

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

1086



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
October 27, 2011

SUBJECT: Order to Abate [Grading Without a Permit]
Case No. : CV07-10134 [FOLK]
Subject Property: 1 Parcel West of 42597 Sabina Dr., Hemet; APN:569-260-038
District: Three

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-10134 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 07-10134; 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 07-10134.

(Continued)

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:
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: November 8, 2011
xc: Co. Co., Recorder

Kecia Harper-Ihem
Clerk of the Board

By:
Deputy

Prev. Agn. Ref.: 10/18/11;9.1

District: 3

Agenda Number:

2.1

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD
☐ Policy
☐ Policy
☒ Consent
☐ Consent
 Per Exec. Ofc.:

Departmental Concurrence

Abatement of Public Nuisance
Case No.: CV07-10134 [FOLK]
1 Parcel West of 42597 Sabina Dr., Hemet
APN#569-260-038
District 3
Page 2

BACKGROUND:

On October 18, 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.



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

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

[EXEMPT GC §§ 6103 and 27383]

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**



IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 07-10134
[UNAPPROVED GRADING]; APN: 569-260-038,)
1 PARCEL WEST OF 42597 SABINA DRIVE,) FINDINGS OF FACT,
HEMET, RIVERSIDE COUNTY, CALIFORNIA;) CONCLUSIONS AND ORDER TO
CHARLES FOLK, OWNER.) ABATE NUISANCE
)
) R.C.O. Nos. 457 and 725
)

The above-captioned matter came on regularly for hearing on October 18, 2011, before the Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property described as 1 Parcel West of 42597 Sabina Drive, Hemet, Riverside County, APN: 569-260-038, and referred to hereinafter as "THE PROPERTY."

Patricia Munroe, Deputy County Counsel, appeared along with Brian Black, Supervising Code 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.

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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 Charles Folk ("OWNER").

4 2. Documents of title indicate that another party may potentially hold a legal interest in
5 THE PROPERTY, to wit: Indymac Venture, LLC ("INTERESTED PARTY").

6 3. THE PROPERTY was inspected by Code Enforcement Officers on December 17,
7 2007, October 26, 2009, November 13, 2009, January 7, 2010, July 26, 2010, February 22, 2011,
8 August 26, 2011 and October 13, 2011.

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 by the Code Enforcement Officer.

13 6. A Notice of Noncompliance was recorded on November 4, 2009 as Document
14 Number 2009-0572661 in the Office of the County Recorder, County of Riverside.

15 7. On December 17, 2007, a Notice of Violation for Unapproved Grading was posted on
16 THE PROPERTY. On January 17, 2008 a Notice of Violation was mailed by certified mail, return
17 receipt requested to OWNER and on February 23, 2011 was mailed to OWNER and INTERESTED
18 PARTY.

19 8. On August 25, 2011, 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 to OWNER and INTERESTED PARTY and on August 26, 2011 was posted on 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 18, 2011 finds and concludes that:

25 1. WHEREAS, the unapproved grading on the real property located at 1 Parcel West of
26 42597 Sabina Drive, Hemet, Riverside County, California, also identified as Assessor's Parcel
27 Number 569-260-038 violates Riverside County Ordinance No. 457 and constitutes a public
28 nuisance and attractive nuisance.





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

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

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

ORDER TO ABATE NUISANCE

IT IS THEREFORE ORDERED that the unapproved grading on THE PROPERTY located 1 Parcel West of 42597 Sabina Drive, Hemet, Riverside County, California, also identified as 2 Assessor's Parcel Number 569-260-038 be abated by the OWNER, and anyone having possession or 3 control of THE PROPERTY, by restoring THE PROPERTY to the satisfaction of the Department of 4 Building and Safety so as to prevent offsite drainage and slope erosion in strict accordance with all 5 Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457, 6 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

IT IS FURTHER ORDERED that if unapproved grading on THE PROPERTY is not restored 1 to the satisfaction of the Department of Building and Safety so as to prevent offsite drainage and 2 slope erosion in strict accordance with all Riverside County Ordinances, including but not limited to 3 Riverside County Ordinance No. 457, within ninety (90) days of the posting and mailing of this 4 Order to Abate Nuisance, the unapproved grading may be abated by representatives of the Riverside 5 County Code Enforcement Department, a contractor, or the Sheriff's Department upon receipt of the 6 owner's consent or a Court Order, where necessary, under applicable law authorizing entry onto THE

2011-0501120
11/08/2011 10:28H
4 of 5



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: November 8, 2011

COUNTY OF RIVERSIDE

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

15 ATTEST:

16 KECIA HARPER-IHEM

17 Clerk to the Board
18
19

20 By Karen J. Githen
21 Deputy
22 (SEAL)
23





**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:

11-8-11

Signature:

Karen Barton

Print Name:

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



NOTICE LIST

Subject Property: 1 Parcel West of 42597 Sabina, Hemet Case No.: CV07-10134;
APN: 569-260-038; District 3

CHARLES FOLK
7592 ISLA ST
HEMET CA 92545

INDYMAC VENTURE LLC
C/O INDYMAC MORTGAGE SVCS
CONSUMER LENDING DIVISION
888 E WALNUT STREET
PASADENA CA 91101

G:\Litigation\CodeEnforcement\Abatements\2011\2007\CV071013
4\Notice List.DOC

PROOF OF SERVICE

Case No. CV07-10134

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 January 18, 2012, 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 January 18, 2012, at Riverside, California.


BREND A PEELER



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

January 19, 2012

RE CASE NO: CV0710134

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 01/19/2012 at 10:27 a.m., I securely and conspicuously posted Findings of Fact, Conclusions and Order to Abate Nuisance at the property described as:


Property Address: 1 parcel WEST of 42597 SABINA DR, HEMET

Assessor's Parcel Number: 569-260-038

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

Executed on January 19, 2012 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT



By: Anita Bustillos, Code Enforcement Technician