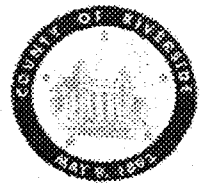


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

7103



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
January 13, 2010

SUBJECT: Order to Abate [Grading Without a Permit]
Case No.: CV 06-6153 (SPARKS)
Subject Property: 1 Parcel on Leona Drive, Lake Elsinore; APN 347-050-069
District Five

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 06-6153 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 06-6153; 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 06-6153.

BACKGROUND:

On December 15, 2009, 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 the Findings of Fact, Conclusion and Order to Abate.

[Signature]

(Continued)

JULIE JARVI, 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: *Alex Gann*
Alex Gann

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Tavaglione, 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: January 26, 2010
xc: Co.Co.(3); Recorder

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

Prev. Agn. Ref.: 12/15/09; 9.6 | District: 5 | Agenda Number:

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

2.17

Departmental Concurrence

Policy ☐ Policy ☐
 Consent ☒ Consent ☐
 Dept't Recomm.: ☒ Per Exec. Ofc.: ☐

DOC # 2010-0034524

01/27/2010 08:00A Fee:NC

Page 1 of 6

Recorded in Official Records

County of Riverside

Larry W. Ward

Assessor, County Clerk & Recorder



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

WHEN RECORDED PLEASE MAIL TO:
Julie Jarvi, Deputy County Counsel
County of Riverside
OFFICE OF COUNTY COUNSEL
3960 Orange Street, Fifth Floor (Stop #1350)
Riverside, CA 92501

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[EXEMPT '6103]

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**

**C
517**

IN RE ABATEMENT OF PUBLIC NUISANCE:
[UNAPPROVED GRADING]; APN: 347-050-069,
ONE PARCEL ON LEONA DRIVE, LAKE
ELSINORE, RIVERSIDE COUNTY,
CALIFORNIA; DAVID SPARKS, OWNER.

CASE NO. CV 06-6153

FINDINGS OF FACT,
CONCLUSIONS AND ORDER TO
ABATE NUISANCE

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

The above-captioned matter came on regularly for hearing on December 15, 2009, 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 One Parcel on Leona Drive, Lake Elsinore, Riverside County, APN: 347-050-069, and referred to hereinafter as "THE PROPERTY."

Julie Jarvi, Deputy County Counsel, appeared along with Brian Black, Supervising Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

Owner did not appear. Mr. Maybe spoke 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.

///

SUMMARY OF EVIDENCE

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

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to wit: Internal Revenue Service, Creative Lending Solutions, Pioneer Savings and
6 Loan Association, First Mortgage Corporation, Associates Financial and the State of California
7 Franchise Tax Board ("INTERESTED PARTIES").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on March 26, 2007,
9 April 3, 2007, April 6, 2007, May 31, 2007, August 24, 2007, November 28, 2007, May 12, 2008,
10 August 7, 2008, August 22, 2008, July 16, 2009 and November 2, 2009.

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

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

15 6. A Notice of Noncompliance was recorded on May 1, 2007 as Document Number
16 2007-0292883 in the Office of the County Recorder, County of Riverside.

17 7. On April 6, 2007, a Notice of Violation for Unapproved Grading was posted on THE
18 PROPERTY. On April 10, 2007, December 6, 2007 and June 13, 2008, a Notice of Violation was
19 mailed by certified mail, return receipt requested to the OWNER and an INTERESTED PARTY. On
20 September 5, 2008, a Notice of Violation for Unapproved Grading was mailed to some
21 INTERESTED PARTIES by certified mail, return receipt requested.

22 8. On October 28, 2009, a "Notice To Correct County Ordinance Violations and Abate
23 Public Nuisance" providing notice of the public hearing before the Board of Supervisors was mailed
24 to OWNER and INTERESTED PARTIES by certified mail, return receipt requested and was posted
25 on THE PROPERTY on November 2, 2009.

26 ///

27 ///

28 ///



1 **FINDINGS AND CONCLUSIONS**

2 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
3 regular session assembled on December 15, 2009 finds and concludes that:

4 1. WHEREAS, the unapproved grading on the real property located at One Parcel on
5 Leona Drive, Lake Elsinore, Riverside County, California, also identified as Assessor's Parcel Number
6 347-050-069 violates Riverside County Ordinance No. 457 and constitutes a public nuisance and
7 attractive nuisance.

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

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

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

21 **ORDER TO ABATE NUISANCE**

22 IT IS THEREFORE ORDERED that the unapproved grading on THE PROPERTY located
23 One Parcel on Leona Drive, Lake Elsinore, Riverside County, California, also identified as Assessor's
24 Parcel Number 347-050-069 be abated by the OWNER, and anyone having possession or control of
25 THE PROPERTY, by restoring THE PROPERTY to the satisfaction of the Department of Building
26 and Safety so as to prevent offsite drainage and slope erosion in strict accordance with all Riverside
27 County Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety
28 (90) days of the posting and mailing of this Order to Abate Nuisance.



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

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

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FORM APPROVED COUNTY COUNSEL
BY Julie A. Moons Jarvi DATE 1/26/10

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

Dated: January 26, 2010

COUNTY OF RIVERSIDE

By Marion Ashley
Marion Ashley
Chairman, Board of Supervisors

ATTEST:

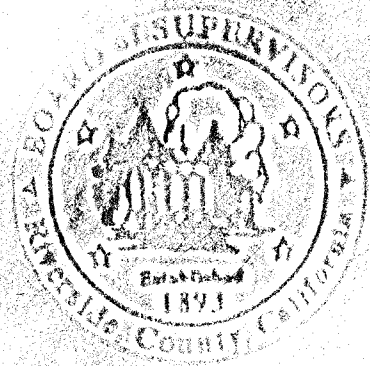
KECIA HARPER-IHEM

Clerk to the Board

By Ima Ahlmann

Deputy

(SEAL)



2010-0034524
01/27/2010 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.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:

1-26-10

Signature:

Sandi Schlemmer

Print Name:

Sandi Schlemmer, Deputy Clerk - Riverside County Clerk of the Board



NOTICE LIST

Subject Property: One Parcel on Leona Drive, Lake Elsinore
Case No.: CV 06-6153; APN: 347-050-069; District 5

David Sparks
920 Hampshire Road, A2
Westlake Village, CA 91361

Internal Revenue Service
P.O. Box 30216
Laguna Niguel, CA 92607

Paul Galuppo
c/o Creative Lending Solutions
920 Hampshire Road, #2
Westlake Village, CA 91361

David Sparks
9226 Delano Drive
Riverside, CA 92503-3212

Internal Revenue Service
P.O. Box 145585 Stop 8420G
Cincinnati, OH 45250-5585

Pioneer Savings and Loan Assn.
P.O. Box 8595
Newport Beach, CA 92658-8595

First Mortgage Corporation
3230 Fallow Field Drive
Diamond Bar, CA 91765

Associates Financial
257 East 200 South #750
Salt Lake City, Utah 84111

State of California
Franchise Tax board
Special Procedures Section
P.O. Box 2952
Sacramento, CA 95812-9252

<p>1. Article Addressed to:</p> <p>David Sparks 9226 Delano Drive Riverside, CA 92503-3212 CV06-6153 *FOF* SPARKS 9</p>	
<p>2. Article Number (Transfer from service label)</p> <p>7009 3410 0000 1318 0861</p>	
<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>5. Signature</p> <p><input checked="" type="checkbox"/> Signature <input type="checkbox"/> Agent</p> <p><input checked="" type="checkbox"/> Received by (Printed Name) <input type="checkbox"/> Date of Delivery</p> <p>D. SPARKS 3-2-10</p>	
<p>6. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p>	

PG Form 3811, February 2004

102595-00-00-1000

NOTICE LIST

Subject Property: One Parcel on Leona Drive, Lake Elsinore

Case No.: CV 06-6153; APN: 347-050-069; District 5

1. Article Addressed to:
- 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.

First Mortgage Corporation
3230 Fallow Field Drive
Diamond Bar, CA 91765
CV06-6153 *FOF* SPARKS 9

A. Signature X Karl Cougan ☐ Agent ☐ Address

B. Received by (Printed Name) Karl Cougan ☐ Agent ☐ Address

C. Date of Delivery 3/4/10

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

3. Service-Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

MAR - 4 2010

2. Article Number
(Transfer from service label)
PS Form 3811, February 2004

Domestic Return Receipt

7009 3410 0000 1318 0779

102595-02-44-1540

UNDER: 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:

State of California
Franchise Tax board
Special Procedures Section
P.O. Box 2952
Sacramento, CA 95812-9252
CV06-6153 *FOF* SPARKS 9

COMPLETE THIS SECTION ON DELIVERY

A. Signature X Karl Cougan ☐ Agent ☐ Address

B. Received by (Printed Name) Karl Cougan ☐ Agent ☐ Address

C. Date of Delivery 3/4/10

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

3. Service-Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)
PS Form 3811, February 2004

Domestic Return Receipt

7009 3410 0000 1318 0762

102595-02-44-1540

1. Article Addressed to:

Internal Revenue Service
P.O. Box 145585 Stop 8420G
Cincinnati, OH 45250-5585
CV06-6153 *FOF* SPARKS 9

A. Signature X 03/04/2010 ☐ Agent ☐ Address

B. Received by (Printed Name) INTERNAL REVENUE SERVICE ☐ Agent ☐ Address

C. Date of Delivery 03/04/2010

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

MAR 04 2010

3. Service-Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)
PS Form 3811, February 2004

Domestic Return Receipt

7009 3410 0000 1318 0854

102595-02-44-1540

PROOF OF SERVICE

Case Nos. CV06-6153

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, Yadira Oseguera, 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 3535 Tenth Street, Suite 300, Riverside, California 92501-3674.

That on March 1, 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)

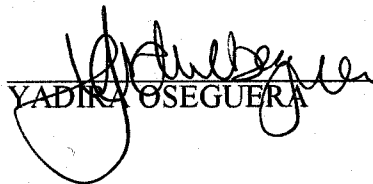
XX **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California,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

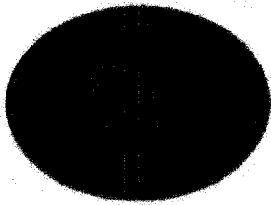
— **BY PERSONAL SERVICE:** I caused to be delivered such envelope(s) by hand to the offices of the addressee(s).

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 March 1, 2010, at Riverside, California.


YADIRA OSEGUERA



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

JOHN BOYD
Director

AFFIDAVIT OF POSTING OF NOTICES

March 5, 2010

RE CASE NO: CV066153

I, James Pike, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 24318 Hemlock, Ave., Suite C-1, Moreno Valley, California 92557 .

That on 03/04/10 at 1014, I securely and conspicuously posted Findings of Fact at the property described as:

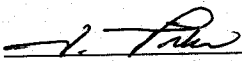
Property Address: 0 , LAKE ELSINORE

Assessor's Parcel Number: 347-050-069

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

Executed on March 5, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT


By: James Pike, Code Enforcement Officer