

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

915B



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

**SUBMITTAL DATE:**  
February 10 , 2010

**SUBJECT:** Order to Abate [Grading Without a Permit]  
Case No.: CV 06-3907 (MUNIZ)  
Subject Property: 33495 Mirage Mesa Circle, Temecula; APN: 965-390-008  
District Three

**RECOMMENDED MOTION:** Move that

Departmental Concurrence

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 06-3907 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 06-3907; 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 06-3907.

**BACKGROUND:**

On January 12, 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.

*[Signature]*

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

BY *[Signature]*  
Tina Grande

**County Executive Office Signature**

Policy

Consent

X Consent

Dept Recomm.   
Per Exec. Ofc.:

**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 *[Signature]*  
Deputy

Prev. Agn. Ref.: 01/12/10; 92 | District: 3 | Agenda Number:

ATTACHMENTS FILED WITH  
THE CLERK OF THE BOARD

2.13

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

DOC # 2010-0086917  
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

3  
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: )  
12 [UNAPPROVED GRADING]; APN: 965-390-008, )  
13 33495 MIRAGE MESA CIRCLE, TEMECULA, )  
RIVERSIDE COUNTY, CALIFORNIA; )  
14 ANTONIO RAUL MUNIZ AND AIDA MUNIZ, )  
OWNERS. )

CASE NO. CV 06-3907

FINDINGS OF FACT,  
CONCLUSIONS AND ORDER TO  
ABATE NUISANCE

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

15  
16 The above-captioned matter came on regularly for hearing on January 12, 2010, 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 33495 Mirage Mesa Circle, Temecula, Riverside County, APN: 965-390-008,  
20 and referred to hereinafter as "THE PROPERTY."

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

23 Owners did not appear. Mr. Maybee appeared and addressed 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 as codified in Riverside County Code  
27 Title 15.

28 ///

FINDINGS OF FACT, CONCLUSIONS  
AND ORDER TO ABATE NUISANCE

**COPY** 1

02.23.10 2.13

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the Owners  
3 of THE PROPERTY as Antonio Raul Muniz and Aida Muniz("OWNERS").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE  
5 PROPERTY, to wit: Prenovost, Normandin, Bergh & Dawe, Wachovia Dealer Services, Inc., and  
6 State of California Franchise Tax Board

7 3. THE PROPERTY was inspected by Code Enforcement Officers on August 31, 2006,  
8 March 26, 2008, August 6, 2009, September 4, 2009, December 28, 2009, and January 9, 2010.

9 4. During each inspection, seven hundred (700) cubic yards of imported dirt was  
10 observed on THE PROPERTY without permits.

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 September 25, 2006 as Document  
14 Number 2006-0707531 in the Office of the County Recorder, County of Riverside.

15 7. On August 31, 2006, a Notice of Violation for Unapproved Grading was posted on  
16 THE PROPERTY. On September 21, 2006 and March 27, 2008, a Notice of Violation was mailed  
17 by certified mail, return receipt requested to the INTERESTED PARTIES. On September 21, 2006  
18 and November 21, 2007, a Notice of Violation was mailed by certified mail, return receipt requested  
19 to OWNERS.

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

24 **FINDINGS AND CONCLUSIONS**

25 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
26 regular session assembled on January 12, 2009 finds and concludes that:

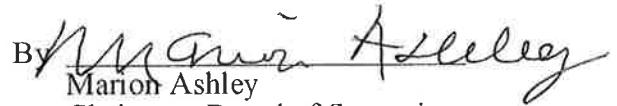
27 1. WHEREAS, the unapproved grading on the real property located at 33495 Mirage  
28 Mesa Circle, Temecula, Riverside County, California, also identified as Assessor's Parcel Number

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

4 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
5 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
6 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
7 County Ordinance Nos. 457 and 725. Under Riverside County Ordinance 725, "abatement costs"  
8 means "any costs or expenses reasonably related to the abatement of conditions which violate County  
9 Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation, collection  
10 and administrative costs, attorneys fees, and the costs associated with the removal or correction of the  
11 violation." Reasonable abatement costs accrued by the Code Enforcement Department will be  
12 recoverable from the property owner(s) even if THE PROPERTY is brought into compliance within  
13 ninety (90) days of the date of this Order to Abate Nuisance.

14 Dated: February 23, 2010

COUNTY OF RIVERSIDE

15  
16 By   
Marion Ashley  
Chairman, Board of Supervisors

17 ATTEST:

18 KECIA HARPER-IHEM

19 Clerk to the Board

20  
21  
22 By 

23 Deputy

24 (SEAL)

FORM APPROVED COUNTY COUNSEL,  
BY:  DATE: 2/23/10  
JULIE A. KOONS JARVI



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

Recorder  
P.O. Box 751  
Riverside, CA 92502-0751  
(951) 486-7000

<http://riverside.asrc|krcc.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: 33495 Mirage Mesa Circle, Temecula  
Case No.: CV 06-3907; APN: 965-390-008; District 3

ANTONIO RAUL MUNIZ  
AIDA MUNIZ  
33495 MIRAGE MESA CIRCLE  
TEMECULA, CA 92592

WACHOVIA DEALER SERVICES, INC.  
2143 CONVENTION CENTER WAY #210  
ONTARIO, CA 91764

PRENOVOST, NORMANDIN, BERGH & DAWE  
2122 N. BROADWAY, SUITE 200  
SANTA ANA, CA 92706

STATE OF CALIFORNIA FRANCHISE TAX BOARD  
LEIN PROCEDURES SECTION  
PO BOX 2952  
SACRAMENTO, CA 95812

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>1. Article Addressed to:</p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p style="text-align: center;"><b>PRENOVOST, NORMANDIN, BERGH &amp; DAWE 2122 BROADWAY SUITE 200 SANTA ANA, CA. 92706 CV06-3907 * FOF* MUNIZ 4</b></p> </div> <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 checked="" type="checkbox"/> Certified Mail    <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered    <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail    <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee)    <input type="checkbox"/> Yes</p>
<p>1. Article Addressed to:</p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p style="text-align: center;"><b>WACHOVIA DEALER SERVICES INC 2143 CONVENTION CENTER WAY #210 ONTARIO, CA. 91764 CV06-3907 * FOF* MUNIZ 4</b></p> </div> <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 checked="" type="checkbox"/> Certified Mail    <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered    <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail    <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee)    <input type="checkbox"/> Yes</p>
COMPLETE THIS SECTION ON DELIVERY	
<p>A. Signature <i>X</i> </p> <p>B. Received by (Printed Name) <i>lope lavark</i></p> <p>C. Date of Delivery <i>3-12-10</i></p> <p>D. Is delivery address different from item 1?    <input type="checkbox"/> Yes If YES, enter delivery address below:    <input type="checkbox"/> No</p>	<p>A. Signature </p> <p>B. Received by (Printed Name) <i>Aida Muniz</i></p> <p>C. Date of Delivery</p> <p>D. Is delivery address different from item 1?    <input type="checkbox"/> Yes If YES, enter delivery address below:    <input type="checkbox"/> No</p>
COMPLETE THIS SECTION ON DELIVERY	
<p>7009 3410 0000 1318 0427</p> <p style="font-size: small;">102395-02-M-1540</p>	
<p>7009 3410 0000 1318 0434</p> <p style="font-size: small;">102395-02-M-1540</p>	



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## Track & Confirm

### Search Results

Label/Receipt Number: **7009 3410 0000 1318 0441**  
Service(s): **Certified Mail™**  
Status: **Unclaimed**

Your item was returned to the sender on April 13, 2010 because it was not claimed by the addressee.

#### Detailed Results:

- **Unclaimed, April 13, 2010, 11:38 am, TEMECULA, CA**
- **Notice Left, March 10, 2010, 3:08 pm, TEMECULA, CA 92592**

#### Notification Options

#### Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

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Enter Label/Receipt Number.

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For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>	
<b>OFFICIAL USE</b>	
Postage	\$ .44
Certified Fee	2.80
Return Receipt Fee (Endorsement Required)	2.30
Restricted Delivery Fee (Endorsement Required)	5.70
1 <b>ANTONIO RAUL MUNIZ</b>	
<b>AIDA MUNIZ</b>	
<b>33495 MIRAGE MESA CIRCLE</b>	
<b>TEMECULA, CA. 92592</b>	
<b>CV06-3907 *FOF* MUNIZ 4</b>	
PS Form 3800, August 2006   See Reverse for Instructions	

7009 3410 0000 1318 0441

mailed 3/10/10  
Postmark Here

**PROOF OF SERVICE**

Case Nos. CV06-3907

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*  
YADIRA OSEGUERA

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <b>X Joseph Mickelson</b> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Joseph Mickelson</i></p>	<p>C. Date of Delivery</p>
<p>1. Article Addressed to:</p> <p>STATE OF CALIFORNIA FRANCHISE TAX BOARD LEIN PROCEDURES SECTION P O BOX 2952 SACRAMENTO, CA. 95812 <b>CV06-3907 *FOF* MUNIZ 4</b></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><b>MAR 11 2010</b></p>	
<p>2. Article Number (Transfer from service label)</p>	<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <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 0410</p>		
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>		





**CODE ENFORCEMENT DEPARTMENT  
COUNTY OF RIVERSIDE**

JOHN BOYD  
Director

**AFFIDAVIT OF POSTING OF NOTICES**

March 12, 2010

RE CASE NO: CV063907

I, Vicky Jordan, 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 3/11/2010 at 12:48 PM, I securely and conspicuously posted Findings of Fact, Conclusions and Order to Abate Nuisance at the property described as:


**Property Address:** 33495 MIRAGE MESA CIR, TEMECULA

**Assessor's Parcel Number:** 965-390-008

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

Executed on March 12, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

  
By: Vicky Jordan, Code Enforcement Technician