

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

304B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
July 16, 2013

SUBJECT: Order to Abate [Grading Without Permits and Failure to Implement and Maintain Erosion and Sediment Control Measures]
Case No. : CV12-02296 [GAYDICK]
Subject Property: 32829 Galleano Ave., Winchester; APN: 964-020-027
District: 3/3

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 12-02296 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 12-02296; 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 12-02296.

(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 Ashley and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: July 30, 2013 11:50 AM
xc: Co.Co., Recorder

Kecia Harper-Ihem
Clerk of the Board
By:
Deputy

RECEIVED RIVERSIDE COUNTY CLERK

2-9

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

Departmental Concurrence

Abatement of Public Nuisance
Case No.: CV12-02296 [GAYDICK]
32829 Galleano Ave., Winchester
APN#964-020-027
District 3/3
Page 2

BACKGROUND:

On May 21, 2013, 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 and failure to implement and maintain erosion and sediment control measures 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)

DOC # 2013-0385622
08/07/2013

Customer Copy Label
The paper to which this label is
affixed has not been compared
with the filed/recorded document

Larry W Ward
County of Riverside
Assessor, County Clerk & Recorder

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 12-02296
12 [UNAPPROVED GRADING AND FAILURE TO)
13 IMPLEMENT AND MAINTAIN EROSION) FINDINGS OF FACT,
14 CONTROL MEASURES]; APN: 964-020-027,) CONCLUSIONS AND ORDER TO
15 32829 GALLEANO AVE., WINCHESTER,) ABATE NUISANCE
16 RIVERSIDE COUNTY, CALIFORNIA; ALAN)
GAYDICK, OWNER.) R.C.O. Nos. 457, 754 and 725

17 The above-captioned matter came on regularly for hearing on May 21, 2013, before the Board
18 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
19 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
20 described as 32829 Galleano Ave., Winchester, Riverside County, California and further described
21 as Assessor's Parcel Number 964-020-027, and referred to hereinafter as "THE PROPERTY."

22 Patricia Munroe, Deputy County Counsel, appeared along with Michelle Cervantes, Senior
23 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

24 Owner appeared but did not address the Board of Supervisors.

25 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
26 with the attached Exhibits, evidencing the unapproved grading and failure to implement and
27 maintain erosion and sediment control measures on THE PROPERTY as a public nuisance and
28 violation of Riverside County Ordinance Nos. 457 and 754.

COPY

1 **SUMMARY OF EVIDENCE**

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

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

6 3. THE PROPERTY was inspected by Code Enforcement Officers on April 9, 2012,
7 May 15, 2012, July 31, 2012, October 17, 2012, and May 17, 2013.

8 4. During each inspection, grading and failure to implement and maintain erosion and
9 sediment control measures was observed on THE PROPERTY without valid permits and which
10 deviated from the natural topography.

11 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
12 Nos. 457 and 754 by the Code Enforcement Officer.

13 6. A Notice of Pendency of Administrative Proceeding was recorded on October 31,
14 2012 as Document Number 2012-0522827 in the Office of the County Recorder, County of
15 Riverside.

16 7. On April 9, 2012, a Notice of Violation for Unapproved Grading was posted on THE
17 PROPERTY. On April 23, 2012, a Notice of Violation was mailed by to OWNER.

18 8. On April 30, 2013, 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 to OWNER and on April 29, 2013 was posted on THE PROPERTY.

21 **FINDINGS AND CONCLUSIONS**

22 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
23 regular session assembled on May 21, 2013, finds and concludes that:

24 1. WHEREAS, the unapproved grading and failure to implement and maintain erosion
25 and sediment control measures on the real property located at 32829 Galleano Ave., Winchester,
26 Riverside County, California, also identified as Assessor's Parcel Number 964-020-027 violates
27 Riverside County Ordinance Nos. 457 and 754 and constitutes a public and attractive nuisance.

28 2. WHEREAS, the OWNER, occupants and any person having possession or control of

1 THE PROPERTY shall abate the condition by restoring THE PROPERTY to the satisfaction of the
2 Department of Building and Safety so as to prevent offsite drainage and slope erosion in strict
3 accordance with all Riverside County Ordinances, including but not limited to Riverside County
4 Ordinance Nos. 457 and 754, within ninety (90) days.

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

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

13 **ORDER TO ABATE NUISANCE**

14 IT IS THEREFORE ORDERED that the unapproved grading and failure to implement and
15 maintain erosion and sediment control measures on THE PROPERTY located 32829 Galleano Ave.,
16 Winchester, Riverside County, California, also identified as Assessor's Parcel Number 964-020-027
17 be abated by the OWNER, and anyone having possession or control of THE PROPERTY, by
18 restoring THE PROPERTY to the satisfaction of the Department of Building and Safety so as to
19 prevent offsite drainage and slope erosion in strict accordance with all Riverside County Ordinances,
20 including but not limited to Riverside County Ordinance Nos. 457 and 754, within ninety (90) days
21 of the posting and mailing of this Order to Abate Nuisance.

22 IT IS FURTHER ORDERED that if unapproved grading and failure to implement and
23 maintain erosion and sediment control measures on THE PROPERTY is not restored to the
24 satisfaction of the Department of Building and Safety so as to prevent offsite drainage and slope
25 erosion in strict accordance with all Riverside County Ordinances, including but not limited to
26 Riverside County Ordinance Nos. 457 and 754, within ninety (90) days of the posting and mailing of
27 this Order to Abate Nuisance, the unapproved grading and failure to implement and maintain erosion
28 control measures may be abated by representatives of the Riverside County Code Enforcement

1 Department, a contractor, or the Sheriff's Department upon receipt of the owner's consent or a Court
2 Order, where necessary, under applicable law authorizing entry onto THE PROPERTY.

3 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
4 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
5 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
6 County Ordinance Nos. 457, 754 and 725. Under Riverside County Ordinance 725, "abatement
7 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
8 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
9 collection and administrative costs, attorneys fees, and the costs associated with the removal or
10 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement

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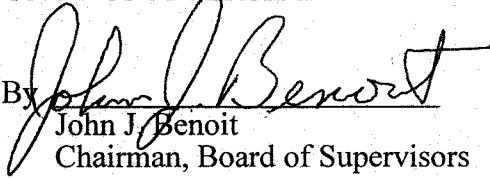
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1 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into
2 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

3 Dated: July 30, 2013

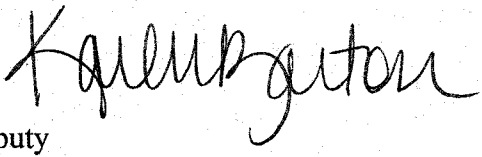
COUNTY OF RIVERSIDE

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5 By 
6 John J. Benoit
7 Chairman, Board of Supervisors

8 ATTEST:

9 KECIA HARPER-IHEM

10 Clerk to the Board

11 By 
12 Deputy

13 (SEAL)

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

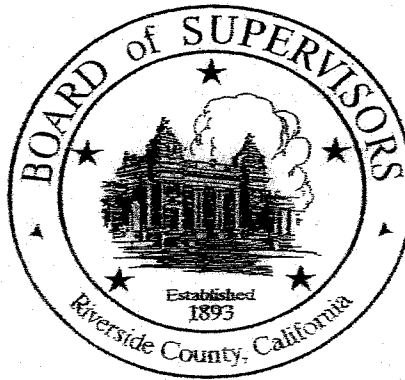
Recorder
P.O. Box 751
Riverside, CA 92502-0751
(951) 486-7000
<http://riverside.asrcikrec.com>

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:

7-30-13

Signature:

Karen Barton

Print Name:

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