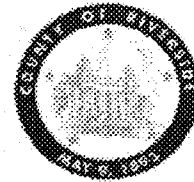


SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

1208



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
January 13, 2010

SUBJECT: Order to Abate [Excess Outside Storage]
Case No.: CV 07-6455 (FOSTER)
Subject Property: 37875 Shamrock, Anza, APN: 573-100-012
District Three

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-6455 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 07-6455; 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 07-6455.

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 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.



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

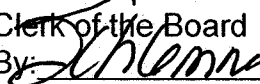
BY: 
Alex Gann

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.

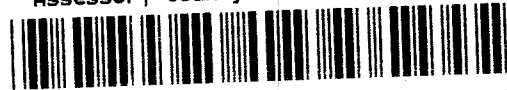
Ayes: Buster, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: January 26, 2010
xc: Co.Co.(3); Recorder

Kecia Harper-Ihem
Clerk of the Board
By: 
Deputy

Prev. Agn. Ref.: 12/08/09-92 District 3 Agenda Number:

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

2.14



RECORDING REQUESTED BY:
Kecia Harper-Ihem, Clerk of the
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
concrete						T:	CTY	UNI	617

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]; APN 573-
100-012, 37875 SHAMROCK, ANZA,
RIVERSIDE COUNTY, CALIFORNIA; SUSAN
M. FOSTER, OWNER.

CASE NO. CV 07-6455

FINDINGS OF FACT,
CONCLUSIONS AND ORDER TO
ABATE NUISANCE

[R.C.O. Nos. 348 and 725
R.C.C. Title 17 and 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 37875 Shamrock, Anza, Riverside County, APN: 573-100-012 and referred to hereinafter as "THE PROPERTY."

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

Larry Wisda appeared but did not address the Board of Supervisors.

The Board of Supervisors received the Declaration of the Code Enforcement Officer, together with attached Exhibits, evidencing the excessive storage of materials on THE PROPERTY as violations of Riverside County Ordinance No. 348 (Riverside County Code Title 17), and as a public nuisance.

///

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2010-0034521
01/27/2010 08:00A
2 of 6

1. The first part of the document is a title page. It contains the title "The Role of the State in the Development of the Economy" and the author's name "John Doe".

2. The second part of the document is an abstract. It provides a brief summary of the main points of the paper.

3. The third part of the document is the introduction. It discusses the importance of the state in the development of the economy and the role of the state in the development of the economy.

4. The fourth part of the document is the main body of the paper. It is divided into several sections, each discussing a different aspect of the role of the state in the development of the economy.

5. The fifth part of the document is the conclusion. It summarizes the main findings of the paper and provides some final thoughts on the role of the state in the development of the economy.

6. The sixth part of the document is the bibliography. It lists the sources used in the paper.

7. The seventh part of the document is the appendix. It contains additional information related to the paper.

8. The eighth part of the document is the index. It provides a list of the topics covered in the paper.

9. The ninth part of the document is the table of contents. It provides a list of the pages for each section of the paper.

10. The tenth part of the document is the cover page. It contains the title and author's name.

37875 Shamrock, Anza, Riverside County, California, also identified as Assessor's Parcel Number 573-100-012 violates Riverside County Ordinance No. 348 and constitute a public nuisance.

2. WHEREAS, the OWNER, occupants or any person having possession or control of the premises should abate the condition by removing and disposing of the excess outside storage of materials from the subject real property in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 348 within ninety (90) days of the posting or mailing of this order.

3. WHEREAS, THE OWNER IS HEREBY FUTHER NOTICED that the time within which judicial review of the administrative determinations made herein must be sought is ninety (90) 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 excess outside storage of materials on THE PROPERTY be abated by the OWNER or anyone having possession or control of THE PROPERTY, by removing and disposing of the outside excess storage of materials from the subject real property in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 348 within ninety (90) days of the posting or mailing of this order.

IT IS FURTHER ORDERED that if the materials are not removed and disposed of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 348, within ninety (90) days of the date of this Order, the excess outside storage of materials shall be abated by representatives of the Riverside County Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's consent or a Court Order 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. 457, 348, 541, and 725. Under Riverside County Ordinance 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

1 not be limited to, enforcement, investigation, collection and administrative costs, attorneys fees, and the
2 costs associated with the removal or correction of the violation." Reasonable abatement costs accrued by
3 the Department will be recoverable from the property owner(s) even if the property is brought into
4 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

7 Dated: January 26, 2010

COUNTY OF RIVERSIDE

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11 By Marion Ashley
12 Marion Ashley
13 Chairman, Board of Supervisors

14 ATTEST:

15 Kecia Harper-Ihem
16 KECIA HARPER-IHEM

17 Clerk to the Board

18 By

19 Deputy

20 (SEAL)

21 Kecia Harper-Ihem
22
23
24
25
26
27
28



2010-0034521
01/27/2010 08:00A
4 of 6

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

Recorder
P.O. Box 751
(951) 486-7000

www.riversideacr.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 FOR STAMP WHICH MAY BE OBSCURED:

FORM APPROVED COUNTY COUNSEL

BY: _____
JULIE A. KOONS JARVI DATE

CLARIFICATION FOR NUMBERING ON LEFT SIDE OF PAGE WHICH MAY BE OBSCURED:

9
10
11
12
13
14
15
16

CLARIFICATION FOR WORDING WHICH MAY BE OBSCURED BY SIGNATURE OF THE CHAIRMAN OF THE BOARD OF SUPERVISORS

By
Marion Ashley

Date: 1-26-10

Signature: Sandi Schlemmer

Print Name: Sandi Schlemmer, Deputy Clerk





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

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

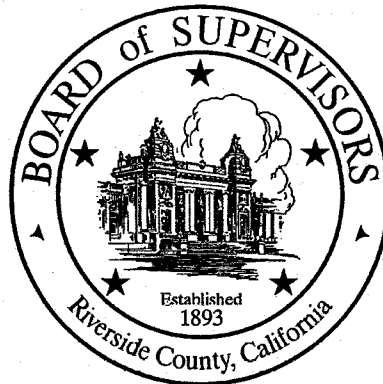
<http://riverside.asrelkrec.com>

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:

1-26-10

Signature:

Sandi Schlemmer

Print Name:

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



NOTICE LIST

Subject Property: 37875 Shamrock, Anza
Case No.: CV 07-6455; APN: 573-100-012; District 3

SUSAN M. FOSTER
PO BOX 390702
ANZA, CA 92539

SUSAN M. FOSTER
PO BOX 390382
ANZA, CA 92539

PATRICIA A. LAUGHLIN, TRUSTEE
PO BOX 997
SAN JACINTO, CA 92581

FIDELITY NATIONAL TITLE COMPANY
301 E. VANDERBILT WAY, SUITE 400
SAN BERNARDINO, CA 92408

NOTICE LIST

Subject Property: 37875 Shamrock, Anza
Case No.: CV 07-6455; APN: 573-100-012; District 3

COMPLETE THIS SECTION ON DELIVERY

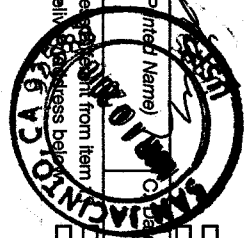
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

PATRICIA A. LAUGHLIN,
TRUSTEE
PO BOX 997
SAN JACINTO, CA 92581
CV07-6455 *FOF* FOSTER 4

COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☒ Agent ☐ Addressee
- B. Received by (Printed Name) ☐ Date of Delivery
- D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:



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

2. Article Number 7009 1680 0000 9025 3130
(Transfer from service label)

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

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:

FIDELITY NATIONAL TITLE COMPANY
301 E. VANDERBILT WAY, SUITE 400
SAN BERNARDINO, CA 92408
CV07-6455 *FOF* FOSTER 4

- A. Signature ☒ Agent ☐ Addressee
- B. Received by (Printed Name) ☐ Date of Delivery
- D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

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

2. Article Number 7009 1680 0000 9025 3123
(Transfer from service label)
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

PROOF OF SERVICE

Case Nos. CV07-6455

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)

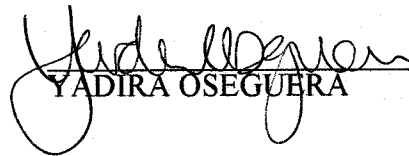
XX **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California,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

**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

JOHN BOYD
Director

AFFIDAVIT OF POSTING OF NOTICES

March 2, 2010

RE CASE NO: CV076455

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 03/02/2010 at 1:17pm, 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:

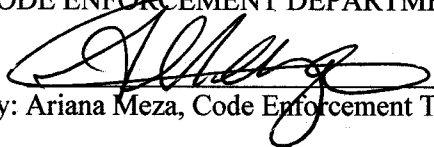
Property Address: 37875 SHAMROCK, ANZA

Assessor's Parcel Number: 573-100-012

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


By: Ariana Meza, Code Enforcement Technician