

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

305 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Order to Abate [Excess Outside Storage and Accumulation of Rubbish]
Case No.: CV 05-0289 (WACKER)
Subject Property: 38795 Highway 79, Aguanga
APN: 917-150-007
District Three

SUBMITTAL DATE:
March 11, 2010

Departmental Concurrence

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 05-0289 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 05-0289; 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 05-0289.

[Signature]

JULIE A. 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

Policy

Consent

Dep't Recomm.:

Per Exec. Ofc.:

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Benoit 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: March 23, 2010
xc: Co.Co.(3), Recorder

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

Prev. Agn. Ref.: 02/23/10; 9.4 | District: 3 | Agenda Number:

2.11

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

Case No.: CV 05-0289

Subject Property: 38795 Highway 79, Aguanga

APN: 917-150-007

District Three

BACKGROUND:

On February 23, 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
3 Board of Supervisors (Stop #1010)



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NCHG-CC					T:		CTY	UNI	512

4
5 WHEN RECORDED PLEASE MAIL TO:
6 Julie A. Jarvi, Deputy County Counsel
7 County of Riverside
8 OFFICE OF COUNTY COUNSEL
9 3960 Orange Street, Fifth Floor (Stop #1350)
10 Riverside, CA 92501

[EXEMPT'6103]

11 **BOARD OF SUPERVISORS**
12 **COUNTY OF RIVERSIDE**



13 IN RE ABATEMENT OF PUBLIC NUISANCE:
14 [EXCESSIVE OUTSIDE STORAGE AND
15 ACCUMULATION OF RUBBISH];
16 APN 917-150-007 38795 HIGHWAY 79,
17 AGUANGA, RIVERSIDE COUNTY,
18 CALIFORNIA; THE WACKER CHILDREN
19 INVESTMENT CORP., OWNER.

CASE NO. CV 05-0289

FINDINGS OF FACT,
CONCLUSIONS AND ORDER TO
ABATE NUISANCE

[R.C.O. Nos. 348 (RCC Chapter 17.16),
541 (RCC Chapter 8.120) and 725
(RCC Title 1)]

20 The above-captioned matter came on regularly for hearing on February 23, 2010, before the
21 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
22 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
23 property described as 38795 Highway 79, Aguanga, Riverside County, California and further
24 described as Assessor's Parcel Number 917-150-007 and referred to hereinafter as "THE
25 PROPERTY."

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

28 No one appeared on behalf of Owner.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together
with attached Exhibits, evidencing the excessive outside storage of materials and accumulation of
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 owner of
5 THE PROPERTY as The Wacker Children Investment Corp., ("OWNER").

6 2. Documents of title indicate that other parties potentially hold a legal interest in THE
7 PROPERTY, to wit: The Law Officer of Yvonne Baner, Robert Spitz, Esq., Peter D. Collisson, Esq.,
8 and George Uribe ("INTERESTED PARTIES").

9 3. THE PROPERTY was inspected by Code Enforcement Officers on February 2, 2009,
10 March 25, 2009, April 29, 2009, June 8, 2009, July 27, 2009, September 8, 2009 and January 15,
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: scrap wood, plastic, mattresses, cardboard, tarps, hoses, bicycle frames, tires,
15 scrap metal, pipes, railroad ties and miscellaneous trash and debris. The officer measured the area
16 using a measuring wheel and determined the amount of accumulated rubbish and excess outside
17 storage of materials was approximately seventeen thousand four (17,004) square feet. Given the size
18 of the unimproved parcel (80 acres) and the zoning classification (R-R, Rural Residential), no amount
19 of outside storage or rubbish is allowed on THE PROPERTY.

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

22 6. A Notice of Noncompliance was recorded on March 9, 2009, as Document Number
23 2009-0111197 in the Office of the County Recorder, County of Riverside.

24 7. On February 2, 2009, Notices of Violation for violation of Riverside County
25 Ordinance Nos. 348 and 541 were posted on THE PROPERTY. On February 9, 2009, April 3, 2009
26 and August 5, 2009, Notice of Violations was mailed by certified mail, return receipt requested to
27 OWNER and INTERESTED PARTIES.

28 ///



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

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

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

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2010-0130299
03/23/2010 08:00A
4 of 6

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: March 23, 2010

COUNTY OF RIVERSIDE

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

9 ATTEST:
10 KECIA HARPER-IHEM
11 Clerk to the Board

12 By Karen D. Guter
13 Deputy
14 (SEAL)

FORM APPROVED COUNTY COUNSEL
BY Julie A. Koons Jarvi DATE 3/28/10



2010-0130299
03/23/2010 08:00A
5 of 6



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:

3-23-10

Signature:

Karen Barton

Print Name:

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



NOTICE LIST

Subject Property: 38795 Highway 79, Aguanga
Case No.: CV 05-0289; APN: 917-150-007; District 3

THE WACKER CHILDREN INVESTMENT CORP.
27150 SHADEL #97
SUN CITY, CA 92586

LAW OFFICES OF YVONNE BANER
43434 BUSINESS PARK DRIVE
TEMECULA, CA 92590

PETER D. COLLISSON, ESQ.
PETER D. COLLISSON, A PC
361 FOREST AVENUE, SUITE 204
LAGUNA BEACH CA 92651

ROBERT SPITZ, ESQ.
204 N. SAN ANTONIO AVENUE
ONTARIO, CA 91762

GEORGE URIBE
38795 HIGHWAY 79
AGUANGA, CA 92536

NOTICE LIST

Subject Property: 38795 Highway 79, Aguanga
Case No.: CV 05-0289; APN: 917-150-007; District 3

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>1. Article Addressed to:</p> <p style="text-align: center;">PETER D. COLLISSON, ESQ PETER D. COLLISSON, A PC 361 FOREST AVE. SUITE 204 LAGUNA BEACH, CA. 92651 CV05-0289 *FOF* WACKER 5</p>	<p>A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>Chipmal</u> C. Date of Delivery <u>4-14-10</u></p> <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>2. Article Number (Transfer from service label)</p> <p style="text-align: center;">7009 3410 0000 1318 1080</p> <p>PS Form 3811, February 2004</p>	<p>3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input checked="" 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>

102595-02-M-1540

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>1. Article Addressed to:</p> <p style="text-align: center;">ROBERT SPITZ, ESQ 204 N SAN ANTONIO AVE ONTARIO, CA. 91762 CV05-0289 *FOF* WACKER 5</p>	<p>A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>Sam Ordinario</u> C. Date of Delivery <u>4-13-10</u></p> <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>2. Article Number (Transfer from service label)</p> <p style="text-align: center;">7009 3410 0000 1318 1073</p> <p>PS Form 3811, February 2004</p>	<p>3. Service Type <input 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>

102595-02-M-1540

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>1. Article Addressed to:</p> <p style="text-align: center;">LAW OFFICES OF YVONNE BANER 43434 BUSINESS PARK DR TEMECULA, CA. 92590 CV05-0289 *FOF* WACKER 5</p>	<p>A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>Sam Ordinario</u> C. Date of Delivery <u>4/13/10</u></p> <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>2. Article Number (Transfer from service label)</p> <p style="text-align: center;">7009 3410 0000 1318 1097</p> <p>PS Form 3811, February 2004</p>	<p>3. Service Type <input 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>

102595-02-M-1540

NOTICE LIST

Subject Property: 38795 Highway 79, Aguanga
Case No.: CV 05-0289; APN: 917-150-007; District 3

OFFICE OF COUNTY COUNSEL
RIVERSIDE COUNTY
3960 ORANGE STREET 5TH FLOOR
RIVERSIDE CA. 92501



7009 3410 0000 1318 1066



GEORGE URIBE
38795 HIGHWAY 79
AGUANGA, CA. 92536
CV05-0289 *FOF* WACKERS

NIXIE

923 SE 1 00 04/14/10

RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD

BC: 92501364405 *2704-07123-12-39

923633722 9250103644



7009 3410 0000 1318 1123



OFFICE OF COUNTY COUNSEL
RIVERSIDE COUNTY
3960 ORANGE STREET 5TH FLOOR
RIVERSIDE CA. 92501

Handwritten: MFC-CA
4-19-10
CC-116
X

923 N7E 1 A09C 06 04/15/10
NOTIFY SENDER OF NEW ADDRESS
WACKER 27930 LEXINGTON CT
SUN CITY CA 92586-2907

BC: 92506230730 *0804-00740-12-43



Handwritten: FWD
0A

923 SE 1 06 05/15/10

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

501364399 *0804-00740-12-43

923633722



PROOF OF SERVICE

Case Nos. CV05-0289

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 April 12, 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)**

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).

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 April 12, 2010, at Riverside, California.


YADIRA OSEGUERA



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

JOHN BOYD
Director

AFFIDAVIT OF POSTING OF NOTICES

April 14, 2010

RE CASE NO: CV050289

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 04/14/2010 at 11:53am, I securely and conspicuously posted Findings of Fact, Conclusions And Order To Abate Public Nuisance, Notice List and Proof of Service at the property described as:


Property Address: 38795 HIGHWAY 79, AGUANGA

Assessor's Parcel Number: 917-150-007

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

Executed on April 14, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By: 
Ariana Meza, Code Enforcement Technician