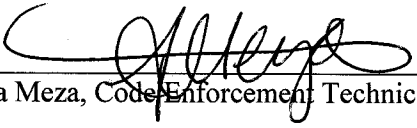
**Property Address:** 1 PAR. E. of 44633 SKAGGS RD, HEMET

**Assessor's Parcel Number:** 571-040-013

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

Executed on October 25, 2011 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

  
By: Ariana Meza, Code Enforcement Technician