

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

311B



SUBMITTAL DATE:
June 17, 2010

FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Order to Abate [Grading Without a Permit]
Case No.: CV 08-01701 (SAPIENT PROVIDENCE, LLC)
Subject Property: 40825 Thelma Circle, Temecula; APN 927-470-012
District Three

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-01701 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 08-01701; 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 08-01701.

BACKGROUND:

On June 8, 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.

L. Alexandra Fong
L. ALEXANDRA FONG, 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: *Tina Grande*
Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Buster, Tavaglione, Stone and Benoit
Nays: None
Absent: Ashley
Date: June 29, 2010
xc: Co.Co.(3); Recorder

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

Prev. Agn. Ref.: 06/08/10; 9.27 | District: 3 | Agenda Number:

2.8

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

Departmental Concurrence

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

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



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

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M	A	L	465	426	PCOR	NCOR	SMF	NCHG	EXAM

NGH/acc

508

[EXEMPT '6103]

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**



11 IN RE ABATEMENT OF PUBLIC NUISANCE: 12 [UNAPPROVED GRADING]; APN: 927-470-012, 13 40825 THELMA CIRCLE, TEMECULA, 14 RIVERSIDE COUNTY, CALIFORNIA; SAPIENT 15 PROVIDENCE, LLC, OWNER.) CASE NO. CV 08-01701)) FINDINGS OF FACT,) CONCLUSIONS AND ORDER TO) ABATE NUISANCE)) [R.C.O. Nos. 457 (RCC Title 15) and) 725 (RCC Title 1)]
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16 The above-captioned matter came on regularly for hearing on June 8, 2010, before the Board
17 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
18 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
19 described as 40825 Thelma Circle, Temecula, Riverside County, APN: 927-470-012, and referred to
20 hereinafter as "THE PROPERTY."

21 L. Alexandra Fong, 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 ///

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder’s Office identify the Owner
3 of THE PROPERTY as Sapient Providence, LLC (“OWNER”).

4 2. Documents of title indicate that other parties may potentially hold a legal interest in
5 THE PROPERTY, to wit: Lisa C. Hitchens, Roger and Thelma Miller and Washington Mutual Bank
6 C/O Quality Loan Service Corporation (“INTERESTED PARTIES”).

7 3. THE PROPERTY was inspected by Code Enforcement Officers on April 3, 2009,
8 June 8, 2009, January 5 and 28, 2010, and April 13, 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 April 23, 2009, as Document Number
14 2009-0199026 in the Office of the County Recorder, County of Riverside.

15 7. On April 3, 2009, a Notice of Violation for Unapproved Grading was posted on THE
16 PROPERTY. On April 6, 2009, a Notice of Violation was mailed by certified mail, return receipt
17 requested to OWNER and on May 4, 2009, was mailed to INTERESTED PARTIES by certified
18 mail, return receipt requested.

19 8. On April 12, 2010, 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 by certified mail, return receipt requested, to OWNER and INTERESTED PARTIES and on April
22 13, 2010, was posted on THE 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 June 8, 2010 finds and concludes that:

26 1. WHEREAS, the unapproved grading on the real property located at 40825 Thelma
27 Circle, Temecula, Riverside County, California, also identified as Assessor's Parcel Number 927-470-
28 012 violates Riverside County Ordinance No. 457 and constitutes a public nuisance and attractive

2016-0303514
06/26/2010 08:00H
2 of 5



1 nuisance.

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

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

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

15 **ORDER TO ABATE NUISANCE**

16 IT IS THEREFORE ORDERED that the unapproved grading on THE PROPERTY located
17 40825 Thelma Circle, Temecula, Riverside County, California, also identified as Assessor's Parcel
18 Number 927-470-012 be abated by the OWNER, and anyone having possession or control of THE
19 PROPERTY, by restoring THE PROPERTY to the satisfaction of the Department of Building and
20 Safety so as to prevent offsite drainage and slope erosion in strict accordance with all Riverside
21 County Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety
22 (90) days of the posting and mailing of this Order to Abate Nuisance.

23 IT IS FURTHER ORDERED that if unapproved grading on THE PROPERTY is not restored
24 to the satisfaction of the Department of Building and Safety so as to prevent offsite drainage and
25 slope erosion in strict accordance with all Riverside County Ordinances, including but not limited to
26 Riverside County Ordinance No. 457, within ninety (90) days of the posting and mailing of this Order
27 to Abate Nuisance, the unapproved grading shall be abated by representatives of the Riverside County
28 Code Enforcement Department, a contractor, or the Sheriff's Department upon receipt of the owner's

2018-03083614
08/30/2018 08:00H
3 of 5



1 consent or a Court Order, where necessary, under applicable law authorizing entry onto THE
2 PROPERTY.

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

13 Dated: June 29, 2010

COUNTY OF RIVERSIDE

14
15 By Marion Ashley
16 Marion Ashley
17 Chairman, Board of Supervisors

18 ATTEST:

19 KECIA HARPER-IHEM

20 Clerk to the Board

21 By Kamberton

22 Deputy

23 (SEAL)





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

Recorder
P.O. Box 751
Riverside, CA 92502-0751
(951) 486-7000
<http://riverside.asrelkrec.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: 6-29-10

Signature: *Karen Barton*

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



NOTICE LIST

Subject Property: 40825 Thelma Circle, Temecula
 Case No.: CV 08-01701 APN: 927-470-012; District 3

LISA C. HITCHENS
 C/O DAN MUHE
 2375 JEFFERSON STREET
 CARLSBAD, CA 92008

SAPIENT PROVIDENCE, LLC
 C/O DAN MUHE
 2375 JEFFERSON STREET
 CARLSBAD, CA 92008

ROGER & THELMA MILLER
 3281 POPPY HILLS LN.
 ENCINITAS, CA 92024

WASHINGTON MUTUAL BANK
 C/O QUALITY LOAN SERVICE CORP.
 2141 5TH AVE.
 SAN DIEGO, CA 92101

LISA C HITCHENS
 C/O DAN MUHE
 2375 JEFFERSON STREET
 CARLSBAD CA 92008

2. Article Number
 (Transfer from service label)

7009 3410 0000 1317 9919

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

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:

COMPLETE THIS SECTION ON DELIVERY

- A. Signature Agent
- B. Received by (Printed Name) Addressee
- C. Date of Delivery 9-3
- 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

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:

SAPIENT PROVIDENCE, LLC
 C/O DAN MUHE
 2375 JEFFERSON STREET
 CARLSBAD CA 92008

COMPLETE THIS SECTION ON DELIVERY

- A. Signature Agent
- B. Received by (Printed Name) Addressee
- C. Date of Delivery 9-3
- 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

2. Article Number
 (Transfer from service label)

7009 3410 0000 1317 9926

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

NOTICE LIST

Subject Property: 40825 Thelma Circle, Temecula
Case No.: CV 08-01701 APN: 927-470-012; District 3

Office of County Counsel
3960 Orange Street, 5th Floor
Riverside, CA 92501

CERTIFIED MAIL



3410 0000 1317 9933

- Deliverable to addressee
- Unable To Forward
- Incorrect/Invalid Address
- Moved, Left No Address
- Unclaimed Refused
- Attempted - Not Known
- No Such Street
- No Such Number
- Vacant Illegible
- No Mail Permitted
- Box Closed
- Returned for Postage Due

ROGER & THELMA MILLER
3281 POPPY HILLS LN
ENCINITAS CA 92024

02 SEP 2010



02 1P
0003958246
MAILED FROM ZIP CODE 92501

\$ 005.71

9/3

NIXIE 921 SE 1 02 10/03/10

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 92501364405 *0904-12259-02-43

92024 92501 09544



PROOF OF SERVICE

Case No. CV 08-01701

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, Brenda Peeler, 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 3960 Orange Street, 5th Floor, Riverside, California 92501-3674.

That on Sept. 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 Sept. 1, 2010, at Riverside, California.

Brenda Peeler
BRENDA PEELER

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 checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>SANDORA</i> Date of Delivery <i>SEP 07 2010</i></p>
<p>1. Article Addressed to:</p> <p>WASHINGTON MUTUAL BANK C/O QUALITY LOAN SERVICE CORP 2141 5TH AVE SAN DIEGO CA 92101</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><i>CV 08-01701 (SARIENT PIN) Fee 4</i></p>	<p>3. Service Type <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>2. Article Number <i>0100 JTS 09009 3410 0000 1317 9940</i> (Transfer from service label)</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1640</p>	



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

September 3, 2010

RE CASE NO: CV0801701

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 9/3/2010 at 10:07 AM, I securely and conspicuously posted Findings of Fact, Conclusions and Order to Abate Nuisance at the property described as:


Property Address: 40825 Thelma Circle, Temecula

Assessor's Parcel Number: 927-470-012

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

Executed on September 3, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT


By: Vicky Jordan, Code Enforcement Technician