

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

607B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
February 16, 2011

SUBJECT: Order to Abate [Grading Without a Permit]
Case No.: CV08-10562 [MCDONALD]
Subject Property: 19925 Terray Ct, Riverside; APN: 321-310-011
District: One

RECOMMENDED MOTION: Move that:

Departmental Concurrence

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-10562 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 08-10562; 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 08-10562.

(Continued)

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: *Jennifer L. Sargent*
County Executive Office Signature Jennifer L. Sargent

- Policy
- Policy
- Consent
- Consent

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Buster, Tavaglione, Stone and Ashley
Nays: None
Absent: Benoit
Date: March 1, 2011
xc: Co.Co.(3); Recorder

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

Dept Recomm.:
Per Exec. Ofc.:

Abatement of Public Nuisance
Case No.: CV08-10562 [MCDONALD]
19925 Terray Ct., Riverside
District One
Page 2

BACKGROUND:

On February 8, 2011, 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 Findings of Fact, Conclusions and Order to Abate.

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, Suite 500 (Stop #1350)
 10 Riverside, CA 92501

DOC # 2011-0102773
 03/07/2011

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

[EXEMPT '6103]

**BOARD OF SUPERVISORS
 COUNTY OF RIVERSIDE**

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 08-10562
 12 [GRADING WITHOUT PERMITS]; APN: 321-)
 13 310-011, 19925 TERRAY CT., RIVERSIDE,) FINDINGS OF FACT,
 14 COUNTY OF RIVERSIDE, STATE OF) CONCLUSIONS AND ORDER TO
 15 CALIFORNIA; ESTATE OF HELEN) ABATE NUISANCE
 16 MCDONALD (AND/OR HELEN MCDONALD),)
 OWNER.) [R.C.O. Nos. 457 (RCC Title 15) and
 725 (RCC Title 1) and Board of
 Supervisors Policy F-6]

17 The above-captioned matter came on regularly for hearing on February 8, 2011, 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 19925 Terray Ct., Riverside, Riverside County, APN: 321-310-011, and
 21 referred to hereinafter as "THE PROPERTY."

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

24 No one appeared on behalf of Owner and did not address the Board.

25 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
 26 with the attached Exhibits, evidencing the unapproved grading 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.

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 Estate of Helen McDonald [and/or Helen McDonald] ("OWNER").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to wit: Washington Mutual Bank FA, The Eviction Center, Rachel Stevens and Ken
6 Scott ("INTERESTED PARTIES").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on December 10,
8 2008, February 4, 2009, July 10, 2009, August 28, 2009, October 6, 2009, November 19, 2009,
9 December 15, 2009, December 28, 2009, February 23, 2010, August 9, 2010, January 20, 2011 and
10 February 3, 2011. On February 3, 2011, the Land Management System (LMS) was reviewed and
11 found no permits on file.

12 4. During each inspection, grading was observed on THE PROPERTY without permits
13 and which deviated from the natural topography.

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 May 28, 2010, as Document Number
17 2010-0246836 in the Office of the County Recorder, County of Riverside.

18 7. On December 10, 2008, a Notice of Violation for Unapproved Grading was posted on
19 THE PROPERTY. On December 29, 2009, a Notice of Violation was mailed by certified mail, return
20 receipt requested to OWNER and INTERESTED PARTIES.

21 8. On January 19, 2011, a "Notice to Correct County Ordinance Violations and Abate
22 Public Nuisance" providing notice of the public hearing before the Board of Supervisors for February
23 8, 2011, was mailed by certified mail, return receipt requested, to OWNER and INTERESTED
24 PARTIES and was posted on January 20, 2011 on THE PROPERTY.

25 **FINDINGS AND CONCLUSIONS**

26 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
27 regular session assembled on February 8, 2011, finds and concludes that:

28 1. WHEREAS, the unapproved grading on the real property located at 19925 Terray Ct.,

1 Riverside, Riverside County, California, also identified as Assessor's Parcel Number 321-310-011
2 violates Riverside County Ordinance No. 457 and constitutes a public nuisance and attractive
3 nuisance.

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

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

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

17 **ORDER TO ABATE NUISANCE**

18 IT IS THEREFORE ORDERED that the unapproved grading on THE PROPERTY located
19 19925 Terray Ct., Riverside, Riverside County, California, also identified as Assessor's Parcel
20 Number 321-310-011 be abated by the OWNER, and anyone having possession or control of THE
21 PROPERTY, by restoring THE PROPERTY to the satisfaction of the Department of Building and
22 Safety so as to prevent offsite drainage and slope erosion in strict accordance with all Riverside
23 County Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety
24 (90) days of the posting and mailing of this Order to Abate Nuisance.

25 IT IS FURTHER ORDERED that if unapproved grading on THE PROPERTY is not restored
26 to the satisfaction of the Department of Building and Safety so as to prevent offsite drainage and
27 slope erosion in strict accordance with all Riverside County Ordinances, including but not limited to
28 Riverside County Ordinance No. 457, within ninety (90) days of the posting and mailing of this Order

1 to Abate Nuisance, the unapproved grading may be abated by representatives of the Riverside County
2 Code Enforcement Department, a contractor, or the Sheriff's Department upon receipt of the owner's
3 consent or a Court Order, where necessary, under applicable law authorizing entry onto THE
4 PROPERTY.

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

15 Dated: March 1, 2011

COUNTY OF RIVERSIDE

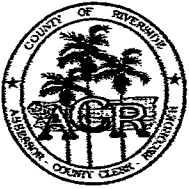
16
17 By *Bob Buster*

Chairman, Board of Supervisors
Bob Buster

18 ATTEST:
19
20 KECIA HARPER-IHEM
21 Clerk to the Board

22
23 By *Kecia Harper-Ihem*
24 Deputy
25 (SEAL)
26

FORM APPROVED COUNTY COUNSEL
BY: *L. Alexandra Fong* & *2/10/11* DATE



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

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

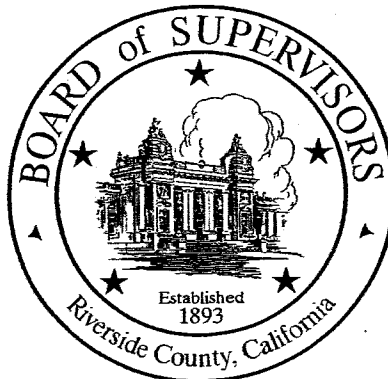
<http://riverside.asrclrec.com>

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:

3-1-11

Signature:

Karen Barton

Print Name:

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

PROOF OF SERVICE

Case No. CV08-10562

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, Suite 500, Riverside, California 92501-3674.

That on March 15, 2011, 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 15, 2011, at Riverside, California.



BRENDA PEELER



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

GLENN BAUDE
Director

AFFIDAVIT OF POSTING OF NOTICES

March 16, 2011

RE CASE NO: CV0810562

I, Ron Welch, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 19450 Clark Street, Perris, California 92570 .

That on 03-16-2011 at 2:00pm, I securely and conspicuously posted Findings Of Facts, Conclusions and Order to Abate Nuisance at the property described as:


Property Address: 19925 TERRAY CT, RIVERSIDE

Assessor's Parcel Number: 321-310-011

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

Executed on March 16, 2011 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT


By: Ron Welch, Code Enforcement Officer

NOTICE LIST

Subject Property: 19925 Terray Ct., Riverside
Case No.: CV 08-10562; APN: 321-310-011; District 1

THE ESTATE OF HELEN MCDONALD
C/O SHEILA MEAD
17985 PARSONS ROAD
RIVERSIDE, CA 92508

THE ESTATE OF HELEN MCDONALD
C/O SHEILA MEAD
19925 TERRAY CT.
RIVERSIDE, CA 92508

HELEN MCDONALD
C/O SHEILA MEAD
19925 TERRAY CT.
RIVERSIDE, CA 92508

OCCUPANT
19925 TERRAY CT.
RIVERSIDE, CA 92508

FERRUZZO & FERRUZZO, LP
3737 BIRCH STREET, #400
NEWPORT BEACH, CA 92660

WASHINGTON MUTUAL BANK
C/O ACS IMAGE SOLUTIONS
12691 PALA DRIVE MS156DPCA
GARDEN GROVE, CA 92841

THE EVICTION CENTER
1061 N. PALM CANYON DRIVE
PALM SPRINGS, CA 92262

RACHEL STEVENS
1061 N. PALM CANYON DRIVE
PALM SPRINGS, CA 92262

KEN SCOTT
11 SILVER SPUR DRIVE
PALM DESERT, CA 92260

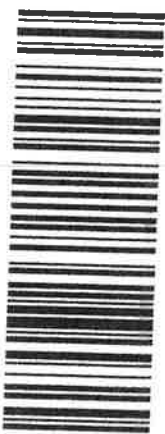
NOTICE LIST

Subject Property: 19925 Terray Ct., Riverside
Case No.: CV 08-10562; APN: 321-310-011; District 1

Office of County Counsel
3960 Orange Street, Suite 500
Riverside, CA 92501

NAME
1st Notice
2nd Notice
Return
4/21

CERTIFIED MAIL™



7010 1670 0001 7232 9943

OCCUPANT
19925 TERRAY CT.
RIVERSIDE, CA 92508



UNITED STATES POSTAGE
PITNEY BOWES
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RETURN TO SENDER
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92508+3482501@9544



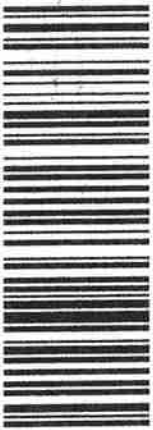
NOTICE LIST

Subject Property: 19925 Terray Ct., Riverside
Case No.: CV 08-10562; APN: 321-310-011; District 1

Office of County Counsel
3960 Orange Street, Suite 500
Riverside, CA 92501

19925 TERRAY CT
RIVERSIDE CA 92501
4/27

CERTIFIED MAIL™



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HELEN MCDONALD
C/O SHEILA MEAD
19925 TI
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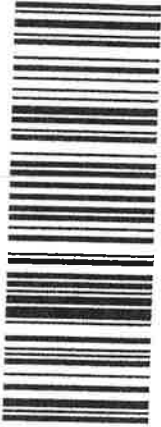
NOTICE LIST

Subject Property: 1925 Terray Ct., Riverside
Case No.: CV 08-10562; APN: 321-310-011; District 1

Office of County Counsel
3960 Orange Street, Suite 500
Riverside, CA 92501

NAME _____
1st Notice _____
2nd Notice _____
Return # _____

CERTIFIED MAIL™



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THE ESTATE OF HELEN MCDONALD
C/O SHEILA MEAD
17985 PARSONS ROAD
RIVERSIDE C



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NOTICE LIST

Subject Property: 19925 Terray Ct., Riverside
Case No.: CV 08-10562; APN: 321-310-011; District 1

Office of County Counsel
3960 Orange Street, Suite 500
Riverside, CA 92501

CERTIFIED MAIL™



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UNITED STATES POSTAGE
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THE ESTATE OF HELEN MCDONALD
C/O SHEILA MEAD
19925 TERRAY CT
RIVERSIDE CA

(Handwritten signature)

NIXIE 929 SE 1 00 04/28/11

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UNCLAIMED
UNABLE TO FORWARD

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*0804-01759-15--39

925013644250103644



NAME
1st Notice
2nd Notice
Return
4/27

NOTICE LIST

Subject Property: 19925 TERRAY CT., RIVERSIDE

Case No.: CV08-10562

APN: 321-310-011; District 1

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CERTIFIED MAIL™



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RACHEL STEVENS
1061 N PALM CANYON DRIVE
PALM SPRINGS CA 92262

NIXIE

923 SE 1 00 03/24/11 7F

RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD

BC: 92501354425 *2504-20990-15-99



Office of County Counsel
3960 Orange Street, Suite 500
Riverside, CA 92501

McDonald

*Not
know*

OFF

NOTICE LIST

Subject Property: 19925 TERRAY CT., RIVERSIDE

Case No.: CV08-10562

APN: 321-310-011; District 1

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.	A. Signature <input checked="" type="checkbox"/> <i>Reballos</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to: FERRUZZO & FERRUZO, LP 3737 BIRCH STREET #400 NEWPORT BEACH CA 92660 <i>CV08-10562 (McDONALD) FF 9</i>	B. Received by (Printed Name) C. Date of Delivery NEWPORT BEACH CA 92660 MAR 17 2011
2. Article Number (Transfer from service label)	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
PS Form 3811, February 2004	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. 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes
Domestic Return Receipt	7010 1670 0001 7232 9936

102595-02-M-1540

NOTICE LIST

Subject Property: 19925 TERRAY CT., RIVERSIDE

Case No.: CV08-10562

APN: 321-310-011; District 1

Office of County Counsel
3960 Orange Street, Suite 500
Riverside, CA 92501

CERTIFIED MAIL™



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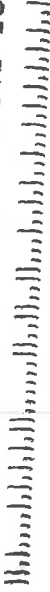
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WASHINGTON MUTUAL BANK
C/O ACS IMAGE SOLUTIONS
12691 PALA DRIVE MS156DPCA
GARD

NIXIE 927 SE 1 00 03/19/11
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 92501364423 *2504-17941-15-33

925013644



NOTICE LIST

Subject Property: 19925 TERRAY CT., RIVERSIDE

Case No.: CV08-10562

APN: 321-310-011; District 1

Office of County Counsel
3960 Orange Street, Suite 500
Riverside, CA 92501

CERTIFIED MAIL™



7010 1670 0001 7232 9929



THE EVICTION CENTER
1061 N PALM CANYON DRIVE
PALM SPRINGS CA 92262

OFF

NIXIE 929 SE 1 06 09/20/11

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 9250136425 *2604-29339-16-39

92262+442250103644



