

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

714B



FROM: County Counsel/TLMA  
Code Enforcement Department

SUBMITTAL DATE:  
April 28, 2010

SUBJECT: Order to Abate [Excess Outside Storage]  
Case No.: CV08-06669 (SEE)  
Subject Property: 39255 Sage Road, Hemet, APN: 571-120-008  
District Three

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV08-06669 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. CV08-06669; 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. CV08-06669.

**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 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

*[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 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.: 04/06/10; 9.3

District: 3

Agenda Number:

2.12



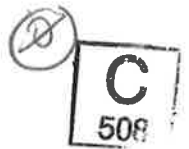
RECORDING REQUESTED BY:  
Kecia Harper-Ihem, Clerk of the  
Board of Supervisors  
(Stop #1010)

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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

[EXEMPT '6103]

**BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE**



IN RE ABATEMENT OF PUBLIC NUISANCE:  
[EXCESSIVE OUTSIDE STORAGE]; APN 571-  
120-008, 39255 SAGE ROAD, HEMET,  
RIVERSIDE COUNTY, CALIFORNIA; JESSICA  
LOUISE SEE, OWNER.

CASE NO. CV 08-06669

FINDINGS OF FACT,  
CONCLUSIONS AND ORDER TO  
ABATE NUISANCE

[R.C.O. Nos.348 and 725  
R.C.C. Title 17 and 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 39255 Sage Road, Hemet, Riverside County, APN: 571-120-008 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.

Jessica Louise See appeared but did not address the Board of Supervisors. A friend of the family addressed the Board of Supervisors.

The Board of Supervisors received the Declaration of the Code Enforcement Officer, together with attached Exhibits, evidencing the excessive storage of materials on THE PROPERTY as violations of Riverside County Ordinance No. 348 (Riverside County Code Title 17), and as a public nuisance.

///

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the owner of THE  
3 PROPERTY as Jessica Louise See (hereinafter referred to as "OWNER").

4 2. Documents of title at the time of the inspection indicated that other parties potentially hold  
5 a legal interest in THE PROPERTY, to wit: Mary Woolsey and Gregory Rizio, Esq (hereinafter referred  
6 to as "INTERESTED PARTIES").

7 3. THE PROPERTY has been inspected by Code Enforcement Officers on July 31, 2008,  
8 August 6, 2008, February 24, 2009, June 1, 2009, August 3, 2009, October 19, 2009, November 12, 2009,  
9 November 30, 2009, March 2, 2010 and April 2, 2010.

10 4. During each inspection, outside storage of materials was observed on THE PROPERTY.  
11 The materials included but were not limited to: scrap wood, firewood, household items, furniture,  
12 building materials, fencing, construction materials and appliances. The total area of excess outside  
13 storage of materials was in excess of four hundred (400) square feet.

14 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance No.  
15 348 (Riverside County Code Title 17) by the Code Enforcement Officer.

16 6. A Notice of Noncompliance was recorded on March 9, 2009 as Document Number 2009-  
17 0111185 in the Office of the County Recorder, County of Riverside.

18 7. On July 31, 2008, a Notice of Violation was posted on THE PROPERTY. On June 1,  
19 2009, a Notice of Violation was mailed to the OWNER and INTERESTED PARTIES by certified mail,  
20 return receipt requested.

21 8. On March 1, 2010, a "Notice to Abate Nuisance" providing notice of the public hearing  
22 before the Board of Supervisors on April 6, 2010, was mailed by certified mail, return receipt requested,  
23 to OWNER and INTERESTED PARTIES and was posted on March 2, 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 6, 2010, finds and concludes that:

27 1. WHEREAS, the excessive outside storage of materials on the real property located at  
28 39255 Sage Road, Hemet, Riverside County, California, also identified as Assessor's Parcel Number 571-



1 120-008 violates Riverside County Ordinance No. 348 and constitute a public nuisance.

2 2. WHEREAS, the OWNER, occupants or any person having possession or control of the  
3 premises should abate the condition by removing and disposing of the excess outside storage of materials  
4 from the subject real property in strict accordance with all Riverside County Ordinances, including but not  
5 limited to Riverside County Ordinance No. 348 within ninety (90) days of the posting or mailing of this  
6 order.

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

11 **ORDER TO ABATE NUISANCE**

12 IT IS THEREFORE ORDERED that the excess outside storage of materials on THE PROPERTY  
13 be abated by the OWNER or anyone having possession or control of THE PROPERTY, by removing and  
14 disposing of the outside excess storage of materials from the subject real property in strict accordance  
15 with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 348  
16 within ninety (90) days of the posting or mailing of this order.

17 IT IS FURTHER ORDERED that if the materials are not removed and disposed of in strict  
18 accordance with all Riverside County Ordinances, including but not limited to Riverside County  
19 Ordinance No. 348, within ninety (90) days of the date of this Order, the excess outside storage of  
20 materials shall be abated by representatives of the Riverside County Code Enforcement Department, a  
21 contractor or the Sheriff's Department upon receipt of an owner's consent or a Court Order when  
22 necessary under applicable law.

23 It is further ordered that reasonable abatement costs, after notice and opportunity for hearing, shall  
24 be imposed as a lien on the property, which may be collected as a special assessment against the property  
25 pursuant to Government Code section 25845 and Riverside County Ordinance nos. 457, 348, 541, and  
26 725. Under Riverside County Ordinance 725, "abatement costs" means "any costs or expenses reasonably  
27 related to the abatement of conditions which violate County Land Use Ordinances, and shall include, but  
28 not be limited to, enforcement, investigation, collection and administrative costs, attorneys fees, and the



BY JULIE A. KOONS JARVI DATE 4/13/10

costs associated with the removal or correction of the violation." Reasonable abatement costs accrued by the 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 Kuan Zanten

Deputy

(SEAL)



2010-0231049  
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: \_\_\_\_\_  
JULIE A. KOONS JARVI DATE

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

13

Date:

5-18-10

Signature:

Karen Barton

Print Name:

Karen Barton, Board Assistant



2010-0231049  
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



# NOTICE LIST

Subject Property: 39255 Sage Road, Hemet  
Case No.: CV 08-06669; APN: 571-120-008; District 3

JESSICA LOUISE SEE  
39255 SAGE ROAD  
HEMET, CA 92544

MARY WOOLSEY  
42760 BUCK ROAD  
HEMET, CA 92544

GREGORY RIZIO, ESQ.  
1801 H PARKCOURT PLACE  
SANTA ANA, CA 92701

JULEE WINELAND & JOHNNY WINELAND  
39255 SAGE ROAD  
HEMET, CA 92544

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>		<ul style="list-style-type: none"><li>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</li><li>B. Received by (Printed Name) <input checked="" type="checkbox"/> Date of Delivery</li><li>D. Is delivery address different from item 1? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</li></ul>	
1. Article Addressed to:  GREGORY RIZIO, ESQ. 1801 H PARKCOURT PLACE SANTA ANA, CA 92701		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.	
2. Article Number (Transfer from service label) PS Form 3811, February 2004		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
7009 3410 0000 1318 3701		102595-02-M-1540	

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>		<ul style="list-style-type: none"><li>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</li><li>B. Received by (Printed Name) <input checked="" type="checkbox"/> Date of Delivery</li><li>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</li></ul>	
1. Article Addressed to:  MARY WOOLSEY 42760 BUCK ROAD HEMET, CA 92544		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.	
2. Article Number (Transfer from service label) PS Form 3811, February 2004		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
7009 3410 0000 1318 3695		102595-02-M-1540	



**PROOF OF SERVICE**

Case No. CV 08-06669

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



**CODE ENFORCEMENT DEPARTMENT  
COUNTY OF RIVERSIDE**

JOHN BOYD  
Director

**AFFIDAVIT OF POSTING OF NOTICES**

June 10, 2010

RE CASE NO: CV0806669

I, Ariana Meza, **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 06/10/2010 at 11:09am, I securely and conspicuously posted Findings of Fact, Conclusion, Order to Abate Nuisance, Notice List and Proof of Service at the property described as:

**Property Address:** 39255 SAGE RD, HEMET

**Assessor's Parcel Number:** 571-120-008

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

Executed on June 10, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By: Ariana Meza, Code Enforcement Technician

# NOTICE LIST

Subject Property: 39255 Sage Road, Hemet  
Case No.: CV 08-06669; APN: 571-120-008; District 3

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

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

CERTIFIED MAIL



7009 3410 0000 1318 3718



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

JULEE WINELAND & JOHNNY WINELAND  
39255 SAGE ROAD  
HEMET CA

NIXIE 923 DE 1 00 06/29/10

RETURN TO SENDER  
UNCLAIMED  
UNABLE TO FORWARD

BC: 92501364405 \*1004-02516-08-39

52544392501364405

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7009 3410 0000 1318 3718



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

JESSICA LOUISE SEE  
39255 SAGE ROAD  
HEMET CA

NIXIE 923 DE 1 00 06/29/10

RETURN TO SENDER  
UNCLAIMED  
UNABLE TO FORWARD

BC: 92501364405 \*1004-02519-08-39

52544392501364405

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