

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

715B



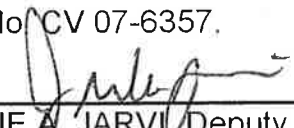
FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
April 28, 2010

SUBJECT: Order to Abate [Excess Outside Storage & Accumulation of Rubbish]
Case No.: CV 07-6357 (CRISMAN)
Subject Property: 40001 Berenda Road AKA: 40025 Berenda Road, Temecula
APN: 942-250-034
District Three

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-6357 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 07-6357; 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 07-6357.


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

County Executive Office Signature

Policy ☐ Policy ☐

Consent ☐ Consent ☒

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: 
Deputy

Prev. Agn. Ref.: 04/06/10; 9.2

District: 3

Agenda Number:

2.11

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

Case No.: CV 07-6357

Subject Property: 40001 Berenda Road AKA: 40025 Berenda Road, Temecula

APN: 942-250-034

District Three

BACKGROUND:

On April 6, 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.



RECORDING REQUESTED BY:
Kecia Harper-Ihem, Clerk to 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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[EXEMPT'6103]

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**



IN RE ABATEMENT OF PUBLIC NUISANCE:
[EXCESSIVE OUTSIDE STORAGE AND
ACCUMULATION OF RUBBISH];
APN 942-250-034, 40001 BERENDA ROAD
AKA: 40025 BERENDA ROAD, TEMECULA,
RIVERSIDE COUNTY, CALIFORNIA;
WILFRED G. CRISMAN, OWNER.

CASE NO. CV 07-6357

FINDINGS OF FACT,
CONCLUSIONS AND ORDER TO
ABATE NUISANCE

[R.C.O. Nos. 348 (RCC Chapter
17.136), 541 (RCC Chapter 8.120) and
725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on April 6, 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 40001 Berenda Road AKA: 40025 Berenda Road, Temecula, Riverside County, California and further described as Assessor's Parcel Number 942-250-034 and 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.

Arleigh Crisman, son of deceased owner, appeared and addressed the Board of Supervisors.

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

1 rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 (Riverside
2 County Code Chapter 17.136) and 541 (Riverside County Code Chapter 8.120) and as a public
3 nuisance.

4 **SUMMARY OF EVIDENCE**

5 1. Documents of record in the Riverside County Recorder's Office identify the owner of
6 THE PROPERTY as Wilfred G. Crisman ("OWNER").

7 2. Documents of title indicate that no other parties potentially hold a legal interest in
8 THE PROPERTY.

9 3. THE PROPERTY was inspected by Code Enforcement Officers on June 25, 2008,
10 May 7, 2009, November 9, 2009, March 3, 2010, and April 2, 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: scrap metal, green waste, trash, scrap wood, lumber, tires, auto parts, car seats,
14 metal cans and barrels, machine parts, tarps, building supplies, plastics and other miscellaneous items.
15 The officer used the GIS measuring table and determined the amount of accumulated rubbish and
16 excess outside storage of materials was approximately sixteen thousand seven hundred seventy
17 (16,770) square feet. Given the size of the parcel (2.03 acres) and the zoning classification (C/V,
18 Citrus/Vineyard zone), two hundred (200) square feet of outside storage and no amount of rubbish is
19 allowed on THE PROPERTY.

20 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
21 Nos. 348 (RCC Chapter 17.136) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

22 6. A Notice of Noncompliance was recorded on October 22, 2009, as Document Number
23 2009-0547784 in the Office of the County Recorder, County of Riverside.

24 7. On June 25, 2008, Notices of Violation for violation of Riverside County Ordinance
25 Nos. 348 and 541 were posted on THE PROPERTY. On July 23, 2008, Notices of Violation were
26 mailed to OWNER by certified mail, return receipt requested.

27 8. On March 1, 2010, the "Notice to Correct County Ordinance Violations and Abate
28 Public Nuisance" providing notice of the public hearing before the Board of Supervisors scheduled



1 for April 6, 2010, was mailed by certified mail, return receipt requested, to OWNER and was posted
2 on THE PROPERTY on March 3, 2010.

3 **FINDINGS AND CONCLUSIONS**

4 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
5 regular session assembled on April 6, 2010, finds and concludes that:

6 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on
7 the real property located at 40001 Berenda Road AKA: 40025 Berenda Road, Temecula, Riverside
8 County, California also identified as Assessor's Parcel Number 942-250-034 violates Riverside
9 County Ordinance Nos. 348 (RCC Chapter 17.136) and 541 (RCC Chapter 8.120) and constitutes a
10 public nuisance. Under Riverside County Ordinance No. 348, two hundred (200) square feet of
11 outside storage of materials is allowed to be stored on THE PROPERTY. Under Riverside County
12 Ordinance No. 541, no amount of rubbish is allowed to be accumulated on THE PROPERTY.

13 2. WHEREAS, THE OWNER, occupants or any person having possession or control of
14 the premises should abate the condition by removal of all outside storage of materials and removing
15 and disposing of all accumulated rubbish from the subject real property in strict accordance with all
16 Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348
17 (RCC Chapter 17.136) and 541 (RCC Chapter 8.120) within ninety (90) days.

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

22 **ORDER TO ABATE NUISANCE**

23 IT IS THEREFORE ORDERED that the excess outside storage of materials and
24 accumulation of rubbish on THE PROPERTY be abated by the OWNER, specifically Wilfred G.
25 Crisman, or anyone having possession or control of THE PROPERTY, by removing all of the outside
26 storage of materials in excess of two hundred (200) square feet and removing and disposing of all
27 accumulated rubbish from the subject real property in strict accordance with all Riverside County
28 Ordinances, including but not limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.136)



1 and 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to Abate Nuisance.

2 IT IS FURTHER ORDERED that if the materials and rubbish are not removed and disposed
3 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
4 County Ordinance Nos. 348 (RCC Chapter 17.136) and 541 (RCC Chapter 8.120) within ninety (90)
5 days of the date of this Order to Abate Nuisance, the excess outside storage of materials and
6 accumulation of rubbish shall be abated and disposed of by representatives of the Riverside County
7 Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's
8 consent or a Court Order when necessary under applicable law.

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

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2010-0231048
05/19/2010 08:00A
4 of 6

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 Karen Barten
Deputy
(SEAL)

FORM APPROVED COUNTY COUNSEL
BY: Julie A. Hoons Jarvi DATE: 5/13/10



2010-0231048
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




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Track & Confirm

Search Results

Label/Receipt Number: **7009 3410 0000 1318 3633**

Service(s): **Certified Mail™**

Status: **Notice Left**

We attempted to deliver your item at 11:09 AM on June 9, 2010 in TEMECULA, CA 92591 and a notice was left. You may pick up the item at the Post Office indicated on the notice, go to www.usps.com/redelivery, or call 800-ASK-USPS to arrange for redelivery. If this item is unclaimed after 30 days then it will be returned to the sender. Information, if available, is updated periodically throughout the day. Please check again later.

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No FEAR Act EEO Data

FOIA



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Department of Justice



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U.S. Postal Service TM	
CERTIFIED MAIL TM RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$.61
Certified Fee	2.80
Return Receipt Fee (Endorsement Required)	2.30
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.71
MAILED 6/8/10	
Postmark Here	
Sent To:	
Street or PO	TENANT/OCCUPANT
City, State	40001 BERENDA ROAD
	TEMECULA CA 92590
PS Form 3800, August 2006	
See Reverse for Instructions	

1 **PROOF OF SERVICE**

2 Case No. CV07-6357

3 STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

4 I, Brenda Peeler, 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 June 8, 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
13 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.

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**
16 **above is true and correct.**

17 — **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.

18 EXECUTED ON June 8, 2010, at Riverside, California.

19 
20 **BRENDA PEELER**



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

JOHN BOYD
Director

AFFIDAVIT OF POSTING OF NOTICES

June 14, 2010

RE CASE NO: CV076357

I, Mark Mandel, 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 6/14/10 at 8:45 A.M., I securely and conspicuously posted Finding of Fact, Conclusions and Order to Abate Nuisance related to RCC 17.136 and 8.120 at the property described as:

Property Address: 40025 BERENDA, TEMECULA

Assessor's Parcel Number: 942-250-034

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

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

CODE ENFORCEMENT DEPARTMENT

Mark Mandel
By: Mark Mandel, Code Enforcement Officer

NOTICE LIST

Subject Property: 40001 Berenda Road AKA: 40025 Berenda Road, Temecula
Case No.: CV 07-6357; A **8**

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

ESTATE OF WILFRED G. CRISMAN
529 LAS LOMAS ROAD
DUARTE, CA 91010

TENANT/OCCUPANT
40025 BERENDA ROAD
TEMECULA, CA 92590

TENANT/OCCUPANT
40001 BERENDA ROAD
TEMECULA, CA 92590

REFUSED ☐ MOVED LEFT NO ADDRESS
NO SUCH NUMBER ☐ NO MAIL RECEIPTABLE
UNDELIVERED UNKNOWN ☐ FWD ORDER EXPIRED
INSUFFICIENT ADDRESS
ROUTE **520**



7009 3410 0000 1318 3640

CERTIFIED MAIL™

TENANT/OCCUPANT
40025 BERENDA ROAD
TEMECULA, CA 92590

NIXIE

RETURN TO SENDER
NO MAIL RECEIPTABLE
UNABLE TO FORWARD

BC: 92501364405

*1004-02525-08-39

92591364405



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:

ESTATE OF WILFRED G CRISMAN
529 LAS LOMAS ROAD
DUARTE CA 91010

COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☒ Agent
- B. Received by (Printed Name) ☐ Addressee
- C. Date of Delivery **6-19-10**
- D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail
- ☐ Registered
- ☐ Insured Mail
- ☐ Express Mail
- ☒ Return Receipt for Merchandise
- ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7009 3410 0000 1318 3657

PS Form 3811, February 2004 Domestic Return Receipt

102595-02-M-1640



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02 1P
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MAILED FROM ZIP CODE 92501