

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

917B



FROM: County Counsel/TLMA
 Code Enforcement Department

SUBMITTAL DATE:
 February 10, 2010

SUBJECT: Order to Abate [Excess Outside Storage and Accumulation of Rubbish]
 Case No.: CV 07-4305 (AJA)
 Subject Property: Parcel North of Grand Avenue, Winchester
 APN: 461-130-013 & 461-130-014
 District Three

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-4305 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 07-4305; 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 07-4305.

[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]*
 Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Buster and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Stone, Benoit and Ashley
 Nays: None
 Absent: Tavaglione
 Date: February 23, 2010
 xc: Co.Co.(3); Recorder

Kecia Harper-Ihem
 Clerk of the Board

By: *[Signature]*
 Deputy

Prev. Agn. Ref.: 01/05/10; 9.1 | District: 3 | Agenda Number:

ATTACHMENTS FILED WITH
 THE CLERK OF THE BOARD

2.10

Departmental Concurrence

Policy
 Policy
 Consent
 Consent
 Dept's Recomm.:
 Per Exec. Ofc.:

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

Case No.: CV 07-4305

Subject Property: Parcel North of Grand Avenue, Winchester

APN: 461-130-013 & 461-130-014

District Three

BACKGROUND:

On January 5, 2010 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.

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

DOC # 2010-0086914
02/25/2010

Customer Copy Label
The paper to which this label is
affixed has not been compared
with the recorded document

Larry W Ward
County of Riverside
Assessor, County Clerk & Recorder

5 WHEN RECORDED PLEASE MAIL TO:
6 Julie Jarvi, Deputy County Counsel
County of Riverside
OFFICE OF COUNTY COUNSEL
7 3960 Orange Street, Fifth Floor (Stop #1350)
Riverside, CA 92501

[EXEMPT'6103]

9 **BOARD OF SUPERVISORS**
10 **COUNTY OF RIVERSIDE**

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 07-4305
12 [EXCESSIVE OUTSIDE STORAGE AND)
ACCUMULATION OF RUBBISH];)
13 APN 461-130-013 & 461-130-014, PARCEL)
NORTH OF GRAND AVENUE, WINCHESTER,)
RIVERSIDE COUNTY, CALIFORNIA; ROMAN)
14 AJA AND MYRNA AJA, OWNERS.)
15) [R.C.O. Nos. 348 (RCC Chapter 17.16),
541 (RCC Chapter 8.120) and 725
16) (RCC Title 1)]

17 The above-captioned matter came on regularly for hearing on January 5, 2010, before the
18 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
19 Annex, County Administrative Center, 480 Lemon Street, Riverside, California regarding the real
20 property described as Parcel North of Grand Avenue, Winchester, Riverside County, California and
21 further described as Assessor's Parcel Numbers 461-130-013 and 461-130-014 and referred to
22 hereinafter as "THE PROPERTY."

23 Julie Jarvi, Deputy County Counsel, appeared along with Kenneth King, Senior Code
24 Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

25 Owner Roman Aja appeared but did not address the Board of Supervisors.

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



1 County Code Chapter 17.16) 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 Roman Aja and Myrna Aja ("OWNERS").

6 2. Documents of title indicate that other parties potentially hold a legal interest in THE
7 PROPERTY, to wit: Key Bank National Association and Riverside County Tax Collector
8 ("INTERESTED PARTIES").

9 3. THE PROPERTY was inspected by Code Enforcement Officers on August 16, 2007,
10 May 14, 2009, July 9, 2009, August 6, 2009, September 21, 2009, December 4, 2009 and January 4,
11 2010.

12 4. During each inspection, the outside storage of materials and accumulation of rubbish
13 were observed on THE PROPERTY. The materials and rubbish were intermingled and included but
14 were not limited to: green waste, broken concrete, metal, old car parts, wood, construction debris,
15 household goods and miscellaneous debris. The amount of accumulated rubbish and excess outside
16 storage of materials was approximately in excess of two hundred sixty thousand (260,000) square
17 feet. Given the size of the unimproved parcel (19 acres) and the zoning classification (R-R, Rural
18 Residential), no amount of outside storage or rubbish is allowed on THE PROPERTY.

19 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
20 Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

21 6. A Notice of Noncompliances were recorded on March 28, 2008 as Document
22 Numbers 2008-0153930 and 2008-0153931 in the Office of the County Recorder, County of
23 Riverside.

24 7. On August 16, 2007, Notices of Violation for violation of Riverside County Ordinance
25 Nos. 348 and 541 were posted on THE PROPERTY. On September 13, 2007, Notices of Violation
26 were mailed to OWNERS by certified mail, return receipt requested. On December 18, 2007,
27 Notices of Violation were mailed to INTERESTED PARTIES by certified mail, return receipt
28 requested.

8. On December 3, 2009, the “Notice to Correct County Ordinance Violations and Abate Public Nuisance” providing notice of the public hearing before the Board of Supervisors scheduled for January 5, 2010, was mailed by certified mail, return receipt requested, to OWNERS and INTERESTED PARTIES and was posted on THE PROPERTY on December 4, 2009.

FINDINGS AND CONCLUSIONS

WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on January 5, 2010 finds and concludes that:

1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on the real property located at Parcel North of Grand Avenue, Winchester, Riverside County, California, also identified as Assessor's Parcel Numbers 461-130-013 and 461-130-014 violates Riverside County Ordinance Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) and constitutes a public nuisance. Under Riverside County Ordinance No. 348, due to the parcel being unimproved no amount of outside storage of materials is allowed to be stored on THE PROPERTY. Under Riverside County Ordinance No. 541, no amount of rubbish is allowed to be accumulated on THE PROPERTY.

2. WHEREAS, THE OWNERS, occupants or any person having possession or control of the premises should abate the condition by removal of all outside storage of materials and removing and disposing of all accumulated rubbish from the subject real property in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) within ninety (90) days.

3. WHEREAS, THE OWNERS 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 excess outside storage of materials and accumulation of rubbish on THE PROPERTY be abated by the OWNERS, specifically Roman Aja and Myrna Aja, or anyone having possession or control of THE PROPERTY, by removing all of the

1 outside storage of materials and removing and disposing of all accumulated rubbish from the subject
2 real property in strict accordance with all Riverside County Ordinances, including but not limited to
3 Riverside County Ordinance Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) within
4 ninety (90) days of the date of this Order to Abate Nuisance.

5 IT IS FURTHER ORDERED that if the materials and rubbish are not removed and disposed
6 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
7 County Ordinance Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) within ninety (90)
8 days of the date of this Order to Abate Nuisance, the excess outside storage of materials and
9 accumulation of rubbish shall be abated and disposed of by representatives of the Riverside County
10 Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's
11 consent or a Court Order when necessary under applicable law.

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

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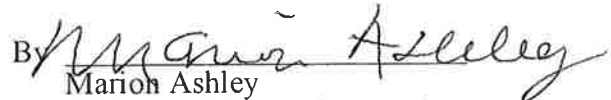
27 ///

28 ///

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

3
4 Dated: February 23, 2010

COUNTY OF RIVERSIDE

5
6 By 
Marion Ashley
Chairman, Board of Supervisors

7 ATTEST:

8 KECIA HARPER-IHEM

9 Clerk to the Board

10
11 By 

12 Deputy

13 (SEAL)

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FORM APPROVED, COUNTY COUNSEL
BY:  JULIE A. KOONS JARVI
DATE: 2/23/10



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

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

<http://riverside.asrcl@cc.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:

2-23-10

Signature:

Karen Barton

Print Name:

Karen Barton, Board Assistant, Riverside County Clerk of the Board

NOTICE LIST

Subject Property: Parcel North of Grand Avenue, Winchester
Case No.: CV 07-4305; APN: 461-130-013 & 461-130-014; District 3

ROMAN AJA
MYRNA AJA
1151 ESPLANADE AVENUE
HEMET, CA 92545

RIVERSIDE CO. TAX COLLECTOR
4080 LEMON STREET
RIVERSIDE, CA 92501

KEY BANK NATIONAL ASSOCIATION
4910 TIEDMAN ROAD
BROOKLYN, OH 44144

L:\DOCS\6000\CV074305\A61857.DOC

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.

1. Article Addressed to:

**KEY BANK NATIONAL ASSOC.
4910 TIEDMAN RD.
BROOKLYN, OH 44144
CV07-4305 *FOF* AJA 3**

2. Article Number
(Transfer from service label)
PS Form 3811, February 2004

7009 3410 0000 1318 0496

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X *E. Wallace* Agent Addressee

B. Received by (Printed Name) Date of Delivery
E. Wallace **MAR 12 2010**

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

102595-02-M-1540

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.

1. Article Addressed to:

**RIVERSIDE CO TAX COLLECTOR
4080 LEMON ST.
RIVERSIDE, CA. 92501
CV07-4305 *FOF* AJA 3**

2. Article Number
(Transfer from service label)
PS Form 3811, February 2004

7009 3410 0000 1318 0502

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X *E. Wallace* Agent Addressee

B. Received by (Printed Name) Date of Delivery
E. Wallace **MAR 16 2010**

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

102595-02-M-1540

PROOF OF SERVICE

Case Nos. CV07-4305

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 9, 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 9, 2010, at Riverside, California.

Yadira Oseguera
YADIRA OSEGUERA

SENDER: COMPLETE THIS SECTION	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. 	A. Signature <input checked="" type="checkbox"/> <i>Roman Aja</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
	B. Received by (Printed Name)	C. Date of Delivery
1. Article Addressed to:	D. Is delivery address different from Item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
ROMAN AJA MYRNA AJA 1151 ESPLANADE AVE. HEMET, CA 92545 CV07-4305 *FOF* AJA 3	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.	
2. Article Number (Transfer from service label)	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
	7009 3410 0000 1318 0519	



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

JOHN BOYD
Director

AFFIDAVIT OF POSTING OF NOTICES

March 12, 2010

RE CASE NO: CV074305

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 3/11/2010 at 11:56 AM, I securely and conspicuously posted Findings of Fact, Conclusions and Order to Abate Nuisance at the property described as:

Property Address: Parcel North of Grand Ave., Winchester

Assessor's Parcel Number: 461-130-013 & 461-130-014

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

Executed on March 12, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

Vicky Jordan
By: Vicky Jordan, Code Enforcement Technician