

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

414B



**FROM:** County Counsel/TLMA  
Code Enforcement Department

**SUBMITTAL DATE:**  
March 25, 2010

**SUBJECT:** Order to Abate [Excess Outside Storage and Accumulation of Rubbish]  
Case Nos.: CV 07-7025 & CV 07-7027 (COLEMAN)  
Subject Property: 22163 San Jacinto Avenue, Perris  
APN: 325-100-006  
District Five

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 07-7025 & CV 07-7027 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 07-7025 & CV 07-7027; 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 07-7025 & CV 07-7027.

*[Signature]*  
\_\_\_\_\_  
JULIE A. JARVI, Deputy County Counsel  
for PAMELA J. WALLS, County Counsel

<b>FINANCIAL DATA</b>	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

<b>SOURCE OF FUNDS:</b>	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 Benoit 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: April 6, 2010  
xc: Co.Co.(3); Recorder

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

Prev. Agn. Ref.: 03/16/10; 9.4 | District: 5 | Agenda Number:

2.15

ATTACHMENTS FILED  
WITH THE CLERK OF THE BOARD

Dep't Recomm.:  Consent  Policy  
Per Exec. Ofc.:  Consent  Policy

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

Case Nos.: CV 07-7025 & CV 07-7027

Subject Property: 22163 San Jacinto Avenue, Perris

APN: 325-100-006

District Five

**BACKGROUND:**

On March 16, 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)

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

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[EXEMPT'6103]

**BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE**



11 IN RE ABATEMENT OF PUBLIC NUISANCE:  
12 [EXCESSIVE OUTSIDE STORAGE AND  
13 ACCUMULATION OF RUBBISH];  
14 APN 325-100-006, 22163 SAN JACINTO  
15 AVENUE, PERRIS, RIVERSIDE COUNTY,  
16 CALIFORNIA; JEAN COLEMAN, OWNER.

CASE NO. CV 07-7025 &  
CV 07-7027

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)]

17 The above-captioned matter came on regularly for hearing on March 16, 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, 4080 Lemon Street, Riverside, California regarding the real  
20 property described as 22163 San Jacinto Avenue, Perris, Riverside County, California and further  
21 described as Assessor's Parcel Number 325-100-006 and referred to hereinafter as "THE  
22 PROPERTY."

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

25 No one appeared on behalf of Owner.

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 owner of  
5 THE PROPERTY as Jean Coleman ("OWNER").

6 2. Documents of title indicate that other parties potentially hold a legal interest in THE  
7 PROPERTY, to wit: Craig Fay, Robert Wilson and Eastern Municipal Water District  
8 ("INTERESTED PARTIES").

9 3. THE PROPERTY was inspected by Code Enforcement Officers on April 21, 2009,  
10 September 1, 2009, October 23, 2009, February 16, 2010 and March 12, 2010.

11 4. During each inspection, the outside storage of materials and accumulation of rubbish  
12 were observed on THE PROPERTY. The materials and rubbish were intermingled and included but  
13 were not limited to: bikes, a barbecue, old furniture, mattresses, household trash, scrap wood, a travel  
14 trailer, tires, tools, bins, boxes and other miscellaneous debris. The accumulated rubbish and excess  
15 outside storage of materials was approximately seven thousand one hundred (7,100) square feet.  
16 Given the size of the unimproved parcel (2.35 acres) and the zoning classification (R-R, Rural  
17 Residential), no amount of outside storage or rubbish is allowed on THE PROPERTY.

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

20 6. A Notice of Noncompliance was recorded on October 6, 2009, as Document Number  
21 2009-0518218 in the Office of the County Recorder, County of Riverside.

22 7. On April 21, 2009, Notices of Violation for violation of Riverside County Ordinance  
23 Nos. 348 and 541 were posted on THE PROPERTY. On July 28, 2009, Notices of Violations were  
24 mailed to OWNER and INTERESTED PARTIES.

25 8. On February 10, 2010, the "Notice to Correct County Ordinance Violations and  
26 Abate Public Nuisance" providing notice of the public hearing before the Board of Supervisors  
27 scheduled for March 16, 2010, was mailed by certified mail, return receipt requested, to OWNER and  
28 INTERESTED PARTIES and was posted on THE PROPERTY on February 16, 2010.



1 **FINDINGS AND CONCLUSIONS**

2 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
3 regular session assembled on March 16, 2010 finds and concludes that:

4 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on  
5 the real property located at 22163 San Jacinto Avenue, Perris, Riverside County, California, also  
6 identified as Assessor's Parcel Number 325-100-006 violates Riverside County Ordinance Nos. 348  
7 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) and constitutes a public nuisance. Under  
8 Riverside County Ordinance No. 348, due to the parcel being unimproved no amount of outside  
9 storage of materials is allowed to be stored on THE PROPERTY. Under Riverside County  
10 Ordinance No. 541, no amount of rubbish is allowed to be accumulated on THE PROPERTY.

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

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

20 **ORDER TO ABATE NUISANCE**

21 IT IS THEREFORE ORDERED that the excess outside storage of materials and  
22 accumulation of rubbish on THE PROPERTY be abated by the OWNER, specifically Jean Coleman,  
23 or anyone having possession or control of THE PROPERTY, by removing all of the outside storage  
24 of materials and removing and disposing of all accumulated rubbish from the subject real property in  
25 strict accordance with all Riverside County Ordinances, including but not limited to Riverside County  
26 Ordinance Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) within ninety (90) days of  
27 the date of this Order to Abate Nuisance.

28 IT IS FURTHER ORDERED that if the materials and rubbish are not removed and disposed

2010-0160352  
04/02/2010 08:00A  
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1 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside  
2 County Ordinance Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) within ninety (90)  
3 days of the date of this Order to Abate Nuisance, the excess outside storage of materials and  
4 accumulation of rubbish shall be abated and disposed of by representatives of the Riverside County  
5 Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's  
6 consent or a Court Order when necessary under applicable law.

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

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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: April 6, 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 Barton

13 Deputy

14 (SEAL)



FORM APPROVED COUNTY COUNSEL  
BY Julie A. Koons Jarvi 5/23/10  
DATE

26  
27  
28



2010-0160352  
04/06/2010 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:

4-6-10

Signature:

*Karen Barton*

Print Name:

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





# NOTICE LIST

Subject Property: 22163 San Jacinto Avenue, Perris  
 Case Nos.: CV 077025 & CV 07-7027; APN: 325-100-006; District 5

JEAN COLEMAN  
 26163 SAN JACINTO  
 PERRIS, CA 92570

CRAIG FAY  
 P O BOX 2174  
 SUN CITY, CA 92586

EASTERN MUNICIPAL WATER DISTRICT  
 ATTN: BILLING DEPARTMENT  
 PO BOX 8300  
 PERRIS, CA 92570

<b>SENDER: COMPLETE THIS SECTION</b> ■ 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:		<b>COMPLETE THIS SECTION ON DELIVERY</b> A. Signature <input checked="" type="checkbox"/> X <input type="checkbox"/> Agent B. Received by / (Printed Name) <input type="checkbox"/> Addressee C. Date of Delivery D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below:	
2. Article Number (Transfer from service label) PS Form 3811, February 2004		CRAIG FAY P O BOX 2174 SUN CITY, CA 92586 CV07-7025 & CV07-7027 *FOF* Coleman 3	
Domestic Return Receipt 7009 3410 0000 1318 0991		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. 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

<b>SENDER: COMPLETE THIS SECTION</b> ■ 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:		<b>COMPLETE THIS SECTION ON DELIVERY</b> A. Signature <input checked="" type="checkbox"/> X <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee B. Received by (Printed Name) <input type="checkbox"/> Addressee C. Date of Delivery D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below:	
JEAN COLEMAN 26163 SAN JACINTO PERRIS, CA 92570 CV07-7025 & CV07-7027 *FOF* Coleman 3		JEAN COLEMAN 26163 SAN JACINTO PERRIS, CA 92570 CV07-7025 & CV07-7027 *FOF* Coleman 3	
2. Article Number (Transfer from service label) PS Form 3811, February 2004		7009 3410 0000 1318 1004	
Domestic Return Receipt		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. 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

**PROOF OF SERVICE**  
Case Nos. CV07-7025 & CV07-7027

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 May 4, 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 May 4, 2010, at Riverside, California.

*Yadira Oseguera*  
YADIRA OSEGUERA

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p>
<p>1. Article Addressed to:</p> <p>EASTERN MUNICIPAL WATER DISTRICT ATTN: BILLING DEPARTMENT PO BOX 8300 PERRIS, CA 92570 CV07-7025 &amp; CV07-7027 *FOF* Coleman 3</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</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>
<p>2. Article Number (Transfer from service label)</p>	<p>7009 3410 0000 1318 0984</p>



**CODE ENFORCEMENT DEPARTMENT  
COUNTY OF RIVERSIDE**

**JOHN BOYD**  
Director

**AFFIDAVIT OF POSTING OF NOTICES**

May 5, 2010

RE CASE NO: CV077027

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 5/5/10 at 12:00 hrs, I securely and conspicuously posted Findings of Facts and Notice to Abate Public Nuisance at the property described as:

**Property Address:** 22163 SAN JACINTO AVE, PERRIS

**Assessor's Parcel Number:** 325-100-006

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

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

CODE ENFORCEMENT DEPARTMENT

By: Jennifer Morris, Code Enforcement Officer



**CODE ENFORCEMENT DEPARTMENT  
COUNTY OF RIVERSIDE**

JOHN BOYD  
Director

**AFFIDAVIT OF POSTING OF NOTICES**

May 5, 2010

RE CASE NO: CV077025

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 5/5/10 at 11:55 hrs, I securely and conspicuously posted Findings of Facts and Notice to Abate Public Nuisance at the property described as:

**Property Address:** 22163 SAN JACINTO AVE, PERRIS

**Assessor's Parcel Number:** 325-100-006

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

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

CODE ENFORCEMENT DEPARTMENT

  
By: Jennifer Morris, Code Enforcement Officer