

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

1038



SUBMITTAL DATE:
April 28, 2010

FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Order to Abate [Accumulation of Rubbish];
Case No.: CV 08-08670 (SHROSBREE)
Subject Property: 28830 Lakeview Avenue, Nuevo
APN 307-190-023
District Five

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-08670 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 08-08670; 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 08-08670.

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.

[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 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; 9.8

District: 5

Agenda Number:

2.18

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

Departmental Concurrence

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



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

S	R	U	PAGE	SIZE	DA	MISC	LONG	RFD	COPY
1			5						
M	A	L	465	426	PCOR	NCOR	SMF	NCHG	EXAM
NCHG									513

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:
[ACCUMULATION OF RUBBISH]; APN 307-
190-023, 28830 LAKEVIEW AVENUE, NUEVO,
RIVERSIDE COUNTY, CALIFORNIA; EUGENE
A. SHROSBREE, OWNER.

CASE NO. CV 08-08670

FINDINGS OF FACT,
CONCLUSIONS AND ORDER TO
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 28830 Lakeview Avenue, Nuevo, Riverside County, and further described as Assessor's Parcel Number 307-190-023 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.

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 Eugene A. Shrosbree ("OWNER").

4 2. Documents of title indicate that another party potentially holds a legal interest in THE
5 PROPERTY, to-wit: Hubert A. Foutz, Martha R. Foutz, Hubert A. and Martha R. Foutz Living
6 Trust, Wells Fargo Bank, N.A., and the California Franchise Tax Board ("INTERESTED
7 PARTIES").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on October 10, 2008,
9 January 6, 2009, August 20, 2009 and April 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: scrap metal, scrap wood, car parts,
12 tires, green waste and general debris.

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

15 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,
16 County of Riverside, State of California on January 12, 2009, as instrument number 2009-0013910.

17 7. On October 10, 2008, a Notice of Violation was posted on THE PROPERTY. On
18 November 7, 2008, a Notice of Violation was mailed by certified mail, return receipt requested to
19 OWNER. On December 10, 2008, a Notice of Violation was mailed by certified mail, return receipt
20 requested to OWNER and INTERESTED PARTIES.

21 8. On August 18, 2009, a "Notice to Correct County Ordinance Violations and Abate
22 Public Nuisance" providing notice of the public hearing before the Board of Supervisors was mailed
23 by certified mail, return receipt requested, to the OWNER and INTERESTED PARTIES and was
24 posted on THE PROPERTY on August 20, 2009.

25 **FINDINGS AND CONCLUSIONS**

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

28 1. WHEREAS, the accumulation of rubbish on the real property located at 28830



1 Lakeview Avenue, Nuevo, Riverside County, California, also identified as Assessor's Parcel Number
2 307-190-023 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

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

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

12 **ORDER TO ABATE NUISANCE**

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

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

24 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
25 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
26 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
27 County Ordinance Nos. 541 and 725. Under Riverside County Ordinance No. 725, "abatement
28 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate



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

County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation, 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 Kenneth J. Gutten
Deputy

(SEAL)



2010-0231822
05/19/2010 08:00A
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:

5-18-10

Signature:

Karen Barton

Print Name:

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



NOTICE LIST

Subject Property: 28830 Lakeview Avenue, Nueveo
Case Nos.: CV 08-08670 & CV 08-02455; APN: 307-190-023; District 5

EUGENE A. SHROSBREE
28830 LAKEVIEW AVE.
NUEVO, CA 92567

HUBERT A. FOUTZ
MARTHA R. FOUTZ
2707 CALLE LOMA VERDE
RIVERSIDE, CA 92503

MARTHA R. FOUTZ, TRUSTEE
HUBERT A. & MARTHA R. FOUTZ LIVING TRUST
2707 CALLE LOMA VERDE
RIVERSIDE, CA 92503

WELLS FARGO BANK, N.A.
2331 ZANKER ROAD
SAN JOSE, CA 95131

SPECIAL PROCEDURES SECTION
P. O. BOX 2952
SACRAMENTO, CA 95812

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>x Martha R Foutz</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee
	B. Received by (Printed Name) <i>Martha R Foutz</i> C. Date of Delivery <i>12/10</i>
1. Article Addressed to: MARTHA R FOUTZ TRUSTEE HUBERT A & MARTHA R FOUTZ LIVING TRUST 2707 CALLE LOMA VERDE RIVERSIDE CA 92503	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) <i>CV 08-08670 (SHROSBREE) FOF 5</i>	7009 3410 0000 1318 3480

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

NOTICE LIST

Subject Property: 28830 Lakeview Avenue, Nueveo
Case Nos.: CV 08-08670 & CV 08-02455; APN: 307-190-023; District 5

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.		<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/></p> <p>B. Received by (Printed Name) <input checked="" type="checkbox"/> Addressee</p> <p>C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p>	
1. Article Addressed to: EUGENE A SHROSBREE 28830 LAKEVIEW AVE NUEVO CA 92567			
2. Article Number (Transfer from service label) 7009 3410 0000 1318 3503		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			

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

NOTICE LIST

Subject Property: 28830 Lakeview Avenue, Nueveo
Case Nos.: CV 08-08670 & CV 08-02455; APN: 307-190-023; District 5

PER: 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:

HUBERT A FOUTZ
MARTHA R FOUTZ
2707 CALLE LOMA VERDE
RIVERSIDE CA 92501

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x Mark *K. Foutz* ☐ Agent ☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery *6/12/10*

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

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 3497

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

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

CERTIFIED MAIL



7009 3410 0000 1318 3473



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

WELLS FARGO BANK NA
2331 ZANKER ROAD
SAN JOSE CA 95131

NIXIE 951 DE 1 00 06/12/10

NOT DELIVERABLE TO
RETURN TO SENDER
UNABLE TO FORWARD

BC: 92501364403 *1004-02542-08-39

551313112959203644



240

PROOF OF SERVICE

Case No. CV 08-08670

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, 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.

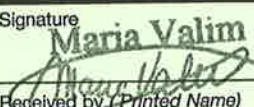

— **BY PERSONAL SERVICE:** I caused to be delivered such envelope(s) by hand to the offices of the addressee(s).

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 checked="" type="checkbox"/> Addressee
1. Article Addressed to: SPECIAL PROCEDURES SECTION P O BOX 2952 SACRAMENTO CA 95812	B. Received by (Printed Name)  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)	JUN 10 2010 7009 3410 0000 1318 3466

W 08-08670 (S+Reserve) for 5



**CODE ENFORCEMENT DEPARTMENT
COUNTY OF RIVERSIDE**

JOHN BOYD
Director

AFFIDAVIT OF POSTING OF NOTICES

June 15, 2010

RE CASE NO: CV0808670

I, Alejandro Rodriguez-Barrios, 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 06/11/10 at 12:50 pm, I securely and conspicuously posted FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE. at the property described as:

Property Address: 28830 LAKEVIEW AVE, NUEVO

Assessor's Parcel Number: 307-190-023

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

Executed on June 15, 2010 in the County of Riverside, California.

CODE ENFORCEMENT DEPARTMENT

By: Alejandro Rodriguez-Barrios, Code Enforcement Officer