

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

515 B



SUBMITTAL DATE:
April 8, 2010

FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Order to Abate [Accumulation of Rubbish];
Case No.: CV 07-8107 (SWEENEY)
Subject Property: 22207 De Prad Street, Perris
APN: 325-181-007
District Five

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-8107 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 07-8107; 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 07-8107.

BACKGROUND:

On March 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 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.

[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

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Benoit, seconded by Supervisor Stone 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: April 20, 2010
xc: Co.Co.(3); Recorder

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

Prev. Agn. Ref.: 03/23/10; 9.3 | **District:** 5 | **Agenda Number:**

2.20

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

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

1 RECORDING REQUESTED BY:
Kecia Harper-Ihem, Clerk of the
2 Board of Supervisors
(Stop #1010)
3



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

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[EXEMPT'6103]

8
9 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE



10
11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 07-8107
[ACCUMULATION OF RUBBISH]; APN 325-)
12 181-007, 22207 DE PRAD STREET, PERRIS,) FINDINGS OF FACT,
RIVERSIDE COUNTY, CALIFORNIA; JAMES) CONCLUSIONS AND ORDER TO
13 ALBERT SWEENEY AND NORMAN) ABATE NUISANCE
SWEENEY, OWNERS.)
14) [R.C.O. Nos. 541 (RCC Chapter 8.120)
and 725 (RCC Title 1)]
15

16 The above-captioned matter came on regularly for hearing on March 23, 2010, before the
17 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
18 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
19 property described as 22207 De Prad Street, Perris, Riverside County, and further described as
20 Assessor's Parcel Number 325-181-007 referred to hereinafter as "THE PROPERTY."

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

23 Owner appeared but did not address the Board of Supervisors.

24 The Board of Supervisors received the Declaration of Code Enforcement Officer together
25 with the attached exhibits, evidencing the accumulation of rubbish on THE PROPERTY as a public
26 nuisance and violation of Riverside County Ordinance No. 541, as codified in Riverside County Code
27 Chapter 8.120.

28 ///

SUMMARY OF EVIDENCE

1
2 1. Documents of record in the Riverside County Recorder's Office identify the
3 OWNERS of THE PROPERTY as James Albert Sweeney and Norman Sweeney ("OWNERS").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to-wit: Industrial League Credit Union, Nicole Marie Espinoza & De La Flor, Jeffrey
6 Gwynn, Esq., and Christopher Walker, Esq. ("INTERESTED PARTIES").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on November 27,
8 2007, February 13, 2008, March 24, 2008, April 29, 2008, September 30, 2008, April 30, 2009,
9 September 15, 2009, March 9, 2010 and March 19, 2010.

10 4. During each inspection, an accumulation of rubbish was observed on THE
11 PROPERTY. The rubbish consisted of, but was not limited to: tires, vehicle parts, dismantled
12 electronics, discarded wood, green waste, dismantled tractor, dismantled boats, dismantled spas,
13 discarded furniture, rubbish and other miscellaneous items.

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

16 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,
17 County of Riverside, State of California on March 19, 2008 as instrument number 2008-0133634.

18 7. On November 27, 2007, a Notice of Violation was posted on THE PROPERTY. On
19 December 20, 2007, a Notice of Violation was mailed to OWNERS by certified mail, return receipt
20 requested. On February 8, 2008, a Notice of Violation was mailed to OWNERS and INTERESTED
21 PARTIES by certified mail, return receipt requested. On July 21, 2008, a Notice of Violation was
22 mailed to INTERESTED PARTIES by certified mail, return receipt requested.

23 8. On February 16, 2010, a "Notice to Correct County Ordinance Violations and Abate
24 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on March
25 23, 2010, was mailed by certified mail, return receipt requested, to OWNERS and INTERESTED
26 PARTIES and was posted on THE PROPERTY on March 9, 2010.

27 ///

28 ///

2010-0183548
04/21/2010 08:00A
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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 23, 2010, finds and concludes that:

4 1. WHEREAS, the accumulation of rubbish on the real property located at 22207 De
5 Prad Street, Perris, Riverside County, California, also identified as Assessor's Parcel Number 325-
6 181-007 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

7 2. WHEREAS, THE OWNERS, or any person having possession or control of the
8 premises should abate the condition by removing and disposing all accumulated rubbish from the
9 subject real property in strict accordance with all Riverside County Ordinances, including but not
10 limited to Riverside County Ordinance No. 541 (RCC Chapter 8.120) within ninety (90) days.

11 3. WHEREAS, THE OWNERS AND INTERESTED PARTIES ARE HEREBY
12 FURTHER NOTICED that the time within which judicial review of the administrative determinations
13 made herein must be sought is ninety (90) days from the posting and mailing of the Findings of Fact,
14 Conclusions and Order To Abate Nuisance, and is governed by California Code of Civil Procedure
15 Section 1094.6.

16 **ORDER TO ABATE NUISANCE**

17 IT IS THEREFORE ORDERED that the accumulation of rubbish on THE PROPERTY be
18 abated by THE OWNERS or anyone having possession or control of THE PROPERTY, by removing
19 and disposing of all rubbish from the subject real property in strict accordance with all Riverside
20 County Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter
21 8.120) within ninety (90) days of the date of this Order to Abate Nuisance.

22 IT IS FURTHER ORDERED that if the rubbish is not removed and disposed of in strict
23 accordance with all Riverside County Ordinances, including but not limited to Riverside County
24 Ordinance No. 541, within ninety (90) days of the date of this Order to Abate Nuisance, the rubbish
25 shall be abated and disposed of by representatives of the Riverside County Code Enforcement, a
26 contractor or the Sheriff's Department upon receipt of an owner's consent or a Court Order
27 authorizing entry onto THE PROPERTY when necessary under applicable law.

28 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity

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04/21/2010 08:00A
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1 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
2 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
3 County Ordinance Nos. 541 and 725. Under Riverside County Ordinance No. 725, "abatement
4 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
5 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
6 collection and administrative costs, attorneys fees, and the costs associated with the removal or
7 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement
8 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into
9 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

10
11 Dated: April 20, 2010

COUNTY OF RIVERSIDE

12
13 By Marion Ashley
14 Marion Ashley
Chairman, Board of Supervisors

15 ATTEST:

16 KECIA HARPER-IHEM

17 Clerk to the Board

18
19 By Kecia Harper-Ihem
20 Deputy
21

22 (SEAL)
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FORM APPROVED COUNTY COUNSEL
BY: Julie Koons Jarvi DATE: 5/29/10

2010-0183549
04/21/2010 08:08H
4 of 5





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:

4-20-10

Signature:

Karen Barton

Print Name:

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



NOTICE LIST

Subject Property: 22207 De Prad Street, Perris
Case No.: CV 07-8107; APN: 325-181-007; District 5

<p>SENDER: COMPLETE THIS SECTION</p> <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>1. Article Addressed to:</p> <p style="text-align: center;">CHRISTOPHER WALKER, ESQ. 505 S. VILLA REAL, STE. 204 ANAHEIM, CA 92007-0442 CV07-8107 *FOF* Sweeney 7</p>	<p>COMPLETE THIS SECTION ON DELIVERY</p> <p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p style="text-align: right;"><i>Lisa H. Alford</i> 5/20/10</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p>
<p>2. Article Number (Transfer from service label)</p> <p style="text-align: center;">7009 3410 0000 1318 1400</p> <p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input 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>SENDER: COMPLETE THIS SECTION</p> <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>1. Article Addressed to:</p> <p style="text-align: center;">INDUSTRIAL LEAGUE CREDIT UNION 14511 FRANKLIN AVE. TUSTIN, CA 92550 CV07-8107 *FOF* Sweeney 7</p>	<p>COMPLETE THIS SECTION ON DELIVERY</p> <p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p style="text-align: right;"><i>James Vu</i> 5/20/10</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p>
<p>2. Article Number (Transfer from service label)</p> <p style="text-align: center;">7009 3410 0000 1318 1455</p> <p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input 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>

NOTICE LIST

Subject Property: 22207 De Prad Street, Perris
Case No.: CV 07-8107; APN: 325-181-007; District 5

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.		COMPLETE THIS SECTION ON DELIVERY A. Signature <input checked="" type="checkbox"/> Agent <i>James Albert Sweeney</i> <input type="checkbox"/> Addressee B. Received by (Printed Name) <input type="checkbox"/> Date of Delivery <i>James Sweeney 5/20/10</i> C. Date of Delivery D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No	
1. Article Addressed to: JAMES ALBERT SWEENEY NORMAN LLOYD SWEENEY 22207 DE PRAD STREET PERRIS, CA 92570 CV07-8107 *FOF* Sweeney 7		3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
2. Article Number (Transfer from service label) 7009 3410 0000 1318 1462		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540		PS Form 3811, February 2004 Domestic Return Receipt 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.		COMPLETE THIS SECTION ON DELIVERY A. Signature <input checked="" type="checkbox"/> Agent <i>Nicole Marie Espinoza</i> <input type="checkbox"/> Addressee B. Received by (Printed Name) <input type="checkbox"/> Date of Delivery C. Date of Delivery D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
1. Article Addressed to: NICOLE MARIE ESPINOZA 23580 SUNNYMEAD BLVD. MORENO VALLEY, CA 92553 CV07-8107 *FOF* Sweeney 7		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
2. Article Number (Transfer from service label) 7009 3410 0000 1318 1448		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540		PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540	

NOTICE LIST

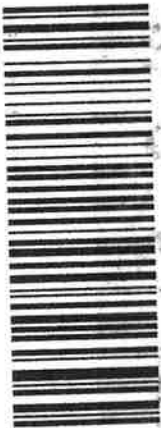
Subject Property: 22207 De Prad Street, Perris
Case No.: CV 07-8107; APN: 325-181-007; District 5

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

Handwritten: P/L
5/20

JAMES & EULA SWEENEY
18931 DALLAS AVE.
RIVERSIDE, CA 92508

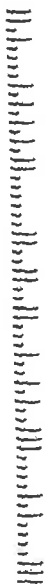
7009 3410 0000 1318 1431



UNITED STATES POSTAGE
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NIXIE 923 DE 1 00 05/08/10
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

NOTICE LIST

Subject Property: 22207 De Prad Street, Perris
Case No.: CV 07-8107; APN: 325-181-007; District 5

JAMES ALBERT SWEENEY
NORMAN LLOYD SWEENEY
22207 DE PRAD STREET
PERRIS, CA 92570

INDUSTRIAL LEAGUE CREDIT UNION
14511 FRANKLIN AVE.
TUSTIN, CA 92550

NICOLE MARIE ESPINOZA
23580 SUNNYMEAD BLVD.
MORENO VALLEY, CA 92553

JAMES & EULA SWEENEY
18931 DALLAS AVE.
RIVERSIDE, CA 92508

NORD & DE LA FLOR
3111 N. TUSTIN ST., STE. 140
ORANGE, CA 92865-1700

JEFFREY GWYNN, ESQ.
THOMPSON 7 COLEGATE, LLP
PO BOX 1299
RIVERSIDE, CA 92502

CHRISTOPHER WALKER, ESQ.
505 S. VILLA REAL, STE. 204
ANAHEIM, CA 92007-0442

1 **PROOF OF SERVICE**

2 Case Nos. CV07-8707

3 STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

4 I, Yadira Oseguera, the undersigned, declare that I am a citizen of the United States and am employed
5 in the County of Riverside, over the age of 18 years and not a party to the within action or
6 proceeding; that my business address is 3535 Tenth Street, Suite 300, Riverside, California 92501-
3674.

7 That on May 19, 2010, I served the following document(s):

8 **FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE**

9 by placing a true copy thereof enclosed in a sealed envelope(s) addressed as follows:

10 **OWNERS OR INTERESTED PARTIES**
(see attached notice list)

11 XX **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.** I am "readily familiar"
12 with the office's practice of collection and processing correspondence for mailing. Under that
13 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.

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

15 XX **STATE - I declare under penalty of perjury under the laws of the State of California that the**
above is true and correct.

16 **FEDERAL - I declare that I am employed in the office of a member of the bar of this court at**
17 whose direction the service was made.

18 EXECUTED ON May 19, 2010, at Riverside, California.

19 
20 **YADIRA OSEGUERA**

21
22
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24
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**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

JOHN BOYD
Director

AFFIDAVIT OF POSTING OF NOTICES

June 1, 2010

RE CASE NO: CV078107

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 6/1/10 at 11:25 hrs., I securely and conspicuously posted Findings of Fact, Conclusions, and Order to Abate Nuisance at the property described as:

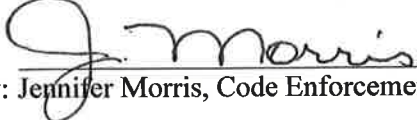
Property Address: 22207 DE PRAD ST, PERRIS

Assessor's Parcel Number: 325-181-007

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

Executed on June 1, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT


By: Jennifer Morris, Code Enforcement Officer