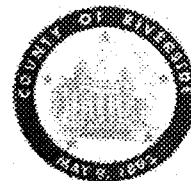


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

715B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
January 13, 2010

SUBJECT: Order to Abate [Excess Outside Storage]

Case No.: CV 07-8065 (FRIEDT)

Subject Property: 1 Parcel East of 22312 River Road, Perris APN: 349-440-030
District Five

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-8065 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 07-8065; 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 07-8065.

BACKGROUND:

On December 22, 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.

[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

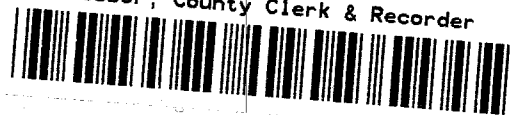
Prev. Agn. Ref.: 12/22/09-93 District 5 Agenda Number:

ATTACHMENT 5
WITH THE CLERK OF THE BOARD

2.19

Departmental Concurrence

Policy ☐ Policy ☐
 Consent ☐ Consent ☐
 X ☒
 Dept's Recomm.: Per Exec. Ofc.:



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

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

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[EXEMPT '6103]

BOARD OF SUPERVISORS COUNTY OF RIVERSIDE



IN RE ABATEMENT OF PUBLIC NUISANCE:
[EXCESSIVE OUTSIDE STORAGE]; APN 349-
440-030, 1 PARCEL EAST OF 22312 RIVER
ROAD, PERRIS, RIVERSIDE COUNTY,
CALIFORNIA; LEILANI C. FRIEDT, OWNER.

CASE NO. CV 07-8065

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 22, 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 1 Parcel East of 22312 River Road, Perris, Riverside County, APN: 349-440-030 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.

Bill Kearns, owner's spouse, 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.

///

///

SUMMARY OF EVIDENCE

1. Documents of record in the Riverside County Recorder's Office identify the owner of THE PROPERTY as Leilani C. Friedt ("OWNER").

2. Documents of title at the time of the inspection indicated that no other parties potentially hold a legal interest in THE PROPERTY.

3. THE PROPERTY has been inspected by Code Enforcement Officers on July 16, 2008, October 3, 2008, May 19, 2009, July 21, 2009, September 12, 2009, December 1, 2009 and December 21, 2009.

4. During each inspection, outside storage of materials was observed on THE PROPERTY. The materials included but were not limited to: boats, trailers, scrap metal, metal barrels, auto parts, accessories for heavy construction equipment, tractor, golf carts, plastics, housing components, lumber, scrap wood, glass, wood garage doors, tires, metal piping, aluminum siding and miscellaneous items. The total area of excess outside storage of materials was approximately seven thousand one hundred forty-six (7,146) square feet.

5. THE PROPERTY was determined to be in violation of Riverside County Ordinance No. 348 (Riverside County Code Title 17) by the Code Enforcement Officer.

6. A Notice of Noncompliance was recorded on August 25, 2008 as Document Number 2008-0467378 in the Office of the County Recorder, County of Riverside.

7. On July 16, 2008, a Notice of Violation was posted on THE PROPERTY. On September 25, 2008, a Notice of Violation was mailed to the OWNER by certified mail, return receipt requested.

8. On November 24, 2009, a "Notice to Abate Nuisance" providing notice of the public hearing before the Board of Supervisors on December 22, 2009 was mailed by certified mail, return receipt requested, to the OWNER and was posted on THE PROPERTY on December 1, 2009.

FINDINGS AND CONCLUSIONS

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

1. WHEREAS, the excessive outside storage of materials on the real property located at 1 Parcel East of 22312 River Road, Perris, Riverside County, California, also identified as Assessor's Parcel

1 Number 349-440-030 violates Riverside County Ordinance No. 348 and constitute a public nuisance.

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

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

11 **ORDER TO ABATE NUISANCE**

12 IT IS THEREFORE ORDERED that the excess outside storage of materials on THE PROPERTY
13 be abated by the OWNER or anyone having possession or control of THE PROPERTY, by removing and
14 disposing of the outside excess storage of materials from the subject real property in strict accordance
15 with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 348
16 within ninety (90) days of the posting or mailing of this order.

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

23 It is further ordered that reasonable abatement costs, after notice and opportunity for hearing, shall
24 be imposed as a lien on the property, which may be collected as a special assessment against the property
25 pursuant to Government Code section 25845 and Riverside County Ordinance nos. 457, 348, 541, and
26 725. Under Riverside County Ordinance 725, "abatement costs" means "any costs or expenses reasonably
27 related to the abatement of conditions which violate County Land Use Ordinances, and shall include, but
28 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 Department will be recoverable from the property 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

By Timothy J. Kimmel

Deputy

(SEAL)



2010-0034526
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 NUMBERS ON LEFT SIDE OF PAGE WHICH MAY BE OBSCURED BY STAMP:

14
15

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

By
Marion Ashley
Chairman, Board of Supervisors

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.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: 1 Parcel East of 122312 River Road, Perris
Case No.: CV 07-8065; APN: 349-440-030; District 5

LEILANI C. FRIEDT
22310 RIVER ROAD
PERRIS CA 92570

SENDER: COMPLETE THIS SECTION		RECEIVER: 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 <i>x Leilani Friedt Keins</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p>	
		<p>B. Received by (Printed Name) <i>Leilani Friedt Keins</i> C. Date of Delivery</p>	
1. Article Addressed to: LEILANI C. FRIEDT 22310 RIVER ROAD PERRIS CA 92570 CV 07-8065 *FOF* FRIEDT 1		<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>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>	
2. Article Number (Transfer from service label)		7009 1680 0000 9025 3642	

PS Form 3811, February 2004

Domestic Return Receipt

102985-02-M-1540

PROOF OF SERVICE

Case Nos. CV07-8065

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)

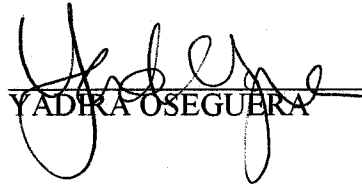
XX **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California,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

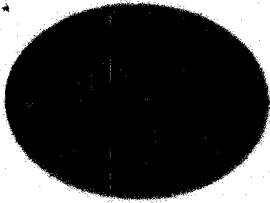
— **BY PERSONAL SERVICE:** I caused to be delivered such envelope(s) by hand to the offices of the addressee(s).

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 4, 2010

RE CASE NO: CV078065

I, Richard Arriola, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 24318 Hemlock, Ave., Suite C-1, Moreno Valley, California 92557.

That on 03/03/10 at 1340, I securely and conspicuously posted FINDINGS OF FACT FOR RCC 17.16.010- EXCESSIVE OUTSIDE STORAGE at the property described as:

Property Address: 1 Parcel East of (22312 River Road), Perris

Assessor's Parcel Number: 349-440-030

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

Executed on March 4, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

A handwritten signature in cursive script, appearing to read "Richard Arriola", is written over a horizontal line.

By: Richard Arriola, Code Enforcement Officer