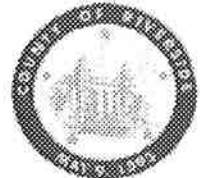


SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

708 B



SUBMITTAL DATE:
April 26, 2010

FROM: County Counsel/TLMA
Code Enforcement Department
SUBJECT: Order to Abate [Accumulation of Rubbish]
Case No.: CV 09-06686 (CALMENERO)
Subject Property: 21651 Bailly Street, Perris
APN 315-171-010
District One

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-06686 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 09-06686; 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 09-06686.

BACKGROUND:

On April 20, 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.

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 ☐

Requires 4/5 Vote ☐

C.E.O. RECOMMENDATION:

APPROVE

BY:

County Executive Office Signature

Tina Grande

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: May 18, 2010
xc: Co.Co.(3); Recorder

Kecia Harper-Ihem

Clerk of the Board

By: [Signature]

Deputy

Prev. Agn. Ref.: 04/20/10; 9.1

District: 1

Agenda Number:

2.9



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

WHEN RECORDED PLEASE MAIL TO:
Julie A. 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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**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**



IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 09-06686
[ACCUMULATION OF RUBBISH]; APN 315-)
171-010, 21651 BAILLY STREET, PERRIS,) FINDINGS OF FACT,
RIVERSIDE COUNTY, CALIFORNIA; RUDY I.) CONCLUSIONS AND ORDER TO
CALMENERO, OWNER.) 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 April 20, 2010, 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 21651 Bailly Street, Perris, Riverside County, and further described as Assessor's Parcel Number 315-171-010 referred to hereinafter as "THE PROPERTY."

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

Owner did not appear. Mr. Mabee spoke and addressed the Board of Supervisors.

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 Rudy I. Calmenero ("OWNER").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to-wit: Charles Neal, Fireside Thrift Co., and Eastern Municipal Water District
6 ("INTERESTED PARTIES").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on September 8,
8 2009, October 15, 2009, November 30, 2009, March 1, 2010, and April 16, 2010.

9 4. During each inspection, an accumulation of rubbish was observed on THE
10 PROPERTY. The rubbish consisted of, but was not limited to: parts and pieces of a vandalized
11 mobilehome, broken furniture, household trash and debris.

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

14 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,
15 County of Riverside, State of California on December 29, 2009 as instrument number 2009-0664016.

16 7. On September 8, 2009, a Notice of Violation was posted on THE PROPERTY. On
17 September 10, 2009, a Notice of Violation was mailed by certified mail, return receipt requested to
18 OWNER. On October 22, 2009, a Notice of Violation was mailed by certified mail, return receipt
19 requested to INTERESTED PARTIES.

20 8. On February 25, 2010, a "Notice to Correct County Ordinance Violations and Abate
21 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on April 20,
22 2010, was mailed by certified mail, return receipt requested, to the OWNER and INTERESTED
23 PARTIES and was posted on THE PROPERTY on March 1, 2010.

24 **FINDINGS AND CONCLUSIONS**

25 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
26 regular session assembled on April 20, 2010, finds and concludes that:

27 1. WHEREAS, the accumulation of rubbish on the real property located at 21651 Bailly
28 Street, Perris, Riverside County, California, also identified as Assessor's Parcel Number 315-171-010



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 OWNER 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,



FORM APPROVED COUNTY COUNSEL
BY: Julie A. Koons Jarvi DATE: 4/20/10

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.

6 Dated: May 18, 2010

COUNTY OF RIVERSIDE

8 By Marion Ashley
Marion Ashley
Chairman, Board of Supervisors

9 ATTEST:

10 KECIA HARPER-IHEM

11 Clerk to the Board

14 By Karen Gibson
15 Deputy

17 (SEAL)



2010-0231046
05/18/2010 08:08A
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.asrecr.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:

5-18-10

Signature:

Karen Barton

Print Name:

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



PROOF OF SERVICE

Case No. CV 09-06686

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I, Brenda Peeler, 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 June 8, 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 June 8, 2010, at Riverside, California.

Brenda Peeler
BRENDA PEELER

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 <i>Debbie Blair</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: EASTERN MUNICIPAL WATER DISTRICT ATTN: BILLING DEPARTMENT PO BOX 8300 PERRIS CA 92570		B. Received by (Printed Name) <i>Debbie Blair</i> 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	
		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.	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Transfer from service label)		7009 3410 0000 1318 3558	

W09-06686 (CALMENERO) For 4

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540



CODE ENFORCEMENT DEPARTMENT COUNTY OF RIVERSIDE

JOHN BOYD
Director

AFFIDAVIT OF POSTING OF NOTICES

June 9, 2010

RE CASE NO: CV0906686

I, Jeremy Wagner, 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 06/09/2010 at 1135, I securely and conspicuously posted Finding of Facts at the property described as:

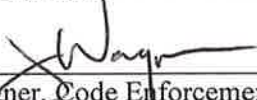
Property Address: 21651 BAILLY ST, PERRIS

Assessor's Parcel Number: 315-171-010

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

Executed on June 9, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By: 
Jeremy Wagner, Code Enforcement Officer III

Subject Property: 21651 Bailly Street, Perris
Case No.: CV 09-06686 APN: 315-171-010 District 1

Office of County Counsel
3960 Orange Street, 5th Floor
Riverside, CA 92501

[illegible]

NEXT DE 1 00 06/16/10

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

EC: 92501354403 *1004-02540-08-39

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COMPLETE THIS SECTION ON DELIVERY

- 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:

FIRESIDE THRIFT CO
C/O LAW OFFICES OF FJ DONEHUE
37481 MAPLE STREET, SUITE H
FREMONT CA 94536

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 3572

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

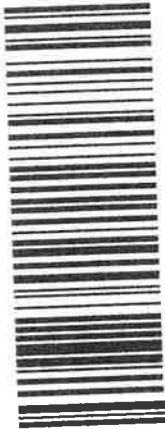


NOTICE LIST

Subject Property: 21651 Bailly Street, Perris
Case No.: CV 09-06686 APN; 315-171-010; District 1

Office of County Counsel
3960 Orange Street 5th Floor
Riverside, CA 92501

CERTIFIED MAIL



7009 3410 0000 1318 3589



02 1P
0003958246 JUN 08 2010
MAILED FROM ZIP CODE 92501



\$ 005.710

RUDY I CALMENERO
18120 HAINES STREET
PERRIS CA



NIXIE 929 DE 1 00 06/29/10

RETURN TO SENDER
INSUFFICIENT ADDRESS
UNABLE TO FORWARD

BC: 92501364405 *1004-02545-08-39

525703 929 DE 1 929 DE 1

|||||

NOTICE
RETURN TO SENDER

Los 20