

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

910B



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

**SUBMITTAL DATE:**  
February 10, 2010

**SUBJECT:** Order to Abate [Grading Without a Permit]  
Case No.: CV 08-02002 (HAMMOND)  
Subject Property: 37200 Remuda Drive, Temecula; APN 915-380-016  
District Three

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-02002 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 08-02002; 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 08-02002.

Departmental Concurrence

**BACKGROUND:**

On January 26, 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 the Findings of Fact, Conclusion and Order to Abate.

*Julie Jarvi*  
\_\_\_\_\_  
JULIE JARVI, Deputy County Counsel  
for PAMELA J. WALLS, County Counsel

(Continued)

<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

County Executive Office Signature BY: *Tina Grande*  
Tina Grande

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Stone, seconded by Supervisor Buster and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Stone, Benoit and Ashley  
Nays: None  
Absent: Tavaglione  
Date: February 23, 2010  
xc: Co.Co.(3); Recorder

Kecia Harper-Ihem  
Clerk of the Board  
By: *Kecia Harper-Ihem*  
Deputy

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

Prev. Agn. Ref.: 01/26/10; 9.3 | District: 3 | Agenda Number:

**2.11**

ATTACHMENTS FILED WITH  
THE CLERK OF THE BOARD

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

**DOC # 2010-0086915**  
02/25/2010

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

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

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4  
5 WHEN RECORDED PLEASE MAIL TO:  
Julie Jarvi, Deputy County Counsel  
6 County of Riverside  
OFFICE OF COUNTY COUNSEL  
7 3960 Orange Street, Fifth Floor (Stop #1350)  
Riverside, CA 92501

[EXEMPT '6103]

8  
9  
10 **BOARD OF SUPERVISORS**  
**COUNTY OF RIVERSIDE**

11 IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 08-02002  
12 [UNAPPROVED GRADING]; APN: 915-380-016, )  
37200 REMUDA DRIVE, TEMECULA, )  
13 RIVERSIDE COUNTY, CALIFORNIA; DAVID ) FINDINGS OF FACT,  
IRWIN HAMMOND, OWNER. ) CONCLUSIONS AND ORDER TO  
14 ) ABATE NUISANCE  
15 ) [R.C.O. Nos. 457 (RCC Title 15) and  
725 (RCC Title 1)]

16 The above-captioned matter came on regularly for hearing on January 26, 2009, 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 37200 Remuda Drive, Temecula, Riverside County, APN: 915-380-016, and  
20 referred to hereinafter as "THE PROPERTY."

21 Jonathan D. Holub, 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 ///

FINDINGS OF FACT, CONCLUSIONS  
AND ORDER TO ABATE NUISANCE

**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 David Irwin Hammond ("OWNER").

4 2. Documents of title indicate that other parties potentially holds a legal interest in THE  
5 PROPERTY, to wit: Larry Hayes and Catherine Hayes and Internal Revenue Service  
6 ("INTERESTED PARTIES").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on March 7, 2008,  
8 January 23, 2009, September 18, 2009, December 28, 2009 and January 22, 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 March 27, 2008 as Document Number  
14 2007-0150092 in the Office of the County Recorder, County of Riverside.

15 7. On March 7, 2008, a Notice of Violation for Unapproved Grading was posted on THE  
16 PROPERTY. On December 12, 2008, a Notice of Violation was mailed by certified mail, return  
17 receipt requested to OWNER and INTERESTED PARTIES.

18 8. On December 28, 2009, 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 on December 24, 2009 was mailed by certified mail, return receipt  
21 requested, to OWNER and 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 January 26, 2010 finds and concludes that:

25 1. WHEREAS, the unapproved grading on the real property located at 37200 Remuda  
26 Drive, Temecula, Riverside County, California, also identified as Assessor's Parcel Number 915-380-  
27 016 violates Riverside County Ordinance No. 457 and constitutes a public nuisance and attractive  
28 nuisance.

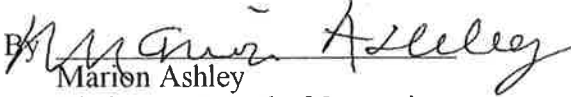


1 PROPERTY.


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: February 23, 2010

COUNTY OF RIVERSIDE

13  
14 By   
Marion Ashley  
Chairman, Board of Supervisors

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

19  
20 By   
21 Deputy  
22 (SEAL)  
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FORM APPROVED COUNTY COUNSEL  
BY   
JULIE A. KOONS JARVI DATE 2/18/10

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

Recorder  
P.O. Box 751  
(951) 486-7000

www.riversideacr.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 FOR NUMBER ON LEFT SIDE OF PLEADING PAGE, THAT MAY BE OBSCURED BY COUNTY COUNSEL STAMP/SIGNATURE

14

Date: 2-23-10

Signature: 

Print Name: Karen Barton, Board Assistant



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:

2-23-10

Signature:

*Karen Barton*

Print Name:

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

# NOTICE LIST

Subject Property: 37200 Remuda Drive, Temecula  
Case No.: CV 08-02002 APN: 915-380-016; District 3

DAVID IRWIN HAMMOND  
PO BOX 892732  
TEMECULA, CA 92589

LARRY VERNON HAYES  
CATHERINE ELAINE HAYES  
1614 WASHINGTON STREET  
UNIONVILLE, CA 63565

INTERNAL REVENUE SERVICE  
24000 AVILA RD., MAIL STOP 5910  
LAGUNA NIGUEL, CA 92677

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>1. Article Addressed to:</p> <p style="text-align: center;"><b>INTERNAL REVENUE SERVICE 24000 AVILA RD. MAIL STOP 5910 LAGUNA NIGUEL, CA. 92677 CV08-02002 *FOF* HAMMOND 3</b></p>	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addresssee</p> <p>B. Received by (Printed Name) <input type="checkbox"/> Date of Delivery</p> <p>C. Date of Delivery <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p>
<p>2. Article Number <i>(Transfer from service label)</i></p> <p>PS Form 3811, February 2004</p>	<p>3. Service Type</p> <p><input 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</p>
<p>7009 3410 0000 1318 0526</p> <p>Domestic Return Receipt</p>	<p style="text-align: center;">  </p>
<p>102595-02-M-1540</p>	



# NOTICE LIST

Subject Property: 37200 Rémuda Drive, Temecula  
Case No.: CV 08-02002 APN: 915-380-016; District 3

OFFICE OF COUNTY COUNSEL  
RIVERSIDE COUNTY  
3960 ORANGE STREET 5<sup>TH</sup> FLOOR  
RIVERSIDE CA. 92501

7009 1680 0000 9025 3031



UNITED STATES POSTAGE  
PITNEY BOWES  
02 1P  
0003958246 JAN 14 2010  
MAILED FROM ZIP CODE 92501

\$ 005.540

DAVID IRWIN HAMMOND  
P O BOX 892732  
TEMECULA, CA 92589

3-4

NIXIE 923 SE 1 06 03/18/10  
RETURN TO SENDER  
UNCLAIMED  
UNABLE TO FORWARD

9250103644



BC: 92501364405 \*1977-03126-18-38

RIVERSIDE COUNTY  
3960 ORANGE STREET 5<sup>TH</sup> FLOOR  
RIVERSIDE CA. 92501



7009 3410 0000 1318 0533



UNITED STATES POSTAGE  
PITNEY BOWES  
02 1P  
0003958246 MAR 09 2010  
MAILED FROM ZIP CODE 92501

\$ 005.710

  
MOVED, LEFT NO ADDRESS  
ATTEMPTING ORDER EXPANDED  
UNCLAIMED NOT KNOWN  
SUCH STREET  REFUSED  
FREIGHT ADDRESS  NUMBER  
DO NOT RECALL IN THIS ENVIRONMENT

VF

LARRY VERNON HAYES  
CATHERINE ELAINE HAYES  
1614 WASHINGTON ST.  
UNIONVILLE, CA. 93565

  
MOVED, LEFT NO ADDRESS  
ATTEMPTING ORDER EXPANDED  
UNCLAIMED NOT KNOWN  
SUCH STREET  REFUSED  
FREIGHT ADDRESS  NUMBER  
DO NOT RECALL IN THIS ENVIRONMENT

9250103644



**PROOF OF SERVICE**

Case Nos. CV08-02002

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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 9, 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 9, 2010, at Riverside, California.

  
YADIRA OSEGUERA



**CODE ENFORCEMENT DEPARTMENT  
COUNTY OF RIVERSIDE**

JOHN BOYD  
Director

**AFFIDAVIT OF POSTING OF NOTICES**

March 11, 2010

RE CASE NO: CV0802002

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 03/10/2010 at 12:24pm, I securely and conspicuously posted Findings of Fact, Conclusions And Order To Abate Nuisance, Notice List and Proof of Service at the property described as:


**Property Address:** 37200 REMUDA DR, TEMECULA

**Assessor's Parcel Number:** 915-380-016

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

Executed on March 11, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

  
By: Ariana Meza, Code Enforcement Technician