

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

707B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Order to Abate [Accumulation of Rubbish]
Case No.: CV 09-06701 (CALMENERO)
Subject Property: 1 Parcel East of 21651 Bailly Street, Perris
APN 315-171-011
District One

SUBMITTAL DATE:
April 28, 2010

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-06701 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 09-06701; 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 09-06701.

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	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY: Tina Grande
Tina Grande

County Executive Office Signature

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; 9.2 | District: 1 | Agenda Number:

2.10

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

Departmental Concurrence

Policy ☐ Policy ☐
 Consent ☐ Consent ☐
 X ☒

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

PROOF OF SERVICE

Case No. CV09-06701

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.

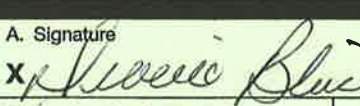
— **BY PERSONAL SERVICE:** I caused to be delivered such envelope(s) by hand to the offices of the addressee(s).

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

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 type="checkbox"/> Agent <input type="checkbox"/> Addressee
	B. Received by (Printed Name) Debbie Blair
	C. Date of Delivery
1. Article Addressed to: EASTERN MUNICIPAL WATER DISTRICT ATTN: BILLING DEPARTMENT PO BOX 8300 PERRIS CA 92570	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 3596

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

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

DOC # 2010-0231047

05/19/2010 08:00A Fee:NC

Page 1 of 6

Recorded in Official Records

County of Riverside

Larry W. Ward

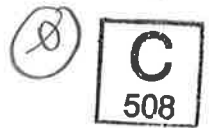
Assessor, County Clerk & Recorder



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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NCHG									

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



11 IN RE ABATEMENT OF PUBLIC NUISANCE:
12 [ACCUMULATION OF RUBBISH]; APN 315-
13 171-011, ONE PARCEL EAST OF 21651 BAILLY
14 STREET, PERRIS, RIVERSIDE COUNTY,
15 CALIFORNIA; RUDY I. CALMENERO,
16 OWNER.

CASE NO. CV 09-06701

FINDINGS OF FACT,
CONCLUSIONS AND ORDER TO
ABATE NUISANCE

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

16 The above-captioned matter came on regularly for hearing on April 20, 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 One Parcel East of 21651 Bailly Street, Perris, Riverside County, and further
20 described as Assessor's Parcel Number 315-171-011 referred to hereinafter as "THE PROPERTY."

21 Julie A. 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 No one appeared on behalf of owner.

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 ///

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 2009-0664015.

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 One Parcel
28 East of 21651 Bailly Street, Perris, Riverside County, California, also identified as Assessor's Parcel



1 Number 315-171-011 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

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

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

11 **ORDER TO ABATE NUISANCE**

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

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

23 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
24 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
25 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
26 County Ordinance Nos. 541 and 725. Under Riverside County Ordinance No. 725, "abatement
27 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
28 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,



FORM APPROVED COUNTY COUNSEL
BY Julie A. Koons Jarvi DATE 4/26/10

collection and administrative costs, attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable abatement costs accrued by the Code Enforcement Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into compliance within ninety (90) days of the date of this Order to Abate Nuisance.

Dated: May 18, 2010

COUNTY OF RIVERSIDE

By Marion Ashley
Marion Ashley
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By Kaumigutan
Deputy

(SEAL)



2010-0231047
05/19/2010 08:00A
4 of 6

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

Recorder
P.O. Box 751
(951) 486-7000

www.riversideacr.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 FOR STAMP WHICH MAY BE OBSCURED:

FORM APPROVED COUNTY COUNSEL

BY: _____ DATE
JULIE A. KOONS JARVI

CLARIFICATIONS FOR NUMBER ON LEFT SIDE OF PLEADING PAGE OBSCURED
BY STAMP:

12

Date:

5-18-10

Signature:

Karen Barton

Print Name: Karen Barton, Board Assistant



2010-0231047
05/19/2010 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:

5-18-10

Signature:

Karen Barton

Print Name:

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





CODE ENFORCEMENT DEPARTMENT COUNTY OF RIVERSIDE

JOHN BOYD
Director

AFFIDAVIT OF POSTING OF NOTICES

June 9, 2010

RE CASE NO: CV0906701

I, Jeremy Wagner, hereby declare:

I am employed by the Riverside County Code Enforcement Department; that my business address is 19450 Clark Street, Perris, California 92570 .

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

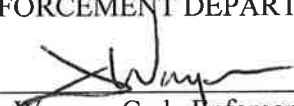
Property Address: 1 Parcel East of 21651 Bailly St., Perris

Assessor's Parcel Number: 315-171-011

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

NOTICE LIST

Subject Property: 1 Parcel East of 21651 Bailly Street, Perris
Case No.: CV 09-06701 A

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

RUDY I. CALMENERO
18120 HAINES STREET
PERRIS, CA 92570

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

CHARLES NEAL, ADMINISTRATOR
143 E. SIXTH STREET
PERRIS, CA 92570

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



7009 3410 0000 1318 3602

CHARLES NEAL ADMINISTRATOR
143 E SIXTH STREET
PERRIS CA 92570

NIXIE

923 DE 1

00 06/16/10

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 92501364403

*1004-02521-08-39



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:

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

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent

B. Received by (Printed Name) ☐ Addressee

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

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 3619

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

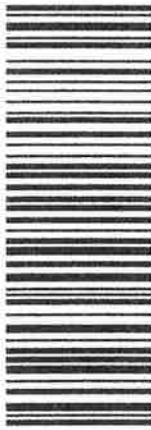


NOTICE LIST

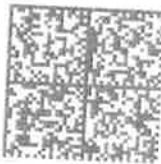
Subject Property: 1 Parcel East of 21651 Bailly Street, Perris
Case No.: CV 09-06701 APN: 315-171-011; District 1

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

CERTIFIED MAIL



7009 3410 0000 1318 3626



UNITED STATES POSTAGE
PITNEY BOWES
02 1P
0003958246 JUN 08 2010
MAILED FROM ZIP CODE 92501
\$ 005.710

RUDY I CALMENERO
18120 HAINES STREET
PERRIS CA

NIXIE

923 DE 1

00 06/29/10

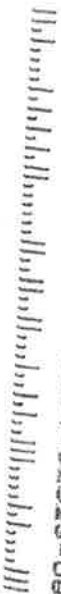
RETURN TO SENDER
INSUFFICIENT ADDRESS
UNABLE TO FORWARD

BC: 9250136405

*1004-02323-08-39



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NOTICE LIST

Subject Property: 1 Parcel East of 21651 Bailly Street, Perris
Case No.: CV 09-06701 APN: 315-171-011; District 1

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

CERTIFIED MAIL



7009 3410 0000 1318 3626



UNITED STATES POSTAGE
PITNEY BOWES
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 05/29/10
RETURN TO SENDER
INSUFFICIENT ADDRESS
UNABLE TO FORWARD

BC: 92501364405

*1004-02523-08-39

92501364405



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