

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

518B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
October 13, 2011

SUBJECT: Order to Abate [Grading Without a Permit]
Case No.: CV10-08960 [LOWE]
Subject Property: 39225 Diamond Valley Rd., Hemet; APN: 469-070-052
District: Three

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-08960 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 10-08960 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 10-08960.

(Continued)

[Signature]
PATRICIA MUNROE, 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: *[Signature]*
Tina Grande
County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Buster 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: October 25, 2011
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

Dep't Recomm.:
 Per Exec. Ofc.:

Abatement of Public Nuisance
Case Nos.: CV10-08960 [LOWE]
39225 Diamond Valley Rd., Hemet
APN#469-070-052
District 3
Page 2

BACKGROUND:

On September 20, 2011 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)



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M	A	L	465	426	PCOR	NCOR	SMF	NCHG	EXAM
NCHG CC						T:	CTY	UNI	522

5 WHEN RECORDED PLEASE MAIL TO:
6 Patricia Munroe, Deputy County Counsel
7 County of Riverside
8 OFFICE OF COUNTY COUNSEL
9 3960 Orange Street, Suite 500 (Stop #1350)
10 Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**



11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 10-08960
 12 [UNAPPROVED GRADING]; APN: 469-070-052,)
 13 39225 DIAMOND VALLEY RD., HEMET,) FINDINGS OF FACT,
 14 RIVERSIDE COUNTY, CALIFORNIA; TAMMY) CONCLUSIONS AND ORDER TO
 15 B. LOWE, OWNER.) ABATE NUISANCE
)
) R.C.O. Nos. 457 and 725

16 The above-captioned matter came on regularly for hearing on September 20, 2011 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 39225 Diamond Valley Rd., Hemet, Riverside County, APN: 469-070-052,
20 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 Owner appeared but did not address the Board of Supervisors.

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.

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1 **SUMMARY OF EVIDENCE**

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

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to wit: JDV Corporation and Wells Fargo Bank, N.A. ("INTERESTED PARTIES").

6 3. THE PROPERTY was inspected by Code Enforcement Officers on December 21,
7 2010, February 24, 2011 and August 30, 2011.

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

10 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
11 No. 457 by the Code Enforcement Officer.

12 6. A Notice of Noncompliance was recorded on March 9, 2011 as Document Number
13 2011-0108771 in the Office of the County Recorder, County of Riverside.

14 7. On December 21, 2010, a Notice of Violation for Unapproved Grading was posted on
15 THE PROPERTY. On December 21, 2010 and December 28, 2010, a Notice of Violation was
16 mailed by certified mail, return receipt requested to OWNER and on March 15, 2011 was mailed to
17 INTERESTED PARTIES.

18 8. On August 24, 2011, a "Notice to Correct County Ordinance Violations and Abate
19 Public Nuisance" providing notice of the public hearing before the Board of Supervisors was posted
20 on THE PROPERTY and mailed by certified mail, return receipt requested, to OWNER and
21 INTERESTED PARTIES.

22 **FINDINGS AND CONCLUSIONS**

23 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
24 regular session assembled on September 20, 2011 finds and concludes that:

25 1. WHEREAS, the unapproved grading on the real property located at 39225 Diamond
26 Valley Rd., Hemet, Riverside County, California, also identified as Assessor's Parcel Number 469-
27 070-052 violates Riverside County Ordinance No. 457 and constitutes a public nuisance and
28 attractive nuisance.

2011-0480357
10/31/2011 12:26P
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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
9 the 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: October 25, 2011

COUNTY OF RIVERSIDE

13 By Bob Buster
14 Bob Buster
15 Chairman, Board of Supervisors

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

19
20 By Kaunberger
21 Deputy
22 (SEAL)



2811-0480357
10/31/2011 12:26P
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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.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)



2011-0488357
10/31/2011 12:26P
5 of 5



Date: 10-25-11

Signature: *Karen Barton*

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

NOTICE LIST

Subject Property: 39225 Diamond Valley Road, Hemet
Case No.: CV 10-08960; APN: 469-070-052-9; District 3

TAMMY B LOWE
39225 DIAMOND VALLEY ROAD
HEMET CA 92544

TAMMY B LOWE
POST OFFICE BOX 902
HEMET CA 92546

JDV CORPORATION
698 12TH STREET SE, SUITE 200
SALEM OR 97301-4001

PROOF OF SERVICE

Case No. CV10-08960

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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 November 16, 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)**

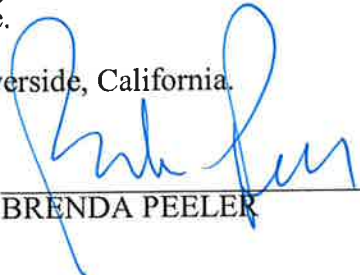
XX **BY FIRST CLASS MAIL.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California, in the ordinary 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 November 16, 2011, at Riverside, California.



BRENDA PEELER



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

November 18, 2011

RE CASE NO: CV1008960

I, Anita Bustillos, 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 11/18/2011 at 11:26 a.m., I securely and conspicuously posted Finding of Fact, Conclusions and Order to Abate Nuisance at the property described as:


Property Address: 39225 DIAMOND VALLEY RD, DIAMOND VALLEY

Assessor's Parcel Number: 469-070-052

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

Executed on November 18, 2011 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT


By: Anita Bustillos, Code Enforcement Technician



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

November 18, 2011

RE CASE NO: CV1008960

I, Anita Bustillos, 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 11/18/2011 at 11:26 a.m., I securely and conspicuously posted Finding of Fact, Conclusions and Order to Abate Nuisance at the property described as:

Property Address: 39225 DIAMOND VALLEY RD, DIAMOND VALLEY

Assessor's Parcel Number: 469-070-052

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

Executed on November 18, 2011 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By: Anita Bustillos, Code Enforcement Technician