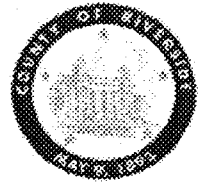


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

718 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Order to Abate [Accumulation of Rubbish];
Case No.: CV 08-02165 (AGUIRRE)
Subject Property: 22411 Old Elsinore Road, Perris
APN 323-070-025
District Five

SUBMITTAL DATE:
January 13, 2010

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-02165 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 08-02165; 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 08-02165.

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 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.

Julie Jarvi

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: *Kecia Harper-Ihem*

Deputy

Prev. Agn. Ref.: 12/08/09, AG. ATTACHMENTS FILED WITH THE CLERK OF THE BOARD
Agenda Number:

2.20

Departmental Concurrence

Dept Recomm.: ☐ Policy ☐ Policy
Consent ☐ Consent ☒ Consent

DOC # 2010-0034527

01/27/2010 08:00A Fee:NC

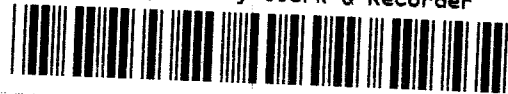
Page 1 of 5

Recorded in Official Records

County of Riverside

Larry W. Ward

Assessor, County Clerk & Recorder



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:
[ACCUMULATION OF RUBBISH]; APN 323-
070-025, 22411 OLD ELSINORE ROAD,
PERRIS, RIVERSIDE COUNTY, CALIFORNIA;
VERONICA D. AGUIRRE, OWNER.

CASE NO. CV 08-02165

FINDINGS OF FACT,
CONCLUSIONS AND ORDER TO
ABATE NUISANCE

[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 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 22411 Old Elsinore Road, Perris, Riverside County, and further described as Assessor's Parcel Number 323-070-025 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 Veronica D. Aguirre ("OWNER").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to-wit: Statewide Lenders Service, Bobby J. Ford and Mary A. Ford and Riverside
6 County Department of Public Social Services Recovery Unit ("INTERESTED PARTIES").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on April 1, 2008,
8 June 17, 2008, November 24, 2008, July 7, 2009, October 8, 2009, and December 3, 2009.

9 4. During each inspection, an accumulation of rubbish was observed on THE
10 PROPERTY. The rubbish consisted of, but was not limited to: tires, household trash, wood, metal,
11 mattresses, furniture, furniture parts, piping, broken tools, siding, plastics, burn debris, toys, foam, a
12 toilet, pallets, clothing and miscellaneous debris.

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

15 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,
16 County of Riverside, State of California on May 11, 2008 as instrument number 2008-0224877.

17 7. On April 1, 2008, Notice of Violation was posted on THE PROPERTY. On April 18,
18 2008 and July 9, 2009, Notices of Violation were mailed by certified mail, return receipt requested to
19 OWNER and on February 10, 2009 were mailed to INTERESTED PARTIES.

20 8. On October 5, 2009 a "Notice to Correct County Ordinance Violations and Abate
21 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on December
22 8, 2009 was mailed by certified mail, return receipt requested, to the OWNER and INTERESTED
23 PARTIES and was posted on THE PROPERTY on October 8, 2009.

24 **FINDINGS AND CONCLUSIONS**

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

27 1. WHEREAS, the accumulation of rubbish on the real property located at 22411 Old
28 Elsinore Road, Perris, Riverside County, California, also identified as Assessor's Parcel Number 323-



070-025 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

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 ninety (90) days.

3. WHEREAS, THE OWNER AND INTERESTED PARTIES ARE HEREBY FURTHER 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 accumulation of rubbish on THE PROPERTY be abated by THE OWNERS 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 ninety (90) 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 ninety (90) 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,



1 collection and administrative costs, attorneys fees, and the costs associated with the removal or
2 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement
3 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.

5
6 Dated: January 26, 2010

COUNTY OF RIVERSIDE

7
8 By Marion Ashley
9 Marion Ashley
10 Chairman, Board of Supervisors

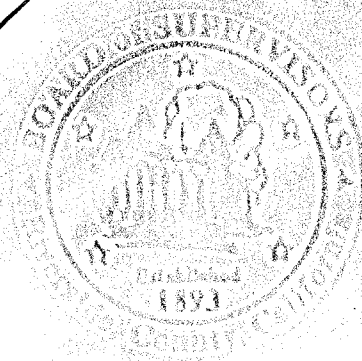
11 ATTEST:

12 KECIA HARPER-IHEM

13 Clerk to the Board

14 By James J. Henn
15 Deputy

16
17 (SEAL)



2010-0034527
01/27/2010 08:00A
4 of 5

FORM APPROVED COUNTY COUNSEL
BY Julie A. Moons Jarvi DATE 1/4/10



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

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

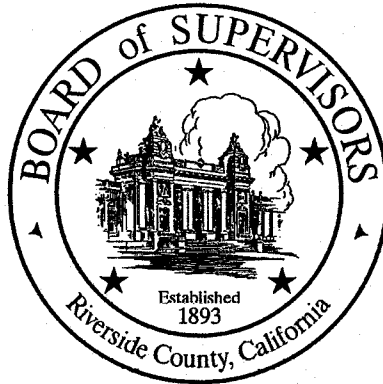
<http://riverside.asrclrec.com>

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: 22411 Old Elsinore Road, Perris
Case No.: CV 08-02165 APN: 323-070-025; District 5

VERONICA D. AGUIRRE
22411 OLD ELSINORE RD.
PERRIS, CA 92570

TENANTS/OCCUPANTS
22411 OLD ELSINORE RD.
PERRIS, CA 92570

VERONICA D. AGUIRRE
201 N. SIXTH ST.
GASDEN, AL 35903

VERONICA D. AGUIRRE
20657 WELLS ST.
PERRIS, CA 92570

VERONICA AGUIRRE
1844 TWELFTH ST. #14
RIVERSIDE, CA 92507

BOBBY J. FORD AND MARY A. FORD
18091 MARK CIRCLE
VILLA PARK, CA 92861

STATEWIDE LENDERS SERVICE
11081 WINNERS CIRCLE #100
LOS ALAMITOS, CA 90720

RIVERSIDE COUNTY DEPARTMENT OF
PUBLIC SOCIAL SERVICES RECOVERY UNIT
3021 FRANKLIN AVE.
RIVERSIDE, CA 92507

SENDER: 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.		RECEIVER: COMPLETE THIS SECTION A. Signature <input checked="" type="checkbox"/> Signature <input type="checkbox"/> Agent B. Received by (Printed Name) <input type="checkbox"/> Address C. Date of Delivery <input type="checkbox"/>	
1. Article Addressed to: BOBBY J. FORD AND MARY A. FORD 18091 MARK CIRCLE VILLA PARK, CA. 92861 CV08-02165 *FOF* AGUIRRE 8		D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address:	
2. Article Number (Transfer from service label) 7009 3410 0000 1318 0700		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
PE Form 3811, February 2004 Domestic Return Receipt		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

102595-02-M-1540

NOTICE LIST

Subject Property: 22411 Old Elsinore Road, Perris
Case No.: CV 08-02165 APN: 323-070-025; District 5

UNDER: 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:

VERONICA D. AGUIRRE
201 N. SIXTH ST.
GASDEN, AL 35903
CV08-02165 *FOF* AGUIRRE 8

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ *Veronica Aguirre* ☐ Agent ☐ Addressee

B. Received by (Printed Name) ☐ C. Date of Delivery

Veronica Aguirre ☐ *3/1/08*
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

(Transfer from service label)

7009 3410 0000 1318 0809

Receipt

102596-02-M-1540

UNDER: 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:

RIVERSIDE COUNTY DEPARTMENT OF
PUBLIC SOCIAL SERVICES RECOVERY UNIT
3021 FRANKLIN AVE.
RIVERSIDE, CA
CV08-02165 *FOF* AGUIRRE 8

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ *Veronica Aguirre* ☐ Agent ☐ Addressee

B. Received by (Printed Name) ☐ C. Date of Delivery

Veronica Aguirre ☐ *3/1/08*
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

(Transfer from service label)

7009 3410 0000 1318 0809

PS Form 3811, February 2004

Domestic Return Receipt

102596-02-M-1540

PROOF OF SERVICE

Case Nos. CV08-02165

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)

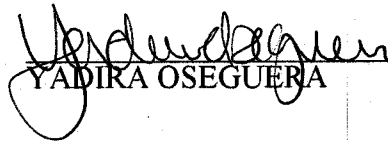
XX **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.** I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Riverside, California,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

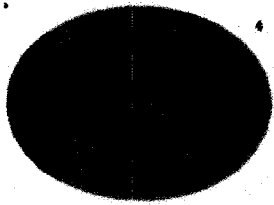
— **BY PERSONAL SERVICE:** I caused to be delivered such envelope(s) by hand to the offices of the addressee(s).

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 5, 2010

RE CASE NO: CV0802165

I, Jennifer Morris, 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 3/5/10 at 0950 hrs, I securely and conspicuously posted Finding of Facts at the property described as:

Property Address: 22411 OLD ELSINORE RD, PERRIS

Assessor's Parcel Number: 323-070-025

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

Executed on March 5, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

J. Morris
By: Jennifer Morris, Code Enforcement Officer