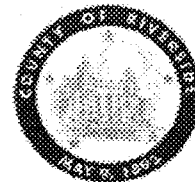


SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

721B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
January 13, 2010

SUBJECT: Order to Abate [Excess Outside Storage and Accumulation of Rubbish]
Case No.: CV 08-05758 (VENEGAS)
Subject Property: 14533 Chandler Street, Corona
APN: 144-120-006
District Two

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-05758 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 08-05758; 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 08-05758.

[Signature]
JULIE JARVI, 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: *[Signature]*
Alex Gann

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Tavaglione, seconded by Supervisor Buster 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: January 26, 2010
xc: Co.Co.(3); Recorder

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

Prev. Agn. Ref.: 12/08/09: 9.1

District: 2

Agenda Number:

ATTACHMENTS FILED

WITH THE CLERK OF THE BOARD

2.11

Order to Abate [Excess Outside Storage and Accumulation of Rubbish]

Case No.: CV 08-05758

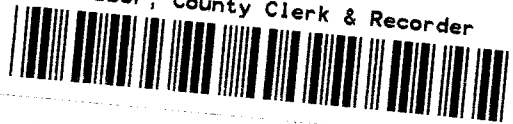
Subject Property: 14533 Chandler Street, Corona

APN: 144-120-006

District Two

BACKGROUND:

On December 8, 2009 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 excess outside storage and accumulation of rubbish 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.



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

S	R	U	PAGE	SIZE	DA	MISC	LONG	RFD	COPY
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WHEN RECORDED PLEASE MAIL TO:
Julie Jarvi, Deputy County Counsel
County of Riverside
OFFICE OF COUNTY COUNSEL
3960 Orange Street, Fifth Floor (Stop #1350)
Riverside, CA 92501

[EXEMPT'6103]

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**

**C
517**

IN RE ABATEMENT OF PUBLIC NUISANCE:
[EXCESSIVE OUTSIDE STORAGE AND
ACCUMULATION OF RUBBISH];
APN 144-120-006, 14533 CHANDLER STREET,
CORONA, RIVERSIDE COUNTY,
CALIFORNIA; REFUGIO VENEGAS AND
MARTHA VENEGAS, OWNERS.

CASE NO. CV 08-05758

FINDINGS OF FACT,
CONCLUSIONS AND ORDER TO
ABATE NUISANCE

[R.C.O. Nos. 348 (RCC Chapter 17.72),
541 (RCC Chapter 8.120) and 725
(RCC Title 1)]

The above-captioned matter came on regularly for hearing on December 8, 2009, before the Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property described as 14533 Chandler Street, Corona, Riverside County, California and further described as Assessor's Parcel Number 144-120-006 and referred to hereinafter as "THE PROPERTY."

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

Owner Refugio Venegas appeared and addressed the Board of Supervisors.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together with attached Exhibits, evidencing the excessive outside storage of materials and accumulation of rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 (Riverside

1 County Code Chapter 17.72) and 541 (Riverside County Code Chapter 8.120) and as a public
2 nuisance.

3 **SUMMARY OF EVIDENCE**

4 1. Documents of record in the Riverside County Recorder's Office identify the owners of
5 THE PROPERTY as Refugio Venegas and Martha Venegas ("OWNERS").

6 2. Documents of title indicate that other parties potentially hold a legal interest in THE
7 PROPERTY, to wit: Jimmy Oman and Gilda Oman ("INTERESTED PARTIES").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on February 11,
9 2009, June 11, 2009, July 23, 2009, October 6, 2009, and December 3, 2009.

10 4. During each inspection, the outside storage of materials and accumulation of rubbish
11 were observed on THE PROPERTY. The materials and rubbish were intermingled and included but
12 were not limited to: scrap lumber, corrugated aluminum sheets, plastic, broken pallets, broken
13 ladders, broken signs, rusted metal barrels, PVC pipes and fittings, overhead garage doors, shingles
14 and other miscellaneous trash and debris. The officer visually estimated the amount of accumulated
15 rubbish and excess outside storage of materials was approximately two thousand five hundred (2,500)
16 square feet. Given the size of the parcel (.081 acres) and the zoning classification (C-I/C-P, General
17 Commercial), two hundred (200) square feet of outside storage is allowed and no amount of rubbish
18 is allowed on THE PROPERTY.

19 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
20 Nos. 348 (RCC Chapter 17.72) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

21 6. A Notice of Noncompliance was recorded on March 4, 2009 as Document Number
22 2009-0105093 in the Office of the County Recorder, County of Riverside.

23 7. On February 11, 2009, Notices of Violation for violation of Riverside County
24 Ordinance Nos. 348 and 541 were posted on THE PROPERTY. On March 13, 2009, Notice of
25 Violations was mailed to OWNERS and INTERESTED PARTIES.

26 8. On October 5, 2009, the "Notice to Correct County Ordinance Violations and Abate
27 Public Nuisance" providing notice of the public hearing before the Board of Supervisors scheduled
28 for December 8, 2009, was mailed by certified mail, return receipt requested, to OWNERS and



1 INTERESTED PARTIES and was posted on THE PROPERTY on October 6, 2009.

2 **FINDINGS AND CONCLUSIONS**

3 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
4 regular session assembled on December 8, 2009, finds and concludes that:

5 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on
6 the real property located at 14533 Chandler Street, Corona, Riverside County, California, also
7 identified as Assessor's Parcel Number 144-120-006 violates Riverside County Ordinance Nos. 348
8 (RCC Chapter 17.72) and 541 (RCC Chapter 8.120) and constitutes a public nuisance. Under
9 Riverside County Ordinance No. 348, due to the size of the parcel, two hundred (200) square feet of
10 outside storage of materials is allowed to be stored on THE PROPERTY. Under Riverside County
11 Ordinance No. 541, no amount of rubbish is allowed to be accumulated on THE PROPERTY.

12 2. WHEREAS, THE OWNERS, occupants or any person having possession or control
13 of the premises should abate the condition by removal of all outside storage of materials and
14 removing and disposing of all accumulated rubbish from the subject real property in strict accordance
15 with all Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos.
16 348 (RCC Chapter 17.72) and 541 (RCC Chapter 8.120) within ninety (90) days.

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

21 **ORDER TO ABATE NUISANCE**

22 IT IS THEREFORE ORDERED that the excess outside storage of materials and
23 accumulation of rubbish on THE PROPERTY be abated by the OWNERS, specifically Refugio
24 Venegas and Martha Venegas, or anyone having possession or control of THE PROPERTY, by
25 removing all of the outside storage of materials in excess of two hundred (200) square feet and
26 removing and disposing of all accumulated rubbish from the subject real property in strict accordance
27 with all Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos.
28 348 (RCC Chapter 17.72) and 541 (RCC Chapter 8.120) within ninety (90) days of the date of this



1 Order to Abate Nuisance.

2 IT IS FURTHER ORDERED that if the materials and rubbish are not removed and disposed
3 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
4 County Ordinance Nos. 348 (RCC Chapter 17.72) and 541 (RCC Chapter 8.120) within ninety (90)
5 days of the date of this Order to Abate Nuisance, the excess outside storage of materials and
6 accumulation of rubbish shall be abated and disposed of by representatives of the Riverside County
7 Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's
8 consent or a Court Order when necessary under applicable law.

9 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
10 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
11 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
12 County Ordinance Nos. 348 (RCC Title 17), 541 (RCC Title 8), and 725 (RCC Chapter 1.16).
13 Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses
14 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and
15 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,
16 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable
17 abatement costs accrued by the Code Enforcement Department will be recoverable from the property

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

Dated: January 26, 2010

COUNTY OF RIVERSIDE

By Marion Ashley
Marion Ashley
Chairman, Board of Supervisors

ATTEST:

KECIA HARPER-IHEM

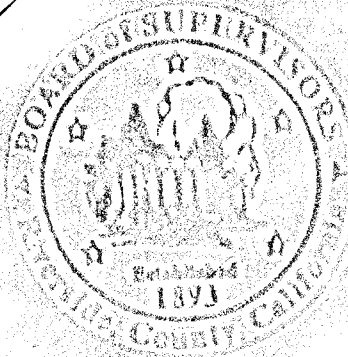
Clerk to the Board

[Signature]

By

Deputy

(SEAL)



FORM APPROVED COUNTY COUNSEL
BY [Signature] DATE 1/4/10
JULIE A KOONS JARVI



2010-0034518
01/27/2010 08:00A
5 of 6



**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:

1-26-10

Signature:

Sandi Schlemmer

Print Name:

Sandi Schlemmer, Deputy Clerk - Riverside County Clerk of the Board



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

JOHN BOYD
Director

AFFIDAVIT OF POSTING OF NOTICES

March 3, 2010

RE CASE NO: CV0805758

I, Donna Payne, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 13575 Magnolia Ave, Corona, California 92879 .

That on March 3, 2010 at 0944 hours, I securely and conspicuously posted Findings of Fact, Conclusions and order to Abate Nuisance at the property described as:

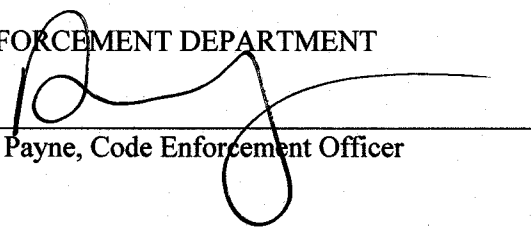
Property Address: ,

Assessor's Parcel Number: 144-120-006

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

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

CODE ENFORCEMENT DEPARTMENT

By: _____
Donna Payne, Code Enforcement Officer

PROOF OF SERVICE

Case Nos. CV08-05758

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 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)**

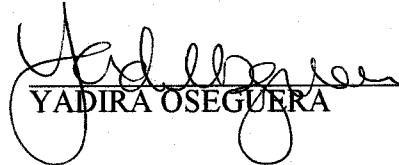
XX **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California, 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 March 1, 2010, at Riverside, California.


YADIRA OSEGUERA