

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

916B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
February 10, 2010

SUBJECT: Order to Abate [Substandard Structure]
Case No.: CV 08-08056 (ABADIR)
Subject Property: 33608 Blue Water Way, Temecula; APN 966-030-049
District Three

RECOMMENDED MOTION: Move that

Departmental Concurrence

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-08056 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 08-08056 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 08-08056.

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 substandard structure 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, Deputy County Counsel
for PAMELA J. WALLS, County Counsel

(Continued)

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

County Executive Office Signature BY
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:
Deputy

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

Prev. Agn. Ref.: 01/12/10-91 | District: 3 | Agenda Number:

ATTACHMENTS FILED WITH
THE CLERK OF THE BOARD

2.15

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

DOC # 2010-0086919
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

5 WHEN RECORDED PLEASE MAIL TO:
6 Julie Jarvi, Deputy County Counsel
7 County of Riverside
8 OFFICE OF COUNTY COUNSEL
9 3960 Orange Street, Fifth Floor (Stop #1350)
10 Riverside, CA 92501

[EXEMPT '6103]

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**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**

IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 08-08056
[SUBSTANDARD STRUCTURE]; APN: 966-030-)
049, 33608 BLUE WATER WAY, TEMECULA,) FINDINGS OF FACT,
RIVERSIDE COUNTY, CALIFORNIA;) CONCLUSIONS AND ORDER TO
CHRISTIAN ABADIR, OWNER.) ABATE NUISANCE
)
) [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 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 33608 Blue Water Way, Temecula, Riverside County, APN: 966-030-049, and
20 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 Owner did not appear. Attorney Stephen H. Hutchings appeared but did not address the
24 Board of Supervisors.

25 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
26 with the attached Exhibits, evidencing the substandard structure on THE PROPERTY as a public
27 nuisance and violation of Riverside County Ordinance No. 457 as codified in Riverside County Code
28 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 Christian Abadir ("OWNER").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to wit: National City Bank, National City Mortgage, Cal-Western Reconveyance,
6 Corp., Oak Community Association, Assessment Management Services, SBS Lien Services
7 ("INTERESTED PARTIES").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on September 18,
9 2008, February 2, 2009, July 15, 2009, December 2, 2009, and January 11, 2010.

10 4. During each inspection, a substandard structure (single family dwelling with attached
11 garage) was observed on THE PROPERTY. The structure was described as abandoned and vacant.
12 The structure contained numerous deficiencies, including but not limited to: extensive fire damage;
13 abandoned/vacant, public and attractive nuisance.

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

16 6. A Notice of Noncompliance was recorded on October 22, 2008 as Document Number
17 2008-0566767 in the Office of the County Recorder, County of Riverside.

18 7. On September 18, 2008, a Notice of Violation, Notice of Defects and "Danger Do Not
19 Enter" sign were posted on THE PROPERTY. On October 14, 2008, a Notice of Violation and
20 Notice of Defects were mailed by certified mail, return receipt requested to OWNER. On December
21 9, 2008, Notice of Violation and Notice of Defects were mailed by certified mail, return receipt
22 requested to the OWNERS and INTERESTED PARTIES and on July 17, 2009, was mailed to
23 INTERESTED PARTY, Oak Creek Community Association C/O Assessment Management Services.

24 8. On November 3, 2009, "Notice To Correct County Ordinance Violations and Abate
25 Public Nuisance" providing notice of the public hearing before the Board of Supervisors was mailed
26 by certified mail, return receipt requested, to OWNER and INTERESTED PARTIES and was posted
27 on THE PROPERTY on December 2, 2009.

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1 **FINDINGS AND CONCLUSIONS**

2 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
3 regular session assembled on January 12, 2010, finds and concludes that:

4 1. WHEREAS, the substandard structure on the real property located at 33608 Blue
5 Water Way, Temecula, Riverside County, California, also identified as Assessor's Parcel Number 966-
6 030-049 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 razing, removing and disposing of the substandard
10 structure, including the removal and disposal of all structural debris and materials, and contents
11 therein or by reconstruction of said structure provided that said reconstruction or demolition can be
12 accomplished in strict accordance with all Riverside County Ordinances, including but not limited to
13 Riverside County Ordinance No. 457 within ninety (90) days.

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

19 **ORDER TO ABATE NUISANCE**

20 IT IS THEREFORE ORDERED that the substandard structure on THE PROPERTY located
21 at 33608 Blue Water Way, Temecula, Riverside County, California, also identified as Assessor's
22 Parcel Number 966-030-049 be abated by the OWNER, and anyone having possession or control of
23 THE PROPERTY, by razing and removing the substandard structure including the removal and
24 disposal of all structural debris and materials, as well as the contents therein, or by reconstruction of
25 said structure provided such reconstruction can be accomplished in strict accordance with all
26 Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457
27 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

28 IT IS FURTHER ORDERED that if the substandard structure is not razed, removed and

1 disposed of, or reconstructed in strict accordance with all Riverside County Ordinances, including but
2 not limited to Riverside County Ordinance No. 457, within ninety (90) days of the posting and
3 mailing of this Order to Abate Nuisance, the substandard structure, contents therein, and structural
4 debris and materials, shall be abated by representatives of the Riverside County Code Enforcement
5 Department, a contractor, or the Sheriff's Department upon receipt of the owner's consent or a Court
6 Order, where necessary, under, applicable law authorizing entry onto THE PROPERTY.

7 FURTHERMORE, THE OWNERS are ordered to ascertain the existence or non-existence of
8 asbestos containing materials in said structure by survey and materials sample testing by a duly
9 licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure
10 the removal of all asbestos containing materials discovered through such survey and testing by
11 contract with a duly certified and licensed contractor for the handling of such materials to avoid
12 citations and/or fines by South Coast Air Quality Management District (SCAQMD).

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

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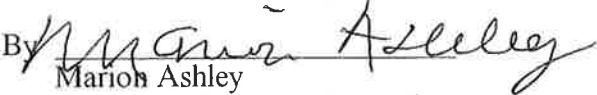
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1 recoverable from the property owner(s) even if THE PROPERTY is brought into compliance within
2 ninety (90) days of the date of this Order to Abate Nuisance.

3 Dated: February 23, 2010

COUNTY OF RIVERSIDE

4
5 By 
6 Marion Ashley
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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FORM APPROVED COUNTY COUNSEL
BY:  JULIE KOONS JARVI
DATE: 2/23/10



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: 33608 Blue Water Way, Temecula
 Case No.: CV 08-08056; APN: 966-030-049; District 3

Christian Abadir
 33608 Blue Water Way
 Temecula, CA 92592

National City Bank
 P.O. Box 8800
 Dayton, Oh 45401-8800

National City Mortgage
 3232 Newmark Drive
 Miamisburg, OH 45342

Cal-Western Reconveyance Corp
 525 East Main Street
 P.O. Box 22004
 El Cajon, CA 92022

SENDER: 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:

NATIONAL CITY BANK
 P O BOX 8800
 DAYTON, OH 45401-8800
 CV08-08056 *FOF* ABADIR 4

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

7009 3410 0000 1318 0472
 Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature *Christian Abadir* Agent
 Addressee
 B. Received by *Andrew Abadir* (Printed Name) Date of Delivery *MAR 12 2010*

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

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.
 4. Restricted Delivery? (Extra Fee) Yes

SENDER: 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:

CAL-WESTERN RECONVEYANCE CORP
 525 EAST MAIN ST.
 P O BOX 22004
 EL CAJON, CA 92022
 CV08-08056 *FOF* ABADIR 4

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

7009 3410 0000 1318 0458
 Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature *Andrew Abadir* Agent
 Addressee
 B. Received by *Andrew Abadir* (Printed Name) Date of Delivery
 D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.
 4. Restricted Delivery? (Extra Fee) Yes

NOTICE LIST

Subject Property: 33608 Blue Water Way, Temecula
Case No.: CV 08-08056; APN: 966-030-049; District 3

OFFICE OF COUNTY COUNSEL
RIVERSIDE COUNTY
3960 ORANGE STREET 5TH FLOOR
RIVERSIDE CA. 92501

2/11
2/11

CHRISTIAN ABADIR
33608 BLUE WATER WAY
TEMECULA, CA. 92595



1799 3410 0000 1318 0489



02 1P
0003958246
MAILED FROM ZIP CODE 92501
\$ 000.170
MAR 09 2010



02 1P
0003958246
MAILED FROM ZIP CODE 92501
\$ 005.540
MAR 09 2010

92595-92595-92595



NOTIFY SENDER OF NEW ADDRESS 03/09/10
ABADIR, CHRISTIAN
45273 LAUREL GLEN CIR
TEMECULA CA 92592-3347
BC: 92592334773 *0704-08009-05-431

4-29
4-9

PROOF OF SERVICE

Case Nos. CV08-08056

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).

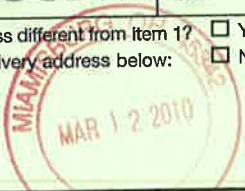
XX **STATE - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.**

— **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"> 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. 	<p>A. Signature <u>X</u> <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>AJ WOODWARD</u> C. Date of Delivery</p>
<p>1. Article Addressed to:</p> <p>NATIONAL CITY MORTGAGE 3232 NEWMARK DR. MIAMISBURG, OH 45342 CV08-08056 *FOF*ABADIR 4</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>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>2. Article Number (Transfer from service label)</p>	<p>7009 3410 0000 1318 0465</p>





**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

JOHN BOYD
Director

AFFIDAVIT OF POSTING OF NOTICES

March 11, 2010

RE CASE NO: CV0808056

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 12:47pm, 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: 33608 BLUE WATER WAY, TEMECULA

Assessor's Parcel Number: 966-030-049

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