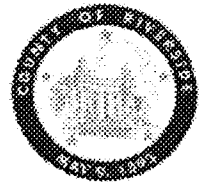


SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



7128

FROM: County Counsel/TLMA  
Code Enforcement Department

SUBMITTAL DATE:  
January 13, 2010

SUBJECT: Order to Abate [Accumulation of Rubbish];  
Case No.: CV 07-3264 (MENIFEE VALLEY INV. PROP)  
Subject Property: 26774 Richmond Road, Winchester  
APN 458-250-012  
District Three

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-3264 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 07-3264; 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 07-3264.

**BACKGROUND:**

On December 15, 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 accumulation of rubbish 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

**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:

*Alex Gann*  
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

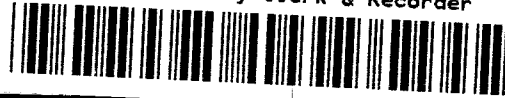
Kecia Harper-Ihem  
Clerk of the Board  
By: *[Signature]*  
Deputy

Prev. Agn. Ref.: 12/15/09: 9.2

District: 3

Agenda Number:

2.13



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

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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: ) CASE NO. CV 07-3264  
[ACCUMULATION OF RUBBISH]; APN 458- )  
250-012, 26774 RICHMOND ROAD, ) FINDINGS OF FACT,  
WINCHESTER, RIVERSIDE COUNTY, ) CONCLUSIONS AND ORDER TO  
CALIFORNIA; MENIFEE VALLEY INV. PROP., ) ABATE NUISANCE  
OWNER. )  
[R.C.O. Nos. 541 (RCC Chapter 8.120)  
and 725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on December 15, 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 26774 Richmond Road, Winchester, Riverside County, and further described as Assessor's Parcel Number 458-250-012 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.

No one appeared on behalf of owner.

The Board of Supervisors received the Declaration of Code Enforcement Officer together with the attached exhibits, evidencing the accumulation of rubbish on THE PROPERTY as a public nuisance and violation of Riverside County Ordinance No. 541, as codified in Riverside County Code Chapter 8.120.

///

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the OWNER  
3 of THE PROPERTY as Menifee Valley Inv. Prop ("OWNER").

4 2. THE PROPERTY was inspected by the Code Enforcement Technician on April 9,  
5 2009, April 15, 2009, May 22, 2009, August 26, 2009, and December 14, 2009.

6 3. During each inspection, an accumulation of rubbish was observed on THE  
7 PROPERTY. The rubbish consisted of, but was not limited to: furniture, tires, buckets, metal, wood,  
8 green waste and other miscellaneous items and measured approximately seventeen thousand five  
9 hundred fifty (17,550) square feet.

10 4. THE PROPERTY was determined to be in violation of Riverside County Ordinance  
11 No. 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

12 5. A Notice of Noncompliance was recorded in the Office of the County Recorder,  
13 County of Riverside, State of California on May 6, 2009 as instrument number 2009-0226207.

14 7. On April 9, 2009 and April 15, 2009, Notices of Violation were posted on THE  
15 PROPERTY. On April 16, 2009, a Notice of Violation was mailed by certified mail, return receipt  
16 requested to OWNER.

17 8. On August 24, 2009, a "Notice to Correct County Ordinance Violations and Abate  
18 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on December  
19 15, 2009 was mailed by certified mail, return receipt requested, to the OWNER and posted on THE  
20 PROPERTY on August 26, 2009.

21 **FINDINGS AND CONCLUSIONS**

22 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
23 regular session assembled on December 15, 2009 finds and concludes that:

24 1. WHEREAS, the accumulation of rubbish on the real property located at 26774  
25 Richmond Road, Winchester, Riverside County, California, also identified as Assessor's Parcel  
26 Number 458-250-012 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

27 ///

28 ///



2. WHEREAS, THE OWNER, or any person having possession or control of the premises should abate the condition by removing and disposing all accumulated rubbish from the subject real property in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter 8.120) within ten (10) days.

3. WHEREAS, THE OWNER IS HEREBY FURTHER NOTICED that the time within which judicial review of the administrative determinations made herein must be sought is ten (10) days from the posting and mailing of the Findings of Fact, Conclusions and Order To Abate Nuisance, and is governed by California Code of Civil Procedure Section 1094.6.

## ORDER TO ABATE NUISANCE

IT IS THEREFORE ORDERED that the accumulation of rubbish on THE PROPERTY be abated by THE OWNER or anyone having possession or control of THE PROPERTY, by removing and disposing of all rubbish from the subject real property in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter 8.120) within ten (10) days of the date of this Order to Abate Nuisance.

IT IS FURTHER ORDERED that if the rubbish is not removed and disposed of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 541, within ten (10) days of the date of this Order to Abate Nuisance, the rubbish shall be abated and disposed of by representatives of the Riverside County Code Enforcement, a contractor or the Sheriff's Department upon receipt of an owner's consent or a Court Order authorizing entry onto THE PROPERTY when necessary under applicable law.

IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside County Ordinance Nos. 541 and 725. Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses reasonably related to the abatement of conditions which violate County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and administrative costs, attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable abatement costs accrued by the Code Enforcement

1 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into  
2 compliance within ten (10) days of the date of this Order to Abate Nuisance.

3  
4 Dated: January 26, 2010

COUNTY OF RIVERSIDE

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

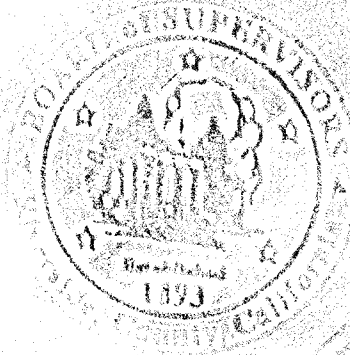
7 ATTEST:

8 KECIA HARPER-IHEM

9 Clerk to the Board

10  
11  
12 By Jane J. Koons Jarvi  
13 Deputy

14  
15 (SEAL)



2010-0034520  
01/27/2010 08:00A  
4 of 5

FORM APPROVED COUNTY COUNSEL  
BY Jane J. Koons Jarvi DATE 1/26/10



**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:

1-26-10

Signature:

Sandi Schlemmer

Print Name:

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



# NOTICE LIST

Subject Property: 26774 Richmond Road, Winchester  
Case No.: CV 07-3264; APN: 458-250-012; District 3

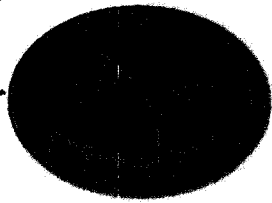
**MENIFEE VALLEY INV. PROP**  
**C/O GA79 PROP.**  
**27071 CABOT RD., STE. #106**  
**LAGUNA HILLS, CA 92653**

SENDER COMPLETE THIS SECTION		COMPLAINT INFORMATION	
<ul style="list-style-type: none"><li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li><li>■ Print your name and address on the reverse so that we can return the card to you.</li><li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>		<b>A. Signature</b> x <u>Elisa Walker</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
		<b>B. Received by (Printed Name)</b> <u>Elisa Walker</u>	<b>C. Date of Delivery</b> <u>3-2-10</u>
<b>1. Article Addressed to:</b>  <b>MENIFEE VALLEY INV. PROP</b> <b>C/O GA79 PROP.</b> <b>27071 CABOT RD., STE. #106</b> <b>LAGUNA HILLS, CA 92653</b> <b>CV07-3264 *FOF* MENIFEE VALLEY 1</b>		<b>D. Is delivery address different from item 1?</b> <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
		<b>3. Service Type</b> <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.	
<b>2. Article Number</b> (Transfer from service label)		<b>4. Restricted Delivery? (Extra Fee)</b> <input type="checkbox"/> Yes	
		7009 1680 0000 9025 3673	

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540



**CODE ENFORCEMENT DEPARTMENT  
COUNTY OF RIVERSIDE**

**JOHN BOYD**  
Director

**AFFIDAVIT OF POSTING OF NOTICES**

March 2, 2010

RE CASE NO: CV073264

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 3-2-2010 at 11:32 AM, I securely and conspicuously posted Findings of Fact, Conclusions and Order to Abate Nuisance at the property described as:

**Property Address:** 26774 RICHMOND RD, WINCHESTER

**Assessor's Parcel Number:** 458-250-012

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

Executed on March 2, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

Vicky Jordan  
By: Vicky Jordan, Code Enforcement Technician



**PROOF OF SERVICE**

Case Nos. CV07-3264

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)**

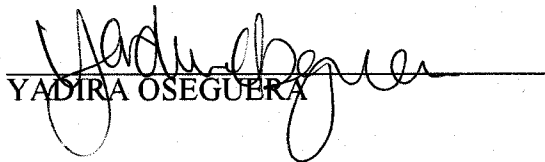
XX **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California,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