

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

214B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
March 9, 2010

SUBJECT: Order to Abate [Grading and Construction Without Permits]
Case Nos.: CV 07-7450 & CV 06-0356 (ADAMS)
Subject Property: 33171 Madera De Playa, Temecula; APN: 951-080-032
District Three

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 07-7450 & CV 06-0356 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 Nos. CV 07-7450 & CV 06-0356; and
- (3) The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 07-7450 & CV 06-0356.

BACKGROUND:

On February 9, 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 and construction without a permit 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)

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: *[Signature]*
Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Buster, seconded by Supervisor Stone 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: March 16, 2010
xc: Co.Co. (3), RECORDER

Kecia Harper-Ihem
Clerk of the Board,
By: *[Signature]*
Deputy

Prev. Agn. Ref.: 02/09/10; 9.3

District: 3 | Agenda Number:

2.11

ATTACHMENTS FILED WITH
THE CLERK OF THE BOARD

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

Departmental Concurrence

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



S	R	U	PAGE	SIZE	DA	MISC	LONG	RFD	COPY
1			6						
M	A	L	465	426	PCOR	NCOR	SMF	NCHG	EXAM
NCA6A							T:	CTY	UNI

4
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]

C
513

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NOS. CV 07-7450 and
12 [UNAPPROVED GRADING AND) CV 06-0356
13 CONSTRUCTION WITH A PERMIT]; APN: 951-)
14 080-032, 33171 MADERA DE PLAYA,) FINDINGS OF FACT,
15 TEMECULA, RIVERSIDE COUNTY,) CONCLUSIONS AND ORDER TO
16 CALIFORNIA; NATHANAEL WILLIAM) ABATE NUISANCE
ADAMS, OWNER.)
[R.C.O. Nos. 457 (RCC Title 15) and
725 (RCC Title 1)]

17 The above-captioned matter came on regularly for hearing on February 9, 2010, before the
18 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
19 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
20 property described as 33171 Madera De Playa, Temecula, Riverside County, APN: 951-080-032, and
21 referred to hereinafter as "THE PROPERTY."

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

24 Owner did not appear.

25 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
26 with the attached Exhibits, evidencing the unapproved grading and construction without a permit on
27 THE PROPERTY as a public nuisance and violation of Riverside County Ordinance No. 457 as
28 codified in Riverside County Code Title 15.

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder’s Office identify the Owner
3 of THE PROPERTY as Nathanael William Adams (“OWNER”).

4 2. Documents of title indicate that other parties may potentially hold a legal interest in
5 THE PROPERTY, to wit: MERS and First Magnus Financial Corp., (“INTERESTED PARTIES”).

6 3. THE PROPERTY was inspected by Code Enforcement Officers on December 19,
7 2007, February 6, 2008, April 24, 2008, December 16, 2008, December 19, 2008, April 27, 2009 and
8 January 30, 2010.

9 4. During each inspection, grading which deviated from the natural topography, and an
10 illegal foam pit structure were observed on THE PROPERTY without the required 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. Notices of Noncompliance were recorded on January 17, 2008, as Document Numbers
14 2008-0026340 and 2008-0026336 in the Office of the County Recorder, County of Riverside.

15 7. On December 19, 2007, Notices of Violation for Unapproved Grading and
16 Construction without Permits were posted on THE PROPERTY. On January 16, 2008, Notices of
17 Violation were mailed by certified mail, return receipt requested to OWNER and INTERESTED
18 PARTIES.

19 8. On April 23, 2009, a “Notice to Correct County Ordinance Violations and Abate
20 Public Nuisance” providing notice of the public hearing before the Board of Supervisors was mailed
21 to OWNER AND INTERESTED PARTIES and on April 27, 2009, was posted on THE
22 PROPERTY.

23 **FINDINGS AND CONCLUSIONS**

24 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
25 regular session assembled on February 9, 2010, finds and concludes that:

26 1. WHEREAS, the unapproved grading and construction without a permit on the real
27 property located at 33171 Madera De Playa, Temecula, Riverside County, California, also identified
28 as Assessor's Parcel Number 951-080-032 violates Riverside County Ordinance No. 457 and

2010-0121768
03/17/2010 08:08A
2 of 6



1 County Ordinances, includingbut not limitedto Riverside County Ordinance No. 457, within ninety
2 (90) days of the posting and mailing of thisOrder to Abate Nuisance.

3 IT IS FURTHER ORDERED that ifunapproved grading on THE PROPERTY is not restored
4 to the satisfaction of the Department of Building and Safety so as to prevent offsite drainage and
5 slope erosion and if the unpermitted construction is not removed, or permitted instrict accordance
6 with all Riverside County Ordinances, includingbut not limitedto Riverside County Ordinance No.
7 457, within ninety (90) days of the posting and mailing of this Order to Abate Nuisance, the
8 unapproved grading and unpermitted structure and any contents therein shall be abated by
9 representatives of the Riverside County Code Enforcement Department, a contractor, or the Sheriff's
10 Department upon receipt of the owner's consent or a Court Order, where necessary, under applicable
11 law authorizing entry onto THE PROPERTY.

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

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1 violation." Reasonable abatement costs accrued by the Code Enforcement Department will be
2 recoverable from the property owner(s) even if THE PROPERTY is brought into compliance within
3 ninety (90) days of the date of this Order to Abate Nuisance.

4 Dated: March 16, 2010

COUNTY OF RIVERSIDE

5
6 By Marion Ashley
Marion Ashley
Chairman, Board of Supervisors

7 ATTEST:

8 KECIA HARPER-IHEM

9 Clerk to the Board

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12 By Kaari Batten
13 Deputy Clerk
14 (SEAL)
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FORM APPROVED COUNTY COUNSEL
BY: Julie A. Koons Jarvi DATE: 2/17/10
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.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: 3-16-10
Signature: *Karen Barton*

Print Name: Karen Barton, Board Assistant, Riverside County Clerk of the Board

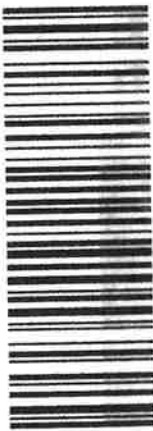


NOTICE LIST

Subject Property: 33171 Madera De Playa, Temecula
 Case Nos.: CV 07-7450 & CV 06-0356; APN: 951-080-032; District 3

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

FIRST MAGNUS FINANCIAL CORP
 206 N WILMOR
 TUCSON, AZ 85711



7009 3410 0000 1318 1875



UNITED STATES POSTAGE
 PITNEY BOWES
 02 1P \$005.760
 0003958246 APR 07 2010
 MAILED FROM ZIP CODE 92501

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:

MERS
P O BOX 2026
FLINT, MI 48501-2026
 CV07-7450 * CV06-0356 * Adams * POP

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

7009 3410 0000 1318 1875
 Domestic Return Receipt
 102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

- A. Signature of sender Agent
- X. Signature of Grantee Addressee
- B. Received by (Printed Name) **APR 14**
- D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

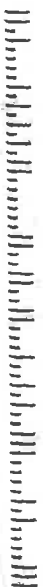
- 3. Service-Type
 - Certified Mail
 - Registered
 - Insured Mail
 - Express Mail
 - Return Receipt for Merchandise
 - C.O.D.
- 4. Restricted Delivery? (Extra Fee) Yes

NIXIE 950 SE 1 99 04/10/10

RETURN TO SENDER
 NO SUCH NUMBER
 UNABLE TO FORWARD

BC: 92501964405 *1004-01556-07-44

8571183928 0728
 925019644



NOTICE LIST

Subject Property: 33171 Madera De Playa, Temecula
Case Nos.: CV 07-7450 & CV 06-0356; APN: 951-080-032; District 3

<p>SENDER: COMPLETE THIS SECTION</p> <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>1. Article Addressed to:</p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p>SANDY ADAMS P O BOX 246 GLENDALE, AZ. 85311-0246 CV07-7450 * CV06-0356 * Adams * 6 FOF</p> </div>	<p>COMPLETE THIS SECTION ON DELIVERY</p> <p>A. Signature <input type="checkbox"/> Agent <i>Sandra Adams</i> <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <input type="checkbox"/> Date of Delivery <i>Sandra Adams 4/22/10</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>
<p>2. Article Number (Transfer from service label)</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</p> <p><input type="checkbox"/> Registered <input 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 1851</p> <p>Domestic Return Receipt</p> <p>10258-u-2-99-1540</p>	



Track & Confirm

Search Results

Label/Receipt Number: **7009 3410 0000 1318 1844**

Service(s): **Certified Mail™**

Status: **Forwarded**

Track & Confirm

Enter Label/Receipt Number.



Your item was forwarded to a different address at 10:59 AM on May 4, 2010 in RIVERSIDE, CA 92503. This was because of forwarding instructions or because the address or ZIP Code on the label was incorrect. Information, if available, is updated periodically throughout the day. Please check again later.

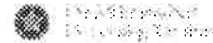
Detailed Results:

- * Forwarded, May 04, 2010, 10:59 am, RIVERSIDE, CA
- * Undeliverable as Addressed, May 03, 2010, 11:53 am, RIVERSIDE, CA 92503
- * Notice Left, April 08, 2010, 11:49 am, RIVERSIDE, CA 92503

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email.



7009 3410 0000 1318 1844

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com.

OFFICIAL USE

Postage	\$ 6.40	marked 2/17/10 Postmark Here
Certified Fee	2.80	
Return Receipt Fee (Endorsement Required)	2.30	
Restricted Delivery Fee (Endorsement Required)	5.70	

To: **MR. BRIAN COLLINS**
COLLINS & ASSOCIATES ENGINEERING
INC
 3741 MERCED DR. SUITE E-2
 RIVERSIDE, CA. 92503
 CV07-7450 * CV06-0356 * Adams* 6 FOF

PS Form 3800, August 2006 See Reverse for Instructions

PROOF OF SERVICE
Case Nos. CV07-7450 * CV06-0356

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 April 7, 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 April 7, 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 <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p><i>Yadira Oseguera</i></p> <p>B. Received by (<i>Printed Name</i>) C. Date of Delivery</p>
<p>1. Article Addressed to:</p> <p>Nathanael William Adams 33171 Maderal De Playa Temecula, Ca. 92592 CV07-7450 * CV06-0356 * Adams* 6 FOF</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</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? (<i>Extra Fee</i>) <input type="checkbox"/> Yes</p>
<p>2. Article Number (<i>Transfer from service label</i>)</p>	<p>7009 3410 0000 1318 1899</p>



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

JOHN BOYD
Director

AFFIDAVIT OF POSTING OF NOTICES

April 7, 2010

RE CASE NO: CV077450 and CV060356

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 04/07/2010 at 12:28pm, 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:

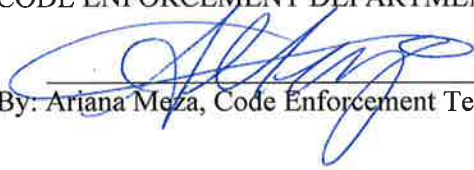
Property Address: 33171 MADERA DE PLAYA, TEMECULA

Assessor's Parcel Number: 951-080-032

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

Executed on April 7, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT


By: Ariana Meza, Code Enforcement Technician